

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

January 28, 2015

[Cite as *1/28/2015 Case Announcements*, 2015-Ohio-239.]

MERIT DECISIONS WITH OPINIONS

2012-1985. State v. Radcliff, Slip Opinion No. 2015-Ohio-235.

Franklin App. No. 11AP-652, 2012-Ohio-4732. Judgment affirmed.

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

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

2013-1010. State v. Vanzandt, Slip Opinion No. 2015-Ohio-236.

Hamilton App. No. C-130079, 2013-Ohio-2290. Judgment reversed and cause remanded.

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

Pfeifer, J., dissents.

O'Donnell, J., dissents and would dismiss the case as improvidently allowed.

MERIT DECISIONS WITHOUT OPINIONS

2014-0553. State ex rel. Shue v. Croft.

In Mandamus. On complaint in mandamus. 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.

2014-1238. In re Warren.

Public Utilities Commission, No. 12-2100-TR-CVF. On motion to dismiss. Motion granted. Cause dismissed.

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

2014-1296. State ex rel. Boland v. Cuyahoga Cty. Clerk of Court.

In Mandamus. On application to dismiss the Cuyahoga County Court Administrator from this matter and motions to dismiss of Cuyahoga County Clerk of Courts Andrea F. Rocco and the Cuyahoga County Court Administrator. Motions granted. Cause dismissed. On motion of Judge John J. Russo to intervene as respondent. Motion denied. On relator's motion for oral argument on respondents' motions to dismiss. Motion denied.

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

2014-1338. Scott v. Sloan.

In Mandamus and Prohibition. On motion to dismiss and motion to strike motion to dismiss. Motion to dismiss granted. Motion to strike motion to dismiss denied. Cause dismissed.

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

2014-1482. Foster v. Calaway.

In Mandamus. On complaint in mandamus of JaMichael Foster. 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.

2014-1493. Foster v. Sheldon.

In Habeas Corpus. On petition for writ of habeas corpus, amended motion to amend, motion habeas corpus verification sub judice, and complaint for mandamus. Sua sponte, cause dismissed and motions denied.

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

2014-1605. State ex rel. Varnau v. Twelfth Dist. Court of Appeals.

In Mandamus and Prohibition. On motion for issuance of peremptory or alternative writ. It is ordered by the court, sua sponte, 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; respondents 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 respondents' brief.

On motion to dismiss. Motion denied.

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

Pfeifer, J., would issue a peremptory writ.

O'Donnell, J., would dismiss the petition.

2014-1607. Keith v. Bunting.

In Habeas Corpus. On petition for writ of habeas corpus of Jeffrey C. Keith. Sua sponte, cause dismissed.

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

2014-1644. McClain v. Horner.

In Mandamus. On complaint in mandamus of Robert McClain III. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

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

Pfeifer, J., dissents.

2014-1704. State ex rel. Wyatt v. Ohio Dept. of Rehab. & Corr.

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.

2014-1708. Wells v. Pagano.

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.

2014-1731. Watley v. Tenth Dist. Court of Appeals.

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.

2014-1751. State ex rel. Anderson v. Hendrickson.

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

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

2014-1795. Foster v. Calaway.

In Mandamus. On complaint in mandamus of JaMichael Foster. 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.

2014-1815. Mattice El v. State.

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.

2014-1840. State ex rel. Harris v. Sheehan.

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

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

2014-1851. Watley v. Tenth Dist. Court of Appeals.

In Mandamus. On motions to dismiss of the Franklin County Common Pleas Court and the Tenth District Court of Appeals. Motions granted. Cause dismissed. On motion of Tenth District Court of Appeals to declare relator a vexatious litigator. Motion denied.

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

2014-1855. State ex rel. Sultaana v. Corrigan.

In Mandamus. On motion to have Cuyahoga County Clerk of Court intervene, motion for emergency joinder, motion to identify signature, and judicial notice. Motions denied. On motion to dismiss. Motion granted. Cause dismissed.

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

O'Neill, J., dissents and would grant an alternative writ.

2014-1861. Stallworth v. Lomax.

In Mandamus. On answer of respondent. 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.

