

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 15, 2019

[Cite as *10/15/2019 Case Announcements*, 2019-Ohio-4211.]

MOTION AND PROCEDURAL RULINGS

2019-1135. State v. McCormick.

Summit App. No. 29121, 2019-Ohio-2204. On motion for leave to file delayed appeal. Motion denied.

Kennedy, French, and Donnelly, JJ., dissent.

2019-1151. State v. Davenport.

Cuyahoga App. No. 106143, 2018-Ohio-2933. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., dissents.

2019-1152. State v. Hodson.

Franklin App. No. 18AP-242. On motion for leave to file delayed appeal. Motion denied.

Fischer and Donnelly, JJ., dissent.

French, J., not participating.

2019-1167. State v. Freeman.

Cuyahoga App. No. 106363, 2018-Ohio-2936. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

Stewart, J., not participating.

2019-1174. State v. Stefka.

Monroe App. No. 10 MO 7, 2012-Ohio-3004. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

2019-1188. State v. Ross.

Ottawa App. No. OT-19-008. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

French and DeWine, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2019-0594. State v. Groce.

Franklin App. No. 18AP-51, 2019-Ohio-1007. Appeal accepted, cross-appeal accepted on proposition of law No. I, and cause held for the decision in 2019-0651, *State v. Dent*, and 2019-0654, *State v. Walker*.

Kennedy, French, and Donnelly, JJ., would not accept the cross-appeal.

2019-0951. Corder v. Ohio Edison Co.

Harrison App. No. 18 HA 0002, 2019-Ohio-2639.

O'Connor, C.J., and Fischer and Donnelly, JJ., dissent.

2019-1123. Gerrity v. Chervenak.

Guernsey App. No. 18 CA 26, 2019-Ohio-2771.

O'Connor, C.J., and DeWine and Stewart, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2019-0668. Jones v. Wainwright.

Marion App. No. 9-18-28.

2019-0717. State v. Robinson-Bey.

Summit App. No. 28740, 2018-Ohio-5224.

2019-0891. State v. Luebrecht.

Putnam App. No. 12-18-02, 2019-Ohio-1573.

2019-1012. Heimberger v. Agnew.

Lake App. No. 2019-L-035, 2019-Ohio-1954.

2019-1015. State v. Suntoke.

Muskingum App. No. CT2018-0074, 2019-Ohio-2312.

2019-1016. Highland Hts. v. C.C.

Cuyahoga App. No. 107703, 2019-Ohio-2333.

2019-1019. State v. Bevins.

Hamilton App. No. C-190218. Appellee's motion to dismiss fails for want of four votes.

O'Connor, C.J., would reject the appeal as moot and would grant the motion to dismiss.

French, J., would grant the motion to dismiss.

Stewart, J., would reject the appeal as moot and would deny the motion to dismiss.

Fischer and DeWine, JJ., not participating.

2019-1025. King v. Ohio Dept. of Job & Family Servs.

Summit App. No. 29198, 2019-Ohio-2989.

2019-1026. State v. Nagy.

Cuyahoga App. No. 105935, 2018-Ohio-1513

Donnelly, J., dissents.

2019-1034. State v. Cobb.

Cuyahoga App. No. 106928, 2019-Ohio-2320.

Donnelly, J., dissents.

2019-1035. Kilburn v. Graham.

Monroe App. No. 18 MO 0022, 2019-Ohio-2695.

Kennedy, J., dissents.

2019-1036. Hunter v. Rhino Shield.

Franklin App. No. 18AP-244, 2019-Ohio-1422

French, J., not participating.

2019-1037. In re Estate of Weiner.

Montgomery App. No. 27278, 2019-Ohio-2354.

2019-1038. State v. Moore.

Trumbull App. No. 2018-T-0056, 2019-Ohio-2512.

2019-1040. In re Estate of Jenkins.

Cuyahoga App. No. 107343, 2019-Ohio-2112.

2019-1042. State v. Thomas.

Williams App. No. WM-18-005, 2019-Ohio-2654.

2019-1044. Trumbull Twp. Bd. of Trustees v. Rickard.

Ashtabula App. No. 2017-A-0048, 2019-Ohio-2502.

2019-1045. Paczewski v. Antero Resources Corp.

Monroe App. No. 18 MO 0016, 2019-Ohio-2641.

French, J., dissents and would accept the appeal on proposition of law No. I.
Kennedy and Fischer, JJ., dissent.

2019-1047. Herhold v. Smith Land Co.

Summit App. No. 28915, 2019-Ohio-2418.

Kennedy, J., dissents.

2019-1057. State v. Reid.

Hamilton App. No. C-170697, 2019-Ohio-1542.

2019-1059. State v. Peffer.

Cuyahoga App. No. 108714.

Fischer, DeWine, and Stewart, JJ., dissent.

2019-1060. State v. Hager.

Licking App. No. 18-CA-102, 2019-Ohio-2552.

2019-1062. State v. Walston.

Butler App. No. CA2018-04-068, 2019-Ohio-1699.

2019-1063. State v. Blevins.

Pickaway App. No. 18CA2, 2019-Ohio-2744.

2019-1064. State v. Curtis.

Muskingum App. No. CT2019-0001, 2019-Ohio-2587.

2019-1065. Cleveland v. Dancy.

Cuyahoga App. No. 107241, 2019-Ohio-2433.

2019-1066. Lampela v. Put-In-Bay.

Ottawa App. No. OT-18-018, 2019-Ohio-2476.

