

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

February 18, 2015

[Cite as *02/18/2015 Case Announcements*, 2015-Ohio-554.]

MERIT DECISIONS WITH OPINIONS

2013-0109. State v. White, Slip Opinion No. 2015-Ohio-492.

Lucas App. No. L-10-1194, 2013-Ohio-51. Judgment affirmed.

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

Pfeifer, J., concurs in part and dissents in part.

Lanzinger, J., dissents.

2013-1110, 2013-1111, and 2013-1112. State v. Brown, Slip Opinion No. 2015-Ohio-486.

Stark App. Nos. 2012CA00099, 2013-Ohio-2224; 2012CA00100, 2013-Ohio-2225; and 2012CA00101, 2013-Ohio-2226. Judgments affirmed and causes remanded.

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

O'Donnell, Kennedy, and French, JJ., concur in judgment only.

MERIT DECISIONS WITHOUT OPINIONS

2014-1267. State ex rel. Maddox v. Lincoln Hts.

In Mandamus. It is ordered by the court that an alternative writ is granted and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05:

The parties shall file any evidence they intend to present within 20 days of the date of this entry; relator shall file a brief within 10 days of the filing of the evidence; respondent shall file a brief within 20 days after the filing of relator's brief; and relator may file a reply brief within 7 days after the filing of

respondent's brief. On respondents' motion to dismiss and motion to dismiss first amended complaint. Motions denied. On relators' motion for leave to file second amended complaint. Motion granted.

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

O'Donnell, J., dissents.

2014-2068. State ex rel. Harris v. Herbert.

In Mandamus. On complaint in mandamus of Dwayne Harris. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

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

2014-2075. State ex rel. Sultaana v. Eighth Dist. Court of Appeals.

In Mandamus and Prohibition. On motions to dismiss of the Eighth District Court of Appeals and the clerk of courts of the Eighth District Court of Appeals. Motions granted. Cause dismissed. Relator's motion to strike the motions to dismiss, motion to take judicial notice of changing of respondent Eighth District Clerk of Court, "request to take judicial notice and action," and "motion to take judicial notice to relator's 1/22/15 filing in the Cuyahoga County Common Pleas case no. 571-616" denied.

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

2014-2087. Tolbert v. Hust.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed.

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

Pfeifer, J., dissents.

2014-2095. State ex rel. Vandergriff v. McBride.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed.

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

2014-2117. Higgins v. Hamilton Cty. Dept. CPS.

Miscellaneous case. On respondents' motion to dismiss. Motion granted. On emergency motion to stay all proceedings. Motion denied. On "motion to stop termination of parental rights based on facts discrimination." Motion denied. On

motion for oral argument. Motion denied. On motion to vacate respondent's motion to dismiss based on errors. Motion denied.

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

MOTION AND PROCEDURAL RULINGS

2014-0485. SRMOF 2009-1 Trust v. Lewis.

Butler App. Nos. CA2012-11-239 and CA2013-05-068, 2014-Ohio-71. On motion for stay pending appeal. Motion granted.

Pfeifer and O'Neill, JJ., dissent.

2014-1203. Hill v. Williamson.

Marion App. No. 9-13-74. On motion to appeal and consolidate all cases relative to and pertaining to the initial case 2010-CIV-52422. Motion denied.

2014-1505. In re Application of Dayton Power & Light Co.

Public Utilities Commission, Nos. 12-426-EL-SSO, 12-427-EL-ATA, 12-428-EL-AAM, 12-429-EL-WVR, and 12-672-EL-RDR. On joint motion for stay of Industrial Energy Users-Ohio and the Office of the Ohio Consumers' Counsel. Motion denied. On motion to dismiss assignments of error in cross-appeal of the Dayton Power & Light Company. Motion denied.

Pfeifer and O'Neill, JJ., dissent and would grant the motion to stay.

O'Donnell, J., dissents and would grant the motion to stay upon sufficient surety.

2014-1637. Dudley v. Dudley.

Butler App. No. CA2013-09-163, 2014-Ohio-3992. On second motion for emergency stay. Motion denied.

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

2014-2204. State v. Roper.

Summit App. No. 27025, 2014-Ohio-4786. On review of motion to certify a conflict. Motion granted. Sua sponte, cause held for decision in 2014-0674, *State v. Anderson*, 9th Dist. Summit No. 26640, 2014-Ohio-1206, and briefing schedule stayed.

2014-2205. Motorists Life Ins. Co. v. Sherbourne.

Allen App. No. 1-14-17, 2014-Ohio-5205. On motion to stay Third District Court of Appeals' decision pending appeal. Motion denied.

