

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
August 4, 1993

MERIT DOCKET

92-412. State v. Noggle.
Ottawa County. Appeal from the Court of Appeals for Ottawa County,
No. 91-OT-024. Judgment affirmed.

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

Moyer, C.J., dissents.

Mike Fain, J., of the Second Appellate District, sitting for
Resnick, J.

92-1112. State v. Harman.
Appeal from the Court of Appeals for Mahoning County, No.
89 C.A. 105. Judgment affirmed.

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

92-1335. Smith v. Howard Johnson Co., Inc.
On Order from the United States District Court, Southern District of
Ohio, Eastern Division, Certifying a Question of State Law, No.
C-2-90-230. Questions answered; see opinion.

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

Dana A. Deshler, J., of the Tenth Appellate District, sitting for
Wright, J.

92-2192. Disciplinary Counsel v. Cordova.
On Certified Report by the Board of Commissioners on Grievances and
Discipline of the Supreme Court, No. 91-37. Carlos A. Cordova is

publicly reprimanded.

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

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

93-764. Burch v. State.

In Habeas Corpus. On return of writ and 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 and would grant the writ.

93-779. Winston v. Littlefield.

In Habeas Corpus. On return of writ and writ to dismiss. Motion to
dismiss sustained. Cause dismissed.

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

93-896. State ex rel. Lewis v. Fisher.

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.

93-932. State v. Hill.

Hamilton County, No. C-880527. On 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.

93-933. State v. Corethers.

Cuyahoga County, No. 65132. 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.

93-940. State v. Corethers.

Cuyahoga County, No 65131. 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.

93-944. State v. Corethers.

Cuyahoga County, No. 65130. 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.

93-1039. State ex rel. Thomas v. Cannon.

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

93-1047. State ex rel. Howze v. Panioto.

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.

93-1052. Hill v. First Dist. Court of Appeals.

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.

93-1072. Dalzell v. Dallman.

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.

93-1106. Floyd v. Eighth Dist. App. Court of Ohio.

In Procedendo. 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.

93-1154. State ex rel. Brown v. Tenth Dist. Court of Appeals.

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

Cause dismissed.

A.W. Sweeney, Wright, F.E. Sweeney and Pfeifer, JJ., concur.

Moyer, C.J., Douglas and Resnick, JJ., dissent and would grant an alternative writ.

93-1190. State v. Thomas.

Lake County, No. 92-L-020. On motion for leave to file delayed appeal. Motion granted.

Moyer, C.J., and F.E. Sweeney, J., dissent.

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

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

A.W. Sweeney and Douglas, JJ., would deny the jurisdictional motion.

Pfeifer, J., dissents.

93-1195. State ex rel. May v. Cartolano.

Hamilton County, No. C-930188. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

Moyer, C.J., and Resnick, J., would affirm.

93-1196. 409 S.O.C.F. Prisoners v. State.

In Mandamus. Sua sponte, cause dismissed.

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

MOTION DOCKET

91-199, 91-1211, 91-1519 and 91-1589. State v. Wyant.

Delaware County, No. 90CA2; Franklin County, Nos. 90AP-473, 90AP-474, 90AP-475 and 90AP-477; and Montgomery County, Nos. CA 12239, CA 12259

and CA 12260. On motion for directions as to briefing and argument and motion to set briefing and argument schedules. Oral argument granted and briefing schedule to be set.

92-2212. Illinois Controls, Inc. v. Langham.
Cuyahoga County, No. 60730. On motion for leave to supplement the record. Motion granted.

92-2364. State ex rel. Chime v. Bd. of Trustees of Police & Firemen's Disability & Pension Fund of Ohio.
Franklin County, No. 92AP-928. On request for oral argument. Request granted.

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

92-2479. Harkcom v. Ohio Power Co.
Stark County, No. CA-8714. On motion for leave to file supplemental record instanter. Motion granted.

93-7. State v. Williams.
Butler County, Nos. CA91-04-060 and CA92-06-110. On motion to show cause. Motion denied.

93-129. Columbia Gas Transm. Corp. v. Exclusive Natural Gas Storage Easement.
On motions for leave to file amicus instanter of Ohio Oil and Gas Association, Inc. and Better Heirs Trust. Motions denied.

93-399. Copeco, Inc. v. Caley.
Stark County, No. CA-8776. On motion for leave to file appellant's brief instanter. Motion granted.

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

93-592. Horton v. Addy.
Montgomery County, No. 13524. On motions for leave to file amicus of Gross et al. and Ohio Academy of Trial Lawyers. Motions granted.

93-689. Christine Benevolent Assn. of Greater Cincinnati, Inc. v. Limbach.
Board of Tax Appeals, No. 89-H-850. On motion for leave to file record and brief instanter. Motion granted.

F.E. Sweeney, J., dissents.

93-831. State ex rel. Fant v. Tober.
Cuyahoga County, No. 64471. On motion for leave to withdraw memorandum in support. Motion granted.

93-888. State v. Quisenberry.
Hancock County, No. 5-92-17. On motion for appointment of counsel. Sua sponte, this matter is referred to the court of appeals for its appointment of Karen E. Elliott.

