

ATTENTION

DIRECT ANY QUESTIONS ABOUT THE ANNOUNCEMENT TO WALTER S. KOBALKA,
REPORTER OF DECISIONS, OR JUSTINE MICHAEL, ADMINISTRATIVE ASSISTANT, AT
(614) 466-4961 OR 1-800-826-9010.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
December 2, 1992

MERIT DOCKET

91-2000. Williams v. Aetna Finance Co.
Hamilton County. Appeal from the Court of Appeals for Hamilton County,
No. C-900663. Sua sponte, cause dismissed as having been improvidently
allowed.

Moyer, C.J., Sweeney, Douglas, H. Brown and Walsh, JJ., concur.
Holmes and Wright, JJ., dissent.

James E. Walsh, J., of the Twelfth Appellate District, sitting for
Resnick, J.

92-1797. State v. Auria.
Erie County, No. E-90-55. On motion to dismiss. Motion to dismiss
sustained. Cause dismissed.

Moyer, C.J., Sweeney, Holmes, Douglas, H. Brown and Resnick, JJ.,
concur.

Wright, J., dissents.

92-1891. State ex rel. Susser v. Meagher.
In Mandamus. Sua sponte, cause dismissed.

Moyer, C.J., Sweeney, Holmes, Douglas, Wright, H. Brown and Resnick,
JJ., concur.

92-1918. State ex rel. McKenzie v. Judge of Court of Common Pleas.
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause
dismissed.

Moyer, C.J., Sweeney, Holmes, Douglas, Wright, H. Brown and Resnick,

JJ., concur.

92-1936. State ex rel. Mancini v. Kovacic.
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Sweeney, Holmes, Douglas, Wright, H. Brown and Resnick, JJ., concur.

92-2091. State ex rel. Gauntt v. Spellacy.
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Sweeney, Holmes, Douglas, Wright, H. Brown and Resnick, JJ., concur.

DISMISSALS, SUA SPONTE, NO SUBSTANTIAL CONSTITUTIONAL
QUESTION AND JURISDICTIONAL MOTIONS OVERRULED

92-891. State v. Imel.
Madison County, No. CA91-04-010.

92-946. State v. Bates.
Allen County, No. 1-91-14.

92-991. State v. Stroud.
Cuyahoga County, No. 60217.
Douglas and Resnick, JJ., dissent.
H. Brown, J., not participating.

92-1025. State v. Redding.
Cuyahoga County, No. 59988.

92-1145. State v. English.
Cuyahoga County, No. 60190.
Moyer, C.J., dissents.

92-1160. State v. Alhmouz.
Cuyahoga County, No. 60532.

92-1283. State v. Davis.
Cuyahoga County, No. 60039.

92-1293. State v. Brown.
Clermont County, No. CA91-08-056.
Moyer, C.J., Holmes and Resnick, JJ., dissent.

92-1297. State v. Simon.
Perry County, No. CA-417.
Wright, J., dissents.

92-1361. Central Trust Co., N.A. v. Jensen.
Montgomery County, Nos. 12716 and 12727.
Wright, J., dissents.

92-1393. State v. Azizhakim.
Cuyahoga County, No. 63510.

92-1413. State v. Appling.
Cuyahoga County, No. 60177.

92-1441. State v. Thomas.
Logan County, No. 8-91-18.

92-1445. Griffith v. Portage Cty. Agricultural Soc.
Portage County, No. 91-P-2315.
Moyer, C.J., Holmes and H. Brown, JJ., dissent.

92-1484. State v. Goble.
Richland County, No. 2892.
Wright, J., dissents.

92-1499. State v. Blevins.
Washington County, No. 88-CA-26.

92-1550. State v. Roberts.
Seneca County, No. 13-91-44.

92-1567. State v. Burns.
Clermont County, Nos. CA91-09-074 and CA91-09-075.
Douglas and Resnick, JJ., dissent.

92-1575. State v. Lewis.
Cuyahoga County, No. 59127.

92-1586. State v. Toole.
Portage County, No. 91-P-2396.

92-1623. State v. Buck.
Hamilton County, No. C-920395.

92-1630. State v. Hartman.
Lorain County, No. 91CA005196.

92-1632. State v. Crenshaw.
Cuyahoga County, No. 60671.

92-1640. State v. Griffen.
Cuyahoga County, No. 49750.

92-1649. Hartzler Mortgage Co. v. Owens.
Cuyahoga County, No. 63839.

