

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M. WEDNESDAY
December 13, 1995

MERIT DOCKET

95-1534. Ballard v. Ohio Adult Parole Auth.
In Mandamus. On amended motion to dismiss. Amended motion to dismiss sustained. Cause dismissed.
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

95-1544. State ex rel. Bailey v. Ohio Adult Parole Bd.
In Habeas Corpus. Sua sponte, cause dismissed.
Douglas, Wright, Resnick, Pfeifer and Cook, JJ., concur.
Moyer, C.J., and F.E. Sweeney, J., would deny the writ.

95-1697. Horton v. Ohio Adult Parole Auth.
In Habeas Corpus. Sua sponte, cause dismissed.
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

95-1713. State ex rel. Aloï v. Ohio Adult Parole Auth.
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.

95-1856. Barnes v. Collins.
In Habeas Corpus. Sua sponte, cause dismissed.
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

95-1935. Jackson v. Rogers.
In Habeas Corpus. Sua sponte, cause dismissed.
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

95-1937. Watkins v. Edwards.
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.

95-2147. Floyd v. Alexander.

In Habeas Corpus. Sua sponte, cause dismissed.

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

95-2154. State ex rel. Higginbotham v. Lorain Cty. Court of Common Pleas.

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.

95-2155. State ex rel. Pittman v. State.

In Mandamus. Sua sponte, cause dismissed.

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

F.E. Sweeney, J., dissents and would grant an alternative writ.

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

95-1456. Taylor v. Johnson.

Cuyahoga County, No. 67585.

95-1465. State v. Slayton.

Crawford County, No. 3-95-8.

95-1473. Swaney v. Ohio Furniture Co.

Cuyahoga County, No. 67608.

95-1485. Nationwide Ins. Co. v. Thomas.

Lucas County, No. L-94-199.

Resnick, J., not participating.

95-1527. State v. Arnold.

Franklin County, Nos. 94APA10-1437 and 94APA10-1438.

95-1531. Ogle v. Wright.

Allen County, No. 1-95-6.

Douglas, Wright and Pfeifer, JJ., dissent.

95-1548. State v. Murr.

Sandusky County, No. S-94-025.

95-1933. State v. Figgins.

Hamilton County, No. C-940705.

95-1718. State v. Mitchell.

Licking County, No. 94CA132.

95-1727. Freeman v. Harris Corp.

Hancock County, No. 5-95-2.

95-1736. State v. Mergy.

Hamilton County, No. C-941001.
Douglas, J., dissents.

95-1739. State v. Soke.
Cuyahoga County, No. 65120.

95-1743. Mancino v. Thrower.
Cuyahoga County, No. 67914.

95-1756. Levengood v. Levengood.
Tuscarawas County, No. 95AP050035.
Pfeifer, J., dissents.

95-1757. State v. Mosley.
Franklin County, No. 94APA12-1707.

95-1763. Williams v. State Med. Bd.
Franklin County, No. 94APE09-1417.
Pfeifer, J., dissents.

95-1764. M.L. Simmons, Inc. v. Bellman Plumbing, Inc.
Cuyahoga County, No. 67832.

95-1766. Cincinnati Cent. Credit Union, Inc. v. Benson.
Hamilton County, Nos. C-940278 and C-940479.

95-1768. S & S Pallet Co. v. Britt.
Summit County, No. 16881.

95-1770. State v. Freeman.
Cuyahoga County, No. 67383.

95-1771. State v. Hilton.
Summit County, No. 16979.
Moyer, C.J., dissents.

95-1773. Carrel v. Allied Products Corp.
Marion County, No. 9-94-24.
Resnick and Cook, JJ., dissent.

95-1781. Martin v. Silverman.
Cuyahoga County, No. 67989.

95-1785. State v. Lugli.
Huron County, No. H-94-043.

95-1787. Am. Economy Ins. Co. v. Pryor.
Clermont County, No. CA95-03-019.

95-1793. State v. Mason.
Franklin County, No. 95APA01-96.
F.E. Sweeney, J., dissents.

95-1795. Sawyer v. Lebanon Citizens Natl. Bank.
Warren County, No. CA95-02-016.
Wright and Resnick, JJ., dissent.

95-1796. Budacov v. Thomarios Painting Co.
Summit County, No. 16962.
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

95-1808. State v. VanSickle.
Franklin County, No. 94APA12-1728.
Moyer, C.J., and Douglas, J., dissent.

95-1809. Moore v. Volvo-GM Heavy Trucks, Inc.
Summit County, No. 16905.
Douglas, F.E. Sweeney and Pfeifer, JJ., dissent.

95-1810. Williams v. United Parcel Serv., Inc.
Montgomery County, No. 14659.
Pfeifer, J., dissents.

95-1815. State v. Trammell.
Cuyahoga County, No. 67834.

95-1818. State v. Dunlap.
Cuyahoga County, No. 67036.

95-1819. State v. Mayes.
Medina County, No. 2393-M.

95-1822. Georgeoff v. O'Brien.
Summit County, No. 17080.

95-1824. State v. Tipple.
Belmont County, Nos. 92-B-33 and 92-B-34.

95-1838. State v. Pue.
Mahoning County, No. 92 C.A. 164.

95-1853. Lorain Cty. Children Serv. v. Metternich.
Lorain County, No. 95CA006036.

95-1984. Klopp v. McAninch.
Ross County, No. 95CA2098.

MOTION DOCKET

94-874. State ex rel. Pickett v. Indus. Comm.
Franklin County, No. 92AP-1710. On request for oral argument. Request denied.

95-1841. State ex rel. Kabert v. Shaker Hts. School Dist. Bd. of Edn.
On notice of filing of petition for removal to the Court of Claims of Ohio. Sua sponte, cause removed to the Court of Claims. See R.C. 2743.03(E)(2).
Pfeifer and Cook, JJ., vote to instruct the Clerk of the Supreme Court to forward this cause to the Court of Claims.

