

ATTENTION

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

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
January 27, 1993

MERIT DOCKET

92-351. Neguse v. Brigano.

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.

92-1350. State ex rel. Maurer v. Sheward.

Franklin County, No. 91AP-1442. On application to dismiss of
appellant Seram Bellinger. Application granted and appeal of
Bellinger dismissed.

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

92-2311. State ex rel. McDaniels v. Sweeney.

In Mandamus. 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.

92-2320. Hill v. Ohio Adult Parole Auth.

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

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

Moyer, C.J., and Wright, J., would affirm and remand to custody.

92-2321. Phillips v. Edwards.

In Habeas Corpus. Sua sponte, cause dismissed.

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

92-2331. State ex rel. Nicholas v. Rogers.
In Habeas Corpus. Sua sponte, cause dismissed.

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

92-2333. State v. Tucker.
Darke County, No. 1310. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

Douglas and Pfeifer, JJ., dissent.

92-2351. State ex rel. Fields v. Gibson.
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 F.E. Sweeney, JJ., concur.

Pfeifer, J., dissents.

92-2458. Day v. Warden.
In Habeas Corpus. Sua sponte, cause dismissed.

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

Pfeifer, J., dissents.

92-2474. Smith v. Eighth Dist. Court of Appeals.
In Habeas Corpus. On 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., not participating.

92-2499. Sabula v. Limbach.
Geauga County, No. 92-G-1718. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

Resnick, J., dissents.

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

92-863. Greene v. Univ. Hosp. of Cleveland.
Cuyahoga County, No. 59899. On motion and cross-motion to certify the record. Motions overruled.

92-943. State v. Franklin.
Hamilton County, No. C-910300.

92-2049. State v. Hess.
Sandusky County, No. S-91-25.

92-2072. State v. Gurley.
Summit County, No. 14360.

92-2075. State v. Delisio.
Greene County, No. 91-CA-46.

92-2086. Koons v. Univ. of Akron.
Summit County, No. 15492.

92-2103. Abegglen v. Lazirko.
Cuyahoga County, No. 59775.

92-2149. Cuyahoga Cleaning Serv., Inc. v. Women's Fed. Savings Bank.
Cuyahoga County, No. 61244.

92-2204. State v. Willis.
Cuyahoga County, No. 60468.
F.E. Sweeney, J., not participating.

92-2205. State v. Spaulding.
Summit County, No. 15497.

92-2208. State v. Powell.
Meigs County, No. 452.

92-2215. Charles v. Anthony.
Franklin County, No. 92AP-51.

92-2217. State v. Assad.
Cuyahoga County, No. 61403.

92-2218. State v. Canady.
Franklin County, No. 92AP-780.

92-2241. State v. Aguilar.
Franklin County, No. 92AP-151.

92-2245. Coleman v. Warner.
Lucas County, No. L-91-357.

92-2265. Kirtland v. Collette.
Lake County, No. 91-L-137.

92-2267. Crater v. Barberton.
Summit County, No. 15455.
Pfeifer, J., dissents.

92-2269. State v. Owens.
Allen County, No. CA92070073.

92-2275. State v. Frato.
Lorain County, No. 91CA005237.

92-2276. State v. Frato.
Lorain County, No. 91CA005238.

92-2277. State v. Shaw.

Franklin County, No. 92AP-147.

92-2281. State v. Denune.

Butler County, Nos. CA90-07-128 and CA90-07-129.

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

92-2283. State v. Charles.

Franklin County, No. 92AP-257.

92-2292. State v. Brown.

Montgomery County, No. 12949.

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

MOTION DOCKET

92-647. State v. Jackson.

Lucas County, No. L-91-087. On motion to obtain records. Motion denied.

92-952. Savoie v. Grange Mut. Cas. Co.

Holmes County, No. CA-450. On motion for leave to file amicus of Ohio Academy of Trial Lawyers instant. Motion granted.

Moyer, C.J., dissents because the motion was filed out of rule.

Wright, J., dissents.

92-1065. Mentor Lumber & Supply Co. v. Victor.

Lake County, No. 91-L-083. On motion to correct the record. Motion granted.

92-1116, 92-1117, 92-1118 and 92-1119. Polikoff v. TRW, Inc.

Cuyahoga County, No. 63515. On motion for leave to file amicus of Murray & Murray Co., L.P.A. Motion granted.

92-1165. Jackson v. Regional Transit Auth.

Cuyahoga County, No. 60443. On motion for default judgment. Motion denied.

92-1238. Lincoln Elec. Co. v. Limbach.

Board of Tax Appeals, No. 88-E-651. On motion for leave to file reply brief instant. Motion granted.

F.E. Sweeney, J., dissents.

On request to reject appendix. Motion granted.

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

92-1276. Arpadi v. First MSP Corp.

Cuyahoga County, No. 59939. On motion for leave to file amicus of Ohio State Bar Association. Motion granted.

92-1954. State v. Robinson.

Lucas County, No. L-91-195. On motion for leave to file memorandum in support instant. Motion granted.

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

92-2558. State v. Wren.

Cuyahoga County, No. 59618. On motion for leave to file delayed

appeal. Motion granted.

A.W. Sweeney and F.E. Sweeney, JJ., dissent.

92-2563. Verbanic v. Verbanic.

Trumbull County, No. 91-T-4521. On motion for leave to exceed page limit. Motion denied.

A.W. Sweeney, Douglas and Resnick, JJ., dissent.

92-2580. State v. Eves.

