

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

FRIDAY
December 23, 1994

MERIT DOCKET

92-2628. State v. Johnson.
Summit County. Appeal from the Court of Appeals for Summit County,
No. 15065. Judgment reversed and cause remanded.

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

93-1147. State v. Manley.
Allen County. Appeal from the Court of Appeals for Allen County,
No. 1-91-83. Judgment reversed.

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

93-1600. Caddell v. Ohio Bur. of Workers' Comp.
Franklin County. Appeal from the Court of Appeals for Franklin
County, No. 92AP-1466. Judgment affirmed in part and appeal
dismissed in part.

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

93-1878. Society Natl. Bank v. Security Fed. S. & L.
Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga
County, No. 63141. Judgment affirmed.

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

Wright and Pfeifer, JJ., dissent.

Fred E. Jones, J., of the Twelfth Appellate District, sitting
for Resnick, J.

93-1897. State v. Jones.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga County, No. 64481. Judgment reversed and cause remanded.

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

Resnick and F.E. Sweeney, JJ., concur in part and dissent in part, and would reinstate the judgment of the trial court.

93-2034. Ohio Contractors Assn. v. Bicking.

Franklin County. Appeal from the Court of Appeals for Franklin County, No. 93AP-939. Judgment affirmed.

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

93-2129 and 93-2211. State Emp. Relations Bd. v. Miami Univ.

Butler County. Appeal from the Court of Appeals for Butler County, No. CA93-03-040. Judgment reversed.

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

A.W. Sweeney and Wright, JJ., concur in judgment only.

93-2155. State ex rel. Delong v. Indus. Comm.

Franklin County. Appeal from the Court of Appeals for Franklin County, No. 92AP-951. Judgment affirmed.

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

93-2428. United Tel. Co. of Ohio v. Limbach.

Appeals from the Board of Tax Appeals, Nos. 91-Z-197, 91-Z-198 and 91-Z-199. Decision reversed and cause remanded.

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

Resnick, J., concurs in the syllabus and judgment only.

93-2511. Loctite Corp. v. Tracy.

Appeal from the Board of Tax Appeals, No. 91-K-1078. Decision reversed.

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

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

94-537. Dayton Bar Assn. v. Marzocco.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 93-21. Ralph L. Marzocco is indefinitely suspended from the practice of law.

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

94-894. Cleveland Bar Assn. v. Stranathan.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 92-51. Curtis P. Stranathan is indefinitely suspended from the practice of law.

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

94-966. Disciplinary Counsel v. Spencer.

Scott W. Spencer is suspended from the practice of law for one year.

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

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

William W. Young, J., of the Twelfth Appellate District, sitting for Wright, J.

94-968. Disciplinary Counsel v. Lynch.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 93-63. Robert T. Lynch is suspended from the practice of law for six months.

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

94-1412. State ex rel. Ryan v. State Teachers Retirement Sys. In Mandamus. Writ granted.

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

94-1685. State v. Erwin.

Licking County. Appeal from the Court of Appeals for Licking County, No. 93-CA-8. Judgment affirmed.

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

94-1818. State v. Hamblin.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga County, No. 49975. Judgment affirmed.

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

94-1879. State v. Graham.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga County, No. 33350. Judgment affirmed.

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

94-1930. State v. Dehler.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga County, Nos. 65006 and 66020. Judgment affirmed.

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

94-1967. State v. Peeples.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga County, No. 54708. Judgment affirmed.

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

94-2005. State v. Hull.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga County, No. 51853. Judgment affirmed.

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

94-2038. State v. Cobb.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga

County, No. 44455. Judgment affirmed.

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

94-2055. State v. Solomon.

Montgomery County. Appeal from the Court of Appeals for Montgomery County, No. 13160. Judgment affirmed.

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

94-2252. Disciplinary Counsel v. Lloyd.

Ronald Kevin Lloyd is indefinitely suspended from the practice of law, without credit for his interim suspension.

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

94-2308. Disciplinary Counsel v. Collins.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 94-24. H. Paul Collins is publicly reprimanded.

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

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY

December 23, 1994

MOTION DOCKET

90-22. State v. Waddy.

Franklin County, Nos. 87AP-1159 and 87AP-1160. UPON CONSIDERATION of the motion filed by counsel for appellant to stay the execution of sentence in the above-styled cause pending the exhaustion of state post-conviction remedies,

IT IS ORDERED by the court that the motion be, and is hereby, granted, effective December 21, 1994.

IT IS FURTHER ORDERED by the court that, pursuant to State v.

Glenn (1987), 33 Ohio St.3d 601, 519 N.E.2d 869, a stay is granted for a period of six months, beginning December 5, 1994, and ending June 5, 1995, to allow appellant an opportunity to file a petition for post-conviction relief. If a petition for post-conviction relief is not filed within the time allotted, this stay will expire. No further time for the filing of the petition will be granted except in unusual circumstances.

IT IS FURTHER ORDERED by the court that, if a petition for post-conviction relief is filed within the time allotted, a date-stamped copy of the petition shall be filed by appellant with the Clerk of this court, and this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals.

IT IS FURTHER ORDERED by the court that compliance with the mandate and execution of sentence be, and is hereby, stayed for the six-month period allotted by this order and, if a petition for post-conviction relief is filed within the time allotted, pending the exhaustion of all proceedings for post-conviction relief before the courts of this state.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court when all proceedings for post-conviction relief before courts of this state have been exhausted.

92-2019. State v. Fox.

Wood County, No. 90-WD-067. This court has received notification that on December 12, 1994, the Supreme Court of the United States entered an order in No. 94-5419, Richard Fox v. Ohio, which stated:

"On consideration of the petition for a writ of certiorari herein to the Supreme Court of Ohio, IT IS ORDERED by this Court that said petition be, and the same is hereby, denied."

Upon consideration that the stay of execution of sentence granted by this court on July 26, 1994, was conditioned upon final disposition of appellant's petition to the Supreme Court of the United States, and it appearing to this court that the Supreme Court of the United States has rendered a final disposition of the petition,

IT IS ORDERED that the stay of execution is hereby terminated as of the date of this entry, December 21, 1994.

IT IS HEREBY ORDERED by this court that the sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Tuesday, the 21st day of March, 1995, in accordance with the statutes so provided.

IT IS FURTHER ORDERED that a certified copy of this entry and a warrant under the seal of this court be duly certified to the Warden of the Southern Ohio Correctional Facility and that the Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Wood County.

IT IS FURTHER ORDERED by the court that, upon written application of appellant, and pursuant to State v. Glenn (1987), 33 Ohio St.3d 601, 519 N.E.2d 869, this court will grant one additional stay for a period ending six months from the date of this entry to allow appellant an opportunity to file a petition for post-conviction relief.

RECONSIDERATION DOCKET

94-1979. State ex rel. McAndrews v. Gaines.
Hamilton County, No. C-940596. Reported at 71 Ohio St.3d 1418,
N.E.2d . It is ordered by the court that the motion for
reconsideration in this case be, and the same is hereby, denied,
effective December 20, 1994.