O'Donnell and Kennedy, JJ., dissent.

Lanzinger, J., dissents and would grant a stay conditioned upon the posting of bond.

2014-2216. State v. Terry.

Cuyahoga App. No. 100813, 2014-Ohio-4804. On motion for delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2014-2217. State v. Hayden.

Cuyahoga App. No. 102101. On motion for stay of the court of appeals' judgment. Motion denied.

2014-2220. State v. Ogletree.

Clark App. No. 14-CA-0016, 2014-Ohio-3431. On motion for delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2014-2222. State v. Steele.

Cuyahoga App. Nos. 101139 and 101140, 2014-Ohio-5431. On motion for stay of court of appeals' judgment. Motion denied.

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

2014-2229. State v. Starcher.

Jefferson App. No. 14 JE 17, 2014-Ohio-5223. On motion for stay of court of appeals' judgment. Motion denied.

O'Neill, J., dissents.

2014-2254. State v. Lawrence.

Cuyahoga App. Nos. 100371 and 100387, 2014-Ohio-4797. On motion for delayed appeal. Motion denied.

Lanzinger and O'Neill, JJ., dissent.

2015-0025. State v. Nieves.

Lorain App. No. 08CA009500, 2009-Ohio-6374. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2015-0031. State v. Coran.

Clark App. No. 2014-CA-14, 2014-Ohio-4406. On motion for delayed appeal. Motion denied.

Pfeifer and O’Neill, JJ., dissent.

2015-0037. State v. Shouse.

Brown App. No. CA2013-11-014, 2014-Ohio-4620. On motion for delayed appeal. Motion denied.

Pfeifer and O’Neill, JJ., dissent.

2015-0040. State v. Fox.

Franklin App. No. 13AP-1042. On motion for delayed appeal. Motion denied.

Pfeifer and O’Neill, JJ., dissent.

2015-0048. State v. Brown.

Hamilton App. No. C-130120. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2015-0050. State v. Stallworth.

Lake App. No. 2013-L-122, 2014-Ohio-4297. On motion for delayed appeal. Motion denied.

2015-0051. State v. Dodson.

Franklin App. Nos. 14AP-674 and 14AP-675. On motion for delayed appeal. Motion denied.

2015-0065. In re Z.H.

Hamilton App. Nos. C-140636, C-140733, and C-140734. On motion for stay of court of appeals’ judgment. Motion denied.

O’Neill, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2014-1462. Whetstone v. Binner.

Fairfield App. No. 13 CA 47.

Pfeifer and O’Neill, JJ., dissent.

2014-1519. McClain v. State.

Franklin App. No. 13AP-427, 2014-Ohio-1711. Sua sponte, cause held for the decision in 2014-0735, *C.K. v. State*, 8th Dist. Cuyahoga No. 100193, 2014-Ohio-1243, and briefing schedule stayed.

O'Neill, J. dissents.

2014-1557. State v. Klembus.

Cuyahoga App. No. 100068, 2014-Ohio-3227.

2014-1560. State v. Barker.

Hamilton App. No. C-130214, 2014-Ohio-3245. Upon consideration of the jurisdictional memoranda filed in this case, the court accepts the appeal on Proposition of Law Nos. I and II only.

Pfeifer, Lanzinger, and O'Neill, JJ., would also accept the appeal on Proposition of Law Nos. III and IV.

O'Donnell and Kennedy, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2014-1336. State v. Duncan.

Logan App. No. 8-12-15, 2014-Ohio-2720.

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

Kennedy, J., dissents.

2014-1398. State v. Drager.

Montgomery App. No. 26067, 2014-Ohio-3056.

2014-1460. State v. Rackley.

Cuyahoga App. No. 101503.

2014-1466. Selkirk v. Duke Energy.

Hamilton App. No. C-130674.

2014-1468. Blumensaadt v. Put-In-Bay Police Dept.

Ottawa App. No. OT-13-005, 2014-Ohio-3068.

O'Donnell, J., dissents.

2014-1471. State v. Pyne.

Cuyahoga App. No. 100580, 2014-Ohio-3037.

O'Donnell, J., dissents.

2014-1474. Coen v. Dennison.

Tuscarawas App. No. 2013 AP 08 0036, 2014-Ohio-3094.

2014-1479. Corporex Realty Acquisitions, L.L.C. v. Cord Real Estate, L.L.C.

Hamilton App. No. C-130782.

2014-1480. In re A.I.

Cuyahoga App. No. 99808, 2014-Ohio-2259.

2014-1481. State v. Ossege.

Clermont App. Nos. CA2013-11-086 and CA2013-11-087, 2014-Ohio-3186.

