

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
November 24, 1993

MERIT DOCKET

92-2645. State ex rel. Knafel v. Court of Appeals, Ninth Judicial
Dist. of Ohio.

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

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

Wright and Pfeifer, JJ., dissent.

93-957. State v. Bedford.

Hamilton County, No. C-840850. Judgment affirmed.

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

A.W. Sweeney and Wright, JJ., would grant delayed reconsideration.

93-1344. State v. McIntyre.

Summit County, No. 15348. Judgment affirmed.

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

A.W. Sweeney and Wright, JJ., would grant delayed reconsideration.

93-1417. State v. Carter.

Paulding County, No. 11-87-9. Judgment affirmed.

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

A.W. Sweeney and Wright, JJ., would grant delayed reconsideration.

93-1440. State v. Scott.

Lucas County, No. L-88-323. Judgment affirmed.

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

A.W. Sweeney and Wright, JJ., would grant delayed reconsideration.

93-1443. State v. Holley.

Hamilton County, No. C-850195. Judgment affirmed.

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

A.W. Sweeney and Wright, JJ., would grant delayed reconsideration.

93-1571. State v. Brown.

Lorain County, No. 89CA004643. Judgment affirmed.

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

A.W. Sweeney and Wright, JJ., would grant delayed reconsideration.

93-1615. State v. Taylor.

Butler County, No. CA86-07-117. Judgment affirmed.

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

A.W. Sweeney and Wright, JJ., would grant delayed reconsideration.

93-1531. State ex rel. Fein v. Ohio Adult Parole Auth.

In Mandamus. On motion for summary judgment. Sua sponte, cause dismissed.

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

F.E. Sweeney, J., would grant the motion for summary judgment.

93-1782. Solomon v. Morris.

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.

93-1805. Williams v. Williams.

Cuyahoga County, No. 62267. 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.

93-1835. People Free & Sovereign of Ohio, Republic, ex rel. Faulkner v. Tate.

In Habeas Corpus. Sua sponte, cause dismissed.

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

93-1846. State ex rel. Aleman v. Ohio Adult Parole Auth.

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

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

Wright, J., would grant the motion to dismiss as to habeas corpus, but would deny as to mandamus.

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

93-1885. Harris v. Ohio Adult Parole Auth.

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.

93-1906. Watters 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.

93-1907. Ingram v. Ohio Adult Parole Auth.

In Mandamus. On answer of respondent. Answer treated as motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

F.E. Sweeney, J., dissents.

93-1909. Vasquez v. Baker.

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.

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

93-734. Ardire v. Westlake Planning Comm.

Cuyahoga County, No. 61636.

Douglas and Wright, JJ., dissent.

93-930. Copeland v. Delvaux.

Lucas County, No. L-91-389.

Resnick, J., not participating.

93-1126. State v. Lawson.

Licking County, No. 92CA66.

93-1275. State v. Ross.

Lorain County, No. 92CA005422.

Wright and Pfeifer, JJ., dissent.

93-1334. State v. Boggs.

Adams County, No. 92CA540.

Pfeifer, J., dissents.

93-1388. State v. Faulkner.

Clark County, No. 2892.

93-1522. State v. Hudson.

Jefferson County, No. 88-J-40.

Douglas and Pfeifer, JJ., dissent.

93-1551. State v. Holland.

Franklin County, No. 92AP-853. On motion and cross-motion for leave to appeal. Motions denied.

Moyer, C.J., would grant the motion for leave to appeal.

93-1553. In re Martin.

Lucas County, No. L-92-375.

Resnick, J., not participating.

93-1604. State v. Mallernee.

Tuscarawas County, No. 92AP060046.

93-1618. State v. Crawford.

Mahoning County, No. 91 C.A. 213.

93-1628. Kelm v. Kelm.

Franklin County, No. 92AP-1683.

Douglas, J., dissents.

93-1636. State v. Bradford.

Clermont County, No. CA93-05-035.

93-1645. State v. Alls.

Franklin County, No. 92AP-1762.

93-1651. State v. Kavish.

Hamilton County, No. C-920568.

Douglas and Resnick, JJ., dissent.

93-1654. State v. Love.

Cuyahoga County, No. 64554.

93-1671. State v. Booker.

Cuyahoga County, No. 62841.

