

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

January 23, 2024

[Cite as *01/23/2024 Case Announcements, 2024-Ohio-163.*]

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## MERIT DECISIONS WITHOUT OPINIONS

**2023-1431. State ex rel. Phillips v. Cool.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2023-1519. Keith v. May.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

Donnelly, J., not participating.

**2023-1534. Sanders v. O'Brien.**

In Habeas Corpus. On petitioner's motion for expedited writ. Motion denied as moot. Sua sponte, cause dismissed.

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

**2023-1539. Finnell v. Di Martino.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

Fischer, J., not participating.

**2023-1542. Blanton v. McGuffey.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

Fischer, J., not participating.

## MOTION AND PROCEDURAL RULINGS

**2023-1430. State v. Finnell.**

Hamilton App. Nos. C-220440 and C-220441, [2023-Ohio-2563](#). On motion for leave to file delayed appeal. Motion denied.

Brunner, J., dissents.

Fischer, J., not participating.

**2023-1444. State v. Haines.**

Ashtabula App. No. 2022-A-0106, [2023-Ohio-3016](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

DeWine and Deters, JJ., dissent.

**2023-1498. State v. Lanier.**

Belmont App. No. 22 BE 0070, [2023-Ohio-3088](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Kennedy, C.J., dissents.

**2023-1509. State v. Pitts.**

Pickaway App. No. 23CA14. On motion for leave to file delayed appeal. Motion denied.

**2023-1526. State v. Timm.**

Delaware App. No. 21-CAA-11-0060, [2023-Ohio-3768](#). 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

**2023-1285. Estate of Cook v. Montville Twp.**

Medina App. No. 22CA0046-M, [2023-Ohio-3002](#).

DeWine, Brunner, and Deters, JJ., dissent.

**2023-1289. State v. Smith.**

Cuyahoga App. No. 111274, [2023-Ohio-603](#).

Fischer and Donnelly, J., would hold the cause for the decision in 2023-1204, *State v. Wilcox*.

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

**2023-1299. State v. Kennedy.**

Franklin App. Nos. 22AP-534 and 22AP-536, [2023-Ohio-3078](#).

**2023-1344. Hoskins v. Cleveland.**

Cuyahoga App. No. 112095, [2023-Ohio-3149](#). Appeal accepted on proposition of law No. I

Kennedy, C.J., and DeWine and Deters, JJ., would accept the appeal on both propositions of law.

Fischer, Donnelly, and Stewart, JJ., dissent.

**2023-1463. Hunt v. Alderman.**

Summit App. No. 30344, [2023-Ohio-3454](#).

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

**2023-1541. Goomai v. H&E Ent., L.L.C.**

Hamilton App. No. C-230099, [2023-Ohio-3901](#).

Donnelly and Stewart, JJ., dissent.

## APPEALS NOT ACCEPTED FOR REVIEW

**2023-0963. State v. Anderson.**

Monroe App. No. 22 MO 0001, [2023-Ohio-4447](#).

**2023-1034. State v. Chester.**

Portage App. No. 2022-P-0060, [2023-Ohio-2122](#).

**2023-1060. State v. Humphrey.**

Montgomery App. Nos. 29479 and 29480, [2023-Ohio-1834](#).

**2023-1073. State v. O.E.P.-T.**

Franklin App. No. 21AP-500, [2023-Ohio-2035](#).

**2023-1110. State v. Mallory.**

Cuyahoga App. No. 112074, [2023-Ohio-1975](#).

**2023-1119. Martin v. Ohio Univ.**

Athens App. No. 22CA14, [2023-Ohio-2511](#). Appellants’ “miscellaneous motion” denied.

**2023-1207. State v. Smith.**

Summit App. No. 30022, [2023-Ohio-3135](#).

**2023-1277. In re Disinterment of Glass.**

Montgomery App. Nos. 29700 and 29707, [2023-Ohio-3509](#).

**2023-1287. Wireman v. Wireman.**

Allen App. No. 1-22-72, [2023-Ohio-3007](#).

