

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

October 5, 2016

[Cite as *10/05/2016 Case Announcements*, 2016-Ohio-7199.]

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## MERIT DECISIONS WITH OPINIONS

**2014-2028. State v. Martin, Slip Opinion No. 2016-Ohio-7196.**

Montgomery App. No. 26033, 2014-Ohio-3640. Judgment affirmed.

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

Lanzinger, J., dissents, with an opinion.

O'Neill, J., dissents, with an opinion.

## MERIT DECISIONS WITHOUT OPINIONS

**2016-0321. State ex rel. Sultaana v. Gaul.**

In Procedendo. On motion to dismiss. Motion granted. Cause dismissed. On petitioner's motions to consolidate and to amend complaint, and respondent's motion to strike. Motions denied as moot.

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

**2016-0364. McIntyre v. Turner.**

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

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

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

**2016-0612. Parks v. State.**

In Habeas Corpus. On motions to dismiss and to strike. Motions granted. Cause dismissed.

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

**2016-0824. Petric v. Bracy.**

In Habeas Corpus. On motion for stay of proceedings of this case. Motion granted.

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

O'Donnell, J., dissents.

**2016-0873. State v. Blair.**

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

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

**2016-0963. Walker v. Bracy.**

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

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

**2016-0966. McCarthy v. State.**

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

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

O'Donnell, J., dissents and would deny the motion and grant an alternative writ.

**2016-0979. State ex rel. Sultaana v. Am. Honda Fin. Corp.**

In Mandamus. On complaint in mandamus of Amirah Sultaana. On S.Ct.Prac.R. 10.5 determination, cause dismissed. On amended motion to consolidate. Motion denied as moot.

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

**2016-0987. Sudberry v. Schweitzer.**

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

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

**2016-1022. Rose v. Powers.**

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.

**2016-1040. Butcher v. Portage Cty. Court of Common Pleas.**

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

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

O'Donnell, Lanzinger, and O'Neill, JJ., dissent and would grant an alternative writ.

**2016-1071. State ex rel. Brown v. Schneider.**

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.

**2016-1072. State ex rel. Welling v. Dungy.**

In Prohibition. On motions to dismiss. Motions granted. Cause dismissed. On notice and demand and objection to name change. Motion denied as moot.

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

O'Donnell, J., dissents and would deny the motions to dismiss and grant an alternative writ.

**2016-1079. State ex rel. Bloodworth v. Powell.**

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.

**2016-1083. Phillips v. Erdos.**

In Habeas Corpus. On petition for writ of habeas corpus. Sua sponte, cause dismissed. On motion to proceed to judgment. Motion denied.

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

O'Donnell, J., dissents and would grant the petition and deny the motion as moot.

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

**2016-1088. State ex rel. Harrison v. Cuyahoga Cty. Prosecutor.**

In Mandamus. On request for civil discovery and production of documents. Requests 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.

**2016-1092. State ex rel. Crim v. Capper.**

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.

**2016-1103. State ex rel. McArthur v. Suster.**

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.

**2016-1110. Goldshtein v. Mohr.**

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

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

On motion for leave to amend petition. Motion granted.

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

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

**2016-1134. Nedeia v. Cook.**

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

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

O'Donnell, J., would find petitioner to be a vexatious litigator under S.Ct.Prac.R. 4.03(B).

**2016-1185. State ex rel. Armengau v. Haviland.**

In Habeas Corpus. On petition for writ of habeas corpus. Sua sponte, cause dismissed. On motion requesting expedited ruling on petition for writ of habeas corpus. Motion denied as moot.

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

## **MOTION AND PROCEDURAL RULINGS**

### **2016-1141. State v. Casada.**

Cuyahoga App. No. 103362, 2016-Ohio-2633. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Kennedy, JJ., dissent.

### **2016-1157. State v. Torres.**

Ashtabula App. No. 2014-A-0064. On motion for leave to file delayed appeal. Motion denied.

### **2016-1165. State v. Sampson.**

Cuyahoga App. No. 103311, 2016-Ohio-4560. On motion for leave to file delayed appeal. Motion granted.

### **2016-1173. State v. Albert.**

Franklin App. No. 14AP-30, 2015-Ohio-249. On motion for leave to file delayed appeal. Motion denied.

### **2016-1178. State v. Thomas.**

Summit App. No. 27405, 2015-Ohio-2377. On motion for leave to file delayed appeal. Motion denied.

### **2016-1191. State v. Musser.**

Licking App. No. 15 CA 85, 2016-Ohio-3023. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.

### **2016-1209. State v. Garcia.**

Cuyahoga App. No. 102546, 2016-Ohio-585. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2016-1225. State v. Victor.**

Geauga App. Nos. 2014-G-3220, 2014-G-3241, and 2015-G-0010, 2015-Ohio-5520. On motion for stay of court of appeals' judgment and petition for court-ordered reinstatement of defendant's state driver's license. Motions denied.

