

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

March 25, 2015

[Cite as *03/25/2015 Case Announcements*, 2015-Ohio-1099.]

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## MERIT DECISIONS WITH OPINIONS

**2013-1441. State v. Ruff, Slip Opinion No. 2015-Ohio-995.**

Hamilton App. Nos. C-120533 and C-120534, 2013-Ohio-3234. Judgment reversed and cause remanded.

O'Connor, C.J., and O'Donnell, Lanzinger, Kennedy, and O'Neill, JJ., concur.

French, J., concurs in judgment only.

Pfeifer, J., dissents.

**2013-1809. State ex rel. Quolke v. Strongsville City School Dist. Bd. of Edn., Slip Opinion No. 2015-Ohio-1083.**

Cuyahoga App. No. 99733, 2013-Ohio-4481.

O'Connor, C.J., and Pfeifer, Kennedy, French, and O'Neill, JJ., concur.

O'Donnell and Lanzinger, JJ., dissent.

## AFFIDAVITS OF DISQUALIFICATION

The chief justice has released the following judicial disqualification opinions, which were previously issued as entries in response to affidavits of disqualification filed pursuant to R.C. 2701.03.

**14-AP-095. In re Disqualification of Crawford, Slip Opinion No. 2014-Ohio-5876 (decided Dec. 3, 2014).**

**14-AP-112. In re Disqualification of Hurley, Slip Opinion No. 2014-Ohio-5874 (decided Dec. 19, 2014).**

### **MERIT DECISIONS WITHOUT OPINIONS**

**2015-0087. State ex rel. Miller v. Beck.**

Miscellaneous case. On motions to dismiss. Motions granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

### **MOTION AND PROCEDURAL RULINGS**

**1998-1483. State v. Jones.**

Ashtabula App. No. 97CR221. On request for admissions. Request stricken. On pro se Civ.R. 60(B)(4) motion for relief from judgment, pro se motion for judicial notice, and amended pro se motion for summary judgment. Motions denied.

O'Neill, J., not participating.

**2014-1055. Griffith v. Aultman Hosp.**

Stark App. No. 2013CA00142, 2014-Ohio-1218. On motion to dismiss appeal as having been improvidently accepted. Motion denied.

O'Donnell and Lanzinger, JJ., dissent.

**2014-1141. State ex rel. Ohio Republican Party v. Fitzgerald.**

In Mandamus. It is ordered, sua sponte, that relator show cause within 20 days of the date of this order why the case should not be dismissed as moot. Respondents may file a reply to relator's response to the show-cause order within 10 days of the filing of relator's response.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, and O'Neill, JJ., concur.  
Kennedy and French, JJ., not participating.

**2015-0126. McKim v. Finley.**

Washington App. No. 13CA5, 2014-Ohio-4012. On motion for stay of court of appeals' judgment. Motion denied.

**2015-0130. Franklin Mgt. Industries, Inc. v. Far More Properties, Inc.**

Cuyahoga App. No. 101397, 2014-Ohio-5437. On motion to stay the decision of the Eighth District Court of Appeals pending appeal. Motion denied.

O'Neill, J., dissents and would grant a stay without bond.

**2015-0185. State v. Powell.**

Montgomery App. No. 24433, 2014-Ohio-3842. On motion for leave to file delayed appeal. Motion denied.

O'Connor, C.J., and Lanzinger, J., dissent.

**2015-0196. State v. Bullitt.**

Cuyahoga App. No. 100885, 2014-Ohio-5138. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

**2015-0198. State v. Glenn.**

Cuyahoga App. No. 102086. On motion for leave to file delayed appeal. Motion denied.

**2015-0203. State v. Johnson.**

Montgomery App. No. 26028, 2014-Ohio-5069. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

**2015-0202. State v. Moore.**

Clark App. No. 2013CA97, 2014-Ohio-4411. On review of order certifying a conflict. It is determined that no conflict exists within the meaning of S.Ct.Prac.R. 8.02. Cause dismissed.

O'Neill, J., dissents.

**2015-0212. State v. Coleman.**

Allen App. No. 1-13-53, 2014-Ohio-5320. On motion for leave to file delayed appeal. Motion denied.

Kennedy and O'Neill, JJ., dissent.

**2015-0220. State v. Liso.**

Brown App. Nos. CA2013-11-013 and CA2013-11-016, 2014-Ohio-3549. On motion for leave to file delayed appeal. Motion denied.