Summit County, No. 14247. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

92-2581. State v. Smalcer.

Cuyahoga County, No. 60863. On motion for leave to file delayed appeal. Motion granted.

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

92-2582. State v. Mitchell.

Cuyahoga County, No. 64305. On motion for leave to file delayed appeal. Motion denied.

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

92-2584. State v. Ferguson.

Cuyahoga County, No. 60713. On motion for leave to file delayed appeal. Motion granted.

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

92-2605. Marks v. Univ. of Cincinnati.

Hamilton County, No. C-910908. On motion to dismiss. Motion denied.

92-2641. State ex rel. Celebrezze v. Marshall.

In Mandamus. On motion for alternative writ. Motion granted.

Wright, J., not participating.

93-23. State ex rel. Hayburn v. Kiefer.

In Quo Warranto. On motion for alternative writ. Motion denied.

Pfeifer, J., would also expedite this cause on the court's calendar.

93-24. State ex rel. Yeagley v. Harden.

In Quo Warranto. On motion for alternative writ. Motion denied.

Pfeifer, J., would also expedite this cause on the court's calendar.

93-25. State ex rel. Smith v. Franklin Cty. Bd. of Elections.

In Mandamus. On motion for alternative writ. Motion denied.

Pfeifer, J., not participating.

93-44. State ex rel. Celebrezze v. Marshall.

In Mandamus. On motion for alternative writ. Motion granted.

Wright, J., not participating.

JURISDICTIONAL MOTIONS ALLOWED

92-2121. Rettig Ent., Inc. v. Koehler.
Hancock County, No. 5-91-19. (Notice of appeal by Shinew; second
notice of appeal by Koehler.)

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

92-2213. Scelza v. Emp. Mut. Liab. Ins. Co.
Summit County, No. 15451. On motion to certify the record and on
motion for leave to file memorandum in opposition instant. Motions
granted.

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

92-2226. Dumas v. Estate of Dumas.
Franklin County, No. 92AP-278.

A.W. Sweeney, Douglas and F.E. Sweeney, JJ., dissent.

92-2235. Citizens for Fair Taxation v. Toledo.
Lucas County, No. L-91-302.

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

Resnick, J., not participating.

92-2236. McFarland v. Bruno Machinery Corp.
Warren County, No. CA91-11-089.

Douglas, Resnick and F.E. Sweeney, JJ., would allow.

Pfeifer, J., would allow on Proposition of Law No. III only.

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

92-2273. Dandino v. Hoover.

Lucas County, No. L-91-078.

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

Resnick, J., not participating.

JURISDICTIONAL MOTIONS OVERRULED

92-1519. Milam v. Tri-County Excavating, Inc.
Cuyahoga County, No. 60685.

92-2110. Bank One of Columbus, N.A. v. Laureano.
Hancock County, No. 5-92-13.

Douglas, J., dissents.

92-2210. Abbott v. Mayfield.
Hamilton County, No. C-910506.

Wright, Resnick and Pfeifer, JJ., dissent.

92-2211. State v. Flora.
Cuyahoga County, No. 58862.

92-2234. Jackson v. Scioto Downs, Inc.
Franklin County, No. 92AP-696.

92-2238. Mitchell v. Med. College of Ohio.
Franklin County, No. 92AP-247.

Douglas, J., dissents.

92-2242. Allstate Indemn. Co. v. Grange Mut. Cas. Co.

Franklin County, No. 91AP-1453.

Moyer, C.J., and Douglas, J., dissent.

92-2244. Webster v. Doctors Puttmann, Schwarz & Wiwi, Inc.

Hamilton County, No. C-910591.

Wright, J., dissents.

92-2256. Reschke v. Merola Ent., Inc.

Cuyahoga County, No. 60957.

92-2257. Warner v. Lewis.

Allen County, No. 1-92-65.

92-2261. State v. Vogelsong.

Franklin County, No. 91AP-1282.

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

92-2262. State v. Vogelsong's, Inc.

Franklin County, No. 91AP-1283.

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

92-2264. Anderson v. Blakeslee.

Stark County, No. CA-8662.

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

92-2271. Dancer v. Allen Cty. Bd. of Commrs.

Allen County, No. 1-91-81.

92-2272. Auto Owners Ins. Co. v. Motorists Mut. Ins. Co.

Butler County, No. CA91-07-121.

92-2274. State ex rel. Bolin v. Ohio Environmental Protection Agency.

Summit County, No. 15527.

92-2296. Akron v. Wilson.

Summit County, No. 15565.

Douglas, J., dissents.

92-2298. Wehri v. Countrymark, Inc.

Allen County, Nos. 1-92-55 and 1-92-56.

Douglas, J., dissents.

REHEARING DOCKET

91-1838. State v. Knuckles.

Butler County, No. CA89-11-159. Reported at Ohio St.3d ,

N.E.2d . On motion for rehearing. Rehearing denied.

Resnick, J., dissents.

F.E. Sweeney and Pfeifer, JJ., not participating.

92-1818. State v. Stark.

Fulton County, No. 91FU000022. Reported at 65 Ohio St.3d 1466,

N.E.2d . On motion for rehearing. Rehearing denied.

Resnick, F.E. Sweeney and Pfeifer, JJ., not participating.

DISCIPLINARY DOCKET

92-1341. Columbus Bar Assn. v. Luginbuhl.

On motion regarding payment of board costs. Motion granted and thirty days allowed.

Moyer, C.J., dissents.