

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 30, 2015

[Cite as *12/30/2015 Case Announcements*, 2015-Ohio-5468.]

MERIT DECISIONS WITH OPINIONS

2014-1798. Talawanda City School Dist. Bd. of Edn. v. Testa, Slip Opinion No. 2015-Ohio-5450.

Board of Tax Appeals, No. 2012-1224. Decision reversed.

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

2014-1984 and 2014-2064. State v. Barry, Slip Opinion No. 2015-Ohio-5449. Scioto App. No. 13CA3569, 2014-Ohio-4452. Judgment reversed and cause remanded.

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

MERIT DECISIONS WITHOUT OPINIONS

2015-0390. State ex rel. Cincinnati Enquirer v. Ohio Dept. of Pub. Safety. In Mandamus. On complaint for writ of mandamus. Upon consideration thereof, 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.

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

2015-1222. State ex rel. Cincinnati Enquirer v. Deters.

In Mandamus. On complaint for writ of mandamus. Upon consideration thereof, 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; relators 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 relators' brief; and relators may file a reply brief within 7 days after the filing of respondent's brief.

On motion for judgment on pleadings. Motion denied. On motion to stay discovery of respondent. Motion granted.

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

2015-1565. Robinson v. Miller.

In Habeas Corpus. On petition for writ of habeas corpus of Gregory Robinson. Sua sponte, cause dismissed.

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

2015-1618. State ex rel. Payne v. Sheeran.

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.

2015-1646. Violation of Civ. Protection Order.

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

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

O'Donnell, J., not participating.

2015-1687. State ex rel. Harris v. Wilson.

In Mandamus. On answer of respondents. On S.Ct.Prac.R. 12.04 determination and motion for judgment on pleadings. Motion granted. Cause dismissed.

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

2015-1711. State ex rel. Black v. Eighth Dist. Court of Appeals Judges.

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

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

2015-1726. State ex rel. Bloodworth v. Piper.

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.

MOTION AND PROCEDURAL RULINGS

2013-0118. Jarvis v. First Resolution Invest. Corp.

Summit App. No. 26042, 2012-Ohio-5653. On motion of First Resolution Investment Corp. and First Resolution Management Corp. to dismiss counts IV and V of appellee's first amended class action counterclaim. Motion denied. On motion to strike. Motion denied.

O'Connor, C.J., and O'Donnell and Lanzinger, JJ., dissent and would grant the motion to dismiss counts IV and V.

2013-0521. In re Application of Columbus S. Power Co.

Public Utilities Commission, No. 11-346-El-SSO. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio.

Oral argument for this case was held on May 19, 2015, and oral argument for Supreme Court Case Nos. 2012-2098 and 2013-0228, *In the Matter of the Commission Review of the Capacity Charges of Ohio Power Company and Columbus Southern Power Company* was held on December 15, 2015. The decisions in these cases will be released simultaneously.

2015-0713. Orange City School Dist. Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2014-206. On motion of Orange City School District Board of Education to strike exhibit A and footnotes 2 and 3 to brief of appellant. Motion granted.

2015-1470. State ex rel. Ford v. Ruhlman.

In Mandamus and Prohibition. On motion of Stanley M. Chesley and the law firm of Waite, Schneider, Bayless & Chesley Co., L.P.A. to intervene. Motion granted. On motion of intervenors for an order expediting consideration. Motion denied.

2015-1705. State v. Kelley.

Hamilton App. No. C-140112, 2014-Ohio-5565. On motion for leave to file delayed appeal. Motion denied.

O'Connor, C.J., dissents.

2015-1752. State v. Shalash.

Warren App. No. CA2015-06-057, 2015-Ohio-4237. On motion for immediate stay of court of appeals' judgment. Motion denied.

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

2015-1766. State v. Taylor.

Montgomery App. No. 26500, 2015-Ohio-3510. On motion for leave to file delayed appeal. Motion granted.

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

2015-1771. State v. Giles.

Summit App. No. 27339, 2015-Ohio-2132. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, Kennedy, and French, JJ., dissent.

2015-1775. State v. George.

Summit App. No. 27279, 2014-Ohio-5781. On motion for leave to file delayed appeal. Motion denied.

2015-1781. State v. Higdon.

Medina App. No. 14CA0014-M, 2015-Ohio-1592. On motion for leave to file delayed appeal. Motion denied.

2015-1792. State v. Freeland.

Ross App. No. 12CA3352, 2015-Ohio-3410. On motion for leave to file delayed appeal. Motion denied.

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

2015-1794. State v. Stevens.