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

In Prohibition. On motion to dismiss. Motion granted. Cause dismissed. On motions for judgment and damages and for sanctions or default. Motions denied.

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

2014-1894. Davis v. Ohio Adult Parole Auth.

In Prohibition. On complaint in prohibition of Terrance Davis. On S.Ct.Prac.R. 12.04 determination, cause dismissed. On motion to transfer relator's declaratory judgment action to the Franklin County Court of Common Pleas. Motion denied.

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

2014-1914. Lester v. Gallagher.

In Mandamus and Prohibition. On relator's revised emergency motion to stay. Motion denied. On motion to dismiss. Motion granted. Cause dismissed.

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

2014-1927. State ex rel. Wagner v. Marshall.

In Procedendo. On motion to dismiss. Motion granted. Cause dismissed. On motion to strike motion to dismiss. Motion denied.

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

French, J., would deny the motion to dismiss and grant an alternative writ.

2014-1928. State ex rel. Harris v. Herbert.

In Procedendo. On motions to dismiss. Motions granted. Cause dismissed.

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

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

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed. On relator's motion for order. Motion denied. On respondents' motion to strike or dismiss amended complaint. Motion denied.

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

O'Neill, J., would deny the motion to dismiss and grant an alternative writ.

2014-1955. State ex rel. Hamilton v. Horton.

In Procedendo. On motion to dismiss as moot. Motion granted. Cause dismissed.

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

2014-1988. Meyers v. Geauga Cty. Common Pleas Court.

Miscellaneous case. On respondent's answer and motion for judgment on pleadings. Motion granted. 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.

2014-1990. State ex rel. Bradley v. Steele.

Miscellaneous case. On motion to dismiss. Motion granted. Cause dismissed. On relator's motion for default judgment. Motion denied.

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

2014-2030. Bertuzzi v. Slagle.

In Mandamus. On answer of respondent. 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.

2014-2032. Dumas v. Donofrio.

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.

2014-2056. State ex rel. Chappell v. Evans.

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause dismissed. On relator's motion asking court to take appropriate action against respondent and respondent's attorney. Motion denied.

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

2014-2116. State v. Mace.

Cuyahoga App. No. 100779, 2014-Ohio-5036. On review of order certifying a conflict, it is determined that no conflict exists. Cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2011-0087. Pinkney v. Ohio Dept. of Job & Family Servs.

Cuyahoga App. No. 94696, 2010-Ohio-5252. On motion to vacate. Motion denied.

2013-1064. State ex rel. Keith v. Ohio Adult Parole Auth.

Franklin App. No. 12AP-408, 2013-Ohio-2514. On expedited motion to clarify court judgment/judgment entry, on motion for appointment of counsel with costs taxed to respondent, on motion for order directing respondent to include relator in investigation and correction of substantive errors in record used to consider relator for possible parole release at parole release hearings per judgment entry of October 7, 2014, and on motion to withdraw/strike expedited motion to clarify judgment/judgment entry filed October 16, 2014. The motion to withdraw/strike expedited motion to clarify is granted. All other pending motions are denied.

2014-0328. In re Application of Duke Energy Ohio, Inc.

Public Utilities Commission, Nos. 12-1685-GA-AIR, 12-1686-GA-ATA, 12-1687-GA-ALT, and 12-1688-GA-AAM. On intervening appellees' joint motion for leave to file a table of authorities. Motion granted. On appellants' motion to expedite ruling on appeal. Motion denied.

Pfeifer and O'Donnell, JJ., would grant the motion to expedite.

2014-0360. State v. McDaniel.

Summit App. No. 26997, 2014-Ohio-183. On motion to reopen. Motion denied.

O'Donnell, J., dissents.

2014-0423. State ex rel. Claugus Family Farm, L.P. v. Seventh Dist. Court of Appeals.

In Mandamus and Prohibition. On intervening respondent Beck Energy Corporation's motion for leave to file supplemental evidence. Motion granted. On intervening respondent Beck Energy Corporation's motion for stay and notice of mootness. Motion denied.

2014-0902. Willoughby v. Willoughby.

