

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *In re Cases Held for State v. Hacker and State v. Simmons*, Slip Opinion No. 2023-Ohio-3863.]

NOTICE

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SLIP OPINION NO. 2023-OHIO-3863

IN RE CASES HELD FOR *STATE v. HACKER* AND *STATE v. SIMMONS*.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *In re Cases Held for State v. Hacker and State v. Simmons*, Slip Opinion No. 2023-Ohio-3863.]

Disposition of cases held for State v. Hacker and State v. Simmons.

(Submitted September 26, 2023—Decided October 26, 2023.)

{¶ 1} The judgments of the courts of appeals in the following cases are affirmed on the authority of *State v. Hacker*, __ Ohio St.3d __, 2023-Ohio-2535, __ N.E.3d __:

- 2021-0591. *State v. Sinkhorn*, 2d Dist. Clark No. 2019-CA-79, 2020-Ohio-5359.
- 2021-0996. *State v. Rodriguez*, 3d Dist. Seneca No. 13-20-07, 2021-Ohio-2295.
- 2022-0328. *State v. Whetstone*, 8th Dist. Cuyahoga No. 109671, 2022-Ohio-800.

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- 2022-0335. *State v. Delvallie*, 8th Dist. Cuyahoga No. 109315, 2022-Ohio-470.
- 2022-0341. *State v. Green*, 8th Dist. Cuyahoga No. 110105, 2022-Ohio-682.
- 2022-0393. *State v. McCalpine*, 8th Dist. Cuyahoga No. 110665, 2022-Ohio-842.
- 2022-0394. *State v. Hardy*, 8th Dist. Cuyahoga No. 110230, 2022-Ohio-686.
- 2022-0395. *State v. Winkler*, 8th Dist. Cuyahoga No. 109420, 2022-Ohio-702.
- 2022-0400. *State v. Campbell*, 8th Dist. Cuyahoga No. 109822, 2022-Ohio-621.
- 2022-0414. *State v. Gamble*, 8th Dist. Cuyahoga No. 109613, 2021-Ohio-1810.
- 2022-0415. *State v. Sealey*, 8th Dist. Cuyahoga No. 109670, 2022-Ohio-1166.
- 2022-0429. *State v. Jenkins*, 8th Dist. Cuyahoga No. 109701, 2022-Ohio-705.
- 2022-0433. *State v. Hardin-Rogers*, 8th Dist. Cuyahoga No. 109679, 2022-Ohio-802.
- 2022-0434. *State v. Coleman*, 8th Dist. Cuyahoga No. 110096, 2022-Ohio-809.
- 2022-0435. *State v. Reed*, 8th Dist. Cuyahoga No. 110217, 2022-Ohio-1058.
- 2022-0451. *State v. Gopar*, 8th Dist. Cuyahoga No. 110648, 2022-Ohio-695.

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- 2022-0452. *State v. Hines*, 8th Dist. Cuyahoga No. 110159, 2022-Ohio-684.
- 2022-0453. *State v. Davidson*, 8th Dist. Cuyahoga No. 110625, 2022-Ohio-694.
- 2022-0454. *State v. Polk*, 8th Dist. Cuyahoga No. 109826, 2022-Ohio-706.
- 2022-0455. *State v. Anderson*, 8th Dist. Cuyahoga No. 110337, 2022-Ohio-689.
- 2022-0467. *State v. Gilmer*, 8th Dist. Cuyahoga No. 110649, 2022-Ohio-821.
- 2022-0468. *State v. Taylor*, 8th Dist. Cuyahoga No. 110286, 2022-Ohio-811.
- 2022-0469. *State v. Drewery*, 8th Dist. Cuyahoga No. 109587, 2022-Ohio-838.
- 2022-0470. *State v. Aldridge*, 8th Dist. Cuyahoga No. 110801, 2022-Ohio-828.
- 2022-0471. *State v. McCarver*, 8th Dist. Cuyahoga No. 110327, 2022-Ohio-813.
- 2022-0477. *State v. Whittenburg*, 8th Dist. Cuyahoga No. 109700, 2022-Ohio-803.
- 2022-0480. *State v. Sitgraves*, 8th Dist. Cuyahoga No. 110566, 2022-Ohio-819.
- 2022-0484. *State v. Debose*, 8th Dist. Cuyahoga No. 109531, 2022-Ohio-837.
- 2022-0486. *State v. Corrigan*, 8th Dist. Cuyahoga No. 110484, 2022-Ohio-816.
- 2022-0489. *State v. Young*, 8th Dist. Cuyahoga No. 109639, 2022-Ohio-799.

