

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

January 26, 2005

[Cite as *01/26/2005 Case Announcements, 2005-Ohio-204.*]

MERIT DECISIONS WITHOUT OPINIONS

2004-1351. State ex rel. Dayton Newspaper, Inc. v. Petro.

In Mandamus. On motion for leave to intervene, motion for judgment on the pleadings, and answer of Household International, Inc., Household Finance Corp. and Beneficial of Ohio, Inc., and respondent's motion to dismiss and motion for sanctions. Motion for leave to intervene granted; respondent's motion to dismiss and intervening respondents' motion for judgment on the pleadings granted; and motion for sanctions denied. Cause dismissed.

Moyer, C.J., Resnick, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Pfeifer, J., would deny the motion to dismiss and the motion for judgment on the pleadings.

2004-1751. State ex rel. Jordan v. Marsh.

In Mandamus and Prohibition. On motion to dismiss. Motion to dismiss sustained. Motion to strike and motions to amend dismissed as moot. Cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2004-1826. State ex rel. Cincinnati Enquirer v. Ringland.

In Mandamus. On answer of respondents and motion for leave to file motion to dismiss of amicus curiae The Glenn Weaver Institute of Law and Psychiatry. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2004-1832. State ex rel. Bandlow v. LeBarron.

In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2004-1833. State ex rel. Dickinson v. Disciplinary Counsel.

In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2004-1847. State ex rel. Moore v. Cuyahoga Metro. Hous. Auth.

In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2004-1856. State ex rel. Culgan v. Collier.

In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2004-1938. State ex rel. Drake v. Cuyahoga Cty. Court of Common Pleas.

In Prohibition. On motion to dismiss. Motion to dismiss sustained. Relator's motion for summary judgment denied as moot. Cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor and Lanzinger, JJ., concur.

O'Donnell, J., not participating.

2004-1942. Lynch v. Hague.

In Prohibition. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2004-2014. Klein v. Moore.

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

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2004-2062. Nedeia v. State.

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

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

MOTION AND PROCEDURAL RULINGS

2004-0284. Clark v. Risko.

Knox App. No. 03CA14, 2003-Ohio-7272. On motion for substitution of party Patricia L. Clark, deceased, by Carmen Comer. Motion granted.

2004-0304. Johnson v. Microsoft Corp.

Hamilton App. No. C-020564, 2004-Ohio-761. On motion for admission pro hac vice of Norman Hawker and Albert A. Foer by Mark D. Tucker. Motion granted.

Pfeifer, J., not participating.

2004-0448. State ex rel. Plain Dealer Publishing Co. v. Cleveland.

In Mandamus. This cause originated in this court on the filing of a petition for a writ of mandamus. Upon consideration of relator's motion to strike the affidavits submitted with the amicus curiae brief of Fraternal Order of Police, Cleveland Lodge No. 8,

IT IS HEREBY ORDERED by the court that the motion be, and hereby is, granted, and that the affidavits attached to the August 4, 2004 brief of amicus curiae Fraternal Order of Police, Cleveland Lodge No. 8, be, and hereby are, stricken.

O'Connor, J., dissents.

2004-0563. Cincinnati Gas & Elec. Co. v. Pub. Util. Comm.

Public Utilities Commission, No. 01-2164-EL-ORD. On motion for admission pro hac vice of James H. Bolin by Paul A. Colbert. Motion granted.

2004-1104. Smith v. Leis.

Hamilton App. No. C-040273. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Sua sponte, the court orders the parties to brief the following issue:

“Is a cash-only bond authorized under the amended versions of Section 9, Article I, Ohio Constitution, Crim.R. 46, and R.C. 2937.222? See *State ex rel. Jones v. Hendon* (1993), 66 Ohio St.3d 115, 609 N.E.2d 541, and *State ex rel. Baker v. Troutman* (1990), 50 Ohio St.3d 270, 533 N.E.2d 1053.”

The State Solicitor is invited to file a brief expressing the views of the Attorney General.

Pierre H. Bergeron of Cincinnati, Ohio, is appointed to represent appellant, Garey Smith, on a pro bono basis.

Briefs on the issue shall be filed within 30 days of this entry. Responsive briefs shall be filed within 20 days thereafter.

2004-2027. State v. Humphrey.

Crawford App. No. 3-04-15. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2004-2042. State v. Espinal.

Hamilton App. No. C-030925. On motion for leave to file delayed appeal. Motion denied.

2004-2060. State v. McKinney.

Defiance App. No. 4-04-12, 2004-Ohio-5518. On motion for leave to file delayed appeal. Motion granted.

Resnick and O’Connor, JJ., dissent.

2004-2093. In re Brown.

Darke App. No. 04-CA-1651. On motion for stay of court of appeals’ judgment. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2004-1548. Badger v. McGregor.

Franklin App. No. 03AP-167, 2004-Ohio-4036. Discretionary appeal accepted.

Resnick, Pfeifer and Lanzinger, JJ., dissent.

Cross-appeal not accepted.