Trumbull App. No. 2012-T-0095, 2014-Ohio-743. On motion for attorney fees, costs, and expenses pursuant to S.Ct.Prac.R. 4.03(A). Motion denied.

2014-0983. DLJ Mtge. Capital, Inc. v. Rosario.

Cuyahoga App. No. 100233, 2014-Ohio-1835. On motion for clarification. Motion denied.

2014-1241. Haight v. Cheap Escape Co.

Montgomery App. No. 25983, 2014-Ohio-2447. On motion to dismiss appeal as improvidently allowed. Motion denied.

2014-1256. State ex rel. Chappell v. Morgan.

In Mandamus. On motion of respondent to strike request for the court to take judicial notice and take appropriate action. Motion granted. On relator's motion for court to take judicial notice and motion to take appropriate action against respondent's attorney for willfully violating Civ.R. 11. Motions denied.

2014-1837. MHN SUB I, L.L.C. v. Donnelly.

Lake App. No. 2014-L-031, 2014-Ohio-4128. On motion for stay of lower court proceedings. Motion denied.

O'Neill, J., dissents.

2014-1962. Onderko v. Sierra Lobo, Inc.

Erie App. No. E-14-009, 2014-Ohio-4115. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 4 of the court of appeals' entry filed November 5, 2014:

"Whether, as an element of establishing a prima facie claim for retaliatory discharge under R.C. 4123.90, plaintiff must prove that he or she suffered a workplace injury."

Pfeifer, J., dissents.

The conflict case is *Kilbarger v. Anchor Hocking Glass Co.*, 120 Ohio App.3d 332, 697 N.E.2d 1080 (5th Dist.1997).

Sua sponte, cause consolidated with 2014-1881, *Onderko v. Sierra Lobo, Inc.*, 6th Dist. Erie No. E-14-009, 2014-Ohio-4115.

2014-1989. State v. Cook.

Franklin App. Nos. 14AP-777 and 14AP-780. On motion for stay of lower court proceedings. Motion denied.

2014-1998. State v. Sluss.

Highland App. No. 13CA24. On motion for delayed appeal. Motion granted.

O'Connor, C.J., and O'Donnell and French, JJ., dissent.

2014-2003. State v. Webb.

Richland App. No. 13CA84, 2013-Ohio-5616. On motion for delayed appeal. Motion denied.

O’Neill, J., dissents.

2014-2006. State v. Gibson.

Cuyahoga App. No. 98725, 2013-Ohio-4372. On motion for delayed appeal. Motion denied.

2014-2007. State v. Nesser.

Clark App. No. 2013 CA 21, 2014-Ohio-1978. On motion for delayed appeal. Motion denied.

2014-2028. State v. Martin.

Montgomery App. No. 26033, 2014-Ohio-3640. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 6 of the court of appeals’ entry filed November 6, 2014:

“With respect to R.C. 2907.323(A)(1), which proscribes the creation or production of nudity-oriented material involving a minor, which definition of nudity applies: the statutory definition (R.C. 2907.01(H)), or the narrower definition set forth in *State v. Young*, 37 Ohio St.3d 249, 525 N.E.2d 1363, which requires additional elements of ‘lewd depiction’ and ‘graphic focus on the genitals?’”

Pfeifer and O’Donnell, JJ., dissent.

The conflict case is *State v. Graves*, 184 Ohio App.3d 39, 2009-Ohio-974, 919 N.E.2d 753.

2014-2029. State v. Wooten.

Lorain App. No. 13CA010510, 2014-Ohio-3980. On motion for delayed appeal. Motion denied.

Lanzinger, Kennedy, and O’Neill, JJ., dissent.

2014-2036. In re Messer.

Certified Question of State Law, United States Bankruptcy Court, Southern District of Ohio, Eastern Division, No. 13-57467, Adversary Proceeding No. 13-02448. On review of preliminary memorandum pursuant to S.Ct.Prac.R. 9.05. The court will answer the following questions:

“1. Does O.R.C §1301.401 apply to all recorded mortgages in Ohio?

2. Does O.R.C. §1301.401 act to provide constructive notice to the world of a recorded mortgage that was deficiently executed under O.R.C. §5301.01?”