**2023-1294. State v. Thompkins.**

Muskingum App. No. CT [2022-0085](#), [2023-Ohio-2871](#).

**2023-1301. Warner v. Ohio Dept. of Job & Family Servs.**

Cuyahoga App. No. 112471, [2023-Ohio-3157](#).

**2023-1304. State v. Lewis.**

Hamilton App. No. C-220457, [2023-Ohio-3036](#).

Fischer, J., dissents and would hold the cause for the decision in 2023-0621, *State v. Hale*.

Deters, J., dissents.

**2023-1305. State v. Abrams.**

Cuyahoga App. No. 112102, [2023-Ohio-3056](#).

Donnelly, J., dissents.

**2023-1306. Greene v. Durrani.**

Hamilton App. Nos. C-220023 and C-220037, [2023-Ohio-3069](#).  
Fischer and Deters, JJ., not participating.

**2023-1308. Stratman v. Durrani.**

Hamilton App. Nos. C-220027 and C-220032, [2023-Ohio-3035](#).  
Fischer and Deters, JJ., not participating.

**2023-1310. State v. Struckman.**

Hamilton App. No. C-220658, [2023-Ohio-3582](#).  
Fischer, J., not participating.

**2023-1312. Champlain Ents., L.L.C. v. Kuiper.**

Cuyahoga App. No. 112248, [2023-Ohio-3059](#).  
Fischer, J., dissents.

**2023-1313. State v. T.C.N.**

Cuyahoga App. No. 112428, [2023-Ohio-3156](#).  
Kennedy, C.J., dissents.

**2023-1320. State v. Parrish.**

Cuyahoga App. No. 111990, [2023-Ohio-3356](#).  
Kennedy, C.J., and DeWine, J., dissent.

**2023-1321. Hoerig v. Bowling Green State Univ.**

Wood App. No. WD-22-047, [2023-Ohio-3189](#).

**2023-1323. State v. Passmore.**

Hancock App. No. 5-22-39, [2023-Ohio-3209](#).

**2023-1325. V.T. Larney, Ltd. v. Ohio Civ. Rights Comm.**

Trumbull App. No. 2022-T-0112, [2023-Ohio-3123](#).

**2023-1326. State v. Rykena.**

Cuyahoga App. Nos. 113054 and 113055.  
Deters, J., dissents.

**2023-1328. Cleveland 2, L.L.C. v. Dixon.**

Cuyahoga App. No. 113173.

**2023-1330. State v. Taylor-Billings.**

Lorain App. No. 22CA011914, [2023-Ohio-3104](#).

Kennedy, C.J., dissents.

**2023-1331. A. Morgan Bldg. Group, L.L.C. v. Owners Ins. Co.**

Summit App. No. 30482, [2023-Ohio-3133](#).

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

**2023-1336. Arnoff v. Ferguson.**

Summit App. No. 30399, [2023-Ohio-3511](#).

**2023-1341. State v. Shelton.**

Hamilton App. No. C-220513, [2023-Ohio-2458](#).

**2023-1345. State v. Mott.**

Warren App. No. CA2022-10-067, [2023-Ohio-2268](#).

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

**2023-1346. Martens v. Findlay.**

Hancock App. No. 5-23-32.

**2023-1349. Nichols v. Durrani.**

Hamilton App. No. C-220350, [2023-Ohio-3177](#).

Fischer and Deters, JJ., not participating.

**2023-1350. State v. Craig.**

Wood App. No. WD-22-043.

**2023-1363. Pugh v. Okuley's Pharmacy & Home Med.**

Defiance App. No. 04-23-04, [2023-Ohio-3208](#).

Kennedy, C.J., and Brunner, J., dissent.

**2023-1365. Patel v. Huntington Banc Shares Fin. Corp.**

Lake App. No. 2023-L-036, [2023-Ohio-3218](#).

**2023-1369. French v. Ascent Resources-Utica, L.L.C.**

Jefferson App. No. 22 JE 0024, [2023-Ohio-3228](#).

