

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M. WEDNESDAY
November 15, 1995

MERIT DOCKET

95-1900. State ex rel. Seiber v. Judges of the Eighth Appellate Dist. Court of Appeals.

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

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

95-1919. State ex rel. Perkins v. Ghee.

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

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

95-1967. Mayne v. Ohio Dept. of Rehab. & Corr.

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

Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney and Cook, JJ., concur.
Pfeifer, J., dissents and would grant an alternative writ.

95-1979. State ex rel. Shelley v. Russell.

In Mandamus. On motion to dismiss by P.D. Fedders, motion to dismiss by Harry K. Russell, and motion to dismiss by Judge James E. Walsh. Motions to dismiss sustained. Cause dismissed.

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

95-2011. State ex rel. Willis v. Ohio Dept. of Rehab. & Corr.

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

Douglas, Wright, Resnick, F.E. Sweeney and Cook, JJ., concur.

Moyer, C.J., and Pfeifer, J., dissent and would grant an alternative writ.

95-2017. State ex rel. Moore v. Baird.

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

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

95-2022. Neace v. Lytten.

In Procedendo. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Wright, Pfeifer and Cook, JJ., concur.

Resnick and F.E. Sweeney, JJ., dissent and would grant an alternative writ.

95-2030. Lentz v. Ohio Dept. of Corr.

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

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

95-2133. In re Petition for a Writ of Habeas Corpus for Chambers.

In Habeas Corpus. Sua sponte, cause dismissed.

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

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

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

95-1084. State v. Billings.

Cuyahoga County, No. 66829.

95-1481. State v. Wiley.

Huron County, No. H-94-030.

Resnick, J., not participating.

95-1496. State v. Foster.

Muskingum County, No. CT-94-29.

95-1500. State v. Wilmoth.

Portage County, No. 94-P-0036.

Douglas, J., dissents.

95-1505. State v. Franklin.

Franklin County, No. 94APA11-1690.

95-1509. State v. Hubbard.

Portage County, No. 94-P-0131.

95-1511. State v. Milton.

Cuyahoga County, No. 65828.

95-1512. State v. Pierce.

Cuyahoga County, Nos. 66853 and 66854.

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

95-1518. Akbar-El v. Muhammed.

Ross County, No. 94CA2059.

Pfeifer, J., dissents.

95-1524. Estate of Sherman v. Milhon.

Franklin County, No. 94APE11-1648.

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

95-1528. State v. Hogan.

Cuyahoga County, No. 66956.

95-1533. Johnson's Island Property Owners' Assn. v. Schregardus.

Franklin County, Nos. 94APH10-1441, 94APH10-1442, 94APH10-1443, 94APH10-1444, 94APH10-1445 and 94APH10-1446.

95-1538. Winiarski v. Hamilton Cty. Recorder.

Franklin County, Nos. 94APE12-1821, 94APE12-1822 and 94APE12-1823.

95-1547. Ward v. Custom Glass & Frame, Inc.

Cuyahoga County, No. 67494.

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

95-1550. State v. Scott.

Monroe County, No. 726.

95-1552. State v. Webb.

Belmont County, No. 92-B-65.

95-1553. Rotbart v. Sating.

Cuyahoga County, No. 67538.

95-1555. Rogers v. Frayer.

Geauga County, No. 94-G-1854.

Wright, J., dissents.

95-1558. Terrell v. White.

Medina County, No. 2362-M.

95-1559. Savoie v. Grange Mut. Cas. Co.

Holmes County, No. 94CA522.

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

95-1562. State v. Harris.

Mahoning County, No. 94 C.A. 63.

95-1566. State v. Congeni.

Cuyahoga County, No. 67226.

95-1571. Gaul v. Young.

Cuyahoga County, No. 68702.

95-1572. State v. Boatwright.

Franklin County, No. 94APA11-1655.

95-1575. Eagle v. Mathews-Click-Bauman, Inc.

Franklin County, No. 94APE10-1507.

95-1577. State v. Hill.

Trumbull County, No. 94-T-5116.

95-1580. Hapner v. Grange Mut. Cas. Co.
Montgomery County, No. 14510. Discretionary appeal and cross-appeal denied.
Douglas and Wright, JJ., dissent.

95-1586. Loom Lodge 1044 Troy v. Ohio Liquor Control Comm.
Miami County, No. 95CA6.
Pfeifer, J., dissents.

95-1590. Hackathorn v. Preisse.
Summit County, No. 17058.
Cook, J., not participating.