92-1688. Richard v. Schaefer.
Cuyahoga County, No. 63069.

92-1716. State v. Hoskey.
Franklin County, No. 91AP-1300.
H. Brown, J., dissents.
Moyer, C.J., not participating.

92-1717. State v. Powell.
Van Wert County, No. 15-91-14.

92-1727. Woods v. Woods.
Summit County, No. 15435.

92-1729. Bowsher v. Bowsher.
Pickaway County, No. 91-CA-19.

92-1731. State v. Redd.
Trumbull County, No. 91-T-4511.
Wright, J., dissents.

92-1740. State v. Wolfe.
Lake County, No. 91-L-061.
Wright and H. Brown, JJ., dissent.

92-1741. Wallace v. Alexander's Busy Bee Nursery, Inc.
Franklin County, No. 92AP-68.

92-1745. State v. Ortiz.
Seneca County, No. 13-91-17.

92-1749. State v. Willoughby.
Lucas County, No. L-90-033.

92-1761. State v. Wilcox.
Cuyahoga County, Nos. 60851 and 60886.

92-1792. Knafel v. Pepsi Cola Bottlers of Akron, Inc.
Summit County, No. 15736.

92-1801. State v. Lattimer.
Montgomery County, No. 13012.

92-1806. Akron v. Smith.
Summit County, No. 15424.

92-1810. Petrie v. Nationwide Mut. Ins. Co.
Franklin County, Nos. 92AP-212 and 92AP-234.
Douglas, J., dissents.

92-1811. Conley v. Conley.
Summit County, No. 15410.

92-1815. State v. Haynes.
Ashland County, No. CA-965.

92-1817. State v. Vandersommen.
Cuyahoga County, Nos. 60738 and 60739.

92-1823. State v. Rockwell.
Madison County, No. CA91-07-023.

92-1824. State v. Porath.
Cuyahoga County, No. 60655.

92-1828. Equi Tack, Inc. v. Merriman.
Coshocton County, No. 91-CA-27.

92-1834. Swinehart v. Cavanaugh.
Portage County, No. 91-P-2370.

92-1837. Martin v. Jokinen.
Lake County, No. 92-L-072.

92-1838. Pennington v. McGuire.
Cuyahoga County, No. 60820.

92-1840. State v. Jordan.
Franklin County, No. 91AP-1163.

92-1845. State v. Robinson.
Cuyahoga County, No. 60856.
H. Brown, J., dissents.

92-1847. Hudgins v. Hudgins.
Henry County, No. 7-91-21.
Holmes and Douglas, JJ., dissent.

92-1848. State v. Mason.
Franklin County, No. 91AP-1012.
Douglas and Wright, JJ., dissent.

92-1858. State v. Meyer.
Warren County, No. CA91-11-082.
Moyer, C.J., and Holmes, J., dissent.

92-1879. State v. Zuern.
Hamilton County, No. C-840803.
Wright and H. Brown, JJ., dissent.

92-1886. State v. Napier.
Clermont County, No. CA91-10-089.
Moyer, C.J., and Douglas, J., dissent.

92-1894. State v. O'Neill.
Hamilton County, No. C-920179.

MOTION DOCKET

91-2001. Rockey v. 84 Lumber Co.
Cuyahoga County, Nos. 58610 and 58654. On motion for leave to file
answer to amicus brief. Motion granted.

91-2558. Berdyck v. Shinde.
Ottawa County, No. 90-OT-060. On motion for leave to file amicus of Ohio
Nurses Association. Motion granted.
Moyer, C.J., dissents because the motion is filed out of rule.

92-211. State ex rel. Glass Molders, Pottery, Plastics & Allied Workers
Internatl. Union v. State Emp. Relations Bd.
Franklin County, No. 91AP-628. On request for oral argument. Request
granted.
Holmes and Resnick, JJ., dissent.

92-948. Ohio Office of Collective Bargaining v. Ohio Civ. Serv. Emp. Assn., Local 11, AFSCME, AFL-CIO. Franklin County, No. 91AP-681. On motions for leave to file amicus of Ohio Association of Public School Employees, AFSCME, AFL-CIO; Fraternal Order of Police of Ohio, Inc.; and Ohio Public Employees Lawyers Association. Motions granted.

On motion for leave to file appellant's brief instant. Motion granted.

92-1028. Gover v. State. Hamilton County, No. C-910314. On motion for leave to file amicus of Ohio Attorney General. Motion granted.