93-1706. In re Bickley.

Summit County, No. 15974.

A.W. Sweeney and Wright, JJ., dissent.

93-1728. State v. Schwartz.

Clermont County, No. CA93-01-001.

93-1732. State v. Sanderfer.

Cuyahoga County, No. 62618.

93-1733. State v. Pariscau.

Cuyahoga County, No. 63023.

93-1746. State v. Smith.

Portage County, No. 92-P-0070.

93-1754. State v. Taylor.

Franklin County, No. 92AP-1639.

93-1756. Grange Mut. Cas. Co. v. Thatcher.

Franklin County, No. 92AP-1588.

93-1759. State v. Rose.

Montgomery County, No. 13433.

Resnick, J., dissents.

93-1760. State v. Townsend.
Lucas County, No. L-92-148.
Resnick, J., not participating.

93-1765. Barnes v. Garethner.
Cuyahoga County, No. 62738.

93-1768. Colling v. Franklin Cty. Children Serv.
Franklin County, No. 92AP-1579.

93-1790. State v. Dietz.
Lake County, No. 92-L-131.

93-1796. State v. Everson.
Hamilton County, No. C-920577.

93-1809. Traub v. Johnson.
Warren County, No. CA93-01-006.

MOTION DOCKET

88-2085. State v. Whorton.
Montgomery County, No. CA 10715. On motion for leave to file motion
for delayed reconsideration instant. Motion denied.
A.W. Sweeney and Wright, JJ., dissent.

91-391. State v. Springer.
Hamilton County, No. C-890703. On motion for delayed
reconsideration. Motion denied.
A.W. Sweeney and Wright, JJ., dissent.

91-2476. Case v. Norfolk & W. Ry. Co.
Sandusky County, No. S-90-24. On motion for leave to proceed pro hac
vice. Motion granted.
Resnick, J., not participating.

92-1102. Pleasant City v. Ohio Div. of Reclamation.
Guernsey County, No. 91CA09. On motion to tax as costs. Motion
granted.
F.E. Sweeney and Pfeifer, JJ., dissent.

93-5. State ex rel. Baker Material Handling Corp. v. Indus. Comm.
Franklin County, No. 91AP-1164. On request for oral argument.
Request granted.
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

93-7. State v. Williams.
Butler County, Nos. CA91-04-060 and CA92-06-110. On motion for leave
to supplement the record. Motion denied.
Wright, J., dissents.

93-272. State ex rel. Bell Atlantic Business Sys. Serv., Inc. v.
Cleveland Bd. of Edn.
In Mandamus. On motion to dismiss. Motion denied.
Moyer, C.J., and Wright, J., dissent.

Resnick, J., not participating.
93-667. Continental Ins. Co. v. Whittington.
Darke County, No. CA-1295. On motion for leave to file amicus of Ohio Academy of Trial Lawyers. Motion granted.

93-987. Miller v. Progressive Cas. Ins. Co.
Lucas County, No. L-92-235. On motion to strike. Motion denied.

93-1407. State v. Carr.
Shelby County, No. 17-92-21. On motion to withdraw pleadings. Motion granted.

93-1490. State v. Evedan.
Hamilton County, No. C-920133. On motion for leave to file delayed appeal. Motion denied.

93-1677. State v. Dee.
Summit County, No. 15984. On motion for leave to file memorandum in support instant. Motion granted.
Wright, J., dissents.

93-1710. Consumers' Counsel v. Pub. Util. Comm.
Public Utilities Commission, No. 92-2336-TP-AIR. On motion for leave to intervene of McClure Telephone Company. Motion granted.

93-1812. State ex rel. Warren Newspapers, Inc. v. Hutson.
In Mandamus. On motion for protective order. Motion denied.
Wright, J., dissents and would grant the protective order with appropriate redactions.

93-1882. McCoy v. W. Reserve Mut. Lightning Rod Mut. Ins. Co.
Montgomery County, No. 13808. On motion for leave to file amicus of Cincinnati Insurance Company. Motion granted.
F.E. Sweeney, J., dissents.

93-1938. State v. Fuller.
Lorain County, No. 92CA005377. On motion to waive requirement to file appendix. Motion granted.
Wright and F.E. Sweeney, JJ., dissent.