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- 2022-0490. *State v. Patterson*, 8th Dist. Cuyahoga No. 109529, 2022-Ohio-836.
- 2022-0491. *State v. Jackson*, 8th Dist. Cuyahoga No. 110005, 2022-Ohio-807.
- 2022-0492. *State v. Cambria*, 8th Dist. Cuyahoga No. 110823, 2022-Ohio-830.
- 2022-0494. *State v. Cambria*, 8th Dist. Cuyahoga No. 110831, 2022-Ohio-831.
- 2022-0495. *State v. Wurtz*, 8th Dist. Cuyahoga No. 110138, 2022-Ohio-810.
- 2022-0496. *State v. Reed*, 8th Dist. Cuyahoga No. 110532, 2022-Ohio-818.
- 2022-0498. *State v. Tolliver*, 8th Dist. Cuyahoga No. 110739, 2022-Ohio-826.
- 2022-0499. *State v. Gillespie*, 8th Dist. Cuyahoga No. 109970, 2022-Ohio-805.
- 2022-0500. *State v. Houchens*, 8th Dist. Cuyahoga No. 110004, 2022-Ohio-806.
- 2022-0501. *State v. Sender*, 8th Dist. Cuyahoga No. 110052, 2022-Ohio-808.
- 2022-0503. *State v. Bell*, 8th Dist. Cuyahoga No. 110693, 2022-Ohio-823.
- 2022-0516. *State v. McGlothin*, 8th Dist. Cuyahoga No. 109908, 2022-Ohio-940.
- 2022-0517. *State v. Mitchell*, 8th Dist. Cuyahoga No. 110702, 2022-Ohio-935.
- 2022-0520. *State v. Ransom*, 8th Dist. Cuyahoga No. 110271, 2022-Ohio-1060.

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- 2022-0522. *State v. Bradley*, 8th Dist. Cuyahoga No. 110882, 2022-Ohio-1075.
- 2022-0524. *State v. Walker*, 8th Dist. Cuyahoga No. 110839, 2022-Ohio-1404.
- 2022-0537. *State v. Primm*, 8th Dist. Cuyahoga Nos. 110479 and 110480, 2022-Ohio-945.
- 2022-0539. *State v. Perry*, 8th Dist. Cuyahoga No. 110414, 2022-Ohio-944.
- 2022-0540. *State v. Mitchell*, 8th Dist. Cuyahoga No. 110582, 2022-Ohio-1063.
- 2022-0542. *State v. Durand*, 8th Dist. Cuyahoga No. 110232, 2022-Ohio-1059.
- 2022-0544. *State v. Harris*, 8th Dist. Cuyahoga No. 110635, 2022-Ohio-933.
- 2022-0549. *State v. Dudas*, 8th Dist. Cuyahoga No. 110573, 2022-Ohio-931.
- 2022-0551. *State v. Holsey*, 8th Dist. Cuyahoga Nos. 110109 and 110244, 2022-Ohio-941.
- 2022-0553. *State v. Daniel*, 8th Dist. Cuyahoga No. 110644, 2022-Ohio-934.
- 2022-0577. *State v. Davis*, 8th Dist. Cuyahoga No. 109359, 2022-Ohio-1056.
- 2022-0588. *State v. Sanders*, 8th Dist. Cuyahoga No. 110653, 2022-Ohio-1066.
- 2022-0590. *State v. Hunter*, 8th Dist. Cuyahoga No. 110738, 2022-Ohio-1072.