Petitioner shall file its merit brief within 40 days and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.04 and S.Ct.Prac.R. 9.07.

O'Donnell and Kennedy, JJ., would answer only the first question.

2014-2044. State v. Harris.

Cuyahoga App. No. 101371. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

2014-2049. State v. Moore.

Cuyahoga App. No. 99788, 2014-Ohio-5135. On motion for stay of court of appeals' judgment. Motion denied.

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

2014-2052. State v. Jackson.

Cuyahoga App. No. 100877, 2014-Ohio-5137. On motion for stay of court of appeals' judgment. Motion granted.

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

2014-2064. State v. Barry.

Scioto App. No. 13CA3569, 2014-Ohio-4452. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 2 of the court of appeals' entry filed November 24, 2014:

“Whether a person who hides evidence of a crime that is unmistakable to him or her commits tampering with evidence in the absence of evidence that a victim or the public would report a crime?”

Pfeifer and O'Donnell, JJ., dissent.

The conflict case is *State v. Cavalier*, 2nd Dist. Montgomery No. 24651, 2012-Ohio-1976.

Sua sponte, cause consolidated with 2014-1984, *State v. Barry*, 4th Dist. Scioto No. 13CA3569, 2014-Ohio-4452.

2014-2082. State v. Bailey.

Franklin App. No. 12AP-699, 2013-Ohio-3596. On motion for delayed appeal. Motion denied.

2014-2086. State v. Smith.

Cuyahoga App. No. 100641, 2014-Ohio-3420. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2014-2101. State v. Long.

Lake App. No. 2013-L-102, 2014-Ohio-4416. On motion for delayed appeal. Motion denied.

Pfeifer and O’Neill, JJ., dissent.

2014-2122. State v. Marcum.

Gallia App. No. 13CA11, 2014-Ohio-4048. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 3 of the court of appeals’ entry filed December 5, 2014:

“[D]oes the test outlined by the [c]ourt in *State v. Kalish* apply in reviewing felony sentences after the passage of R.C. 2953.08(G)?”

O’Donnell, J., dissents.

The conflict cases are *State v. Hill*, 7th Dist. Carroll No. 13CA892, 2014-Ohio-1965, and *State v. Simmons*, 9th Dist. Summit No. 27197, 2014-Ohio-4191.

Sua sponte, cause consolidated with 2014-1825, *State v. Marcum*, 4th Dist. Gallia No. 13CA11, 2014-Ohio-4048.

2014-2144. In re A.B.1.

Hamilton App. No. C-130611. On motion to stay. Motion denied.

2014-2145. In re J.B.

Hamilton App. No. C-130612. On motion to stay. Motion denied.

2014-2151. State v. Stone.

Geauga App. No. 2013-G-3154, 2014-Ohio-2699. On motion for delayed appeal. Motion denied.

2014-2163. State v. Lollis.

Summit App. No. 26607, 2014-Ohio-684. On motion for delayed appeal. Motion denied.

O’Neill, J., dissents.

2014-2164. State v. Rhodes.

Franklin App. Nos. 13AP-821 and 13AP-845, 2014-Ohio-2283. On motion for delayed appeal. Motion denied.

2014-2182. State v. Stadmire.

Cuyahoga App. No. 100620. On motion for delayed appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2014-1364. State v. Weimer.

Lake App. No. 2013-L-005, 2014-Ohio-2882. Discretionary appeal accepted on Proposition of Law No. III; cause held for the decision in 2013-0827, *State v. Beverly*, 2d Dist. Clark No. 2011 CA 64, 2013-Ohio-1365; and briefing schedule stayed.

2014-1402. State v. Cornelison.

Lake App. No. 2013-L-064, 2014-Ohio-2884. Discretionary appeal accepted and cause held for the decision in 2014-2122 and 2014-1825, *State v. Marcum*, 4th Dist. Gallia No. 13CA11, 2014-Ohio-4048; and briefing schedule stayed.

Pfeifer and O'Donnell, JJ., dissent.

2014-1825. State v. Marcum.

Gallia App. No. 13CA11, 2014-Ohio-4048. Discretionary appeal accepted; cause consolidated with 2014-2122, *State v. Marcum*, 4th Dist. Gallia No. 13CA11, 2014-Ohio-4048.