93-1991. State v. White.
Franklin County, No. 91AP-1055. On motions for leave to file delayed appeal and for extension. Motions denied.
Moyer, C.J., dissents.

93-2084. Kokitka v. Ford Motor Co.
Cuyahoga County, No. 63207. On motion for leave to proceed pro hac vice. Motion granted.

93-2111. In re Baatz.
Lorain County, Nos. 92CA005478 and 92CA005479. On motion to dismiss. Motion denied. On motions for leave to file memorandum in support instant and for extension. Motions granted.

JURISDICTIONAL MOTIONS ALLOWED

93-1085. State v. Said.
Lake County, No. 92-L-018. On motion for leave to appeal. Motion allowed.

Wright, J., dissents.

On cross-motion for leave to appeal. Motion allowed.

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

93-1616. Zoppo v. Homestead Ins. Co.
Cuyahoga County, No. 62926. On motion to certify the record and on motion for leave to file amicus of Ohio Academy of Trial Lawyers. Motions granted.

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

93-1643. Scott v. Yates.
Ross County, No. 92CA001917.

Moyer, C.J., A.W. Sweeney and Wright, JJ., dissent.

93-1667. State v. Bidinost.
Cuyahoga County, No. 62925.

Wright and Resnick, JJ., dissent.

JURISDICTIONAL MOTIONS OVERRULED

93-1219. Young v. Merrill Lynch, Pierce, Fenner & Smith, Inc.
Cuyahoga County, No. 62152.

Wright, J., dissents.

93-1481. Strongsville v. Koch.
Cuyahoga County, Nos. 62057, 62061 and 62120.

Douglas and Wright, JJ., dissent.

93-1589. Zimmerman v. Kalu Canfield Driving Range.
Mahoning County, No. 92 C.A. 98. (Appeal by McGahagan et al., second notice of appeal by Roberts, and cross-appeal by Billie Jo Zimmerman et al.) Motions and cross-motion to certify the record overruled.

Moyer, C.J., and A.W. Sweeney, J., dissent.

93-1601. Heuer v. Heuer.
Franklin County, No. 92AP-1512.

Moyer, C.J., dissents.

93-1606. Lopez v. Ohio Dept. of Human Serv.
Defiance County, No. 4-93-6.

Douglas and Resnick, JJ., dissent.

93-1609. State v. Jarboe.
Hamilton County, No. C-920688.

93-1621. Goodin v. Kroger Co.
Butler County, No. CA93-01-009.

Wright, J., not participating.

93-1692. Reed v. Perry Cty. Children's Serv.
Perry County, No. CA-429. On motion to certify the record and on motion for leave to file amicus of County Commissioners Association of Ohio et al. Motions denied.

93-1724. Fid. & Guar. Ins. Underwriters, Inc. v. Aetna Cas. & Sur.
Co. of Illinois.
Lucas County, No. L-92-024.

93-1736. Shaw v. Trustees of Bainbridge Twp.
Geauga County, No. 92-G-1712.

93-1742. Mitterholzer v. Bansci.
Cuyahoga County, No. 63194.

93-1758. First Flooring & Tile, Inc. v. Mortier.
Summit County, No. 15973.
Wright, J., dissents.

93-1787. Geauga Cty. Treasurer v. Pauer.
Geauga County, Nos. 92-G-1722 and 92-G-1724.

93-1818. State v. Portis.
Hamilton County, No. C-920692.

93-1834. Etna Twp. Bd. of Trustees v. Mays.
Licking County, No. 92CA104.

93-1850. State v. Webb.
Butler County, No. CA92-12-242.
Wright, J., dissents.

REHEARING DOCKET

93-432. Parzynski v. Parzynski.
Erie County, No. E-91-30. Reported at 67 Ohio St.3d 1450,
N.E.2d . On motion for rehearing. Rehearing denied.

93-959. State ex rel. Jackson v. McMonagle.
Cuyahoga County, No. 65070. Reported at 67 Ohio St.3d 450,
N.E.2d . On motion for rehearing. Rehearing denied.