**2016-1305. Evans v. Avon.**

Lorain App. No. 15CA010879, 2016-Ohio-5460. On emergency motion for stay of court of appeals' judgment. Motion denied.

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

**APPEALS ACCEPTED FOR REVIEW**

**2014-1181. State v. Obermiller.**

Cuyahoga App. No. 101456. Upon consideration of the jurisdictional memoranda filed in this case, the court accepts the appeal, vacates the decision of the court of appeals, and remands this cause to the court of appeals to consider the timeliness of appellant's appeal on the merits.

O'Donnell, J., dissents.

**2016-0903. State v. Batista.**

Hamilton App. No. C-150341, 2016-Ohio-2848.

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

**2016-0907. In re D.S.**

Franklin App. No. 15AP-487, 2016-Ohio-2810.

Pfeifer and Kennedy, JJ., dissent.

**2016-1020. State v. Beasley.**

Hamilton App. No. C-150431, 2016-Ohio-1603.

Pfeifer and Kennedy, JJ., dissent.

**2016-1024. State v. Jackson.**

Summit App. No. 27132, 2015-Ohio-5246. Discretionary appeal accepted, cause held for decision in 2015-1782, *State v. Shalash*, and briefing schedule stayed.

O'Connor, C.J., dissents.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2016-0226. State v. James.**

Cuyahoga App. No. 102604, 2015-Ohio-4987.

**2016-0842. State v. Taylor.**

Lawrence App. No. 15CA12, 2016-Ohio-2781.

**2016-0843. In re Estate of Burton.**

Warren App. No. CA2015-12-110, 2016-Ohio-2683.

**2016-0846. State v. Saah.**

Cuyahoga App. No. 103601, 2016-Ohio-2643.

O'Donnell, J., dissents.

**2016-0847. State v. McClendon.**

Cuyahoga App. No. 103202, 2016-Ohio-2630.

O'Neill, J., dissents.

**2016-0862. State v. Knowles.**

Franklin App. No. 15AP-991, 2016-Ohio-2859.

**2016-0869. In re J.B.**

Allen App. No. 1-15-79, 2016-Ohio-2670.

**2016-0870. State v. McDonald.**

Fairfield App. No. 15-CA-45, 2016-Ohio-2699.

French and O'Neill, JJ., dissent.

**2016-0876. State v. Hayes.**

Portage App. No. 2014-P-0044, 2016-Ohio-2794.

**2016-0880. State v. Gall.**

Montgomery App. Nos. 26114 and 26115, 2016-Ohio-2748.

**2016-0882. State v. Wright.**

Summit App. No. 28225.

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

**2016-0884. Brooklyn v. Woods.**

Cuyahoga App. No. 103120, 2016-Ohio-1223.

**2016-0889. State v. Young.**

Cuyahoga App. No. 103024, 2016-Ohio-2720.

**2016-0893. State v. Reyes.**

Butler App. Nos. CA2015-06-113, CA2015-06-114, and CA2015-06-115, 2016-Ohio-2771.

French and O’Neill, JJ., dissent.

**2016-0895. State v. Sekse.**

Preble App. No. CA2015-07-015, 2016-Ohio-2779.

**2016-0898. State v. Lacey.**

Cuyahoga App. No. 102812, 2016-Ohio-1375.

**2016-0900. Sygula v. Regency Hosp. of Cleveland E.**

Cuyahoga App. No. 103436, 2016-Ohio-2843.

**2016-0905. State v. Davie.**

Summit App. No. 27961, 2016-Ohio-2816.

O’Connor, C.J., not participating.

**2016-0906. State v. Abdul.**

Cuyahoga App. No. 103510, 2016-Ohio-3063.

**2016-0908. Hill v. Pepsi-Cola Gen. Bottlers, Inc.**

Lucas App. No. L-15-1184, 2016-Ohio-2868.

Lanzinger, J., not participating.

**2016-0910. State v. Hartman.**

Montgomery App. No. 26609, 2016-Ohio-2883.

**2016-0911. Burton v. Cleveland Hts.-Univ. Hts. School Dist.**

Cuyahoga App. No. 103415, 2016-Ohio-2841.

**2016-0912. State v. Cole.**

Cuyahoga App. Nos. 103187, 103188, 103189, and 103190, 2016-Ohio-2936.

**2016-0913. S.F. v. Watson.**

Mahoning App. No. 15 MA 0082, 2016-Ohio-2928.

O’Donnell, J., dissents.



**2016-0915. State v. King.**

Muskingum App. No. CT2015-0058, 2016-Ohio-2788.

**2016-0916. State v. Castleberry.**

Cuyahoga App. No. 103124, 2016-Ohio-1539.

**2016-0918. State v. Rarden.**

Butler App. No. CA2015-12-214, 2016-Ohio-3108.

O'Neill, J., dissents.

**2016-0922. Sparks v. Sparks.**

Warren App. No. CA2015-10-095, 2016-Ohio-2896.

**2016-0924. State v. Jenkins.**

Cuyahoga App. No. 102462, 2015-Ohio-4583.