Kennedy, C.J., dissents.

**2023-1371. State v. Carrillo.**

Delaware App. Nos. 22CAA090062 and 22CAA090063, [2023-Ohio-3264](#).

**2023-1373. Heskett v. Morris.**

Licking App. No. 2023 CA 00034, [2023-Ohio-3236](#).

**2023-1376. State v. Sproles.**

Lucas App. No. L-22-1184, [2023-Ohio-3403](#).

**2023-1378. State v. Sowell.**

Cuyahoga App. No. 112558, [2023-Ohio-3252](#).

**2023-1381. State v. Friess.**

Lucas App. No. L-22-1121, [2023-Ohio-3409](#).

**2023-1382. State v. Wagner.**

Summit App. No. 30067, [2023-Ohio-1659](#).

**2023-1383. State v. Keith.**

Marion App. No. 9-22-28, [2023-Ohio-3428](#).

Donnelly, J., dissents and would appoint counsel.

**2023-1396. Boli v. Huntington Natl. Bank.**

Stark App. No. 2023CA00020, [2023-Ohio-3308](#).

**2023-1399. State v. Schumacher.**

Cuyahoga App. No. 113066.

**2023-1404. OLB Group, Inc. v. Blue Square Resolutions, L.L.C.**

Hamilton App. No. C-220502, [2023-Ohio-2694](#).

DeWine, J., dissents.

**2023-1405. Brook Park v. Cleveland.**

Cuyahoga App. No. 112368, [2023-Ohio-3365](#).

**2023-1406. Henry Cty. Land Reutilization Corp. v. Pelmear.**

Henry App. No. 7-23-03, [2023-Ohio-2718](#).

Kennedy, C.J., dissents.

**2023-1408. Mill Creek Metro. Park Dist. Bd. of Commrs. v. Hough.**  
Mahoning App. No. 21MA065, [2023-Ohio-3426](#).  
Brunner, J., dissents.

**2023-1409. Rankin v. Kirsh.**  
Hamilton App. No. C-220632, [2023-Ohio-3371](#).

**2023-1410. State v. Efford.**  
Cuyahoga App. Nos. 112077 and 112078, [2023-Ohio-3360](#).  
Donnelly, J., dissents.

**2023-1415. State ex rel. Bower v. Cincinnati.**  
Hamilton App. No. C-220511, [2023-Ohio-3369](#).  
Kennedy, C.J., dissents.

**2023-1416. State v. McIntire.**  
Huron App. No. H-22-010.

**2023-1420. State v. Lawson.**  
Summit App. No. 30409, [2023-Ohio-3456](#).

**2023-1421. In re S.J.**  
Hamilton App. Nos. C-220221 through C-220224, [2023-Ohio-3441](#).  
Kennedy, C.J., dissents.

**2023-1422. Hawkins v. Dept. of Natural Resources.**  
Franklin App. No. 22AP-689.  
Brunner, J., dissents.

**2023-1438. Lanza v. Lanza.**  
Lake App. No. 2023-L-024, [2023-Ohio-3531](#).

**2023-1439. State v. Motley.**  
Cuyahoga App. Nos. 111718 and 111720, [2023-Ohio-1811](#).

**2023-1440. Troon Mgt., Ltd. v. Adams Family Trust.**  
Pickaway App. No. 22CA19, [2023-Ohio-3489](#).

**2023-1441. State v. Evans.**  
Cuyahoga App. No. 111964, [2023-Ohio-2688](#).



**2023-1443. In re D.J.**

Summit App. No. 30185, [2023-Ohio-3523](#).

Donnelly and Brunner, JJ., dissent.

**2023-1447. State v. Justice.**

Franklin App. No. 23AP-280.

**2023-1449. State v. Birt.**

Butler App. No. CA2022-12-121, [2023-Ohio-2913](#).

**2023-1450. State v. Peterson.**

Wood App. No. WD-22-061, [2023-Ohio-3544](#).

