

ATTENTION

DIRECT ANY QUESTIONS ABOUT THE ANNOUNCEMENT TO WALTER S. KOBALKA,
REPORTER OF DECISIONS, AND DEBORAH J. BARRETT AT (614) 466-4961 OR
1-800-826-9010.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY
October 27, 1993

MERIT DOCKET

91-13. State v. Grant.

Mahoning County. Appeal from the Court of Appeals for Mahoning
County, No. 83 C.A. 144. Judgment affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, F.E. Sweeney and Pfeifer,
JJ., concur.

Wright and Resnick, JJ., concur in judgment only.

92-847. State v. Lessin.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga
County, No. 61106. Judgment reversed and cause remanded.

Moyer, C.J., A.W. Sweeney, Wright and Pfeifer, JJ., concur.

Douglas, Resnick and Gwin, JJ., dissent.

W. Scott Gwin, J., of the Fifth Appellate District, sitting for
F.E. Sweeney, J.

92-2118. State v. Scott.

Cuyahoga County, No. 48609. The judgment of the court of appeals is
affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and
Pfeifer, JJ., concur.

Wright, J., dissents and would grant delayed reinstatement and
consider the cause on the merits.

92-2222. State v. Byrd.

Hamilton County, No. C-830676. The judgment of the court of appeals
is affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and

Pfeifer, JJ., concur.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

92-2239. State v. Holloway.

Hamilton County, No. C-840871. The judgment of the court of appeals is affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

93-129. Columbia Gas Transm. Corp. v. An Exclusive Natural Gas Storage Easement.

On order from the United States District Court, Northern District of Ohio, Eastern Division, Certifying a Question of State Law, No. C880936A. Question answered as stated in the opinion of the court.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

93-181. State v. Poindexter.

Hamilton County, No. C-850394. The judgment of the court of appeals is affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

93-182. State v. Hicks.

Hamilton County, No. C-860173. The judgment of the court of appeals is affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

93-716. State v. Greer.

Summit County, No. 12258. The judgment of the court of appeals is affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

93-863. State v. Montgomery.

Lucas County, No. L-86-395. The judgment of the court of appeals is affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

93-917. State v. Henderson.

Hamilton County, No. C-850557. The judgment of the court of appeals is affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

93-1461. State ex rel. C.S. Burge, Inc. v. Fulton Cty. Bd. of Commrs. Fulton County, No. 93-FU-3. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

93-1463. Strong v. Littlefield.

In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

93-1532. Deatrick v. Littlefield.

In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

93-1686. Monge-Velasquez v. Mahoney.

In Habeas Corpus. On response to show cause order. Sua sponte, cause dismissed.

A.W. Sweeney, Douglas, Wright, Resnick and Pfeifer, JJ., concur.

Moyer, C.J., and F.E. Sweeney, J., would deny the writ.

93-1687. Escajeda v. Mahoney.

In Habeas Corpus. On response to show cause order. Sua sponte, cause dismissed.

A.W. Sweeney, Douglas, Wright, Resnick and Pfeifer, JJ., concur.

Moyer, C.J., and F.E. Sweeney, J., would deny the writ.

93-1696. State v. Abernathy.

Cuyahoga County, No. 63284. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

93-1700. State ex rel. Heer v. Franklin Cty. Mun. Court.

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

Moyer, C.J., A.W. Sweeney, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

Douglas and Wright, JJ., dissent and would grant an alternative writ.

93-1830. Nahra v. The Coliseum.

Summit County, No. 15854. On motion for leave to file memorandum in support instanter. Motion denied.

Douglas, Resnick and Pfeifer, JJ., dissent.

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

Moyer, C.J., A.W. Sweeney, Wright and F.E. Sweeney, JJ., concur.

Douglas, Resnick and Pfeifer, JJ., dissent.

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

93-789. State v. Black.
Geauga County, No. 91-G-1662.

93-1162. State v. King.
Stark County, No. CA-9131.
Moyer, C.J., dissents.

93-1429. State v. Godfrey.
Hamilton County, No. C-920248.
Pfeifer, J., dissents.

93-1478. State v. Adamson.
Brown County, No. CA92-05-011.
Wright, J., dissents.

93-1486. Mancino v. Thrower.
Cuyahoga County, No. 65556.
A.W. Sweeney, J., dissents.