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- 2022-0613. *State v. Parker*, 8th Dist. Cuyahoga No. 109494, 2022-Ohio-1164.
- 2022-0621. *State v. Byrd*, 8th Dist. Cuyahoga No. 110451, 2022-Ohio-1168.
- 2022-0622. *State v. Daniel*, 8th Dist. Cuyahoga No. 109583, 2022-Ohio-1165.
- 2022-0623. *State v. Cloud*, 8th Dist. Cuyahoga No. 110774, 2022-Ohio-1174.
- 2022-0647. *State v. D.S.*, 8th Dist. Cuyahoga No. 110134, 2022-Ohio-1229.
- 2022-0648. *State v. Thomas*, 8th Dist. Cuyahoga No. 110800, 2022-Ohio-1241.
- 2022-0649. *State v. Watkins*, 8th Dist. Cuyahoga No. 110355, 2022-Ohio-1231.
- 2022-0650. *State v. Turner*, 8th Dist. Cuyahoga No. 110797, 2022-Ohio-1240.
- 2022-0651. *State v. Riemer*, 8th Dist. Cuyahoga No. 110308, 2022-Ohio-1230.
- 2022-0665. *State v. Toney*, 8th Dist. Cuyahoga No. 110790, 2022-Ohio-1319.
- 2022-0676. *State v. Vince*, 8th Dist. Cuyahoga No. 110798, 2022-Ohio-1320.
- 2022-0681. *State v. Ratliff*, 5th Dist. Guernsey No. 21CA000016, 2022-Ohio-1372.
- 2022-0682. *State v. Butts*, 8th Dist. Cuyahoga No. 110819, 2022-Ohio-1322.

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- 2022-0725. *State v. Burris*, 5th Dist. Guernsey No. 21CA000021, 2022-Ohio-1481.
- 2022-0742. *State v. Brown*, 8th Dist. Cuyahoga No. 110905, 2022-Ohio-1676.
- 2022-0758. *State v. Boyd*, 8th Dist. Cuyahoga No. 110809, 2022-Ohio-1588.
- 2022-0768. *State v. Bond*, 8th Dist. Cuyahoga No. 110022, 2022-Ohio-1487.
- 2022-0769. *State v. Philpot*, 8th Dist. Cuyahoga No. 110828, 2022-Ohio-1499.
- 2022-0804. *State v. Smith*, 8th Dist. Cuyahoga No. 110677, 2022-Ohio-1667.
- 2022-0815. *State v. Scott*, 8th Dist. Cuyahoga No. 110691, 2022-Ohio-1669.
- 2022-0820. *State v. Alexander*, 4th Dist. Adams No. 21CA1144, 2022-Ohio-1812.
- 2022-0856. *State v. Hope*, 8th Dist. Cuyahoga Nos. 110611 through 110613, 2022-Ohio-1753.
- 2022-0858. *State v. Clausing*, 8th Dist. Cuyahoga No. 110776, 2022-Ohio-1762.
- 2022-0869. *State v. Doughty*, 5th Dist. Perry No. 20 CA 00001, 2022-Ohio-1854.
- 2022-0873. *State v. McNary*, 8th Dist. Cuyahoga No. 110924, 2022-Ohio-1842.
- 2022-0887. *State v. Davis*, 3d Dist. Auglaize No. 2-21-10, 2022-Ohio-1900.