O'Donnell and Kennedy, JJ., dissent.

2014-1881. Onderko v. Sierra Lobo, Inc.

Erie App. No. E-14-009, 2014-Ohio-4115. Discretionary appeal accepted; cause consolidated with 2014-1962, *Onderko v. Sierra Lobo, Inc.*, 6th Dist. Erie No. E-14-009, 2014-Ohio-4115.

Pfeifer, J., dissents.

2014-1884. State v. Williams.

Cuyahoga App. No. 90845, 2014-Ohio-4196.

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

2014-1933. Hupp v. Beck Energy Corp.

Monroe App. No. 12MO6, 2014-Ohio-4255. Discretionary appeal accepted on Proposition of Law Nos. I and II; sua sponte, cause consolidated with 2014-0423, *State ex rel. Claugus Family Farm, L.P. v. Seventh Dist. Court of Appeals*.

Pfeifer and O'Neill, JJ., would also accept Proposition of Law No. III.

2014-1984. State v. Barry.

Scioto App. No. 13CA3569, 2014-Ohio-4452. Discretionary appeal accepted; cause consolidated with 2014-2064, *State v. Barry*, 4th Dist. Scioto No. 13CA3569, 2014-Ohio-4452.

Pfeifer and O'Donnell, JJ., dissent.

2014-2201. In re Adoption of H.N.R.

Greene App. No. 2014-CA-35, 2014-Ohio-4959.

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

APPEALS NOT ACCEPTED FOR REVIEW

2012-1598. State v. Mammone.

Stark App. No. 2012CA00012, 2012-Ohio-3546.

2013-0043. State v. Lynch.

Hamilton App. No. C-120138.

2014-1274. State v. Buzanowski.

Cuyahoga App. No. 99854, 2014-Ohio-1947. Discretionary appeal and cross-appeal not accepted.

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

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

2014-1335. State v. Hyde.

Clark App. No. 13-CA-41, 2014-Ohio-1278.

2014-1346. Ross v. Columbus.

Franklin App. No. 14AP-38, 2014-Ohio-2738.

2014-1347. State v. Miller.

Mahoning App. No. 13MA 12, 2014-Ohio-2936.

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

2014-1350. State v. McDaniel.

Lucas App. No. L-14-1068.

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

Hamilton App. Nos. C-130164 and C-130181, 2014-Ohio-2161. Discretionary appeal not accepted. Motion for stay and/or remand denied as moot.

O'Neill, J., dissents.

2014-1356. Murray v. Columbus.

Franklin App. No. 13AP-912, 2014-Ohio-2790.

2014-1357. In re Guardianship of Soltesz.

Erie App. Nos. E-13-067 and E-13-072, 2014-Ohio-2832.

2014-1359. State v. Joseph.

Franklin App. Nos. 13AP-752 and 13AP-753, 2014-Ohio-2733.

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

2014-1360. State v. Keeley.

Washington App. No. 13CA34, 2014-Ohio-693.

2014-1365. Harvey v. Karl.

Richland App. No. 14 CA 29.

O'Neill, J., dissents.

2014-1366. Metcalf v. Kilzer.

Athens App. No. 14CA13, 2014-Ohio-4713.

2014-1378. State v. Pettis.

Cuyahoga App. No. 100851, 2014-Ohio-3147.

2014-1396. State v. Moore.

Adams App. No. 13CA965, 2014-Ohio-3024.

2014-1414. State v. Webb.

Clermont App. No. CA2014-01-013, 2014-Ohio-2894.

French and O'Neill, JJ., dissent.

2014-1415. State v. Robbins.

Hamilton App. No. C-130244.

2014-1417. Veach v. Chuchanis.

Stark App. No. 2014CA00026, 2014-Ohio-2949.

O'Donnell and French, JJ., dissent.

2014-1419. Certain Underwriters at Lloyds v. Woodling.

Darke App. No. 2013-CA-7, 2014-Ohio-2811.

2014-1420. State v. Plevyak.

Trumbull App. No. 2013-T-0051, 2014-Ohio-2889.