92-1130. Bresnik v. Beulah Park Ltd. Partnership. Franklin County, No. 91AP-1068. On motion for leave to file amicus of Thoroughbred Racing Protective Bureaus. Motion granted.

92-1455. Dittman-Adams Co. v. Limbach. Board of Tax Appeals, No. 88-G-737. On motion for leave to file appellant's record instant. Motion granted.

Resnick, J., not participating.

92-1791. State v. Chism. Mahoning County, No. 89 C.A. 195. On motion for leave to supplement memorandum and for extension. Motion granted.

92-1862. State v. Jones. Cuyahoga County, No. 60106. On motion for leave to file memorandum in support instant. Motion granted.

92-1943. State v. Taylor. Clermont County, No. CA92-01-005. On motion for leave to file memorandum in support instant. Motion granted.

92-1944. State v. Hurst. Clermont County, No. CA91-08-064. On motion for leave to file memorandum in support instant. Motion granted.

92-1945. State v. Behymer. Clermont County, No. CA92-01-007. On motion for leave to file memorandum in support instant. Motion granted.

92-1984. Jackson v. Tenth Dist. Court of Appeals. In Mandamus. On motion for summary judgment. Motion denied.

92-1999. State v. Jackson. Hamilton County, No. C-910298. On motion for leave to file memorandum in support instant. Motion granted.

Wright, J., dissents.

92-2020. State v. Rivera. Lake County, No. 92-L-066. On motion to strike. Motion granted.
Moyer, C.J., dissents.

92-2038. State v. Daniels. Lorain County, No. 92CA005285. On motion to correct docket. Motion

denied.

Sweeney, Holmes and Douglas, JJ., dissent.

92-2086. Koons v. Univ. of Akron.

Summit County, No. 15492. On motion to dismiss. Motion denied.

Wright and H. Brown, JJ., dissent.

On motion for leave to file amended memorandum instant. Motion granted.

H. Brown, J., dissents.

92-2089. State v. Campbell.

Athens County, No. 1542. On motion for leave to file delayed appeal. Motion granted.

Wright, J., dissents.

92-2098. In re Dismissal of Osborn.

Ashland County, No. CA-1009. On motion for leave to exceed page limit. Motion granted.

Moyer, C.J., Sweeney and Holmes, JJ., dissent.

92-2147. State v. Snider.

Van Wert County, No. 15-92-7. On motion to consolidate with 92-2148, State v. Snider, Van Wert County, No. 15-92-8. Motion granted.

92-2157. State v. Brown.

Medina County, No. 2091M. On motion to consolidate with State v. Ullis (1992), 65 Ohio St.3d 83, N.E.2d . Motion denied.

Resnick, J., not participating.

92-2178. State ex rel. Lovins v. Indus. Comm.

Franklin County, No. 91AP-1445. On motion for leave to file notice of appeal instant. Motion denied.

Douglas, J., dissents.

92-2180. State v. Richardson.

Cuyahoga County, No. 59803. On motion for leave to file delayed appeal. Motion denied.

92-2181. Roaming Shores v. Ashtabula Cty.

Ashtabula County, No. 91-A-1594. On motion for leave to file notice of appeal instant. Motion denied.

92-2187. State v. Williams.

Montgomery County, No. 13156. On motion for leave to file delayed appeal. Motion denied.

JURISDICTIONAL MOTIONS ALLOWED

92-1045. State v. Leichty.

Williams County, No. 91WM000023.

Moyer, C.J., Sweeney and Holmes, JJ., dissent.

92-1718. Shimola v. Cleveland.

Cuyahoga County, Nos. 60923, 60928 and 61187.

Holmes, H. Brown and Resnick, JJ., dissent.

92-1804. U.S. Sprint Communications Co. Ltd. Partnership v. Mr. K's Foods, Inc.

Franklin County, No. 91AP-1131.

Sweeney and Resnick, JJ., dissent.

92-1820. Cablevision of Midwest, Inc. v. Gross.

Cuyahoga County, No. 60703. On motion and cross-motion to certify the record. Motions allowed.

92-1873. Kiel v. Green Local School Dist. Bd. of Edn.

Wayne County, No. 2709.

Moyer, C.J., Holmes and Wright, JJ., dissent.

92-1877. Ohio Assn. of Pub. School Emp. v. Lakewood City School Dist.