2014-1486. State v. Sands.

Huron App. No. H-14-004, 2014-Ohio-3439.

2014-1491. Swihart v. Chairman/Chairperson of the Ohio Adult Parole Auth.

Franklin App. No. 13AP-993, 2014-Ohio-3305.

Pfeifer, J., dissents.

2014-1495. State v. Jervis.

Licking App. No. 13-CA-97, 2014-Ohio-3218.

2014-1496. Cireddu v. Clough.

Lake App. No. 2013-L-092, 2014-Ohio-2454.

2014-1499. Snell v. Snell.

Richland App. No. 13CA80, 2014-Ohio-3285.

2014-1500. Hubiak v. Ohio Family Practice Ctr., Inc.

Summit App. No. 26949, 2014-Ohio-3116.

O'Donnell, Kennedy, and French, JJ., dissent and would accept the appeal of Ohio Family Practice, Inc., et al.

2014-1501. State v. Wofford.

Stark App. No. 2013CA00186, 2014-Ohio-3122.

O'Donnell, J., dissents.

2014-1502. Kinkade v. Noblet.

Richland App. No. 14CA4, 2014-Ohio-3172.

Pfeifer and O'Neill, JJ., dissent.

2014-1509. Forde v. Ohio State Univ. Med. Ctr.

Franklin App. No. 14AP-352.

2014-1512. In re Guardianship of Hodgeman.

Hamilton App. No. C-130379.

2014-1517. State v. Lamb.

Highland App. No. 14CA3, 2014-Ohio-2960.

2014-1525. Fields v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 13AP-1079, 2014-Ohio-3207.

2014-1526. Massillon City School Dist. Bd. of Edn. v. Massillon Edn. Assn.

Stark App. No. 2013 CA 00208, 2014-Ohio-3197.

2014-1527. Osborne v. N. Canton.

Stark App. No. 2013CA00246, 2014-Ohio-3199.

2014-1533. Bradley v. Ohio Dept. of Transp.

Franklin App. No. 13AP-918, 2014-Ohio-3205.

2014-1534. State v. Monk.

Licking App. No. 14CA1, 2014-Ohio-2486.

2014-1535. In re Trust of Hersh.

Hamilton App. No. C-140235, 2014-Ohio-612.

2014-1536. M6 Motors, Inc. v. Nissan of N. Olmsted, L.L.C.

Cuyahoga App. No. 100684, 2014-Ohio-2537.

O'Donnell and Kennedy, JJ., dissent.

2014-1539. Craig v. Reynolds.

Franklin App. No. 14AP-125, 2014-Ohio-3254.

French and O'Neill, JJ., dissent.

2014-1540. State v. Fort.

Cuyahoga App. No. 100346, 2014-Ohio-3412.

2014-1542. State v. Glover.

Cuyahoga App. Nos. 100330 and 100331, 2014-Ohio-3228.
Pfeifer and O'Neill, JJ., dissent.

2014-1547. Burnett v. Burnett.

Sandusky App. No. S-12-041, 2013-Ohio-5174.

2014-1549. State v. Johnson.

Cuyahoga App. No. 99715, 2014-Ohio-2638.

2014-1550. State v. Adkins.

Lawrence App. No. 13CA17, 2014-Ohio-3389.

2014-1551. State v. Brown.

Richland App. No. 14CA3, 2014-Ohio-3222.

2014-1556. Saffold v. Croom.

Cuyahoga App. No. 10086, 2014-Ohio-3241.
Pfeifer, J., dissents.

2014-1561. State v. Jones.

Cuyahoga App. No. 100300, 2014-Ohio-2763.

2014-1562. State v. Nelms.

Delaware App. No. 13 CAA 07 0055, 2014-Ohio-3316.

2014-1563. State v. Deresse.

Licking App. No. 14-CA-47, 2014-Ohio-4234.

2014-1566. State v. Pearson.

Licking App. No. 14CA0046.

2014-1567. State v. Hillman.

Franklin App. Nos. 14AP-252 and 14AP-253, 2014-Ohio-5760.

2014-1568. State v. Hatton.

Pickaway App. No. 13CA26, 2014-Ohio-3601.

O'Neill, J., dissents.

2014-1571. State v. Thompson.

Butler App. No. CA2013-08-158, 2014-Ohio-3380.

2014-1572. State v. Wells.

Cuyahoga App. No. 100732, 2014-Ohio-3238.

2014-1573. Marginian v. Cleveland Clinic.

Cuyahoga App. No. 101711.

O'Neill, J., dissents.

2014-1584. Cuyahoga Hts. v. Majors.

Cuyahoga App. No. 100689, 2014-Ohio-3326.