**2023-1451. State v. Sullivan.**

Lorain App. Nos. 19CA011454 and 22CA011859, [2023-Ohio-3520](#).

**2023-1453. State v. Woods.**

Lucas App. No. L-22-1195, [2023-Ohio-3549](#).

**2023-1455. State v. Marshall.**

Lucas App. No. L-22-1207, [2023-Ohio-3542](#).

**2023-1456. State v. James.**

Trumbull App. No. 2022-T-0107, [2023-Ohio-3524](#).

**2023-1458. Gallick v. Educational Credit Mgt. Co.**

Wayne App. No. 21AP0054, [2023-Ohio-278](#).

Fischer, J., dissents.

**2023-1459. State v. Smith.**

Belmont App. No. 22 BE 0019, [2023-Ohio-3587](#).

**2023-1460. State v. Mitchell.**

Lucas App. No. L-22-1166, [2023-Ohio-3543](#).

**2023-1464. State v. Hicks.**

Lorain App. No. 22CA011871, [2023-Ohio-3517](#).

**2023-1466. State v. Ferrell.**  
Cuyahoga App. No. 104047.

**2023-1467. State v. Mills.**  
Summit App. No. 30668, [2023-Ohio-3783](#).

**2023-1471. Reedy v. Astoria Skilled Nursing & Rehab.**  
Stark App. No. 2023CA00079.

**2023-1476. In re Adoption of E.G.C.**  
Clinton App. No. CA2023-05-011, [2023-Ohio-3563](#).  
Brunner, J., dissents.

**2023-1478. State v. Warth.**  
Hamilton App. No. C-220477, [2023-Ohio-3641](#).

**2023-1480. State v. Harwell.**  
Montgomery App. No. 29793, [2023-Ohio-3657](#).

**2023-1485. Earth Mobile, Inc. v. U.S. Bank, N.A.**  
Cuyahoga App. No. 111851, [2023-Ohio-3354](#).

**2023-1487. State v. Bradley.**  
Cuyahoga App. No. 112320, [2023-Ohio-3630](#).

**2023-1491. State v. Thorp.**  
Cuyahoga App. No. 112263, [2023-Ohio-3629](#).  
Donnelly and Brunner, JJ., dissent.

**2023-1511. State v. Ferrell.**  
Cuyahoga App. No. 113246.

**2023-1537. State v. Urbanski.**  
Lucas App. No. L-22-1304, [2023-Ohio-3966](#).

## RECONSIDERATION OF PRIOR DECISIONS

**2023-0402. State ex rel. Stokes v. Dept. of Rehab. & Corr.**

Franklin App. No. 21AP-482, [2023-Ohio-468](#). Reported at 170 Ohio St.3d 1436, 2023-Ohio-1769, 210 N.E.3d 532. On motion for reconsideration. Motion denied.

**2023-0783. State ex rel. Omni Energy Group, L.L.C. v. Vendel.**

In Mandamus. Reported at 172 Ohio St.3d 1413, 2023-Ohio-4259, 222 N.E.3d 653. On motion for reconsideration. Motion denied.

**2023-0907. H.R. v. P.J.E.**

Cuyahoga App. No. 112990. Reported at \_\_\_ Ohio St.3d \_\_\_, 2023-Ohio-4185, \_\_\_ N.E.3d \_\_\_. On motion for reconsideration. Motion denied.

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

Cuyahoga App. No. 111944, [2023-Ohio-2484](#). Reported at 172 Ohio St.3d 1409, 2023-Ohio-4200, 222 N.E.3d 640. On motion for reconsideration. Motion denied.

## DISCIPLINARY CASES

**2023-1560. Disciplinary Counsel v. Wilkinson.**

On Certified Report by the Board of Professional Conduct, No. 2023-014. Nathaniel Earl Wilkinson, Attorney Registration No. 0097010, last known business address in Brunswick, Ohio, publicly reprimanded.

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

Kennedy, C.J., dissents and would remand the matter to the board.

Brunner, J., not participating.