

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

November 28, 2023

[Cite as *11/28/2023 Case Announcements*, 2023-Ohio-4200.]

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## MERIT DECISIONS WITHOUT OPINIONS

**2023-1253. Kelley v. Gray.**

In Habeas Corpus. Sua sponte, cause dismissed. Petitioner's motion to supplement and motion to amend denied.

Kennedy, C.J., and Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

Brunner, J., concurs but would deny the motion to amend as moot.

Deters, J., concurs in part and dissents in part and would grant the motions.

## MOTION AND PROCEDURAL RULINGS

**2023-1211. State v. Boyd.**

Montgomery App. No. 29447, [2023-Ohio-2079](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Fischer and Deters, JJ., dissent.

**2023-1238. State v. Jackson.**

Allen App. No. 1-22-27, [2023-Ohio-2193](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

## APPEALS ACCEPTED FOR REVIEW

**2023-1232. Schlegel v. Summit Cty.**

Summit App. No. 30377, [2023-Ohio-2866](#).

Kennedy, C.J., and Donnelly and Stewart, JJ., dissent.

## APPEALS NOT ACCEPTED FOR REVIEW

**2023-0716. State v. Jones.**

Hamilton App. No. C-230062.

Kennedy, C.J., and Fischer, J., dissent.

Deters, J., not participating.

**2023-0820. State v. Carbaugh.**

Muskingum App. No. CT2022-0050, [2023-Ohio-1269](#).

**2023-0892. State v. Stroud.**

Hamilton App. No. C-220270, [2023-Ohio-1395](#).

Deters, J., not participating.

**2023-0935. State v. Clemmons.**

Montgomery App. No. 29638, [2023-Ohio-1832](#).

**2023-0965. State v. Sanchez.**

Stark App. No. 22CA00071. Appellant's motion to address court denied.

**2023-1100. Robinholt v. Wilson.**

Lorain App. No. 21CA011782, [2023-Ohio-248](#).

**2023-1107. Holtrey v. Wiedeman.**

Warren App. No. CA2023-01-011, [2023-Ohio-2440](#).

Brunner, J., dissents and would accept the appeal on proposition of law No. I.

**2023-1108. State v. Sheets.**

Jackson App. No. 22CA1, [2023-Ohio-2592](#).

Brunner, J., dissents.

**2023-1114. State v. Miller.**

Clark App. No. 2022-CA-58, [2023-Ohio-2508](#).

**2023-1115. Besack v. Kroger Co.**

Franklin App. No. 22AP-341, [2023-Ohio-2497](#).

Kennedy, C.J., dissents.

**2023-1116. Scio v. North Twp. Bd. of Trustees.**

Harrison App. No. 22 HA 0006, [2023-Ohio-2479](#).

Kennedy, C.J., dissents.

**2023-1120. State v. Schwieterman.**

Greene App. No. 2023-CA-14, [2023-Ohio-2613](#).

Kennedy, C.J., and Stewart, J., dissent.

**2023-1121. Nunn v. Mitchell.**

Cuyahoga App. No. 111944, [2023-Ohio-2484](#).

**2023-1122. In re Guardianship of Pond.**

Delaware App. No. 22 CAF 12 0081, [2023-Ohio-2492](#).

**2023-1124. State v. Williams.**

Hamilton App. No. C-220473, [2023-Ohio-2674](#).

Deters, J., not participating.

**2023-1128. Stephenson v. Durrani.**

Hamilton App. Nos. C-220020 and C-220036, [2023-Ohio-2500](#).

Brunner, J., dissents.

Fischer and Deters, JJ., not participating.

**2023-1129. State v. Gibson.**

Cuyahoga App. No. 111440, [2023-Ohio-2481](#).

Donnelly, J., dissents and would accept the appeal on proposition of law No. III.

**2023-1132. 2646 Mayfield, L.L.C. v. Cuyahoga Cty. Treasurer.**

Cuyahoga App. No. 112039, [2023-Ohio-2583](#).

Brunner, J., dissents.

**2023-1133. Maplewood at Chardon, L.L.C. v. Stinn.**

Geauga App. No. 2023-G-0005, [2023-Ohio-2539](#).

Kennedy, C.J., dissents.

Brunner, J., dissents and would accept the appeal on proposition of law No. I.

**2023-1134. State v. Chester.**

Cuyahoga App. No. 112929.

**2023-1137. In re Estate of Pursell v. Pursell.**

Allen App. No. 01-23-04, [2023-Ohio-2531](#).

**2023-1139. Environmental Solutions & Innovations, Inc. v. Edge Eng. & Science, L.L.C.**

Hamilton App. No. C-220634, [2023-Ohio-2605](#).