2014-1423. Osborne v. Malkamaki.

Lake App. No. 2012-L-134, 2014-Ohio-2874.

O'Donnell, J., dissents.

2014-1424. In re A.A.C.W.

Franklin App. Nos. 13AP-618 and 13AP-714, 2014-Ohio-2903.

2014-1425. Harris v. MC Sign Co.

Lake App. No. 2013-L-115, 2014-Ohio-2888.

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

2014-1427. Patton v. Hickling-Patton.

Medina App. No. 13CA0071-M, 2014-Ohio-2862.

2014-1428. State v. Tinney.

Richland App. No. 13CA18, 2014-Ohio-3053.

2014-1433. State v. Ervin.

Cuyahoga App. No. 100528, 2014-Ohio-2981.

2014-1438. State v. Bauer.

Cuyahoga App. No. 100438, 2014-Ohio-2980.

2014-1439. Cartwright v. Batner.

Montgomery App. No. 25938, 2014-Ohio-2995.

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

2014-1440. Foster v. Sullivan.

Franklin App. No. 13AP-876, 2014-Ohio-2909.

2014-1441. State v. Hostacky.

Cuyahoga App. No. 100003, 2014-Ohio-2975.

2014-1442. State v. Robinson.

Cuyahoga App. No. 99917, 2014-Ohio-2973.

2014-1443. State v. Tyree.

Cuyahoga App. Nos. 100377 and 100378.

2014-1444. State v. Henderson.

Fairfield App. No. 13-CA-61, 2014-Ohio-2991.

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

2014-1445. Murphy-Kesling v. Kesling.

Summit App. Nos. 26957 and 26962, 2014-Ohio-1816.

2014-1447. Schwartz v. Testa.

Hamilton App. No. C-140162.

O'Neill, J., dissents.

2014-1448. State v. Payne.

Hamilton App. No. C-130790, 2014-Ohio-3113.

2014-1451. State v. McGrath.

Cuyahoga App. No. 93445. Discretionary appeal not accepted. Motion to hold for 2014-1454, *State v. Earley*, denied.

2014-1452. State v. Chavis-Tucker.

Franklin App. No. 14AP-40, 2014-Ohio-3050.

O'Neill, J., dissents.

2014-1453. State v. Shabazz.

Cuyahoga App. No. 100623, 2014-Ohio-3142.

2014-1455. In re T.L.

Cuyahoga App. No. 100328, 2014-Ohio-1840.

O'Neill, J., dissents.

2014-1456. State v. Bindus.

Cuyahoga App. No. 101509.

2014-1457. Hodge v. Prater.

Franklin App. No. 13AP-838, 2014-Ohio-3152. Discretionary appeal not accepted. Motion to strike denied as moot.

2014-1465. Foster v. Idegy, Inc.

Franklin App. No. 13AP-948, 2014-Ohio-3015.

2014-1470. State v. Barker.

Hamilton App. No. C-130694.

O'Neill, J., dissents.

2014-1475. State v. Baker.

Montgomery App. No. 25828, 2014-Ohio-3163.

2014-1484. State v. Smith.

Cuyahoga App. No. 100501, 2014-Ohio-3034.

2014-1513. State v. Jones.

Hamilton App. No. C-130359, 2014-Ohio-3110.

2014-1515. State v. Brothers.

Cuyahoga App. Nos. 100163 and 100164, 2014-Ohio-3132.

O'Neill, J., dissents.

2014-1518. State v. Jamison.

Lucas App. No. L-12-1274, 2014-Ohio-3275.

2014-1521. State v. Pope.

Summit App. Nos. 26928 and 27096, 2014-Ohio-3212.

2014-1529. State v. Smith.

Cuyahoga App. No. 98547, 2014-Ohio-3224.

2014-1541. State v. Crumpler.

Summit App. No. 26763, 2014-Ohio-3211. Discretionary appeal not accepted.
Motion to advance case denied as moot.

2014-1543. State v. Jordan.

Franklin App. No. 14AP-01, 2014-Ohio-3208.

2014-1546. State v. Isbell.

Franklin App. No. 13AP-694, 2014-Ohio-3204.
O'Neill, J., dissents.