**APPEALS ACCEPTED FOR REVIEW**

**2014-1712. State v. Diamond.**

Cuyahoga App. No. 101915. Discretionary appeal accepted and cause held for decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558; and briefing schedule stayed.

**2014-1714. State v. Diamond.**

Cuyahoga App. No. 101914. Discretionary appeal accepted and cause held for decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558; and briefing schedule stayed.

**2014-1715. State v. Turner.**

Cuyahoga App. No. 101860. Discretionary appeal accepted and cause held for decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558; and briefing schedule stayed.

**2014-1716. State v. Melton.**

Cuyahoga App. No. 101859. Discretionary appeal accepted and cause held for decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558; and briefing schedule stayed.

**2014-1717. State v. Wimbush.**

Cuyahoga App. No. 101857. Discretionary appeal accepted and cause held for decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558; and briefing schedule stayed.

**2014-1721. State v. Diamond.**

Cuyahoga App. No. 101916. Discretionary appeal accepted and cause held for decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558; and briefing schedule stayed.

**2014-1725. State v. Stewart.**

Cuyahoga App. No. 101917. Discretionary appeal accepted and cause held for decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558; and briefing schedule stayed.

**2014-1759. In re M.W.**

Wood App. No. WD-13-089, 2014-Ohio-3758. Discretionary appeal accepted and cause held for decision in 2014-0607, *In re D.S.*, 5th Dist. Licking No. 13-CA-58, 2014-Ohio-867; and briefing schedule stayed.

Pfeifer, O'Donnell, and French, JJ., dissent.

**2014-1776. State v. Wimbush.**

Cuyahoga App. No. 101858. Discretionary appeal accepted and cause held for decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558; and briefing schedule stayed.

**2014-1814. State v. Hand.**

Montgomery App. No. 25840, 2014-Ohio-3838.  
Pfeifer, O'Donnell, and Kennedy, JJ., dissent.

**2014-1872. State v. Ahlers.**

Butler App. No. CA2013-07-134, 2014-Ohio-3991. Discretionary appeal accepted. Judgment reversed and cause remanded to the trial court for application of *State v. Bevely*, \_\_\_ Ohio St.3d \_\_\_, 2015-Ohio-475, \_\_\_ N.E.3d \_\_\_.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2014-1406. State v. Taylor.**

Montgomery App. No. 25764, 2014-Ohio-2550.  
O'Neill, J., dissents.

**2014-1459. State v. Curley.**

Summit App. No. 27360.  
O'Donnell, J., dissents.

**2014-1489. HSBC Bank v. Maust.**

Fairfield App. No. 13 CA 82, 2014-Ohio-3170.  
O'Neill, J., dissents.

**2014-1603. Lehigh Gas-Ohio, L.L.C. v. Cincy Oil Queen City, L.L.C.**

Hamilton App. No. C-130127, 2014-Ohio-2799.

**2014-1637. Dudley v. Dudley.**

Butler App. No. CA2013-09-163, 2014-Ohio-3992.  
French and O'Neill, JJ., dissent.

**2014-1700. State v. Donaldson.**

Wood App. No. WD-13-038, 2014-Ohio-3621.

**2014-1701. State v. Rieske.**

Clark App. No. 2013 CA 92, 2014-Ohio-3643.

**2014-1705. Rose v. Primal Ability, Ltd.**

Franklin App. No. 14AP-114, 2014-Ohio-3610.

O'Neill, J., dissents.

**2014-1706. Hooks v. Rankin Ents., L.L.C.**

Pickaway App. Nos. 14CA13 and 14CA14, 2014-Ohio-3680.

**2014-1707. State v. Harris.**

Hamilton App. No. C-130803.

**2014-1718. State v. Shuster.**

Morgan App. No. 14AP0003, 2014-Ohio-4144.

**2014-1722. State v. Robinson.**

Clark App. No. 2013 CA 69, 2014-Ohio-3645.

O'Neill, J., dissents.

**2014-1724. In re L.J.**

Hamilton App. Nos. C-130751 and C-130752.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law No. I.

**2014-1726. State v. Williams.**

Cuyahoga App. No. 100639, 2014-Ohio-3589.

**2014-1729. State v. Evans.**

Cuyahoga App. No. 100151, 2014-Ohio-3581.

O'Neill, J., dissents.

**2014-1746. State v. Wood.**

Lucas App. No. L-14-1114, 2014-Ohio-3966.