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- 2022-0935. *State v. Nicholson*, 8th Dist. Cuyahoga No. 110595, 2022-Ohio-2037.
- 2022-0967. *State v. Johnson*, 8th Dist. Cuyahoga No. 110904, 2022-Ohio-2136.
- 2022-0971. *State v. Colon*, 8th Dist. Cuyahoga No. 110931, 2022-Ohio-2137.
- 2022-0981. *State v. Jones*, 8th Dist. Cuyahoga No. 110840, 2022-Ohio-2270.
- 2022-0990. *State v. Heard*, 8th Dist. Cuyahoga No. 110722, 2022-Ohio-2266.
- 2022-1013. *State v. Sharp*, 8th Dist. Cuyahoga No. 110944, 2022-Ohio-2274.
- 2022-1014. *State v. Darden*, 8th Dist. Cuyahoga No. 111065, 2022-Ohio-2276.
- 2022-1021. *State v. Bolden*, 8th Dist. Cuyahoga No. 110841, 2022-Ohio-2271.
- 2022-1024. *State v. Beatty*, 5th Dist. Muskingum No. CT2020-0015, 2022-Ohio-2394.
- 2022-1065. *State v. Thompson*, 8th Dist. Cuyahoga No. 111059, 2022-Ohio-2413.
- 2022-1096. *State v. Fields*, 8th Dist. Cuyahoga No. 111066, 2022-Ohio-2499.
- 2022-1122. *State v. Kimes*, 5th Dist. Delaware No. 21 CAA 10 0055, 2022-Ohio-2759.
- 2022-1137. *State v. Clark*, 5th Dist. Fairfield No. 2021 CA 00025, 2022-Ohio-2693.

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- 2022-1139. *State v. Torres*, 8th Dist. Cuyahoga No. 111047, 2022-Ohio-2678.
- 2022-1144. *State v. Waters*, 8th Dist. Cuyahoga No. 110821, 2022-Ohio-2667.
- 2022-1158. *State v. Gettings*, 8th Dist. Cuyahoga No. 111176, 2022-Ohio-2691.
- 2022-1159. *State v. Shepard*, 8th Dist. Cuyahoga No. 111162, 2022-Ohio-2776.
- 2022-1162. *State v. Brown*, 8th Dist. Cuyahoga No. 111148, 2022-Ohio-2686.
- 2022-1167. *State v. Crawford*, 8th Dist. Cuyahoga No. 110986, 2022-Ohio-2673.
- 2022-1200. *State v. R.W.*, 8th Dist. Cuyahoga No. 110858, 2022-Ohio-2771.
- 2022-1231. *State v. Carano*, 8th Dist. Cuyahoga No. 111248, 2022-Ohio-2872.
- 2022-1266. *State v. Dowdell*, 8th Dist. Cuyahoga No. 111026, 2022-Ohio-2956.
- 2022-1283. *State v. Pugh*, 8th Dist. Cuyahoga No. 111099, 2022-Ohio-3038.
- 2022-1287. *State v. Llapur*, 8th Dist. Cuyahoga No. 111246, 2022-Ohio-3134.
- 2022-1293. *State v. Harper*, 8th Dist. Cuyahoga No. 111193, 2022-Ohio-3329.
- 2022-1326. *State v. Long*, 4th Dist. Pickaway No. 20CA9, 2022-Ohio-3212.

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- 2022-1365. *State v. Knox*, 8th Dist. Cuyahoga No. 111262, 2022-Ohio-3331.
- 2022-1366. *State v. Reffitt*, 11th Dist. Lake No. 2021-L-129, 2022-Ohio-3371.
- 2022-1380. *State v. Thomason*, 3d Dist. Allen No. 1-22-33, 2022-Ohio-3873.
- 2022-1393. *State v. Joyce*, 11th Dist. Lake No. 2021-L-006, 2022-Ohio-3370.
- 2022-1399. *State v. Washington*, 2d Dist. Miami No. 2020-CA-18, 2022-Ohio-1426.
- 2022-1429. *State v. Brown*, 3d Dist. Allen No. 1-22-36, 2022-Ohio-4065.
- 2022-1430. *State v. Day*, 3d Dist. Allen No. 1-22-32, 2022-Ohio-4064.
- 2022-1445. *State v. Allen*, 3d Dist. Allen No. 1-21-59, 2022-Ohio-3599.
- 2022-1455. *State v. Bryant*, 8th Dist. Cuyahoga Nos. 111206 and 111522, 2022-Ohio-3669.
- 2022-1456. *State v. Eggleton*, 8th Dist. Cuyahoga No. 111244, 2022-Ohio-3671.
- 2022-1459. *State v. Morris*, 3d Dist. Henry No. 7-21-05, 2022-Ohio-3608.
- 2022-1472. *State v. Wells*, 4th Dist. Washington No. 21CA16, 2022-Ohio-3793.
- 2022-1508. *State v. Stevens*, 11th Dist. Lake No. 2021-L-105, 2022-Ohio-3781.
- 2022-1550. *State v. Woods*, 11th Dist. Lake No. 2021-L-044, 2022-Ohio-3970.
- 2022-1597. *State v. Collins*, 11th Dist. Lake No. 2021-L-109, 2022-Ohio-3971.

