

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS\*

January 17, 2023

[Cite as *01/17/2023 Case Announcements, 2023-Ohio-86.*]

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## MERIT DECISIONS WITHOUT OPINIONS

**2022-1414. Whitacre v. Monroe Cty. Sheriff.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2022-1440. Gregley v. McConahay.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2022-1454. Marie-Lucas v. Roberts.**

In Habeas Corpus. Sua sponte, cause dismissed. Petitioner's motion for bond reduction, motion for discovery, motion for grand-jury transcripts, petition to subpoena documents, and memorandum in support of constitutions of 1787 denied as moot.

Kennedy, C.J., would deny the motion for bond reduction.

Fischer, J., would deny the motion for discovery, motion for grand-jury transcripts, petition to subpoena documents, and memorandum in support of constitutions of 1787.

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\* Reporter's Note: These cases were decided on January 6, 2023.

**2022-1470. Justice v. Dallas.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2022-1490. Roberson v. Campbell.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2022-1497. Polachek v. Roberts.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2022-1504. Frances v. Roberts.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2022-1529. Kuhn v. Lape.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

## **MOTION AND PROCEDURAL RULINGS**

**2019-0926. State v. McAlpin.**

Cuyahoga C.P. No. 17-CR-623243-A. On appellant's application for reopening under S.Ct.Prac.R. 11.06. Application denied.

**2022-1361. State v. Wilkes.**

Stark App. No. 2022CA00095. On motion for delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

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

**2022-1371. State v. Hymes.**

Mahoning App. No. 19 MA 0130, [2021-Ohio-3439](#). On motion for delayed appeal. Motion fails for want of four votes.

Fischer, Stewart, and Brunner, JJ., would grant the motion.

**2022-1387. State v. Lewis.**

Richland App. No. 22CA40. On motion for delayed appeal. Motion denied.

Donnelly and Stewart, JJ., dissent.

**2022-1413. State v. Russell.**

Franklin App. No. 03AP-666, [2004-Ohio-2501](#). On motion for delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

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

**2022-1451. State v. Anthony.**

Stark App. No. 2020CA00126, [2021-Ohio-1755](#). On motion for delayed appeal. Motion denied.

## APPEALS ACCEPTED FOR REVIEW

**2022-1281. State v. Fraley.**

Butler App. No. CA2021-10-131, [2022-Ohio-3270](#). Appeal accepted on proposition of law Nos. I, II, and IV. Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

Kennedy, C.J., and DeWine, J., would accept the appeal on all propositions of law.

Fischer and Brunner, JJ., would accept the appeal on proposition of law No. I only.

Donnelly, J., would accept the appeal on all propositions of law and would summarily reverse the judgment of the court of appeals and remand the cause to that court for application of *State v. Gwynne*, \_\_ Ohio St.3d \_\_, [2022-Ohio-4607](#), \_\_ N.E.3d \_\_.

**2022-1283. State v. Pugh.**

Cuyahoga App. No. 111099, [2022-Ohio-3038](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

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

**2022-1286. State ex rel. Yost v. FirstEnergy Corp.**

Franklin App. Nos. 21AP-443, 21AP-444, and 21AP-445, [2022-Ohio-3400](#).

Fischer, J., would accept the appeal on proposition of law Nos. II and III only.

Brunner, J., would accept the appeal on proposition of law No. II only.

**2022-1287. State v. Llapur.**

Cuyahoga App. No. 111246, [2022-Ohio-3134](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

**2022-1290. State v. Beatty.**

Clermont App. No. CA2021-10-057, [2022-Ohio-3099](#).

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

**2022-1297. State v. Carstaphen.**

Cuyahoga App. No. 110906, [2022-Ohio-3129](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

DeWine and Donnelly, JJ., would accept the appeal on proposition of law No. II only.

**2022-1312. Vandercar, L.L.C. v. Port Auth. of Greater Cincinnati Dev. Auth.**

Hamilton App. Nos. C-210643, C-210665, and C-220130, [2022-Ohio-3148](#).

Stewart and Brunner, JJ., dissent.

**2022-1326. State v. Long.**

Pickaway App. No. 20CA9, [2022-Ohio-3212](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

**2022-1365. State v. Knox.**

Cuyahoga App. No. 111262, [2022-Ohio-3331](#). Appeal accepted on proposition of law Nos. II through VI. Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

Fischer and Donnelly, JJ., would accept the appeal on all propositions of law.

**2022-1393. State v. Joyce.**

Lake App. No. 2021-L-006, [2022-Ohio-3370](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

DeWine, J., would accept the appeal on proposition of law No. II only.

**2022-1437. State v. Haynes.**

Hamilton App. No. C-210371. Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2022-0996. State v. Jaeger.**

Medina App. No. 20CA0053-M, [2022-Ohio-2183](#).