Kennedy, C.J., and Fischer and Stewart, JJ., dissent.

**2023-1162. State v. Snider.**

Belmont App. No. 22 BE 0020, [2023-Ohio-2639](#).

**2023-1166. State v. Hoffman.**

Trumbull App. No. 2022-T-0124, [2023-Ohio-2645](#).

**2023-1176. State v. Bennett.**

Ross App. No. 21CA3751, [2023-Ohio-2734](#).

**2023-1179. State v. Roper.**

Summit App. No. 30396, [2023-Ohio-2681](#).

**2023-1183. Childs v. Kroger Co.**

Franklin App. No. 22AP-524, [2023-Ohio-2034](#).

**2023-1184. In re P.B.**

Tuscarawas App. No. 2023 AP 04 0027, [2023-Ohio-2851](#).

**2023-1188. In re K.R.B.**

Tuscarawas App. No. 2023 AP 04 0028, [2023-Ohio-2852](#).

**2023-1189. State v. White.**

Franklin App. No. 22AP-572.

**2023-1206. Lott v. Ohio Dept. of Job & Family Servs.**

Washington App. No. 23CA16.

**2023-1216. In re I.R.**

Summit App. Nos. 30500, 30501, 30502, 30529, 30530, and 30531, [2023-Ohio-3044](#).

**2023-1241. State v. Acosta.**

Lucas App. No. L-22-1277.

**2023-1261. ParkPlay Solutions, L.L.C. v. Avon Lake.**

Lorain App. No. 22CA011848, [2023-Ohio-3103](#).

Brunner, J., dissents.

## MOTIONS FOR RECONSIDERATION

**2022-0321. State v. Miller.**

Cuyahoga App. No. 110571, [2022-Ohio-378](#). Reported at \_\_ Ohio St.3d \_\_, 2023-Ohio-3448, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

Donnelly and Stewart, JJ., dissent.

**2023-0692. State v. Berry.**

Cuyahoga App. No. 111453, [2023-Ohio-605](#). Reported at 171 Ohio St.3d 1431, 2023-Ohio-3288, 217 N.E.3d 798. On amended motion for reconsideration. Motion denied.

Donnelly and Stewart, JJ., dissent.

**2023-0709. Craig v. Gilchrist.**

Franklin App. Nos. 22AP-52 and 22AP-55, [2022-Ohio-4477](#). Reported at 171 Ohio St.3d 1406, 2023-Ohio-2972, 215 N.E.3d 556. On amended motion for reconsideration. Motion denied.

**2023-0760. Pottinger v. Ohio Dept. of Corr. & Rehab.**

In Habeas Corpus. Reported at 171 Ohio St.3d 1457, [2023-Ohio-3670](#), 218 N.E.3d 978. On motion for leave to file revised documents and amended motion for reconsideration. Motions denied.

Fischer, J., would deny the amended motion for reconsideration as moot.

Donnelly and Brunner, JJ., would disregard the amended motion for reconsideration.

**2023-0770. State ex rel. Greer v. Delaware Cty. Court of Common Pleas, Probate Div.**

In Mandamus. Reported at 171 Ohio St.3d 1441, [2023-Ohio-3432](#), 218 N.E.3d 942. On motion for reconsideration and en banc consideration. Motion denied.

DeWine, J., concurs in part and dissents in part and would grant the motion to the extent that it requests reconsideration.

**2023-0914. JPMorgan Chase Bank v. Loseke.**

Cuyahoga App. No. 111983, [2023-Ohio-1893](#). Reported at 171 Ohio St.3d 1438, 2023-Ohio-3328, 217 N.E.3d 812. On motion for reconsideration. Motion denied.

**2023-0937. Lipin v. Brogan.**

In Mandamus and Procedendo. Reported at 171 Ohio St.3d 1443, [2023-Ohio-3432](#), 218 N.E.3d 950. On motion for reconsideration. Motion denied.

## DISCIPLINARY CASES

**2023-1273. Disciplinary Counsel v. Buchbinder.**

On Certified Report by the Board of Professional Conduct, No. 2023-012. Robert Charles Buchbinder, Attorney Registration No. 0039623, last known business address in Columbus, Ohio, publicly reprimanded.

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, and Deters, JJ., concur.

Brunner, J., not participating.

**2023-1275. Disciplinary Counsel v. Bush.**

On Certified Report by the Board of Professional Conduct, No. 2023-014. Joseph John Bush III, Attorney Registration No. 0056134, last known business address in Youngstown, Ohio, publicly reprimanded.

Fischer, DeWine, Donnelly, Stewart, and Deters, JJ., concur.

Kennedy, C.J., dissents and would reject the consent-to-discipline agreement and remand the matter to the board.

Brunner, J., not participating.