**2014-1749. State v. Elliot.**

Cuyahoga App. No. 100740, 2014-Ohio-3723.

**2014-1762. State v. Phillips.**

Wyandot App. No. 16-13-09, 2014-Ohio-3670.

**2014-1763. State v. Regan.**

Delaware App. No. 13 CAA 08 0067, 2014-Ohio-3797.

O'Neill, J., dissents and would accept the appeal on Proposition of Law Nos. I and IV.

**2014-1764. Vanderbilt v. Vanderbilt.**

Medina App. No. 13CA0084-M, 2014-Ohio-3652.

Pfeifer, J., dissents.

**2014-1766. State v. Simmons.**

Hamilton App. No. C-130126, 2014-Ohio-3695.

**2014-1773. State v. Campbell.**

Adams App. No. 13CA969, 2014-Ohio-3860.

O'Donnell and O'Neill, JJ., dissent.

**2014-1774. Urban Partnership Bank v. Mosezit Academy, Inc.**

Cuyahoga App. No. 100712, 2014-Ohio-3721.

O'Donnell, J., dissents.

**2014-1782. State v. Bowman.**

Lucas App. No. L-11-1300, 2014-Ohio-3851.

**2014-1783. State v. Newson.**

Lorain App. No. 13CA010426, 2014-Ohio-3867.

O'Donnell and Kennedy, JJ., dissent.

**2014-1784. State v. Holmes.**

Coshocton App. No. 2014CA0020, 2015-Ohio-0538.

**2014-1785. Austell v. Bowie.**

Hamilton App. No. C-130579.

**2014-1786. State v. Nugent.**

Guernsey App. No. 13 CA 30, 2014-Ohio-3848.

**2014-1788. Adams v. Vivo.**

Mahoning App. No. 13 MA 163, 2014-Ohio-4166.

**2014-1789. Luri v. Republic Servs., Inc.**  
Cuyahoga App. No. 100539, 2014-Ohio-3817.

**2014-1800. State v. Daniels.**  
Franklin App. No. 13AP-969, 2014-Ohio-3697.  
O’Neill, J., dissents.

**2014-1802. State v. Goodin.**  
Butler App. No. CA2014-06-136.

**2014-1803. State v. Lundy.**  
Franklin App. No. 14AP-198, 2014-Ohio-3934.

**2014-1804. State v. Seal.**  
Highland App. No. 13CA1, 2014-Ohio-4167.

**2014-1807. State v. Cortez.**  
Licking App. No. 13-CA-121, 2014-Ohio-3814.

**2014-1810. In re C.B.**  
Hamilton App. No. C-140011.

**2014-1816. State v. Seal.**  
Highland App. No. 13CA10, 2014-Ohio-4168.

**2014-1827. State v. Burden.**  
Summit App. No. 27298, 2014-Ohio-4456.  
O’Connor, C.J., not participating.

**2014-1828. State v. Chamblin.**  
Hamilton App. No. C-130828, 2014-Ohio-3895.

**2014-1839. State v. Deresse.**  
Licking App. No. 14-CA-31, 2014-Ohio-4234.

**2014-1848. State v. Ferrell.**  
Cuyahoga App. No. 100659, 2014-Ohio-4377.

**2014-1856. Kulich-Grier v. OhioHealth Corp.**  
Franklin App. No. 14AP-26, 2014-Ohio-3931.



O'Neill, J., dissents.

**2014-1870. Dugan v. Franklin Cty. Bd. of Revision.**

Franklin App. No. 14AP-351, 2014-Ohio-4491.

**2014-1871. State v. Soverns.**

Cuyahoga App. No. 101185, 2014-Ohio-4094.

**2014-1874. State v. Young.**

Hamilton App. No. C-130841.

**2014-1876. State v. Montgomery.**

Montgomery App. No. 26014, 2014-Ohio-4108.

**2014-1877. State v. Burton.**

Cuyahoga App. No. 100716, 2014-Ohio-4207.

**2014-1888. State v. Caldwell.**

Richland App. No. 14CA22, 2014-Ohio-4486.

**2014-1921. Paris Twp. Bd. of Trustees v. Battles.**

Portage App. No. 2013-P-0079, 2014-Ohio-4132.

**2014-1925. State v. Sinkovitz.**

Hocking App. No. 13CA12, 2014-Ohio-4492.

**2014-1957. State v. Archibald.**

Lake App. Nos. 2014-L-005 and 2014-L-006, 2014-Ohio-4314.