Lundberg Stratton, J., dissents.

2004-1678. State v. Cummings.

Cuyahoga App. No. 83759, 2004-Ohio-4470.

Pfeifer, O’Connor and O’Donnell, JJ., dissent.

2004-1726. State ex rel. Fisher v. Cleveland.

Cuyahoga App. No. 83945, 2004-Ohio-4345.

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

2004-1739. Sidenstricker v. Miller Pavement Maintenance, Inc.

Franklin App. No. 03AP-827, 2004-Ohio-4653. Discretionary appeal accepted; cause held for the decision in 2004-1169, *Jones v. Goodyear Tire & Rubber Co.*, Summit App. No. 21724, 2004-Ohio-2821; and briefing schedule stayed.

Resnick and Pfeifer, JJ., dissent.

2004-1746. State v. Bledsoe.

Stark App. No. 2003-CA-00403, 2004-Ohio-4764. Discretionary appeal accepted and cause consolidated for argument and decision with 2004-1325, *State v. Chandler*, Stark App. No. 2003-CA-00342, 2004-Ohio-3436.

Resnick and Pfeifer, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2004-1263. State v. Leonard.

Hamilton App. No. C-030492, 2004-Ohio-3323. Discretionary appeal and cross-appeal not accepted.

2004-1353. State v. Meyers.

Summit App. No. 21874, 2004-Ohio-6596.

O'Donnell and Lanzinger, JJ., dissent.

2004-1507. Cuyahoga Falls v. Szakal.

Summit App. No. 22117.

2004-1581. State v. Walker.

Hamilton App. No. C-030252, 2004-Ohio-4364.

2004-1597. State v. Glass.

Auglaize App. No. 2-04-01, 2004-Ohio-4402.

Lanzinger, J., dissents.

2004-1601. State v. Graham.

Allen App. No. 1-04-27, 2004-Ohio-4397.

2004-1609. Boston v. Sealmaster Industries.

Erie App. No. E-03-040, 2004-Ohio-4278.

Lanzinger, J., not participating.

2004-1620. State v. Rose.

Delaware App. No. 04-CA-C-04-027, 2004-Ohio-4433.

2004-1624. Rahawangi v. Alsamman.

Cuyahoga App. No. 83643, 2004-Ohio-4083.

O'Donnell, J., dissents.

2004-1628. State v. Cross.

Highland App. No. 04CA1, 2004-Ohio-4360.

2004-1630. Non-Employees of Chateau Estates Resident Assn. v. Chateau Estates, Ltd.

Clark App. No. 2004 CA 19 and 2004 CA 20, 2004-Ohio-3781.

2004-1649. Wrinkle v. Cotton.

Lorain App. No. 03CA008401, 2004-Ohio-4335.

2004-1650. State v. Tri-State Group, Inc.

Belmont App. No. 03 BE 61, 2004-Ohio-4441.

Moyer, C.J., and Lanzinger, J., dissent.

2004-1653. State v. Adams.

Hamilton App. No. C-030559.

2004-1657. State v. Lindsey.

Brown App. No. CA2003-07-010, 2004-Ohio-4407.

2004-1658. Church Mut. Ins. Co. v. Cano.

Preble App. No. CA2003-10-019.

Pfeifer, J., dissents.

2004-1665. State v. Miller.

Crawford App. No. 3-03-26, 2004-Ohio-1947.

2004-1667. State v. Stallings.

Summit App. No. 21969, 2004-Ohio-4571.

Pfeifer and Lundberg Stratton, JJ., dissent.
O'Connor, J., not participating.

2004-1669. State v. Craun.

Shelby App. No. 17-03-22, 2004-Ohio-4403.

2004-1670. Lima Ford, Inc. v. Aubin.

Allen App. No. 1-04-03, 2004-Ohio-4399.

2004-1672. Ewing v. Univ. of Akron.

Summit App. No. 22005, 2004-Ohio-4442.

Resnick and Pfeifer, JJ., dissent.

2004-1673. State v. Johnson.

Cuyahoga App. No. 83117, 2004-Ohio-4229.

O'Connor, J., dissents and would accept on Proposition of Law VI.

2004-1676. Nosal v. Szabo.

Cuyahoga App. Nos. 83974 and 93975, 2004-Ohio-4076.

2004-1680. Preferred Capital, Inc. v. Sturgill.

Summit App. No. 21787, 2004-Ohio-4453.

O'Donnell, J., dissents.

2004-1685. Lines v. Ashtabula Area City School Dist. Bd. of Edn.

Ashtabula App. No. 2003-A-0062, 2004-Ohio-4535.

2004-1686. Hans v. Westchester Fire Ins. Co.

Hamilton App. No. C-030603.

Pfeifer, J., dissents.

2004-1687. State v. Wilhelm.

Knox App. No. 03CA000037, 2004-Ohio-4606.

Moyer, C.J., dissents.

2004-1693. Hoaglin Holdings, Ltd. v. Goliath Mortgage, Inc.