Cuyahoga County, No. 62880.

Sweeney, Douglas and Resnick, JJ., dissent.

JURISDICTIONAL MOTIONS OVERRULED

92-1001. BancOhio Natl. Bank v. Dean.

Clark County, No. 2850.

Holmes and Wright, JJ., dissent.

92-1006. Discount Drug Mart, Inc. v. Ohio Liquor Control Comm.

Franklin County, No. 92AP-85.

92-1089. Harvey v. Ohio Adult Parole Auth.

Franklin County, No. 92AP-299.

92-1110. Sites v. Moore.

Lawrence County, No. 91-CA-11.

92-1192. Warrensville Hts. v. Mollick.

Cuyahoga County, No. 59981.

Wright, J., dissents.

92-1390. State v. Grimes.

Champaign County, No. 90-CA-26.

Douglas, J., dissents.

92-1402. State v. Anderson.

Wayne County, No. 2549.

92-1406. State v. Callihan.

Scioto County, No. 1947.

Wright, J., dissents.

92-1410. Ewers v. Yonley.

Monroe County, No. 686.

Wright, J., dissents.

92-1474. Clark v. Sed.

Portage County, No. 91-P-2314.

92-1537. State v. Samuels.
Cuyahoga County, No. 63823.

92-1542. State v. Mowery.
Hocking County, No. 91-CA-19.

92-1579. State v. Swick.
Licking County, Nos. CA-3731 and CA-3758.

92-1594. State v. Moder.
Tuscarawas County, No. 92AP010001.
Douglas and Resnick, JJ., dissent.

92-1608. Fugo v. Bilmar Food, Inc.
Stark County, No. CA-8788.

92-1624. In re Adoption of Kohorst.
Paulding County, No. 11-92-01.
Moyer, C.J., and Sweeney, J., dissent.

92-1645. State v. Davidson.
Clermont County, No. CA91-05-033.

92-1654. Toledo v. Smith.
Lucas County, No. L-91-422.
Resnick, J., not participating.

92-1665. Moore v. Moore.
Allen County, No. 1-91-66.
H. Brown, J., dissents.

92-1673. State v. Lemke.
Columbiana County, No. 90-C-51.

92-1692. Jones v. Freuhauf Corp.
Allen County, No. 1-91-38.
Wright, J., dissents.

92-1695. State v. Penrose.
Logan County, No. 8-91-22.

92-1742. State v. Gilliam.
Franklin County, No. 92AP-581.

92-1746. Stark Metro. Hous. Auth. v. Porter.
Stark County, No. CA-8799.

92-1786. Ross v. Solon City School Dist. Bd. of Edn.
Cuyahoga County, Nos. 62978 and 63020. On motion and cross-motion to
certify the record. Motions denied.
Holmes, Wright and Resnick, JJ., dissent.

92-1787. Lowry v. A.I. Root Co.
Medina County, No. 2071.
H. Brown, J., dissents.

92-1790. State v. Bryson.

Summit County, No. 15823.

92-1793. Miller v. Biggs Hyper Shoppe.
Clermont County, No. CA91-11-098.

92-1796. McCray v. Dayton Bd. of Zoning Appeals.
Montgomery County, No. CA 13168.

92-1798. State v. Davis.
Washington County, No. 91-CA-23.

92-1807. Sigma Corp. of Am. v. Paridon.
Wayne County, No. 2711.

92-1814. Hall v. Snyder.
Franklin County, No. 91AP-1292.
H. Brown, J., dissents.

92-1818. State v. Stark.
Fulton County, No. 91FU000022.
Resnick, J., not participating.

92-1826. Coutts v. Cedar Bay Constr., Inc.
Williams County, No. WMS91007.

92-1831. McCullough v. Budd Co.
Wyandot County, No. 16-92-12.

92-1832. Smith v. Lesourdsville Lake, Inc.
Butler County, No. CA92-01-019.
H. Brown, J., dissents.

92-1843. Ohio Council 8, Am. Fedn. of State, Cty. & Mun. Emp., AFL-CIO
v. Bucyrus.
Franklin County, Nos. 91AP-1412 and 91AP-1413.
H. Brown and Resnick, JJ., dissent.

92-1844. Long v. Cincinnati Ins. Co.
Butler County, No. CA91-111-90.

92-1885. State v. Seibel.
Hamilton County, No. C-920109.
Douglas, J., dissents.