**2014-1959. State v. Williams.**

Stark App. No. 2014CA00158.

**2014-1972. State v. Elder.**

Lake App. No. 2014-L-001, 2014-Ohio-4312.

**2014-1980. State v. Morris.**

Lake App. Nos. 2013-L-057 and 2013-L-058, 2014-Ohio-4293.

**2014-2018. State v. Kemp.**

Clark App. No. 2014 CA 32, 2014-Ohio-4607.

**2014-2027. State v. Nooks.**

Franklin App. No. 14AP-344, 2014-Ohio-4828.

**2014-2039. State v. Milini.**

Stark App. No. 2014CA0177.

**2014-2069. State v. McKinney.**

Franklin App. Nos. 14AP-734 and 14AP-762.

**2015-0008. State v. Berez.**

Washington App. No. 08CA48.

**2015-0140. In re T.B.**

Lucas App. No. L-14-1122, 2014-Ohio-5589.

**2015-0179. State v. Pickens.**

Franklin App. No. 14AP-24.

**2015-0254. In re Adoption of L.C.W.**

Butler App. No. CA2014-08-169, 2015-Ohio-61.

O'Donnell, J., dissents.

## **RECONSIDERATION OF PRIOR DECISIONS**

**2013-0827. State v. Beverly.**

Clark App. No. 2011 CA 64, 2013-Ohio-1365. Reported at \_\_ Ohio St.3d \_\_, 2015-Ohio-219, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

Lanzinger and O'Neill, JJ., dissent.

On motion for supplemental briefing. Motion denied. On motion for reargument. Motion denied.

**2014-1354. Hudson v. Cincinnati Group Health Assocs., Inc.**

Hamilton App. Nos. C-130164 and C-130181, 2014-Ohio-2161. Reported at 141 Ohio St.3d 1454, 2015-Ohio-239, 23 N.E.3d 1196. On motion for reconsideration. Motion denied. On motion to consolidate with 2015-0164, *Stewart v. Lockland School Dist. Bd. of Edn.*, with combined memorandum. Motion denied.

O'Neill, J., dissents.

**2014-1360. State v. Keeley.**

Washington App. No. 13CA34, 2014-Ohio-693. Reported at 141 Ohio St.3d 1455, 2015-Ohio-239, 23 N.E.3d 1196. On motion for reconsideration. Motion denied.

**2014-1427. Patton v. Hickling-Patton.**

Medina App. No. 13CA0071-M. Reported at 141 Ohio St.3d 1455, 2015-Ohio-239, 23 N.E.3d 1197. On motion for reconsideration. Motion denied.

**2014-1452. State v. Chavis-Tucker.**

Franklin App. No. 14AP-40, 2014-Ohio-3050. Reported at 141 Ohio St.3d 1456, 2015-Ohio-239, 23 N.E.3d 1197. On motion for reconsideration. Motion denied.  
O’Neill, J., dissents.

**2014-1457. Hodge v. Prater.**

Franklin App. No. 13AP-838, 2014-Ohio-3152. Reported at 141 Ohio St.3d 1456, 2015-Ohio-239, 23 N.E.3d 1197. On motion for reconsideration. Motion denied.

**2014-1855. State ex rel. Suldaana v. Corrigan.**

In Mandamus. Reported at 141 Ohio St.3d 1449, 2015-Ohio-239, 23 N.E.3d 1192. On motion for reconsideration. Motion denied. On motion “for mediation via furnish discovery by Cuyahoga County Clerk of Court on 1/8/15.” Motion denied. On motion to consolidate with 2014-2075, *State ex rel. Suldaana v. Eighth Dist. Court of Appeals*. Motion denied.

**2014-1868. State ex rel. Barksdale v. Sutula.**

In Prohibition. Reported at 141 Ohio St.3d 1449, 2015-Ohio-239, 23 N.E.3d 1192. On motion for reconsideration. Motion denied.

**2014-1932. Lange v. Trumbull Cty. Bd. of Elections.**

In Mandamus. Reported at 141 Ohio St.3d 1450, 2015-Ohio-239, 23 N.E.3d 1193. On motion for reconsideration. Motion denied.  
O’Neill, J., dissents.

**2014-2097. State v. Brown.**

Mahoning App. No. 11 MA 117, 2014-Ohio-4008. Reported at 141 Ohio St.3d 1457, 2015-Ohio-239, 23 N.E.3d 1198. On motion for reconsideration. Motion denied.