95-1599. State v. Mann.
Cuyahoga County, No. 66770.
Wright and Pfeifer, JJ., dissent.
95-1608. State v. Elliott.
Franklin County, No. 94APA08-1275.

95-1612. Griffin v. Sloan.
Lucas County, No. L-94-159.
Pfeifer, J., dissents.
Resnick, J., not participating.

95-1614. Columbiana Twp. Bd. of Zoning v. Otis.
Lorain County, No. 94CA005937.

95-1625. State v. Gray.
Hamilton County, No. C-940276.
Pfeifer, J., dissents.

95-1636. State v. Carroll.
Cuyahoga County, No. 69197.

95-1642. State v. Power.
Franklin County, No. 95APC01-22.

95-1647. State v. Clement.
Franklin County, No. 95APA01-101.
Wright and Cook, JJ., dissent.

95-1662. Wells v. Monroe Cty. Bd. of Commrs.
Scioto County, No. 94CA2273.

95-1691. Pasco v. McCoy.
Ottawa County, No. OT-94-046.
Douglas, Resnick and Pfeifer, JJ., dissent.

95-1716. State v. Styles.
Lorain County, No. 94CA005998.

95-1726. Maji v. Firem.
Cuyahoga County, No. 67198.

95-1730. State v. Sampson.
Summit County, No. 16898.

MOTION DOCKET

95-1286. State ex rel. Gen. Housewares Corp. v. Indus. Comm.
In Mandamus. On answer of respondent. Sua sponte, alternative writ granted.
F.E. Sweeney, J., dissents.

95-1358. State ex rel. Toledo Edison Co. v. Clyde.
Sandusky County, Nos. S-88-046 and S-95-002. On motion for admission pro hac
vice of Gregg D. Ottinger, Esq., and John P. Coyle, Esq., by William D. Pearce,
Esq. Motion granted.
Resnick, J., not participating.

95-1537. ALLTEL Ohio, Inc. v. Pub. Util. Comm.
Public Utilities Commission, No. 94-2019-TP-ACE. On motion for admission pro
hac vice of Robert G. Berger by Boyd B. Ferris. Motion granted.
Wright and Resnick, JJ., not participating.

95-1975. State v. Hatcher.
Cuyahoga County, No. 66281. On motion for leave to file delayed appeal. Motion
denied.
Wright and F.E. Sweeney, JJ., dissent.

95-2002. Litigaide, Inc. v. Custodian of Records for Lakewood Police Dept.
In Mandamus. On answer of respondent. Sua sponte, alternative writ granted.

95-2029. State v. Freeman.
Cuyahoga County, No. 64531. On motion for leave to file delayed appeal. Motion
denied.

95-2048. State v. Whitaker.
Butler County, No. CA94-11-205. On motion for leave to file delayed appeal.
Motion denied.
Resnick and Pfeifer, JJ., dissent.

95-2062. State v. Vanderhoff.
Lake County, No. 94-L-192. On motion for leave to file delayed appeal. Motion
denied.
Moyer, C.J., Douglas and Resnick, JJ., dissent.

95-2069. State v. Fields.
Butler County, No. CA94-06-121. On motion for leave to file delayed appeal.
Motion denied.
Moyer, C.J., dissents.

95-2080. State v. Castro.
Franklin County, No. 94APA09-1331. On motion for leave to file delayed appeal.
Motion denied.
Moyer, C.J., Resnick and Pfeifer, JJ., dissent.

95-2085. State v. Capone.
Cuyahoga County, No. 67971. On motion for leave to file delayed appeal. Motion
granted.
Wright, F.E. Sweeney and Pfeifer, JJ., dissent.

95-2090. State v. Baker.

Stark County, No. CA-9276. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

95-2095. Troutman v. Allstate Ins. Co.

Summit County, No. 17086. On review of order certifying a conflict. The court determines that a conflict exists; sua sponte, cause consolidated with 95-1858, infra, and cause held for the decision in 94-2765, infra.

95-2101. State v. Galloway.

Lucas County, No. L-94-209. On motion for leave to file delayed appeal. Motion denied.

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

Resnick, J., not participating.

95-2112. State v. Prather.

Brown County, No. CA94-08-010. On motion for leave to file delayed appeal. Motion denied.

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

DISCRETIONARY APPEALS ALLOWED

95-1340. State v. Paxton.

Lucas County, No. L-93-227. Discretionary appeal and cross-appeal allowed.