95-2217. State v. Chandler.
Cuyahoga County, No. 67185. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., dissents.

95-2293. State v. Torrez.

Cuyahoga County, No. 67732. On motion for leave to file delayed appeal. Motion denied.

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

95-2304. State v. Malone.

Marion County, No. 9-95-17. On review of order certifying a conflict. The court determines that a conflict exists; sua sponte, cause held for the decision in 95-1377 and 95-1466, State v. Gustafson, Mahoning County, No. 94 C.A. 232; briefing schedule stayed.

Douglas, J., concurs but votes that the certification order is not in compliance with S.Ct.Prac.R. IV(2) (A).

95-2341. State v. Wilson.

Hamilton County, No. C-950038. On motion to expedite ruling on motion for leave to appeal. Motion granted.

Pfeifer and Cook, JJ., dissent.

DISCRETIONARY APPEALS ALLOWED

95-1664. Shidel v. Liberty Mut. Ins. Co.

Mahoning County, No. 94 C.A. 114.

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

95-1724. State v. Knotts.

Mercer County, No. 10-94-22.

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

95-1774. L.J. Minor Corp. v. Breitenbach.

Cuyahoga County, No. 67885.

Resnick, Pfeifer and Cook, JJ., dissent.

95-1779. Columbus Metro. Community Action Org. v. Enyart.

Franklin County, No. 94APE12-1802.

Pfeifer and Cook, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

95-1462. State v. Render.

Richland County, No. 93CA61.

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

95-1471. Indus. Heat Treating Co. v. Indus. Heat Treating Co.

Lucas County, No. L-93-358.

Wright, J., dissents.

95-1620. Starke v. Weigelt.

Cuyahoga County, No. 67519.

95-1709. French's Inc. v. Dominic Constr., Inc.

Trumbull County, Nos. 93-T-4969 and 93-T-4978. (Appeal by The Security Dollar Bank; second appeal by Nydia M. Bermudez.)

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

95-1715. Jones v. Brookfield Twp. Trustees.
Trumbull County, No. 92-T-4692.
Cook, J., dissents.

95-1732. In re Petition for Annexation of 131.983 Acres.
Miami County, No. 94CA15.
Douglas and Pfeifer, JJ., dissent.

95-1748. Kirkendall v. Parker Hannifin Corp.
Lorain County, No. 94CA005955.
Wright, J., not participating.

95-1750. White v. Wheeling-Pittsburgh Steel Corp.
Jefferson County, Nos. 94-J-27 and 94-J-28.

95-1760. Wayne Mut. Ins. Co. v. Burdge.
Stark County, No. 95CA0011.
Moyer, C.J., and Pfeifer, J., dissent.

95-1765. Spates v. Richard E. Jones & Assoc.
Montgomery County, No. 15057.

95-1767. Goodyear Tire & Rubber Co. v. Aetna Cas. & Sur. Co.
Summit County, No. 16993.
Resnick, J., dissents.
Wright and Cook, JJ., not participating.

95-1775. State v. Waszily.
Cuyahoga County, No. 67610.
Moyer, C.J., Douglas and Resnick, JJ., dissent.

95-1777. State v. Deibel.
Tuscarawas County, No. 94AP120092.
Pfeifer, J., dissents.

95-1782. Thomas v. Beaver Creek.
Greene County, No. 94CA97.
Moyer, C.J., and Pfeifer, J., dissent.

95-1783. Bell v. Goldsmith.
Cuyahoga County, No. 67893.

95-1784. McMahon v. Adkins.
Lawrence County, No. 94CA31.

95-1794. Parkridge Apts., L.P. v. Cleveland.
Cuyahoga County, No. 67984.
F.E. Sweeney, J., dissents.

95-1797. Merslie, Inc. v. Ohio Dept. of Adm. Serv.
Franklin County, No. 95APE01-95.

95-1814. Robinson v. Nationwide Mut. Ins. Co.
Stark County, No. 1995CA00047.
Moyer, C.J., Wright and Cook, JJ., dissent.

95-1839. Walton v. Springwood Products, Inc.
Ashtabula County, No. 94-A-0060.
Wright, J., dissents.

95-1840. Turner v. Cent. Local School Dist.
Defiance County, No. 4-95-8.
Wright and Cook, JJ., dissent.

95-1848. Farmers Ins. of Columbus, Inc. v. Cater.
Allen County, No. 1-94-68.
Douglas, Resnick and Pfeifer, JJ., dissent.

95-1865. Stan v. Coons.
Stark County, No. 94CA0348.

RECONSIDERATION DOCKET

95-1266. Woodrum v. Premier Auto Glass Co.
Fairfield County, No. 94CA60. Reported at 74 Ohio St.3d 1443, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.
Moyer, C.J., and Wright, J., dissent.

95-1354. State v. May.
Hamilton County, No. C-940862. Reported at 74 Ohio St.3d 1443, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

95-1394. Cleveland v. Halberg.
Cuyahoga County, No. 67309. Reported at 74 Ohio St.3d 1443, ___ N.E.2d _____. On
motion for reconsideration. Motion denied.

95-1491. In re Foreclosure of Liens for Delinquent Land Taxes.
Franklin County, No. 94APE10-1463. Reported at 74 Ohio St.3d 1444, ___ N.E.2d _____.
On motion for reconsideration. Motion denied.

95-1982. State v. Jonsson.
Marion County, No. 9-95-16. Reported at 74 Ohio St.3d 1443, ___ N.E.2d _____. On
motion for reconsideration. Motion denied.
Moyer, C.J., Douglas and Resnick, JJ., dissent.