Montgomery App. No. 26328, 2015-Ohio-2971. On motion for leave to file delayed appeal. Motion denied.

2015-1805. Martin v. Jones.

Adams App. No. 14CA992, 2015-Ohio-3168. On motions for stay of execution of judgment. Motions denied.

Pfeifer and O’Neill, JJ., dissent.

2015-1833. State v. Meyers.

Geauga App. Nos. 2015-G-0005, 2015-G-0006, and 2015-G-0007, 2015-Ohio-4238. On motion to stay enforcement of judgment pending appeal. Motion denied.

2015-1885. G.S. v. G.L.

Erie App. No. E-14-136, 2015-Ohio-4407. On motion for immediate stay of judgment. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2015-1205. Greater Dayton Regional Transit Auth. v. State Emp. Relations Bd.

Franklin App. No. 14AP-876, 2015-Ohio-2049. Discretionary appeal accepted on Proposition of Law No. II.

Kennedy, French, and O’Neill, JJ., would accept the appeal on all Propositions of Law.

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

2015-1230. James v. State.

Clark App. No. 2013-CA-28, 2015-Ohio-623. Discretionary appeal accepted on Proposition of Law No. I.

Pfeifer, O’Donnell, and Kennedy, JJ., would accept the appeal on all Propositions of Law.

French and O’Neill, JJ., dissent.

2015-1273. State v. Hill.

Cuyahoga App. No. 101633, 2015-Ohio-2389. Discretionary appeal accepted and cause held for decision in 2015-0473, *State v. Thomas*, and briefing schedule stayed.

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

APPEALS NOT ACCEPTED FOR REVIEW

2015-1103. In re J.B.

Morrow App. No. 2015CA0002.
Pfeifer and O'Neill, JJ., dissent.

2015-1198. State v. Courie.

Ashtabula App. No. 2014-A-0043, 2015-Ohio-2894.
O'Donnell and Kennedy, JJ., dissent.

2015-1226. State v. Rodrigues.

Cuyahoga App. No. 102507, 2015-Ohio-2281.

2015-1229. Allied Erecting & Dismantling Co., Inc. v. Ohio Edison Co.

Mahoning App. No. 13 MA 40, 2015-Ohio-2328.
Kennedy, J., dissents.

2015-1233. In re B.H.

Erie App. No. E-14-096, 2015-Ohio-2296.

2015-1234. State v. Foreman.

Hamilton App. Nos. C-140560 and C-140561.
O'Donnell and Lanzinger, JJ., dissent.

2015-1235. State v. Darney.

Montgomery App. No. 26250, 2015-Ohio-2291.
French and O'Neill, JJ., dissent.

2015-1237. State v. Jazdzewski.

Washington App. No. 14CA15, 2015-Ohio-2416.

2015-1242. Dunn v. Licking Cty. Humane Soc.

Licking App. No. 14-CA-0101, 2015-Ohio-2561.
O'Donnell and Kennedy, JJ., dissent.

2015-1244. Baker v. DeRiso.

Erie App. No. E-14-137, 2015-Ohio-2440.

2015-1251. State v. Salyer.

Champaign App. No. 2013-CA-60, 2015-Ohio-2431.

O'Connor, C.J., dissents and would accept the appeal on Proposition of Law No. II and hold the cause for the decision in 2014-1825 and 2014-2122, *State v. Marcum*.

2015-1254. Gabriel v. Ohio State Univ. Med. Ctr.

Franklin App. No. 14-AP-870, 2015-Ohio-2661.

2015-1255. Padula v. Wagner.

Summit App. No. 27509, 2015-Ohio-2374.

2015-1261. State v. Crocker.

Scioto App. No. 14CA3640, 2015-Ohio-2528.

2015-1262. Lafon v. Iron Tiger Logistics.

Clark App. No. 2015-CA-11, 2015-Ohio-2428.

O'Neill, J., dissents.

2015-1269. State v. Howard.

Hamilton App. No. C-140516.

2015-1270. Williams v. Williams.

Stark App. No. 2014CA00160, 2015-Ohio-2639.

2015-1272. State v. Gaines.

Cuyahoga App. No. 102024, 2015-Ohio-2397.

O'Donnell, J., dissents.

2015-1275. State v. Dotson.

Cuyahoga App. No. 101911, 2015-Ohio-2392.

2015-1279. State v. Marshall.

Cuyahoga App. No. 100736, 2015-Ohio-2511.

O'Donnell, J., dissents.

2015-1282. State v. Farringer.

Fairfield App. No. 14-CA-43, 2015-Ohio-2644.

O'Donnell and Kennedy, JJ., dissent.