2014-1553. Ryerson v. White.

Cuyahoga App. No. 100547, 2014-Ohio-3233.

2014-1570. State v. Cressel.

Montgomery App. No. 25979, 2014-Ohio-3353.

2014-1587. State v. Boyd.

Cuyahoga App. No. 101523, 2014-Ohio-2023.

2014-1599. State v. Martin.

Montgomery App. No. 26033, 2014-Ohio-3640.
French and O'Neill, JJ., dissent.

2014-1864. State v. Palmer.

Richland App. No. 13 CA 33.

2014-1963. State v. Love.

Hocking App. No. 13CA16, 2014-Ohio-1603.

2014-1968. State v. Woods.

Stark App. No. 2013CA00176, 2014-Ohio-2375.

2014-1970. State v. Rabe.

Clermont App. No. CA2013-09-068, 2014-Ohio-2008.
O'Neill, J., dissents.

2014-1999. State v. Jarrells.

Cuyahoga App. No. 99329, 2014-Ohio-4564.

2014-2004. State v. DeNoma.

Hamilton App. Nos. C-140590 and C-081178. Discretionary appeal not accepted. Motion for findings of fact and conclusions of law and judicial notice of intent denied.

2014-2037. State v. D.D.F.

Franklin App. No. 13AP-688, 2014-Ohio-2075.

2014-2066. State v. Fomby.

Lake App. No. 2012-L-073, 2013-Ohio-2821.

2014-2097. State v. Brown.

Mahoning App. No. 11 MA 117, 2014-Ohio-4008.

2014-2181. In re A.G.

Lucas App. No. L-14-1079. Discretionary appeal not accepted. Motion for stay denied as moot.

O'Neill, J., dissents.

RECONSIDERATION OF PRIOR DECISIONS

2010-1373. State v. Thompson.

Summit App. No. CR2008072390. Reported at ___ Ohio St.3d ___, 2014-Ohio-4751, ___ N.E.3d ___. On motion for rehearing and reconsideration. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2014-1216. Hawk v. Stocklin.

Allen App. No. 1-13-56, 2014-Ohio-2335. Reported at 140 Ohio St.3d 1497, 2014-Ohio-4845, 18 N.E.3d 1251. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

French, J., dissents and would grant the motion as to Proposition of Law No. I.

2014-1279. State v. Oester.

Stark App. No. 2012-CA-00118, 2013-Ohio-2676. Reported at 140 Ohio St.3d 1507, 2014-Ohio-5098, 19 N.E.3d 924. On motion for reconsideration. Motion denied.

O'Connor, C.J., and French and O'Neill, JJ., dissent.

2014-1485. Brown v. Williams.

In Mandamus. Reported at 140 Ohio St.3d 1495, 2014-Ohio-4845, 18 N.E.3d 1250. On motion for reconsideration. Motion denied. On relator's "motion to expedite and re: Nationwide Mutual Insurance Companies bad faith against Aretha D. Brown, the 3rd party beneficiary." Motion denied. On respondent's motion to strike relator's motion to expedite. Motion denied. On relator's motion to strike opposition of respondent. Motion denied.

2014-1506. State v. Ellis.

Cuyahoga App. No. 99830, 2014-Ohio-3226. Reported at 140 Ohio St.3d 1508, 2014-Ohio-5098, 19 N.E.3d 924. On motion for reconsideration. Motion denied.

2014-1574. State v. Gonzalez.

Lucas App. Nos. L-13-1206 and L-13-1207, 2014-Ohio-3272. Reported at 140 Ohio St.3d 1465, 2014-Ohio-4629, 18 N.E.3d 445. On motion for reconsideration. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2014-1689. State ex rel. Williams v. Clancy.

In Mandamus. Reported at 140 Ohio St.3d 1520, 2014-Ohio-5251, 20 N.E.3d 728. On motion for reconsideration. Motion denied.

2014-1790. State v. Moody.

Franklin App. No. 06AP-1034. Reported at 140 Ohio St.3d 1520, 2014-Ohio-5251, 20 N.E.3d 729. On motion for reconsideration. Motion denied.

O'Donnell and French, JJ., not participating.