**2022-1059. State v. Gause.**

Montgomery App. No. 29162, [2022-Ohio-2168](#)..

**2022-1119. State v. Johnson.**

Cuyahoga App. No. 110673, [2022-Ohio-2577](#).

Donnelly, J., dissents and would hold the cause for the decision in 2022-0987, *State v. Palmer*.

**2022-1131. State v. Tipton.**

Madison App. No. CA2022-04-006, [2022-Ohio-3998](#).

Donnelly, J., dissents.

**2022-1190. Career & Technical Assn. v. Auburn Vocational School Dist. Bd. of Edn.**

Lake App. No. 2021-L-113, [2022-Ohio-2737](#).

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

**2022-1199. State v. Dean.**

Madison App. Nos. CA2021-08-013 and CA2021-08-014, [2022-Ohio-3105](#).

**2022-1211. State v. Justice.**

Franklin App. No. Appellant's petition to stay trial, petition for order of release from prison, petition for transcript of proceedings, and request to file transcripts denied. Appellee's motion to dismiss appeal denied as moot.

Kennedy, C.J., and Brunner, J., would deny appellee's motion.

Fischer and Donnelly, JJ., would deny appellant's petitions and request as moot.

Stewart, J., would grant appellee's motion.

**2022-1267. Bridges v. Gray.**  
Belmont App. No. 22BE0034.

**2022-1269. State v. Rice.**  
Mahoning App. No. 2021 MA 0085.

**2022-1274. Molai v. Standing Rock Cemetery Bd. of Trustees.**  
Portage App. No. 2021-P-0117, [2022-Ohio-3998](#).

**2022-1276. Finley v. Miami Univ.**  
Franklin App. No. 22AP-58, [2022-Ohio-3066](#).  
Brunner, J., dissents.

**2022-1277. E. Cleveland IAFF 500 v. E. Cleveland.**  
Cuyahoga App. No. 111156, [2022-Ohio-3668](#).

**2022-1284. Lakhi v. Meritra Health Care, L.L.C.**  
Franklin App. No. 21AP-480, [2022-Ohio-3062](#).

**2022-1289. Pantalone v. W. Coast Performance Co.**  
Summit App. No. 30444.

**2022-1298. State v. Dixon.**  
Greene App. No. 2021-CA-29, [2022-Ohio-3157](#).

**2022-1299. Kolkowski v. Ashtabula Area Teachers Assn.**  
Ashtabula App. No. 2021-A-0033, [2022-Ohio-3112](#).  
Fischer and Donnelly, JJ., dissent.

**2022-1301. State v. Carter.**  
Allen App. No. 1-21-19, [2022-Ohio-1444](#).

**2022-1305. State v. Boyle.**  
Greene App. No. 2022-CA-7, [2022-Ohio-2165](#).

**2022-1307. Mancz v. McHenry.**  
Greene App. No. 2022-CA-20.

**2022-1310. Leaf v. Leaf.**

Delaware App. No. 22 CAF 03 0016, [2022-Ohio-3809](#). Appellant's motion for stay of certain orders denied.

Brunner, J., would deny the motion as moot.

**2022-1311. State v. Young.**

Cuyahoga App. No. 110973, [2022-Ohio-3132](#).

**2022-1315. A.A.O. v. A.M.O.**

Cuyahoga App. Nos. 110338 and 110349, [2022-Ohio-2767](#).

**2022-1317. State v. Rose.**

Ashtabula App. No. 2021-A-0015, [2022-Ohio-3197](#).

**2022-1319. State v. Fenstermaker.**

Delaware App. No. 21-CAA090044.

**2022-1320. State v. Kerr.**

Ottawa App. No. OT-13-036, [2015-Ohio-2228](#).

Donnelly, J., dissents.

**2022-1325. Delasoft, Inc. v. Ohio Dept. of Adm. Servs.**

Franklin App. No. 22AP-85, [2022-Ohio-3403](#).

**2022-1328. State v. King.**

Butler App. No. CA2021-09-116, [2022-Ohio-3178](#).

**2022-1329. State v. Torres.**

Cuyahoga App. No. 111037, [2022-Ohio-3230](#).

Donnelly, J., dissents.

**2022-1331. Seid v. Roberts.**

Franklin App. No. 22AP-22, [2022-Ohio-4670](#).

**2022-1332. State v. Robinson.**

Cuyahoga App. No. 111966. Appellant's motion for stay denied.

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

**2022-1333. Medina v. Medina.**

Medina App. No. 22CA0013-M. Appellant's request to consolidate cause with 2022-1334, *Medina v. Medina*, denied.

Kennedy, C.J., and Fischer and DeWine, JJ., would deny the request as moot.

**2022-1334. Medina v. Medina.**

Medina App. No. 22CA0014-M. Appellant's request to consolidate cause with 2022-1333, *Medina v. Medina*, denied as moot.