2015-1285. College Hills Assn. v. TT Group, L.L.C.

Lake App. No. 2014-L-016, 2015-Ohio-1406.

2015-1286. Doe v. Sherwin.

Portage App. No. 2013-P-0058, 2015-Ohio-2451.

Pfeifer, J., dissents.

2015-1289. Bair v. Ohio Dept. of Mental Health.

Tuscarawas App. No. 2014AP080031.

O'Connor, C.J., not participating.

2015-1293. Siegel v. Univ. of Cincinnati College of Medicine.

Franklin App. No. 14AP-279, 2015-Ohio-441.

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

Pfeifer and O'Neill, JJ., dissent.

2015-1294. Chenault v. Deutsche Bank Natl. Trust Co.

Franklin App. No. 14AP-669, 2015-Ohio-2494.

O'Donnell, J., not participating.

2015-1296. Whitaker v. Whitaker.

Fayette App. No. CA2015-04-010.

O'Neill, J., dissents.

2015-1301. Swanson v. Maier.

Stark App. No. 2014CA00208, 2015-Ohio-2141.

2015-1307. Menke v. Menke.

Summit App. No. 27330, 2015-Ohio-2507.

O'Donnell, J., dissents.

2015-1308. State v. Laber.

Lawrence App. No. 12CA24, 2015-Ohio-2758.

2015-1319. Gonzalez v. Graves.

Ottawa App. No. OT-14-023, 2015-Ohio-1791.

Kennedy, J., dissents and would accept the cause on Proposition of Law No. II.

2015-1322. State v. Welker.

Coshocton App. No. 2014CA0027, 2015-Ohio-2647.

Kennedy, J., dissents and would accept the cause on Proposition of Law No. II.

2015-1325. Speller v. Toledo Pub. Schools Dist. Bd. of Edn.

Lucas App. No. L-14-1149, 2015-Ohio-2672.

2015-1329. 22 Exchange, L.L.C. v. Exchange St. Assocs., L.L.C.

Summit App. No. 27472, 2015-Ohio-1719.

O'Donnell, J., dissents.

2015-1333. State v. Williams.

Jefferson App. No. 14 JE 13, 2015-Ohio-2687.

2015-1334. Machnics v. Sloe.

Geauga App. No. 2013-G-3138, 2015-Ohio-2592.

2015-1336. State v. Lee.

Hamilton App. No. C-140344.

2015-1343. Cobb v. Shipman.

Trumbull App. No. 2013-T-0117, 2015-Ohio-2604.

O'Donnell and Kennedy, JJ., dissent.

2015-1344. Darno v. Davidson.

Summit App. No. 27546, 2015-Ohio-2619.

Lanzinger, Kennedy, and French, JJ., dissent.

2015-1345. Oyer v. Adler.

Ross App. No. 13CA3405, 2015-Ohio-1722.

2015-1349. Eichenberger v. Clark.

Franklin App. No. 14AP-813, 2015-Ohio-2718.

French, J., dissents.

2015-1360. State v. Jukic.

Cuyahoga App. No. 101663, 2015-Ohio-2695.

O'Donnell, J., dissents and would accept the discretionary appeal and hold the cause for the decision in 2014-0733, *State v. Kona*.

2015-1372. State v. Edmonds.

Warren App. No. CA2014-03-045, 2015-Ohio-2733.
O'Connor, C.J., and French, J., dissent.

2015-1375. State v. Mansley.
Montgomery App. No. 26417, 2015-Ohio-2785.

2015-1379. Kerber v. Cuyahoga Hts.
Cuyahoga App. No. 102419, 2015-Ohio-2766.
O'Donnell, J., dissents.

2015-1390. State v. Raysor.
Hamilton App. No. C-140617.

2015-1391. Stancik v. Deutsche Natl. Bank.
Cuyahoga App. No. 102019, 2015-Ohio-2517. Motions to strike denied as moot.
Pfeifer and O'Neill, JJ., dissent and would accept the discretionary appeal.

2015-1404. State v. Carozza.
Ashland App. No. 14-COA-028, 2015-Ohio-1783.
O'Donnell, J., dissents.

2015-1417. State v. Orms.
Franklin App. No. 14AP-750, 2015-Ohio-2870.
O'Donnell, Kennedy, and O'Neill, JJ., dissent.

2015-1429. State v. Martin.
Cuyahoga App. No. 102336, 2015-Ohio-2865.

2015-1465. In re D.T.L.M.
Butler App. Nos. CA2014-06-142 and CA2014-07-160, 2015-Ohio-1762.

