

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 23, 1994

MERIT DOCKET

93-568. AT&T Technologies, Inc. v. Limbach.

Appeal and Cross-Appeal from the Board of Tax Appeals, No.

90-A-1047. Decision reversed in part and affirmed in part.

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

93-1670. Lake Cty. Bd. of Mental Retardation & Developmental
Disabilities v. Professional Assn. for the Teaching of the Mentally
Retarded.

Lake County. Appeal from the Court of Appeals for Lake County, No.
92-L-128. Judgment reversed.

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

Wright, J., concurs separately.

Moyer, C.J., dissents.

93-1902. State ex rel. Sebestyen v. Indus. Comm.

Franklin County. Appeal from the Court of Appeals for Franklin
County, No. 92AP-705. Judgment reversed and writ allowed.

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

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

94-303. Taylor v. Lucas.

Trumbull County. Appeal from the Court of Appeals for Trumbull

County, No. 92-T-4817. The discretionary appeal is allowed; judgment reversed and cause remanded.

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

94-493. Disciplinary Counsel v. McDowell.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 93-40. Gregory Alan McDowell is indefinitely suspended from the practice of law in the state of Ohio.

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

Pfeifer, J., dissents.

94-536. Disciplinary Counsel v. Furtado.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 92-59. Lorraine T. Furtado is suspended from the practice of law with credit for time served.

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

Wright, J., concurs in part.

94-557. State ex rel. Chavis v. Sycamore City School Dist. Bd. of Edn.

Hamilton County. Appeal from the Court of Appeals for Hamilton County, No. C-920906. Judgment affirmed in part, reversed in part and cause remanded.

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

Douglas, J., concurs in judgment only.

Pfeifer, J., dissents.

SUPREME COURT OF OHIO

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MERIT DOCKET

94-195. State ex rel. Kose v. Court of Appeals for Lucas Cty. In Prohibition. 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.

94-325. State ex rel. Haukedahl v. Bates. Lucas County, No. L-93-353. 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.

94-1956. Owens v. Olin. In Habeas Corpus. Sua sponte, cause dismissed.

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

94-2071. Miller v. Ohio Dept. of Rehab. & Corr. 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 and would grant an alternative writ.

94-2077. State ex rel. Mizell v. Ohio Adult Parole Auth. 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.

94-2149. Guiles v. State. In Habeas Corpus. Sua sponte, cause dismissed.

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

94-2167. State ex rel. Cossett v. Clinton. In Prohibition. Sua sponte, cause dismissed.

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

94-2219. State ex rel. Brantley v. Russell. In Habeas Corpus. Sua sponte, cause dismissed.

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

94-2244. State ex rel. Martin v. State. 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.

DISMISSALS, SUA SPONTE, NO SUBSTANTIAL CONSTITUTIONAL QUESTION AND DISCRETIONARY APPEALS, IF APPLICABLE, NOT ALLOWED

94-1263. State v. Clark.

Montgomery County, No. 13435.
Wright, J., dissents.

94-1335. State v. Robbins.
Licking County, No. 93-CA-30.
Wright, J., dissents.

94-1357. State v. Digby.
Ottawa County, No. 93OT036.
Resnick, J., not participating.

94-1611. State v. Scott.
Franklin County, No. 93APA12-1752.

94-1663. State v. Hambel.
Franklin County, No. 93APA10-1372.

94-1665. State v. Pump.
Ross County, No. 93CA1968.

94-1673. State v. Easterling.
Greene County, No. 93-CA-42.
Douglas and Resnick, JJ., dissent.

94-1681. State v. Troutman.
Lorain County, Nos. 93CA005686, 93CA005687 and 93CA005688.

94-1683. In re Skeen.
Franklin County, Nos. 93APF12-1633, 93APF12-1634 and 93APF12-1635.

94-1687. Lee v. Traci.
Cuyahoga County, Nos. 65368, 65369, 65370 and 65371.

94-1696. Gawloski v. Miller Brewing Co.
Lorain County, No. 94CA005789.

94-1697. State v. Mascarella.
Tuscarawas County, No. 93AP100075.

