

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

February 28, 2023

[Cite as *02/28/2023 Case Announcements, 2023-Ohio-554.*]

MERIT DECISIONS WITHOUT OPINIONS

2023-0042. State v. Dameh.

In Habeas Corpus. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2023-0014. State v. O’Berry.

Montgomery App. No. 29566. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

DeWine and Brunner, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2023-0032. State v. Stearns.

Lake App. No. 2021-L-091, [2022-Ohio-4245](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

2023-0033. State v. Allen.

Lake App. No. 2021-L-060, [2022-Ohio-4243](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

APPEALS NOT ACCEPTED FOR REVIEW

2022-1415. Smith v. McDiarmid.

Franklin App. No. 21AP-199, [2022-Ohio-2151](#). Appeal and cross-appeal not accepted.

Donnelly, J., dissents.

2022-1426. State v. Walker.

Darke App. No. 2022-CA-2, [2022-Ohio-3849](#).

2022-1501. State v. Mills.

Cuyahoga App. No. 110893, [2022-Ohio-4010](#).

DeWine and Stewart, JJ., dissent.

2022-1502. Krueger v. Krueger.

Geauga App. Nos. 2022-G-022 and 2022-G-0028, [2022-Ohio-3782](#).

2022-1503. State v. Brown.

Stark App. No. 2022CA00067.

2022-1507. State v. Lane.

Allen App. No. 1-21-33, [2022-Ohio-3775](#).

2022-1510. State v. Sprankle.

Muskingum App. No. CT2022-003, [2022-Ohio-3812](#).

Brunner, J., dissents.

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

2022-1519. State v. Malachin.

Trumbull App. No. 2022-T-0002, [2022-Ohio-4047](#).

2022-1520. State v. Risner.

Hardin App. No. 6-21-13, [2022-Ohio-3877](#).

2022-1524. State v. Sutherland.

Darke App. No. 2021-CA-16, [2022-Ohio-3079](#).

2022-1527. State v. Picard.

Richland App. No. 2009 CA 0108, [2010-Ohio-6358](#).

2022-1536. DeVito v. Clear Fork Valley Local Schools Bd. of Edn.

Richland App. No. 2022 CA 0025, [2022-Ohio-3894](#).

2022-1538. State v. Thomas.

Hamilton App. No. C-210659.

Fischer and Deters, JJ., not participating.

2022-1545. State v. Furnage.

Ashtabula App. No. 2020-A-0057, [2022-Ohio-1465](#).

2022-1551. State v. Jones.

Montgomery App. No. 29214, [2022-Ohio-3162](#).

2022-1555. M.A.D. v. M.D.

Cuyahoga App. No. 112009.

2022-1556. Dye v. J.J. Detweiler Ents., Inc.

Stark App. No. 2022 CA 00012, [2022-Ohio-3250](#).

2022-1578. State v. Sanders.

Allen App. No. 1-21-47, [2022-Ohio-1806](#).

2022-1580. State v. Slaughter.

Montgomery App. No. 29305, [2022-Ohio-3946](#).

DeWine and Brunner, JJ., dissent.

2022-1582. State v. Hodkinson.

Tuscarawas App. No. 2022 AP 01 0001, [2022-Ohio-3931](#).

2022-1583. State ex rel. Crenshaw v. Maple Hts. Police Dept.

Cuyahoga App. No. 111335, [2022-Ohio-3920](#).

Donnelly, J., not participating.

2022-1585. State v. Johnson.

Franklin App. No. 21AP-222, [2022-Ohio-1733](#).

Donnelly and Brunner, JJ., dissent.

2022-1588. M.A.D. v. M.D.

Cuyahoga App. Nos. 111972, 111984, 112012, and 112021. Appellant's motion to strike memorandum in response to jurisdiction denied.

Brunner and Deters, JJ., would deny the motion as moot.

2022-1599. CHS-Lake Erie, Inc. v. Ohio Dept. of Medicaid.

Franklin App. No. 18AP-897, [2020-Ohio-505](#).

Brunner, J., dissents.

2022-1627. Schultz v. Ohio Dept. of Rehab. & Corr.