O'Donnell and French, JJ., dissent.

2014-1585. Fifth Third Mtge. Co. v. Salahuddin.

Franklin App. No. 13AP-945, 2014-Ohio-3304.

2014-1596. State v. Dunne.

Cuyahoga App. No. 100460, 2014-Ohio-3323.

Pfeifer, J., dissents.

2014-1597. State v. Trevino.

Erie App. No. E-13-042, 2014-Ohio-3363.

2014-1612. In re R.E.

Cuyahoga App. No. 100954, 2014-Ohio-3395.

2014-1622. State v. Knuckles.

Cuyahoga App. No. 101309, 2014-Ohio-3823.

O'Donnell, J., not participating.

2014-1632. State v. Batchelor.

Hamilton App. Nos. C-130478, C-130544, and C-130608.

O'Neill, J., dissents.

2014-1642. State v. Calhoun.

Fayette App. No. CA2013-05-014, 2014-Ohio-3662.

2014-1657. State v. Vunda.

Butler App. Nos. CA2012-07-130 and CA2013-07-113, 2014-Ohio-3449.

2014-1658. State v. Davis.

Cuyahoga App. No. 100645, 2014-Ohio-3591.

2014-1661. State v. Zoltan.

Mahoning App. No. 11 MA 160, 2014-Ohio-3788.

2014-1678. State v. Reeves.

Cuyahoga App. No. 100560, 2014-Ohio-3497.

O'Neill, J., dissents.

2014-1681. State v. Kozic.

Mahoning App. No. 11 MA 135, 2014-Ohio-3807.

2014-1683. State v. Cowan.

Cuyahoga App. No. 100741, 2014-Ohio-3593.

2014-1710. State v. Gerald.

Scioto App. No. 12CA3519, 2014-Ohio-3629.

O'Neill, J., dissents.

2014-1732. State v. McKinney.

Mahoning App. No. 14 MA 111.

2014-2124. State v. Roper.

Summit App. No. 27025, 2014-Ohio-4786.

2014-2137. In re L.W.J.

Hamilton App. Nos. C-140282 and C-140283, 2014-Ohio-4181.

French and O'Neill, JJ., dissent.

2014-2140. In re M.B.

Cuyahoga App. Nos. 101094, 101095, and 101096, 2014-Ohio-4837.

2014-2188. In re S.S.

Hamilton App. No. C-140187.

O'Neill, J., dissents.

2014-2055. State v. Harvey.

Licking App. No. 13-CA-109, 2014-Ohio-2683.

2014-2073. State v. Conner.

Cuyahoga App. No. 99557, 2014-Ohio-4669.

2014-2083. State v. Opalach.

Cuyahoga App. No. 85540, 2014-Ohio-4922.

2014-2167. State v. Myers.

Wood App. No. WD-13-048, 2014-Ohio-3759.

RECONSIDERATION OF PRIOR DECISIONS

2013-0797. Pixley v. Pro-Pak Industries, Inc.

Lucas App. No. L-12-1177, 2013-Ohio-1358. Reported at ___ Ohio St.3d ___, 2014-Ohio-5460, ___ N.E.3d ___. On motion for reconsideration. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2013-1277. Walker v. Toledo.

Lucas App. No. L-12-1056, 2013-Ohio-2809. Reported at ___ Ohio St.3d ___, 2014-Ohio-5461, ___ N.E.3d ___. On motion for reconsideration. Motion denied.

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

W. Scott Gwin, J., of the Fifth Appellate District, sitting for O'Donnell, J.

On motion to file supplemental authority. Motion denied.

2014-0168. Equity Dublin Assoc. v. Testa.

Board of Tax Appeals, Nos. 2011-Q-1792 and 2011-Q-1795. Reported at ___ Ohio St.3d ___, 2014-Ohio-5243, ___ N.E.3d ___. On motion for reconsideration. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.

On motion for oral argument on motion for reconsideration. Motion denied.

2014-0463. State ex rel. Gopp v. Wiest.

Wayne App. No. 13CA0057. Reported at 141 Ohio St.3d 88, 2014-Ohio-4557, 21 N.E.3d 1052. On motion for reconsideration. Motion denied.

2014-1091. State ex rel. McGinty v. Eighth Dist. Court of Appeals.

In Prohibition. Reported at 140 Ohio St.3d 1519, 2014-Ohio-5251, 20 N.E.3d 728. On motion for reconsideration. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2014-1310. Dukles v. LaRose.

In Habeas Corpus. Reported at 140 Ohio St.3d 1504, 2014-Ohio-5098, 19 N.E.3d 922. On motion for reconsideration. Motion denied.