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- 2023-0020. *State v. Thornton*, 8th Dist. Cuyahoga No. 111347, 2022-Ohio-4203.
- 2023-0029. *State v. Sharp*, 8th Dist. Cuyahoga Nos. 111359 and 111360, 2022-Ohio-4204.
- 2023-0031. *State v. Bradford*, 6th Dist. Lucas No. L-21-1262.
- 2023-0032. *State v. Stearns*, 11th Dist. Lake No. 2021-L-091, 2022-Ohio-4245.
- 2023-0033. *State v. Allen*, 11th Dist. Lake No. 2021-L-060, 2022-Ohio-4243.
- 2023-0074. *State v. Milton*, 8th Dist. Cuyahoga No. 111460, 2022-Ohio-4393.
- 2023-0094. *State v. Terry*, 8th Dist. Cuyahoga No. 111420, 2022-Ohio-4392.
- 2023-0127. *State v. Glaze*, 2d Dist. Montgomery No. 29431, 2022-Ohio-4549.
- 2023-0128. *State v. Lovelace*, 8th Dist. Cuyahoga No. 111510, 2022-Ohio-4514.
- 2023-0129. *State v. Rodgers*, 8th Dist. Cuyahoga No. 111563, 2022-Ohio-4516.
- 2023-0272. *State v. Rogers*, 6th Dist. Erie Nos. E-21-027 and E-21-031, 2022-Ohio-4126.
- 2023-0277. *State v. Graves*, 8th Dist. Cuyahoga No. 111348, 2023-Ohio-84.
- 2023-0278. *State v. White*, 8th Dist. Cuyahoga No. 111442, 2023-Ohio-73.
- 2023-0281. *State v. Howard*, 8th Dist. Cuyahoga No. 111496, 2023-Ohio-74.

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- 2023-0322. *State v. Roberts*, 6th Dist. Lucas No. L-20-1171, 2023-Ohio-142.
- 2023-0377. *State v. Murray*, 8th Dist. Cuyahoga No. 111546, 2023-Ohio-310.
- 2023-0380. *State v. Jordan*, 8th Dist. Cuyahoga No. 111547, 2023-Ohio-311.
- 2023-0392. *State v. Thomas*, 8th Dist. Cuyahoga No. 111425, 2023-Ohio-302.
- 2023-0434. *State v. Allen*, 8th Dist. Cuyahoga No. 111576, 2023-Ohio-527.
- 2023-0457. *State v. Dotson*, 8th Dist. Cuyahoga No. 111719, 2023-Ohio-533.
- 2023-0460. *State v. Potter*, 8th Dist. Cuyahoga No. 111782, 2023-Ohio-534.
- 2023-0533. *State v. Rice*, 6th Dist. Wood No. WD-22-022, 2023-Ohio-743.
- 2023-0537. *State v. Barker*, 8th Dist. Cuyahoga No. 111597, 2023-Ohio-453.
- 2023-0565. *State v. Dotson*, 8th Dist. Cuyahoga No. 111880, 2023-Ohio-821.
- 2023-0570. *State v. Bell*, 8th Dist. Cuyahoga No. 111899, 2023-Ohio-822.
- 2023-0604. *State v. Taylor*, 8th Dist. Cuyahoga No. 111694, 2023-Ohio-928.
- 2023-0622. *State v. Riggins*, 8th Dist. Cuyahoga. No. 111773, 2023-Ohio-1043.
- 2023-0684. *State v. Freshwater*, 11th Dist. Lake No. 2022-L-071, 2023-Ohio-1248.