Donnelly and Brunner, JJ., would deny the request.

**2022-1335. State v. Hudson.**

Montgomery App. No. 29333, [2022-Ohio-3253](#).

**2022-1336. State v. Ursic.**

Harrison App. No. 21 HA 0007

**2022-1342. Yemma v. Leber Real Estate, Ltd.**

Mahoning App. No. 21 MA 0069, [2022-Ohio-3289](#).

**2022-1344. Bashein v. Laurels of Chagrin Falls, L.L.C.**

Cuyahoga App. No. 111914.

**2022-1348. State v. Hayden.**

Montgomery App. No. 29490, [2022-Ohio-3574](#).

**2022-1349. In re L.W.**

Jefferson App. Nos. 22 JE 0010 and 22 JE 0011, [2022-Ohio-3547](#).

**2022-1353. Citizens Action Group v. Granger Twp. Bd. of Trustees.**

Medina App. No. 21CA0087-M, [2022-Ohio-3280](#).

Fischer and Brunner, JJ., dissent.

**2022-1354. State v. Buckman.**

Perry App. No. 22-CA-00001, [2022-Ohio-3303](#).

**2022-1355. Cook v. Kramer.**

Jefferson App. No. 21 JE 0026, [2022-Ohio-3422](#).



**2022-1356. State v. Craig.**

Wood App. No. WD-21-086, [2022-Ohio-2976](#).

**2022-1357. State v. Gutierrez.**

Delaware App. No. 18CAA030029.

Donnelly, J., dissents and would summarily reverse the judgment of the court of appeals and remand the cause to that court for application of *State v. Leyh*, 166 Ohio St.3d 365, [2022-Ohio-292](#), 185 N.E.3d 1075.

Brunner, J., dissents and would order appellee to respond to appellant's memorandum in support of jurisdiction.

**2022-1358. Tillman v. Mantz.**

Erie App. No. E-21-042, [2022-Ohio-2527](#).

**2022-1363. State v. Brown.**

Hamilton App. No. C-050320

Brunner, J., dissents and would accept the appeal on proposition of law No. I and would hold the cause for the decision in 2022-0392, *State v. Hawkins*.

**2022-1364. State v. Knuckles.**

Summit App. No. 30337.

**2022-1367. In re R.Z.**

Hamilton App. No. C-210660, [2022-Ohio-3630](#).

Kennedy, C.J., dissents.

DeWine, J., not participating.

**2022-1368. Crenshaw v. Cleveland Police Dept.**

Cuyahoga App. No. 110951, [2022-Ohio-3915](#).

Donnelly, J., not participating.

**2022-1369. State v. Cruz.**

Erie App. No. E-21-057, [2022-Ohio-3356](#).

**2022-1370. State v. Lawson.**

Cuyahoga App. No. 111288, [2022-Ohio-3332](#).

**2022-1372. State v. Acosta.**

Cuyahoga App. No. 111110, [2022-Ohio-3327](#).

Donnelly, J., dissents.

**2022-1373. In re J.C.**

Cuyahoga App. Nos. 111077, 111149 through 111152, and 111078, [2022-Ohio-3326](#).

**2022-1376. State v. O'Brien.**

Wood App. No. WD-20-060, [2021-Ohio-4037](#).

**2022-1379. State v. Timm.**

Delaware App. No. 21-CA-11-0060.

**2022-1382. Morley v. Medina Cty. Sheriff.**

Medina App. No. 21CA0001-M, [2022-Ohio-3469](#).

Stewart and Brunner, JJ., dissent.

**2022-1389. State v. Sims.**

Seneca App. No. 13-21-14, [2022-Ohio-3365](#).

Stewart and Brunner, JJ., dissent.

**2022-1398. Metz v. CSX Transp. Corp.**

Lucas App. No. L-21-1255, [2022-Ohio-3503](#).

Brunner, J., dissents.

**2022-1402. Levine v. Kellogg.**

Franklin App. No. 21AP-338, [2022-Ohio-3440](#).

**2022-1407. State v. Taylor.**

Montgomery App. Nos. 29422 and 29423, [2022-Ohio-3579](#).

**2022-1410. State v. Graggs.**

Franklin App. No. 22AP-170, [2022-Ohio-3407](#).

**2022-1416. State v. Seem.**

Sandusky App. No. S-21-014, [2022-Ohio-3507](#).

DeWine and Donnelly, JJ., dissent.

**2022-1420. Rainy Day Rentals, Inc. v. Next Gen. Properties, Inc.**

Mahoning App. No. 21 MA 0096, [2022-Ohio-3530](#).

Brunner, J., dissents.

**2022-1421. Lelak v. Lelak.**

Montgomery App. No. 29321, [2022-Ohio-3458](#).

**2022-1453. State v. Sherman.**

Franklin App. No. 20AP-541, [2021-Ohio-4532](#).