DISCIPLINARY DOCKET

92-2165. Disciplinary Counsel v. Carney.
On response to show cause order. Respondent granted leave to pay
costs in installments.
Pfeifer, J., would grant ninety days to pay.
Moyer, C.J., dissents.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

WEDNESDAY
November 24, 1993

MOTION DOCKET

93-2178. Biggins v. Garvey.
Trumbull County, Nos. 91-T-4628, 91-T-4630 and 91-T-4649. This cause is pending before the court on the filing of a motion and cross-motion for an order directing the Court of Appeals for Trumbull County to certify its record. Upon consideration of appellants/cross-appellees' motion to stay execution of the judgments issued by the Trumbull County Court of Common Pleas on September 11, 1991, and by the Eleventh District Court of Appeals on September 30, 1993, pending final determination by this court, and to continue the previously posted conveyance in lieu of bond,

IT IS ORDERED by the court that the motion be, and the same is hereby, granted, effective November 19, 1993.

MISCELLANEOUS DOCKET

1993 TERM

In re Report of the Commission	:	To wit:
on Continuing Legal Education.	:	November 19, 1993

John Eric Andre
(#0031196),
Respondent.

: E N T R Y

This matter originated in this court on the filing of reports by the Commission on Continuing Legal Education (the "commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the reporting periods of 1989 and 1990-1991.

On July 19, 1991, pursuant to Gov.Bar R. X(6)(B)(3), this court entered an order adopting the recommendation of the commission found in its report regarding the 1989 reporting period and imposing a fee sanction upon the respondent. On June 18, 1993, this court entered an

order adopting the commission's recommendation related to the 1990-1991 reporting period, suspending the respondent from the practice of law and imposing a fee sanction upon the respondent.

On September 21, 1993, the commission filed a motion to vacate, requesting that the orders of July 19, 1991, and June 18, 1993, pertaining to the above-named respondent, be vacated. Upon consideration thereof,

IT IS ORDERED by the court that the motion to vacate be, and the same is hereby, granted, effective November 19, 1993.

IT IS FURTHER ORDERED by the court that the orders of July 19, 1991, and June 18, 1993, pertaining to respondent, are hereby vacated and this cause is dismissed.

1993 TERM

In re Report of the Commission	:	To wit:
on Continuing Legal Education.	:	November 19, 1993

John Patrick Butler
(#0027157),
Respondent.

: E N T R Y

This matter originated in this court on the filing of reports by the Commission on Continuing Legal Education (the "commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the reporting periods of 1989 and 1990-1991.

On July 19, 1991, pursuant to Gov.Bar R. X(6)(B)(3), this court entered an order adopting the recommendation of the commission found in its report regarding the 1989 reporting period and imposing a fee sanction upon the respondent. On June 18, 1993, this court entered an order adopting the commission's recommendation related to the 1990-1991 reporting period, suspending the respondent from the practice of law and imposing a fee sanction upon the respondent.

On October 22, 1993, the commission filed a motion to vacate, requesting that the orders of July 19, 1991, and June 18, 1993, pertaining to the above-named respondent, be vacated. Upon consideration thereof,

IT IS ORDERED by the court that the motion to vacate be, and the same is hereby, granted, effective November 19, 1993.

IT IS FURTHER ORDERED by the court that the orders of July 19, 1991, and June 18, 1993, pertaining to respondent, are hereby vacated and this cause is dismissed.

1993 TERM

In re Report of the Commission : To wit:
on Continuing Legal Education. : November 19, 1993

Steven Lee Dickinson
(#0025415),
Respondent.

: E N T R Y

This matter originated in this court on the filing of reports by the Commission on Continuing Legal Education (the "commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the reporting periods of 1989 and 1990-1991.

On July 19, 1991, pursuant to Gov.Bar R. X(6)(B)(3), this court entered an order adopting the recommendation of the commission found in its report regarding the 1989 reporting period and imposing a fee sanction upon the respondent. On June 18, 1993, this court entered an order adopting the commission's recommendation related to the 1990-1991 reporting period, suspending the respondent from the practice of law and imposing a fee sanction upon the respondent.

On September 21, 1993, the commission filed a motion to vacate, requesting that the orders of July 19, 1991, and June 18, 1993, pertaining to the above-named respondent, be vacated. Upon consideration thereof,

IT IS ORDERED by the court that the motion to vacate be, and the same is hereby, granted, effective November 19, 1993.

IT IS FURTHER ORDERED by the court that the orders of July 19, 1991, and June 18, 1993, pertaining to respondent, are hereby vacated and this cause is dismissed.