REHEARING DOCKET

92-810. Bank One, Columbus, N.A. V. O'Brien.
Franklin County, Nos. 91AP-166 and 91AP-441. Reported at 64 Ohio St.3d
1410, N.E.2d . On motion for rehearing. Rehearing denied.
H. Brown, J., not participating.

92-1303. Stagg v. Riddlebarger.
Licking County, No. CA-3706. Reported at 65 Ohio St.3d 1435,
N.E.2d . On motion for rehearing. Rehearing denied.
Wright, J., dissents.

92-1307. State v. Austin.
Mahoning County, No. 87 C.A. 163. Reported at 65 Ohio St.3d 1430,
N.E.2d . On motion for rehearing. Rehearing denied.

92-1338. Baker v. Fairview Gen. Hosp.
Cuyahoga County, No. 63128. Reported at 65 Ohio St.3d 1430,
N.E.2d . On motion for rehearing. Rehearing denied.

92-1378. Burk v. State.
Cuyahoga County, No. 62729. Reported at 65 Ohio St.3d 1431,
N.E.2d . On motion for rehearing. Rehearing denied.
Moyer, C.J., and Douglas, J., dissent.

92-1417. Bross v. Smith.
Butler County, Nos. CA90-11-217 and CA91-04-067. Reported at 65 Ohio
St.3d 1431, N.E.2d . On motion for rehearing. Rehearing denied.
H. Brown, J., dissents.

92-1487. Hall v. Marion Power Shovel, Inc.
Marion County, No. 9-92-2. Reported at 65 Ohio St.3d 1443,
N.E.2d . On motion for rehearing. Rehearing denied.
Douglas and Resnick, JJ., dissent.

92-1539. Reddington v. Fireman's Fund Ins. Co.
Mahoning County, No. 91 C.A. 117. Reported at 65 Ohio St.3d 1444,
N.E.2d . On motion for rehearing. Rehearing denied.
Douglas and Resnick, JJ., dissent.

92-1549. State v. Kondratuk.
Cuyahoga County, No. 60800. Reported at 65 Ohio St.3d 1441,
N.E.2d . On motion for rehearing. Rehearing denied.

92-1557. Tillimon v. Zoll-Okuley.
Lucas County, No. L-91-263. Reported at 65 Ohio St.3d 1444,
N.E.2d . On motion for rehearing. Rehearing denied.
Resnick, J., not participating.

92-1584. State ex rel. Palmer v. Franklin Cty. Common Pleas Court.
Franklin County, No. 91AP-970. Reported at 65 Ohio St.3d 1429,
N.E.2d . On motion for rehearing. Rehearing denied.

92-1637. Walden v. State.
Franklin County, No. 91AP-1147. Reported at 65 Ohio St.3d 1445,
N.E.2d . On motion for rehearing. Rehearing denied.

92-1652. Hoover v. Metro. Property & Liability Ins. Co.
Lucas County, No. L-91-289. Reported at 65 Ohio St.3d 1445,
N.E.2d . On motion for rehearing. Rehearing denied.
Douglas and Resnick, JJ., dissent.

92-1690. Tillmon v. Jankowski.
Lucas County, No. L-91-262. Reported at 65 Ohio St.3d 1441,
N.E.2d . On motion for rehearing and on motion to remand. Rehearing
denied and motion to remand denied.
Resnick, J., not participating.

92-1785. State v. Hamilton.
Summit County, No. 14177. Reported at 65 Ohio St.3d 1440,
N.E.2d . On motion for rehearing. Rehearing denied.
Resnick, J., not participating.

92-1930. Steinke v. Koch Fuels, Inc.
Franklin County, No. 92AP-17. Reported at 65 Ohio St.3d 1440,
N.E.2d . On motion for rehearing. Rehearing denied.

DISCIPLINARY DOCKET

92-2246. In re Pincus.
Sua sponte, this matter is referred to Disciplinary Counsel.

ADMINISTRATIVE DOCKET

1. David S. Bloomfield was reappointed to the Board of Commissioners of the Clients' Security Fund of Ohio.

2. David P. Freed (District Eleven), Ann Munro Kennedy (District Five), and Jeffrey J. Helmick (District Six) were reappointed to the Commission on Continuing Legal Education.

3. Hon. Everett Burton was reappointed to the Committee on the Appointment of Counsel for Indigent Defendants in Capital Cases.

4. Hon. Judith A. Cross was appointed to the Commission on Professionalism as a judge member.