Cuyahoga App. No. 83657, 2004-Ohio-3473.

2004-1694. Masny v. Rhodes.

Mahoning App. No. 02 CA 241, 2004-Ohio-4817.

2004-1695. State v. Scott-Hoover.

Crawford App. No. 3-04-11, 2004-Ohio-4804.

2004-1700. In re Estate of Fraelich.

Trumbull App. No. 2000-T-0016, 2004-Ohio-4538.

2004-1701. Hale v. Volunteers of Am.

Hamilton App. No. C-020839, 2004-Ohio-4508.

Resnick and Pfeifer, JJ., dissent.

2004-1702. Dolis v. Tallmadge.

Summit App. No. 21803, 2004-Ohio-4454. Discretionary appeal and cross-appeal not accepted.

Lundberg Stratton, J., dissents and would accept the cross-appeal.

2004-1703. Eckel v. Swanton Twp. Bd. of Trustees.

Lucas App. No. L-03-1289, 2004-Ohio-4855.

Resnick, J., dissents.

Lanzinger, J., not participating.

2004-1704. Morris v. Andros.

Summit App. Nos. 21861 and 21867, 2004-Ohio-4446.

2004-1708. State v. Lowe.

Cuyahoga App. No. 82997, 2004-Ohio-4622.

2004-1716. State v. Tanner.

Muskingum App. No. CT2004-0007, 2004-Ohio-4771.

2004-1718. State v. Land.

Hamilton App. No. C-040294.

2004-1722. State v. Roelle.

Cuyahoga App. No. 83687, 2004-Ohio-4352.

Lundberg Stratton, O'Connor and O'Donnell, JJ., dissent and would accept on Proposition of Law IV and remand for the application of *State v. Jordan*, 104 Ohio St.3d 21, 2004-Ohio-6085, 817 N.E.2d 864.

2004-1725. Lautenschleger v. Monarch Mgt., Inc.

Tuscarawas App. No. 2003AP120090, 2004-Ohio-4670.
Moyer, C.J., and O'Donnell, J., dissent.

2004-1728. Perry v. Univ. Hosp. of Cleveland.
Cuyahoga App. No. 83034, 2004-Ohio-4098.

2004-1730. Kramer v. Estate of Anzellotti.
Mahoning App. No. 03 MA 217, 2004-Ohio-4906.

2004-1732. Weidle v. Leist.
Montgomery App. No. 20296, 2004-Ohio-4693.

2004-1733. Knisley v. Bray.
Franklin App. No. 03AP-887, 2004-Ohio-4553.

2004-1737. Stegall v. Crossman.
Montgomery App. No. 20306, 2004-Ohio-4691.
Pfeifer, J., dissents.

2004-1744. Kraus v. Put-In-Bay Twp. Bd. of Zoning & Appeals.
Ottawa App. No. OT-04-011, 2004-Ohio-4678.
Moyer, C.J., and O'Donnell, J., dissent.

2004-1747. State v. Crosby.
Lucas App. No. L-03-1158, 2004-Ohio-4674.
Resnick, J., dissents.
Lanzinger, J., not participating.

2004-1749. State v. Swinning.
Richland App. No. 03-CA-74, 2004-Ohio-5005.

2004-1753. State v. Wade.
Franklin App. No. 03AP-774, 2004-Ohio-3974. Discretionary appeal not accepted. Motion to consolidate, motion to stay, and motion for bail denied as moot.
Lundberg Stratton and Lanzinger, JJ., dissent and would accept the appeal.

2004-1758. State v. Robinson.
Cuyahoga App. No. 83508, 2004-Ohio-4483.
Lundberg Stratton and O'Connor, JJ., dissent.

2004-1759. State v. Jackson.

Cuyahoga App. No. 83420, 2004-Ohio-4467.

Lundberg Stratton and O'Connor, JJ., dissent.

2004-1767. State v. Todd.

Clermont App. No. CA2003-10-088.

2004-1768. State v. Earhart.

Hamilton App. No. C-030526, 2004-Ohio-4791.

2004-1780. Bell v. Berryman.

Franklin App. No. 03AP-500, 2004-Ohio-4708.

2004-1781. Parker v. Cleveland Public Library.

Cuyahoga App. No. 83666, 2004-Ohio-4492.

Resnick and O'Connor, JJ., dissent.

2004-1802. State v. Chandler.

Franklin App. No. 04AP-700.

2004-1858. State v. Cunningham.

Miami App. No. 2003 CA 17, 156 Ohio App.3d 714, 2004-Ohio-1935.

Pfeifer, J., dissents.

2004-1890. State v. Petralia.

Lake App. No. 2001-L-101, 2003-Ohio-1745.

2004-1932. State v. Carley.

Cuyahoga App. No. 81001, 2004-Ohio-1901 and 2004-Ohio-5479.

2004-1966. State v. Santiago.

Franklin App. No. 02AP-1094, 2003-Ohio-2877.

2004-2065. In re J.L.

Cuyahoga App. No. 84368, 2004-Ohio-6024.