Franklin App. Nos. 22AP-86 and 22AP-88, [2022-Ohio-4591](#).

2022-1641. State v. Trowbridge.

Cuyahoga App. No. 111401, [2022-Ohio-4208](#).

RECONSIDERATION OF PRIOR DECISIONS

2020-0341. Lycan v. Cleveland.

Cuyahoga App. Nos. 107700 and 107737, [2019-Ohio-3510](#). Reported at __ Ohio St.3d __, [2022-Ohio-4676](#), __ N.E.3d __. On motion for reconsideration. Motion denied.

Donnelly and Brunner, JJ., dissent.

2020-0677. Eighmey v. Cleveland.

Cuyahoga App. No. 108540, [2020-Ohio-1500](#). Reported at __ Ohio St.3d __, [2022-Ohio-4729](#), __ N.E.3d __. On motion for reconsideration. Motion denied.

Donnelly and Brunner, JJ., dissent.

2020-1032. Lindsay v. Garfield Hts.

Cuyahoga App. No. 108967, [2020-Ohio-3672](#). Reported at __ Ohio St.3d __, [2022-Ohio-4730](#), __ N.E.3d __. On motion for reconsideration. Motion denied.

Donnelly and Brunner, JJ., dissent.

2021-0579. State v. Bunch.

Mahoning App. No. 18 MA 0022, [2021-Ohio-1244](#). Reported at __ Ohio St.3d __, 2022-Ohio-4723, __ N.E.3d __. On motion for reconsideration. Motion denied.

Kennedy, C.J., and DeWine, J., dissent.

Laurel Beatty Blunt, J., of the Tenth District Court of Appeals, sitting for Fischer, J.

2021-0706. Ames v. Rootstown Twp. Bd. of Trustees.

Portage App. No. 2020-P-0063, [2021-Ohio-1369](#). Reported at __ Ohio St.3d __, 2022-Ohio-4605, __ N.E.3d __. On motion for reconsideration. Motion denied.

Kennedy, C.J., dissents.

2021-1153. State ex rel. Ames v. Portage Cty. Bd. of Commrs.

Portage App. Nos. 2020-P-0088 and 2020-P-0089, [2021-Ohio-3178](#). Reported at __ Ohio St.3d __, 2022-Ohio-4663, __ N.E.3d __. On motion for reconsideration. Motion denied.

Kennedy, C.J., dissents.

2022-1045. State ex rel. Howard v. Ohio Dept. of Rehab. & Corr.

In Mandamus. Reported at 168 Ohio St.3d 1494, 2022-Ohio-4763, 200 N.E.3d 288. On motion for reconsideration. Motion denied.

Donnelly, J., dissents.

2022-1077. Ijakoli v. Alungbe.

Hamilton App. No. C-210366, [2022-Ohio-2423](#). Reported at 168 Ohio St.3d 1480, 2022-Ohio-4617, 200 N.E.3d 257. On motion for reconsideration. Motion denied.

2022-1145. State ex rel. Sultaana v. Marion Corr. Inst.

In Mandamus. Reported at 168 Ohio St.3d 1484, 2022-Ohio-4670, 200 N.E.3d 272. On amended emergency motion for reconsideration and/or relief from judgment. Motion denied.

2022-1224. State v. Messenger.

Columbiana App. No. 21 CO 0017, [2022-Ohio-3120](#). Reported at 168 Ohio St.3d 1481, 2022-Ohio-4617, 200 N.E.3d 263. On motion for reconsideration. Motion denied.

DeWine, J., dissents.

2022-1273. Whitacre v. Riddle.

In Procedendo. Reported at 168 Ohio St.3d 1486, [2022-Ohio-4670](#), 200 N.E.3d 276. On motion for reconsideration. Motion denied. Relator's motion to strike denied.

Stewart and Brunner, JJ., would deny the motion to strike as moot.

2022-1291. Whitacre v. Trouten.

In Mandamus. Reported at 168 Ohio St.3d 1486, [2022-Ohio-4670](#), 200 N.E.3d 277. On motion for reconsideration. Motion denied.