94-1700. In re St. John Med. Ctr.
Franklin County, Nos. 94APH01-70 and 94APH01-71.
Wright, J., not participating.

94-1705. Bourekis v. Saidel & Assoc.
Montgomery County, No. 14105.
Resnick, J., dissents.

94-1709. Songer v. Fisher.
Butler County, No. CA94-06-126.

94-1710. State v. Dehler.
Cuyahoga County, No. 65716.

94-1718. Latty v. Whiteford Nationalease, Inc.
Darke County, Nos. CA-1342 and CA-1347.
Pfeifer, J., dissents.

94-1722. State v. Powers.
Medina County, No. 2285-M.

94-1723. State v. East.
Franklin County, No. 93APC09-1307.

94-1733. State v. Bickel.
Holmes County, No. 485.

94-1736. State v. Kline.
Portage County, No. 93P0066.

94-1737. Pratt v. Grunenwald.
Montgomery County, No. 14160.
Douglas and Wright, JJ., dissent.

94-1740. Stow v. Coville.
Summit County, No. 16271.

94-1741. Kirwen v. Petroleum Underground Storage Tank Release Comp.
Bd.
Sandusky County, No. S-93-33.
Moyer, C.J., dissents.
Resnick, J., not participating.

94-1750. Horner v. Dible.
Sandusky County, No. S-93-44.
Resnick, J., not participating.

94-1751. State v. Patterson.
Trumbull County, No. 92-T-4720. On motion and cross-motion for
leave to appeal, and on motion to supplement the record. Motions
denied.
Resnick, J., dissents.

94-1754. Risner v. Gaspich.
Scioto County, No. 2062.

94-1756. Tooson v. Tom's Tire & Auto Serv.
Lucas County, No. L-93-310.

94-1757. Cleveland v. Houston.
Cuyahoga County, No. 65897.

94-1765. State v. Sharpe.
Clark County, No. 3046.

94-1766. World Evangelistic Ent. Corp. v. Tracy.
Clark County, No. 3100.
Douglas and Resnick, JJ., dissent.

94-1773. Cincinnati v. Thompson.
Hamilton County, No. C-920619.
Moyer, C.J., and Wright, J., dissent.

94-1774. State v. Gozdowski.
Lucas County, No. L-93-240.

Resnick, J., dissents.

94-1790. In re Estate of Reese.
Madison County, No. CA94-05-020.

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

94-1803. State v. Golphin.
Cuyahoga County, No. 65697.

94-1808. State v. Benson.
Cuyahoga County, No. 65018.

94-1826. Billman v. Hirth.
Franklin County, No. 94APE05-621.

94-1840. Quellos v. Quellos.
Cuyahoga County, No. 65690.

94-1851. State v. Ritchie.
Clermont County, No. CA94-04-031.
Moyer, C.J., and Douglas, J., dissent.

MOTION DOCKET

93-2319. State ex rel. Lentz v. Ohio Dept. of Rehab. & Corr.
In Mandamus. On motion for 60(B) relief from judgment. Motion
denied.

93-2350. State ex rel. Pepsi Cola Bottling Co. v. Indus. Comm.
Franklin County, No. 92AP-1506. On request for oral argument.
Request denied.

94-103. State v. D'Ambrosio.
Cuyahoga County, No. 57448. On pro se motion for substitution of
counsel. Motion denied.
F.E. Sweeney, J., not participating.

94-705. Community Mut. Ins. Co. v. Tracy.
Board of Tax Appeals, No. 91-J-418. On request for argument before
full court. Request granted.

94-751. Meijer Realty Co. v. Franklin Cty. Bd. of Revision.
Board of Tax Appeals, No. 93-R-1047. Sua sponte, this cause is
consolidated with 94-790, Thrifty Findlay, Inc. v. Franklin Cty. Bd.
of Revision, Board of Tax Appeals, No. 93-M-1050; 94-791, Thrifty
Findlay, Inc. v. Franklin Cty. Bd. of Revision, Board of Tax
Appeals, No. 93-H-1051; and 94-888, Meijer Realty Co. v. Franklin
Cty. Bd. of Revision, No. 93-A-1046.