93-1491. State v. Yonkings.
Lorain County, Nos. 5606, 5607, 5608 and 5609.

93-1547. Crider v. Columbus.
Franklin County, No. 93AP-270.
Wright and Pfeifer, JJ., dissent.

93-1558. State v. Hartman.
Hamilton County, No. C-920636.

93-1561. State v. Singer.
Franklin County, Nos. 92AP-1248 and 92AP-1249.
Moyer, C.J., and Wright, J., dissent.

93-1596. State v. Luoma.
Montgomery County, No. CA 13102.

93-1598. Minor v. Hamilton.
Butler County, No. CA92-08-0157.
Pfeifer, J., dissents.

93-1620. State v. Green.
Hamilton County, No. C-920528.

93-1640. State v. Royce.
Cuyahoga County, No. 61897.

93-1641. State v. Allen.
Cuyahoga County, No. 62713.
Pfeifer, J., dissents and would allow on Proposition of Law No.
II only.

MOTION DOCKET

85-1209. State v. Scott.

Cuyahoga County, No. 48609. On motion for delayed reinstatement.
Motion denied.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

86-512. State v. Byrd.
Hamilton County, No. C-830676. On motion for delayed reinstatement.
Motion denied.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

86-1597. State v. Holloway.
Hamilton County, No. C-840871. On motion for delayed reinstatement.
Motion denied.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

87-243. State v. Poindexter.
Hamilton County, No. C-850394. On motion for delayed reinstatement.
Motion denied.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

87-447. State v. Henderson.
Hamilton County, No. C-850557. On motion for delayed reinstatement.
Motion denied.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

87-684. State v. Greer.
Summit County, No. 12258. On motion for delayed reinstatement.
Motion denied.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

88-1079. State v. Hicks.
Hamilton County, No. C-860173. On motion for delayed reinstatement.
Motion denied.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

88-1286. State v. Jamison.
Hamilton County, No. C-850753. On motion for delayed reinstatement.
Motion denied.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

89-70. State v. Montgomery.
Lucas County, No. L-86-395. On motion for delayed reinstatement.
Motion denied.

Wright, J., dissents and would grant delayed reinstatement and consider the cause on the merits.

93-656. State ex rel. Ohio Water Dev. Auth. v. Campbell.
In Mandamus. On joint motion for issuance of consent judgment entry.
Motion denied.

93-929. State v. Bell.

Cuyahoga County, No. 61827. On motion for leave to file memorandum in support instanter. Motion granted.

Moyer, C.J., dissents.

93-1453. Consumers' Counsel v. Pub. Util. Comm.

Public Utilities Commission, No. 93-343-TP-ATA. On motion for leave to intervene of Ohio Bell Telephone Company. Motion granted.

94-1508. N. Olmsted Bd. of Edn. v. Limbach.

Board of Tax Appeals, No. 90-R-971. On request to rely on oversized exhibits. Motion granted.

93-1515. Consumers' Counsel v. Pub. Util. Comm.

Public Utilities Commission, No. 93-344-TP-ATA. On motion for leave to intervene of Ohio Bell Telephone Company. Motion granted.

93-1516. Consumers' Counsel v. Pub. Util. Comm.

Public Utilities Commission, No. 92-1916-TP-ATA. On motion for leave to intervene of Ohio Bell Telephone Company. Motion granted.

93-1861. Indus. Energy Consumers of the Ohio Power Co. v. Pub. Util. Comm.

Public Utilities Commission, No. 93-01-EL-EFC. On motion for leave to intervene of Ohio Power Company. Motion granted.

93-1874. State v. Brooks.

Cuyahoga County, No. 47508. On motion for leave to file delayed appeal. Motion granted.

F.E. Sweeney, J., dissents.

93-1889. State v. Woodson.

Lucas County, No. L-92-095. On motion for leave to file delayed appeal. Motion granted.

Wright and F.E. Sweeney, JJ., dissent.

Resnick, J., not participating.

93-1908. Iskowitz v. Whitt.

Cuyahoga County, No. 62030. On motions for leave to file notice of appeal instanter and for extension. Motions granted.

93-1914. State v. Lowe.

Cuyahoga County, No. 61982. On motion for leave to file delayed appeal. Motion granted.