KENNEDY, C.J., and FISCHER, DEWINE, DONNELLY, STEWART, BRUNNER, and DETERS, JJ., concur.

{¶ 2} The judgment of the court of appeals in the following case is affirmed on the authority of *State v. Hacker*, __ Ohio St.3d __, 2023-Ohio-2535, __ N.E.3d __:

- 2022-1437. *State v. Haynes*, 1st Dist. Hamilton App. No. C-210371.

KENNEDY, C.J., and FISCHER, DEWINE, DONNELLY, and STEWART, JJ., concur.

BRUNNER, J., dissents and would dismiss the cause as having been improvidently accepted.

DETERS, J., not participating.

{¶ 3} The following causes are dismissed as having been improvidently accepted:

- 2022-0147. *State v. Patterson*, 11th Dist. Lake No. 2021-L-062, 2021-Ohio-4617.
- 2022-0969. *State v. Giancaterino*, 8th Dist. Cuyahoga No. 110983, 2022-Ohio-2142.
- 2022-1146. *State v. Harrison*, 3d Dist. Logan No. 8-22-05, 2022-Ohio-2537.

KENNEDY, C.J., and FISCHER, DEWINE, DONNELLY, STEWART, BRUNNER, and DETERS, JJ., concur.

{¶ 4} The following causes are dismissed as having been improvidently accepted:

- 2022-1088. *State v. Guyton*, 1st Dist. Hamilton No. C-190657, 2022-Ohio-2962.

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- 2022-1089. *State v. Mosley*, 1st Dist. Hamilton Nos. C-200268 and C-200269.
- 2022-1090. *State v. O’Neal*, 1st Dist. Hamilton No. C-190736, 2022-Ohio-3017.
- 2022-1234. *State v. Edwards*, 1st Dist. Hamilton No. C-200101, 2022-Ohio-3408.
- 2022-1250. *State v. Johnson*, 1st Dist. Hamilton No. C-200233.
- 2022-1383. *State v. Bacon*, 1st Dist. Hamilton No. C-210161.
- 2022-1600. *State v. Reed*, 1st Dist. Hamilton No. C-200104, 2022-Ohio-3986.

KENNEDY, C.J., and DEWINE, DONNELLY, and BRUNNER, JJ., concur.

FISCHER and STEWART, JJ., dissent and would order briefing on proposition of law Nos. II, III, and IV in 2022-1088, *State v. Guyton*, and hold the other causes for the decision in *Guyton*.

DETERS, J., not participating.

{¶ 5} The following cause is dismissed as having been improvidently accepted:

- 2022-1281. *State v. Fraley*, 12th Dist. Butler No. CA2021-10-131, 2022-Ohio-3270.

KENNEDY, C.J., and FISCHER, DEWINE, and DETERS, JJ., concur.

DONNELLY, STEWART, and BRUNNER, JJ., dissent and would order briefing on proposition of law Nos. II, III, and IV.

{¶ 6} The following causes are dismissed as having been improvidently accepted:

- 2022-1345. *State v. Dixon*, 1st Dist. Hamilton No. C-210502, 2022-Ohio-3654.
- 2023-0235. *State v. Bruce*, 1st Dist. Hamilton No. C-220137.

KENNEDY, C.J., and DEWINE, DONNELLY, STEWART, and BRUNNER, JJ.,
concur.

FISCHER, J., dissents and would hold the causes for the decision in 2022-1088, *State v. Guyton*.

DETERS, J., not participating.

{¶ 7} The following cause is dismissed as having been improvidently
accepted:

- 2022-1500. *State v. Heath*, 1st Dist. Hamilton No. C-200387.

KENNEDY, C.J., and DEWINE, DONNELLY, and BRUNNER, JJ., concur.

STEWART, J., dissents and would hold the cause for the decision in 2022-1088, *State v. Guyton*.

FISCHER and DETERS, JJ., not participating.
