

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

**April 27, 2022**

[Cite as *04/27/2022 Case Announcements, 2022-Ohio-1284.*]

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## MERIT DECISIONS WITH OPINIONS

### **In re Cases Held for *State v. Maddox*.**

The judgments of the courts of appeals in the following cases are reversed, and the causes are remanded for further proceedings consistent with this court's decision in *State v. Maddox*, \_\_\_ Ohio St.3d \_\_\_, 2022-Ohio-764, \_\_\_ N.E.3d \_\_\_: 2020-1232, *State v. Downard*; 2020-1243, *State v. Velliquette*; 2021-0001, *State v. Cochran*; 2021-0374, *State v. Beatty*; 2021-0383, *State v. Ludwig*; 2021-0422, *State v. Bothuel*; 2021-0458, *State v. Doughty*; 2021-0629, *State v. Stevens*; 2021-0662, *State v. Mills*; 2021-0726, *State v. Hunter*; 2021-0779, *State v. Slye*; 2021-0902 and 2021-0925, *State v. Moran*; 2021-0919, *State v. Stenson*; 2021-1155, *State v. McGowan*; 2021-1175, *State v. Long*; 2021-1327 and 2021-1348, *State v. Woods*; 2021-1395, *State v. Joyce*; 2021-1398, *State v. Waggle*; 2021-1415, *State v. Williams*; 2021-1540, *State v. Waltz*; 2021-1590, *State v. Brazo*.

The causes in the following cases are dismissed as having been improvidently accepted: 2021-0059, *State v. Wolfe*; 2021-0063, *State v. Dames*; 2021-0067, *State v. Ferguson*; 2021-0086, *State v. Stone*; 2021-0173, *State v. Jones*; 2021-0585, *State v. Crawford*; 2021-0589, *State v. Noble*; 2021-0707, *State v. Hodgkin*; 2021-1005, *State v. Singh*; and 2021-1125, *State v. Tupuola*.

O'Connor, C.J., and Kennedy, Fischer, DeWine, and Donnelly, JJ., concur.

Stewart and Brunner, JJ., concur in part and dissent in part and would order briefing on proposition of law Nos. IV and V in 2021-1125, *State v. Tupuola*.

## MERIT DECISIONS WITHOUT OPINIONS

### **2022-0025. State ex rel. Schlegel v. Sweeney.**

In Prohibition. Sua sponte, alternative writ granted. The following schedule is set for the 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, relator shall file a brief within 10 days after the filing of the evidence, respondent 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 respondent's brief.

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

### **2022-0111. Fancher v. #1 Archer Systems, L.L.C.**

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

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

### **2022-0125. State ex rel. Morant v. Fregiato.**

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

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

### **2022-0156. Blachere v. Franklin Cty. Common Pleas Court.**

In Prohibition. On respondent Bureau of Criminal Investigation's motion to dismiss. Motion granted. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

### **2022-0182. State v. Williams.**

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

## MOTION AND PROCEDURAL RULINGS

### **1989-1291. State v. Sneed.**

Stark App. No. CA6976. On appellee's motion to withdraw motion to lift stay and set execution date. The motion is moot because no motion to lift stay and set execution date is pending before this court.

### **2020-1278. State v. Miller.**

Franklin App. No. 20AP-285. On appellant's motion to reopen appeal. Motion denied.

### **2021-0591. State v. Sinkhorn.**

Clark App. No. 2019-CA-79, [2020-Ohio-5359](#). Sua sponte, cause no longer held for the decision in 2020-1266, *State v. Maddox*, and cause now held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

### **2021-0996. State v. Rodriguez.**

Seneca App. No. 13-20-07, [2021-Ohio-2295](#). Sua sponte, cause no longer held for the decision in 2020-1266, *State v. Maddox*, and cause now held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

### **2021-1555. McMahon v. Chambers-Smith.**

In Habeas Corpus. On petitioner's motion for clarification. Motion denied.

### **2022-0227. Columbus v. ACM Vision V, L.L.C.**

Franklin App. No. 21AP-436. On appellant's motion to stay proceedings in M.C. case No. 2016-EVH-060329. Motion denied. James Hinkle's motion to stay proceedings in M.C. case No. 2016-EVH-060329 denied.

### **2022-0250. State v. Morris.**

Lucas App. No. L-18-1187, [2020-Ohio-704](#). On appellant's motion to stay. Motion denied.

### **2022-0262. Olmsted Twp. v. Ritchie.**

Cuyahoga App. Nos. 110107 and 110108, [2022-Ohio-124](#). On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on the court of appeals' February 15, 2022 entry: "Whether R.C. 2929.25(D)(4) authorizes a trial court to impose a jail term for a violation of a condition of a community-control sanction when the original sentence was directly imposed under R.C. 2929.25(A)(1)(a) and no suspended jail

time was reserved as contemplated under R.C. 2929.25(A)(1)(b), regardless of notice having been provided under R.C. 2929.25(A)(3)(c).” The conflict cases are *State v. Coffey*, 7th Dist. Mahoning No. 18 MA 0077, 2020-Ohio-994; *State v. Bailey*, 2016-Ohio-4937, 68 N.E.3d 416 (9th Dist.); *State v. Gibson*, 11th Dist. Portage No. 2013-P-0047, 2014-Ohio-433; *State v. Sutton*, 162 Ohio App.3d 802, 2005-Ohio-4589, 835 N.E.2d 752 (4th Dist.); *State v. McDonald*, 4th Dist. Ross No. 04CA2806, 2005-Ohio-3503; and *State v. Netter*, 4th Dist. Ross No. 05CA2832, 2005-Ohio-4606.

O’Connor, C.J., and Kennedy and DeWine, JJ., dissent.

### **APPEALS ACCEPTED FOR REVIEW**

#### **2022-0085. State v. L.A.B.**

Franklin App. No. 20AP-120, [2021-Ohio-4323](#). Sua sponte, cause held for the decision in 2020-1429, *State v. Nicholas*.

Stewart, J., would also hold the cause for the decision in 2020-1126, *State v. Burns*.

Kennedy, Fischer, and DeWine, JJ., dissent.

#### **2022-0106. State v. Zarlengo.**

Mahoning App. No. 20 MA 0036, [2021-Ohio-4631](#).

Kennedy, Fischer, and DeWine, JJ., dissent.

### **APPEALS NOT ACCEPTED FOR REVIEW**

#### **2022-0077. State v. Carswell.**

Sandusky App. No. S-20-001, [2021-Ohio-3379](#).

Stewart, J., dissents and would hold the cause for the decision in 2021-0860, *State v. Lloyd*.