Resnick, J., dissents.

93-1932. N. Perry v. Lake Cty. Budget Comm.

Board of Tax Appeals, No. 93-B-216. On motion to consolidate with 93-1552, N. Perry v. Lake Cty. Budget Comm., Board of Tax Appeals, Nos. 90-J-260, 91-J-279 and 92-B-267. Motion granted.

F.E. Sweeney, J., dissents.

93-1937. State v. Creveniak.

Lorain County, No. 90CA004860. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Pfeifer, J., dissent.

93-1938. State v. Fuller.
Lorain County, No. 92CA005377. On motion for leave to file notice of
appeal instant. Motion granted.
F.E. Sweeney, J., dissents.

93-1939. State v. Hayward.
Summit County, No. 16313. On motion for leave to exceed page limit.
Motion denied.
Douglas, J., dissents.

JURISDICTIONAL MOTIONS OVERRULED

93-1485. Brown v. Lavery.
Medina County, No. 2156-M.
Moyer, C.J., and Wright, J., dissent.

93-1494. Hamman v. Sippel Equip. Corp.
Richland County, No. 92CA75.
Pfeifer, J., dissents.

93-1512. Foster Wheeler Enviresponse, Inc. v. Franklin Cty.
Convention Facilities Auth.
Franklin County, No. 93AP-233.
Douglas and Pfeifer, JJ., dissent.

93-1525. Peck Water Sys., Inc. v. United Realty & Invest.
Stark County, No. CA-9082.
A.W. Sweeney and Douglas, JJ., dissent.

93-1535. Best v. Energized Substation Serv., Inc.
Lorain County, No. 92CA005457.
Douglas, J., dissents.

93-1536. Straub Ent., Inc. v. Tuscarawas Cty. Bd. of Commrs.
Tuscarawas County, No. 92AP100076.

93-1544. In re Estate of Hackworth.
Hancock County, No. 5-93-2.
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

93-1548. In re Estate of Weiler.
Montgomery County, No. 13546.

93-1562. Marcus Equip. Co. v. Dazzle M. Sign & Light Co.
Cuyahoga County, No. 62814.

93-1582. State v. Ingram.
Hamilton County, No. C-920668.

93-1603. Bank One, Columbus v. O'Brien.
Franklin County, No. 93AP-547.
A.W. Sweeney, J., dissents.
Wright, J., not participating.

93-1607. Cruz v. Mihm.
Mahoning County, No. 92 C.A. 173.

Douglas and Wright, JJ., dissent.

93-1631. Franz v. Nationwide Mut. Ins. Co.
Clermont County, No. CA93-02-012.

93-1646. Stewart v. B.F. Goodrich Co.
Washington County, No. 92CA33.
Pfeifer, J., dissents.

93-1661. Oakar v. Ohio Dept. of Mental Retardation.
Cuyahoga County, No. 63984.

93-1663. Mentor v. Webb.
Lake County, No. 92-L-158.

REHEARING DOCKET

85-45. Allah v. Zehennis.
Summit County, No. 9016. On motion for rehearing. Rehearing denied.

93-655. Gross v. Western-Southern Life Ins. Co.
Hamilton County, Nos. C-910305 and C-910562. Reported at 67 Ohio
St.3d 1455, N.E.2d . On motion for rehearing. Rehearing
denied.

93-1177. State v. DeBose.
Cuyahoga County, No. 61870. Reported at 67 Ohio St.3d 1451,
N.E.2d . On motion for rehearing. Rehearing denied.
Wright and Pfeifer, JJ., dissent.

93-1192. State v. Tillimon.
Lucas County, Nos. L-91-432 and L-91-433. Reported at 67 Ohio St.3d
1451, N.E.2d . On motion for rehearing. Rehearing denied.
Wright, J., dissents.

93-1202. State v. Ruff.
Franklin County, No. 92AP-1625. Reported at 67 Ohio St.3d 1451,
N.E.2d . On motion for rehearing. Rehearing denied.
Douglas, Resnick and Pfeifer, JJ., dissent.

93-1439. Kane v. Mazer Corp.
Montgomery County, No. 13550. Reported at 67 Ohio St.3d 1450,
N.E.2d . On motion for rehearing. Rehearing denied.
Pfeifer, J., dissents.