2015-1479. State v. Brown.
Hamilton App. No. C-140509, 2015-Ohio-2960.
O'Donnell and Pfeifer, JJ., dissent.

2015-1482. State v. Thomas.
Summit App. No. 27266, 2015-Ohio-2935.
O'Neill, J., dissents.

2015-1622. Saint Paris v. Galluzzo.

Champaign App. No. 2014-CA-29, 2015-Ohio-3385.

2015-1623. Cox v. Oliver.

Montgomery App. No. 26515, 2015-Ohio-3384.

2015-1631. State v. Rachel.

Trumbull App. No. 2013-T-0123.

2015-1658. State v. Cruz.

Cuyahoga App. No. 103370.

2015-1667. Evans v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 15AP-463, 2015-Ohio-3492.

2015-1669. Afjeh v. Ottawa Hills.

Lucas App. No. L-14-1267, 2015-Ohio-3483.

2015-1674. State v. Kemp.

Ashland App. No. 14 COA 035, 2015-Ohio-3623.

2015-1681. State v. Webb.

Lucas App. No. L-15-1099, 2015-Ohio-3617.

2015-1689. State v. Jamie.

Cuyahoga App. No. 102103, 2015-Ohio-3583.

2015-1706. State v. Dellick.

Trumbull App. No. 2014-T-0080, 2015-Ohio-1608.

2015-1718. State v. Brown.

Mahoning App. No. 13 MA 175, 2015-Ohio-3957.

2015-1740. Cunningham v. Tibbals.

Madison App. No. CA2015-01-003, 2015-Ohio-3698.

2015-1747. State v. Knisley.

Montgomery App. No. 22897.

2015-1761. State v. Anderson.

Lucas App. No. L-15-1078, 2015-Ohio-3803.

2015-1770. State v. Oester.

Stark App. No. 2012CA00118.

2015-1793. State v. Cope.

Butler App. No. CA2015-02-017, 2015-Ohio-3935.

2015-1798. State v. Murphy.

Franklin App. No. 15AP-460, 2015-Ohio-4282.

RECONSIDERATION OF PRIOR OPINIONS

2014-0899. State ex rel. Williams v. Trim.

Union App. No. 14-13-18. Reported at __ Ohio St.3d __, 2015-Ohio-3372, __ N.E.3d __. On motion for reconsideration. Motion denied.

French, J., dissents.

2014-1555. In re Application of Libretti.

On Report by the Board of Commissioners on Character and Fitness, No. 563. Reported at __ Ohio St.3d __, 2015-Ohio-4338, __ N.E.3d __. On motion for reconsideration. Motion denied.

French and O'Neill, JJ., dissent.

2014-1756. State ex rel. Cleveland v. State Bd. of Tax Appeals.

Franklin App. No. 13AP-308, 2014-Ohio-3736. Reported at 143 Ohio St.3d 1496, 2015-Ohio-4468, 39 N.E.3d 1268. On motion for reconsideration. Motion denied.

2015-0552. Spencer v. Martin.

In Habeas Corpus. Reported at 143 Ohio St.3d 1475, 2015-Ohio-3958, 38 N.E.3d 898. On motion for reconsideration. Motion denied. On motion for accelerated clarification of the factual and/or legal reason upon which the court relied in sua sponte dismissing the petition for issuance of writ of habeas corpus. Motion denied. On motion to strike. Motion denied.

2015-0653. O'Loughlin v. Mercy Hosp. Fairfield.

Hamilton App. No. C-130484, 2015-Ohio-152. Reported at 143 Ohio St.3d 1499, 2015-Ohio-4468, 39 N.E.3d 1270. On amended motion for reconsideration. Motion denied.

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

2015-0740. State v. Cochran.

Franklin App. No. 14AP-447, 2015-Ohio-1102. Reported at 143 Ohio St.3d 1500, 2015-Ohio-4468, 39 N.E.3d 1271. On motion for reconsideration. Motion denied.
O'Donnell, J., dissents.

2015-0754. State ex rel. Hill v. Coleman.

In Habeas Corpus. Reported at 143 Ohio St.3d 1475, 2015-Ohio-3958, 38 N.E.3d 898. On motion for reconsideration. Motion denied.

2015-1147. Lavery v. Lavery.

Hamilton App. No. C-140130. Reported at 143 Ohio St.3d 1501, 2015-Ohio-4468, 39 N.E.3d 1271. On motion for reconsideration. Motion denied.

2015-1257. Foster v. James.

In Mandamus. Reported at 143 Ohio St.3d 1495, 2015-Ohio-4468, 39 N.E.3d 1267. On motion for reconsideration. Motion denied.
French, J., not participating.