94-1245. Aronson v. Tracy.
Board of Tax Appeals, No. 92-H-467. On request for argument before
full court. Request granted.
Resnick, J., dissents.

94-1769. State ex rel. Newton v. Court of Claims of Ohio.
In Mandamus and Prohibition. On motion to dismiss. Motion denied

and briefing schedule set.

94-1783. State ex rel. Roberts v. Ohio State Hwy. Patrol.
In Mandamus. On answer of respondent. Sua sponte, alternative writ
granted.

94-2086. State v. Elkins.
Stark County, No. CA-8972. On motion for appointment of counsel.
Motion denied.

Wright, J., dissents and would appoint the State Public
Defender.

94-2142. State v. Everette.
Montgomery County, No. 13440. On motion for leave to file delayed
appeal. Motion denied.

94-2208. State v. Phillips.
Summit County, No. 16487. On motion for appointment of counsel.
Motion denied.

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

94-2260. State v. Branco.
Cuyahoga County, No. CA8618. On motion for leave to file delayed
appeal. Motion denied.

94-2280. State v. Alford.
Seneca County, No. 13-94-7. On motion for leave to file delayed
appeal. Motion denied.

Moyer, C.J., dissents.

94-2290. Dick v. Superior Metal Products.
Hamilton County, No. C-930689. On motion for admission pro hac
vice. Motion granted.

DISCRETIONARY APPEALS ALLOWED

94-1464. Reynolds v. Goll.
Lorain County, No. 93CA005720.
Moyer, C.J., Wright and Resnick, JJ., dissent.

94-1693. In re Byard.
Tuscarawas County, No. 93AP100073 and 93AP110078.
A.W. Sweeney, Wright and F.E. Sweeney, JJ., dissent.

94-1752. Steele v. Auburn Vocational School Dist.
Lake County, No. 93-L-105.
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

94-1771. Couchot v. State Lottery Comm.
Franklin County, No. 93APE09-1337.
A.W. Sweeney and Pfeifer, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

94-1514. State v. Vultee.

Montgomery County, No. 13581.
Douglas and Resnick, JJ., dissent.

94-1522. Bauman v. Bauman.
Wayne County, No. 2853.
Douglas and F.E. Sweeney, JJ., dissent.

94-1533. White v. Brinegar.
Summit County, No. 16429.
Resnick, J., dissents.
Wright, J., not participating.

94-1610. Bell v. Mt. Sinai Med. Ctr.
Cuyahoga County, No. 63230.
Moyer, C.J., and Wright, J., dissent.

94-1628. Ohio Assn. of Life Underwriters, Inc. v. Duryee.
Franklin County, No. 94APE01-24.
Wright, J., not participating.

94-1676. Altman v. Cincinnati.
Hamilton County, No. C-930463.

94-1684. Ohio Edison Co. v. Ohio Dept. of Transp.
Franklin County, No. 93AP-946.
Moyer, C.J., A.W. Sweeney and Douglas, JJ., dissent.

94-1692. Noell v. Star Bank, N.A., Cincinnati.
Hamilton County, No. C-930338.

94-1702. Herzner v. Gray.
Hamilton County, No. C-930430.
Resnick and F.E. Sweeney, JJ., dissent.

94-1707. Zagorec v. McNutt.
Tuscarawas County, No. 93AP110077.

94-1716. Hannum v. Hannum.
Fairfield County, No. 94-CA-13.

94-1729. Ohio Bur. of Workers' Comp. v. Titchell.
Franklin County, No. 93APE12-1641.
Douglas, J., dissents.

94-1734. Evans v. Moore, Moore & Moore.
Hamilton County, No. C-930288.
Douglas and Resnick, JJ., dissent.

94-1753. Kumpf v. Estwing Mfg. Co.
Clermont County, No. CA94-05-039.
Resnick, J., dissents.

RECONSIDERATION DOCKET

92-2212. Illinois Controls, Inc. v. Langham.
Cuyahoga County, No. 60730. Reported at 70 Ohio St.3d 512,

N.E.2d . On motion for reconsideration and/or clarification by
Illinois Controls, Inc. Motion denied.