2019-1068. State v. Dangerfield.

Hamilton App. No. C-180057.

Donnelly, J., dissents and would accept the appeal on proposition of law No. V and appoint counsel.

2019-1069. State v. Neil.

Franklin App. Nos. 18AP-609 and 18AP-610, 2019-Ohio-2529.

French, J., not participating.

2019-1073. State v. Carosiello.

Columbiana App. No. 18 CO 0018, 2019-Ohio-2705.

2019-1078. State v. Kinney.

Monroe App. No. 18 MO 0013, 2019-Ohio-2726.

2019-1079. State v. Peete.

Trumbull App. No. 2018-T-0094, 2019-Ohio-2513.

Donnelly, J., dissents and would appoint counsel.

2019-1082. Delaware Golf Club, L.L.C. v. Dornoch Estates Homeowners Assn., Inc.

Delaware App. No. 19 CAE 04 0027.

2019-1083. State v. Smith.

Montgomery App. No. 28083, 2019-Ohio-2467.

2019-1084. State v. Graffius.

Columbiana App. No. 18 CO 0008, 2019-Ohio-2714.

2019-1089. Lloyd v. Rogerson.

Wayne App. No. 18AP0024, 2019-Ohio-2606. Appellant's motion for default judgment denied.

2019-1090. Lloyd v. Cleveland Clinic Found.

Cuyahoga App. No. 107214, 2019-Ohio-1885.

2019-1095. State v. Polizzi.

Lake App. Nos. 2018-L-063 and 2018-L-064, 2019-Ohio-2505.
Kennedy and DeWine, JJ., dissent.

2019-1096. IUOE, Local 20 v. Hamilton.

Butler App. No. CA2018-10-195, 2019-Ohio-2491.
Donnelly, J., dissents.
Kennedy, J., not participating.

2019-1099. Columbus v. Cochran.

Franklin App. No. 18AP-748, 2019-Ohio-2583.

2019-1107. State v. Biven.

Licking App. No. 2018 CA 0082, 2019-Ohio-2551.

2019-1111. Horstman v. Fanning.

Putnam App. No. 12-18-14, 2019-Ohio-2483.

2019-1120. State v. McGowan.

Stark App. No. 2018CA00075, 2019 -Ohio- 2554.

2019-1122. State v. Hall.

Trumbull App. No. 2017-T-0032, 2018-Ohio-1676.

2019-1127. State v. Sanders.

Cuyahoga App. No. 106744, 2019-Ohio-2566.
Fischer, J., dissents and would accept the appeal on proposition of law No. I.
Stewart, J., not participating.

2019-1145. State v. Cody.

Cuyahoga App. Nos. 107595, 107607, and 107664, 2019-Ohio-2824.

2019-1146. State v. McNeal.

Montgomery App. No. 28123, 2019-Ohio-2941.

2019-1149. State v. Ellis.

Hamilton App. No. C-180331, 2019-Ohio-3164.

2019-1176. State v. Mills.

Summit App. No. 28954, 2019-Ohio-774.

2019-1186. State v. Gomez.

Lucas App. No. L-17-1130, 2019-Ohio-576.

Donnelly, J., dissents.

2019-1195. State v. Erker.

Cuyahoga App. No. 107790, 2019-Ohio-3185.

2019-1199. State v. Heard.

Cuyahoga App. No. 107777, 2019-Ohio-2920.

RECONSIDERATION OF PRIOR DECISIONS

2019-0222. Wildcat Drilling, L.L.C. v. Discovery Oil & Gas, L.L.C.

Mahoning App. No. 17 MA 0018, 2018-Ohio-5391. Reported at 156 Ohio St.3d 1488, 2019-Ohio-3332, 129 N.E.3d 452. On motion for reconsideration. Motion granted. Appellant shall file its brief within seven days, and the case shall proceed in accordance with the Rules of Practice of the Supreme Court of Ohio.

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

2019-0682. State v. Naff.

Miami App. No. 2018-CA-15, 2019-Ohio-1261. Reported at 156 Ohio St.3d 1476, 2019-Ohio-3148, 128 N.E.3d 233. On motion for reconsideration. Motion denied.

Donnelly, J., dissents.

2019-0716. Petruziello v. ARIS Teleradiology Professional Corp.

Cuyahoga App. No. 107432, 2019-Ohio-1347. Reported at 156 Ohio St.3d 1477, 2019-Ohio-3148, 128 N.E.3d 239. On motion for reconsideration. Motion denied.

Kennedy, J., dissents.

2019-0733. State v. Davic.

Franklin App. No. 18AP-569, 2019-Ohio-1320. Reported at 156 Ohio St.3d 1478, 2019-Ohio-3148, 128 N.E.3d 241. On motion for reconsideration. Motion denied.

2019-0791. State v. Shine-Johnson.

Franklin App. No. 17AP-194, 2018-Ohio-3347. Reported at 156 Ohio St.3d 1476, 2019-Ohio-3148, 128 N.E.3d 238. On motion for reconsideration. Motion denied.

2019-0798. State v. Scofield.

Fairfield App. No. 18-CA-39, 2019-Ohio-375. Reported at 156 Ohio St.3d 1476, 2019-Ohio-3148, 128 N.E.3d 231. On motion for reconsideration. Motion denied. Appellant's emergency motion for stay pending appeal denied.

Donnelly, J., dissents and would grant the motion for reconsideration and appellant's motion for stay pending appeal.