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

95-1522. Phillips v. Burt.

Montgomery County, No. 14532.

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

95-1616. Mishr v. Poland Bd. of Zoning Appeals.

Mahoning County, No. 93 C.A. 234.

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

95-1858. Troutman v. Allstate Ins. Co.

Summit County, No. 17086. Discretionary appeal allowed and cause consolidated with 95-2095, supra; sua sponte, cause held for the decision in 94-2765, Girgis v. State Farm Mut. Auto. Ins. Co., Cuyahoga County, No. 66970; briefing schedule stayed.

DISCRETIONARY APPEALS NOT ALLOWED

95-1110. State v. Rash.

Stark County, No. 94-CA-223.

95-1507. State v. Spencer.

Cuyahoga County, No. 68200.

95-1540. Hollen v. Ohio Dept. of Mental Retardation & Dev. Disabilities.

Franklin County, No. 94API10-1539.

Douglas, J., dissents.

95-1541. State v. Crowell.

Montgomery County, No. 14987.

95-1564. Camp Washington Community Bd., Inc. v. Rece.
Hamilton County, No. C-940165.

95-1568. Point E. Condominium Owners' Assn., Inc. v. Cedar House Associated Co.
Cuyahoga County, No. 67408.
Wright, J., dissents.

95-1576. Giles v. Stowe.
Franklin County, No. 94APE11-1652.

95-1588. Safeco Ins. Co. of America v. Crawford.
Hamilton County, No. C-940649.
Resnick and Pfeifer, JJ., dissent.

95-1589. Foster v. Cincinnati Paperboard Corp.
Hamilton County, No. C-940569.
Resnick, J., dissents.

95-1591. Love v. Nationwide Mut. Ins. Co.
Franklin County, No. 94APE12-1708.
Resnick and F.E. Sweeney, JJ., dissent.

95-1592. Ohio State Dental Bd. v. Rubin.
Hamilton County, No. C-940140.
Moyer, C.J., dissents.

95-1598. Wyatt v. Wyatt.
Cuyahoga County, No. 68974.
F.E. Sweeney and Cook, JJ., dissent.

95-1613. Granger v. Carrick.
Muskingum County, Nos. CT-94-23 and CT-94-25.
Wright, J., dissents.

95-1681. Korney v. Maxx Plus Drywall.
Cuyahoga County, No. 68264.

95-1686. Beneficial Ohio, Inc. v. Bolen.
Franklin County, No. 94APE08-1202.

RECONSIDERATION DOCKET

95-1134. State v. Szefcyk.
Lorain County, No. 94CA005928. Reported at 74 Ohio St.3d 1403, ___ N.E.2d ____.
On motion for reconsideration. Motion granted; sua sponte, discretionary appeal allowed.

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

95-1149. Martin v. Bedford Hts. Civ. Serv. Comm.
Cuyahoga County, No. 67513. Reported at 74 Ohio St.3d 1403, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

95-1161. State v. Kuehne.
Hamilton County, No. C-940363. Reported at 74 Ohio St.3d 1403, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.
Wright, J., dissents.

95-1237. State v. Lawson.

Clermont County, No. CA94-07-053. Reported at 74 Ohio St.3d 1404, ___ N.E.2d _____. On motion for reconsideration. Motion denied.

95-1240. State v. Hutchinson.

Montgomery County, No. CA 13993. Reported at 74 Ohio St.3d 1409, ___ N.E.2d _____. On motion for reconsideration. Motion denied.

95-1343. State v. Murphy.

Marion County, No. 9-94-52. Reported at 74 Ohio St.3d 1405, ___ N.E.2d _____. On motion for reconsideration. Motion denied.

95-1621. Avon Lake Subscribers of Century Tel. Co. of Ohio, Inc. v. Pub. Util. Comm.

Public Utilities Commission, No. 93-911-TP-PEX. Reported at 74 Ohio St.3d 1401, ___ N.E.2d _____. On motion for reconsideration. Motion denied.

Resnick, J., not participating.

95-1679. State ex rel. Ricchiuto v. Reagan.

Reported at 74 Ohio St.3d 11, ___ N.E.2d _____. On motion for reconsideration. Motion denied.

Moyer, C.J., and Cook, J., dissent.

95-1742. State v. Dalzell.

Greene County, No. 94-CA-77. Reported at 74 Ohio St.3d 1407, ___ N.E.2d _____. On motion for reconsideration. Motion denied.

Moyer, C.J., dissents.