

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

December 28, 2020

[Cite as *12/28/2020 Case Announcements #2, 2020-Ohio-6913.*]

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## MOTION AND PROCEDURAL RULINGS

### **2020-1266. *State v. Maddox.***

Lucas App. No. L-19-1253, 2020-Ohio-4702. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on pages 1-2 of the court of appeals' October 14, 2020 entry: "Is the constitutionality of the provisions of the Reagan Tokes Act, which allow the Department of Rehabilitation and Correctio[n] to administratively extend a criminal defendant's prison term beyond the presumptive minimum term, ripe for review on direct appeal from sentencing, or only after the defendant has served the minimum term and been subject to extension by application of the Act?" The conflict cases are *State v. Leet*, 2d Dist. Montgomery No. 28670, 2020-Ohio-4592; *State v. Ferguson*, 2d Dist. Montgomery No. 28644, 2020-Ohio-4153; *State v. Barnes*, 2d Dist. Montgomery No. 28613, 2020-Ohio-4150; and *State v. Guyton*, 12th Dist. Butler No. CA2019-12-203, 2020-Ohio-3837.

Kennedy, J., dissents.

### **2020-1488. *In re Matter of Establishing the Clean Air Fund Rider Pursuant to R.C. 3706.46.***

Public Utilities Commission, No. 20-1143-EL-UNC. On appellant's motion to stay charges assessed to customers to subsidize the H.B. 6 Clean Air Fund. Temporary stay granted. Sua sponte, parties ordered to file supplemental briefs as to any "undertaking" necessary to continue the stay. Appellant's supplemental brief is due within 10 days, and appellee may file a supplemental brief within 10 days of the filing of appellant's supplemental brief.

Sua sponte, an expedited briefing schedule on the merits is set for this case. Appellant's merit brief is due within 30 days from the date the record is filed,

appellee's merit brief is due within 20 days of the filing of appellant's merit brief, and appellant may file a reply brief within 10 days of the filing of appellee's merit brief. No stipulations or requests for extension of time shall be filed in this case, and the clerk shall refuse to file any stipulations or requests for extension of time.

Kennedy and DeWine, JJ., would hold the motion for stay in abeyance while the preliminary injunction entered in Franklin County Court of Common Pleas case Nos. 20CV-06281, 20CV-07005, and 20CV-07386, remains in force and would expedite briefing on the merits of the appeal.

French, J., not participating.