**2016-0927. State v. Dawley.**

Fairfield App. No. 15-CA-66, 2016-Ohio-2904.

Kennedy, J., dissents.

**2016-0932. AWL Transport, Inc. v. Ohio Dept. of Job & Family Servs.**

Franklin App. No. 15 AP-674, 2016-Ohio-2954.

O'Donnell, J., dissents.

**2016-0933. State v. Goodson.**

Cuyahoga App. Nos. 101830 and 101831, 2016-Ohio-1535.

O'Donnell, J., dissents.

**2016-0939. Lee v. Ellison.**

Hamilton App. No. C-150580.

**2016-0941. State v. Brown.**

Scioto App. No. 13CA3585, 2016-Ohio-1453.

**2016-0944. Withintime, Inc. v. Cuyahoga Cty. Fiscal Officer.**

Cuyahoga App. No. 103482, 2016-Ohio-2944.

Pfeifer, J., dissents.

**2016-0948. State v. Harris.**

Cuyahoga App. No. 103807, 2016-Ohio-3071.

**2016-0950. State v. Skipworth.**

Cuyahoga App. No. 103701, 2016-Ohio-3069.

**2016-0977. State v. Owens.**

Lucas App. No. L-15-1215, 2016-Ohio-3092.

**2016-0985. State v. Rodriguez.**

Mahoning App. No. 16 MA 0046.

**2016-0986. State v. Payne.**

Summit App. No. 27947, 2016-Ohio-2819.

**2016-0989. State v. Morales.**

Summit App. No. 27765, 2016-Ohio-3313.

**2016-0992. Gordon v. Ohio Dept. of Rehab. & Corr.**

Franklin App. No. 15AP-1081, 2016-Ohio-3142.

**2016-0997. State v. Roberts.**

Hamilton App. No. C-150293.

**2016-1007. State v. Ladson.**

Cuyahoga App. No. 103361, 2016-Ohio-3455.

**2016-1018. State v. Sanchez.**

Cuyahoga App. No. 103078, 2016-Ohio-3167.

O'Donnell, J., dissents.

**2016-1019. State v. Sherrer.**

Greene App. No. 2015-CA-40, 2016-Ohio-3198.

**2016-1028. State v. Melhado.**

Franklin App. No. 15AP-960.

**2016-1125. State v. Trem.**

Cuyahoga App. No. 102894, 2016-Ohio-4952.

**2016-1156. State v. Lackey.**

Montgomery App. No. 26293.

## RECONSIDERATION OF PRIOR DECISIONS

### **2013-1619. State v. Mole.**

Cuyahoga App. No. 98900, 2013-Ohio-3131. Reported at \_\_ Ohio St.3d \_\_, 2016-Ohio-5124, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

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

### **2015-0132. Link v. FirstEnergy Corp.**

Cuyahoga App. No. CA-14-101286, 2014-Ohio-5432. Reported at \_\_ Ohio St.3d \_\_, 2016-Ohio-5083, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

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

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

In Mandamus and Prohibition. Reported at \_\_ Ohio St.3d \_\_, 2016-Ohio-3529, \_\_ N.E.3d \_\_. On emergency motion for reconsideration of intervenors Stanley M. Chesley and Waite, Schneider, Bayless & Chesley Co., L.P.A. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

### **2016-0268. State ex rel. McIntyre v. Ninth Dist. Court of Appeals.**

In Mandamus. Reported at 146 Ohio St.3d 1466, 2016-Ohio-5108, 54 N.E.3d 1266. On motion for reconsideration. Motion denied.

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

### **2016-0409. State ex rel. Wilson v. Robinson.**

In Habeas Corpus. Reported at 146 Ohio St.3d 1466, 2016-Ohio-5108, 54 N.E.3d 1266. On motion for reconsideration. Motion denied.

### **2016-0502. Appenzeller v. Miller.**

In Habeas Corpus. Reported at 146 Ohio St.3d 1466, 2016-Ohio-5108, 54 N.E.3d 1266. On motion for reconsideration. Motion denied.

### **2016-0586. Shuerman v. Eastwood Local School Dist. Bd. of Edn.**

Wood App. No. WD-15-044, 2016-Ohio-846. Reported at 146 Ohio St.3d 1470, 2016-Ohio-5108, 54 N.E.3d 1269. On motion for reconsideration. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

**2016-0675. State v. Lonero.**

Lucas App. No. L-14-1229, 2016-Ohio-1113. Reported at 146 Ohio St.3d 1472, 2016-Ohio-5108, 54 N.E.3d 1270. On motion for reconsideration. Motion granted. Discretionary appeal accepted, cause held for decision in 2016-0215, *State v. Grimes*, and briefing schedule stayed.

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

**2016-0774. Wilson v. Bracy.**

In Habeas Corpus. Reported at 146 Ohio St.3d 1467, 2016-Ohio-5108, 54 N.E.3d 1267. On motion for reconsideration. Motion denied.