93-904. State ex rel. Levin v. Sheffield Lake.
Lorain County, No. 91CA005225. On motion for leave to supplement the record. Motion granted.

93-943. State ex rel. Brown v. Indus. Comm.
In Mandamus. On answer of respondent. Sua sponte, alternative writ

granted.

Pfeifer, J., would dismiss the cause.

93-1085. State v. Said.

Lake County, No. 92-L-018. On motion for leave to file memorandum in support of cross-appeal instanter. Motion granted.

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

93-1103. Mueller v. Toledo.

Lucas County, No. L-91-421. On motion for leave to file memorandum in support of cross-appeal instanter. Motion granted.

Resnick, J., not participating.

93-1140. Feehan v. Kramer.

Hancock County, No. 5-92-9. On motion for leave to file memorandum in support instanter. Motion granted.

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

93-1143. State v. Cotton.

Cuyahoga County, No. 62104. On motion for leave to file memorandum in support instanter. Motion granted.

F.E. Sweeney, J., dissents.

93-1199. Reynoldsburg Trucking Co. v. Pub. Util. Comm.

Public Utilities Commission, No. 89-247-TR-ACE. On motion for leave to intervene. Motion granted.

93-1221. State v. Crum.

Cuyahoga County, No. 61803. On motion for leave to file memorandum in support instanter. Motion granted.

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

93-1228. Campbell v. Ohio Dept. of Rehab. & Corr.

Franklin County, Nos. 92AP-1168 and 92AP-821. On motion for leave to file delayed appeal. Motion denied.

93-1253. State v. Baldwin.

Lorain County, No. 93CA005561. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

On motion for appointment of counsel. Motion denied.

93-1275. State v. Ross.

Lorain County, No. 92CA005422. On motion for leave to file memorandum in support instanter. Motion granted.

Resnick, J., dissents.

93-1329. Dellenbach v. Robinson.

Franklin County, No. 92AP-884. On motion to strike. Motion denied. On motion to withdraw motion to strike as to Grant Medical Center only. Motion denied.

Moyer, C.J., and F.E. Sweeney, J., dissent.

93-1332. State v. McGuinness.

Greene County, No. 93CA7. On motion for leave to file memorandum in support instanter. Motion granted.

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

93-1341. State v. Jackson.
Wayne County, No. 2754. On motion for leave to file delayed appeal.
Motion denied.

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

REHEARING DOCKET

90-1927. State v. Lorraine.
Trumbull County, No. 3838. Reported at 66 Ohio St.3d 414,
N.E.2d . On motion for rehearing. Rehearing denied.

92-557. State Med. Bd. of Ohio v. Murray.
Franklin County, No. 91AP-519. Reported at 66 Ohio St.3d 527,
N.E.2d . On motion for rehearing. Rehearing denied.

92-1143. Whitelock v. Cleveland Clinic Found.
Cuyahoga County, Nos. 60084 and 60610. Reported at 66 Ohio St.3d
594, N.E.2d . On motion for rehearing. Rehearing denied.
Moyer, C.J., and Pfeifer, J., dissent.

92-2024. State ex rel. Basluke v. McGraw Nursing Home.
Franklin County, No. 91AP-720. Reported at 66 Ohio St.3d 521,
N.E.2d On motion for rehearing. Rehearing denied.

92-2075. State v. Delisio.
Greene County, No. 91CA46. Reported at 66 Ohio St.3d 1438,
N.E.2d . On motion for rehearing. Rehearing denied.

93-154. State v. Velez.
Defiance County, No. 4-92-11. Reported at 66 Ohio St.3d 1479,
N.E.2d . On motion for rehearing. Rehearing denied.
Moyer, C.J., and Pfeifer, J., dissent.

93-325. Painter v. Graley.
Cuyahoga County, No. 61148. Reported at 66 Ohio St.3d 1485,
N.E.2d . On motion for rehearing. Rehearing granted and motion to
certify allowed.
A.W. Sweeney, J., dissents.
F.E. Sweeney, J., not participating.

93-353. State ex rel. Griffin v. Campbell.
Summit County, No. 15678. Reported at 66 Ohio St.3d 1519,
N.E.2d . On motion for rehearing. Rehearing denied.

93-573. Fant v. Bd. of Trustees (RTA).
Cuyahoga County, No. 61659. Reported at 66 Ohio St.3d 1509,
N.E.2d . On motion for rehearing. Rehearing denied.

93-819. Slabochova v. Westfield Ins. Co.
Mahoning County, No. 92 C.A. 47. Reported at 66 Ohio St.3d 1502,
N.E.2d . On motion for rehearing. Rehearing denied.

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WEDNESDAY
August 4, 1993

MOTION DOCKET

93-1538. State ex rel. Hamilton v. Clinton Cty. Bd. of Elections. In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relators' motion to designate David J. Demers as a qualified person to make service of summons,

IT IS ORDERED by the court that said motion be, and the same is hereby, denied, effective August 2, 1993.

IT IS ORDERED by the court, sua sponte, effective August 2, 1993, that answer day in this cause shall be five days after respondents' receipt of summons, and, thereafter, the provisions of S. Ct. Prac. R. VIII(11) shall apply to this cause.