

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M. WEDNESDAY
January 17, 1996

MERIT DOCKET

95-2117. State ex rel. Strickland v. Ohio Elections Comm.
In Prohibition. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-2232. State ex rel. Barnes v. Tolliver.
In Mandamus. Sua sponte, cause dismissed.

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

95-2297. State ex rel. Ohio State Univ. v. Court of Claims.
In Prohibition. 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.

95-2298. State ex rel. Ohio State Univ. v. Leach.
In Prohibition. 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.

95-2392. State ex rel. Jackson v. Lorain Police Dept.
In Mandamus. Sua sponte, cause dismissed.

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

95-2404. Hiatt v. Edwards.
In Habeas Corpus. Sua sponte, cause dismissed.

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

95-2414. State ex rel. Blankenship v. Madison Correctional Inst.
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.

95-2416. State ex rel. Olivarez v. Wilkinson.
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.

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

95-1928. Evans v. Culbertson.
Knox County, No. 95CA2.

95-1932. St. Michael Catholic Church v. Internatl. EPDM Rubber Roofing Sys., Inc.

Lucas County, No. L-95-033.

Pfeifer, J., dissents.

Resnick, J., not participating.

95-1945. Roskwitalski v. Roskwitalski.
Licking County, No. 94CA103.

95-1946. State v. Teasley.
Cuyahoga County, No. 67819.

95-1953. Wantland v. Ohio Dept. of Human Serv.
Knox County, No. 94CA30.

Wright, J., not participating.

95-1954. State v. Castellanos.
Cuyahoga County, No. 67304.

95-1955. State v. Shaw.
Franklin County, No. 94APA12-1778.

95-1960. Adkinson v. Mossing.
Lucas County, No. L-94-363.
Moyer, C.J., and Resnick, J., dissent.

95-1968. State v. Bass.
Allen County, No. CA95080047.

95-1970. State v. Rutter.
Morrow County, No. CA-816.

95-1974. State v. Graves.
Hamilton County, No. C-950022.
Wright, J., dissents.

95-1976. State v. Francway.
Cuyahoga County, No. 68116.

95-1978. Jamison v. Farm Bur. Mut. Ins. Co., Inc.
Williams County, No. WM-95-004.

Resnick, J., not participating.

95-1980. State v. Collins.
Lorain County, No. 94CA005967.

95-1988. State v. Brooks.
Cuyahoga County, No. 67870.

95-1989. State v. Marshall.
Cuyahoga County, No. 66409.

95-1990. State v. Napier.
Hamilton County, No. C-940116.
Douglas and Resnick, JJ., dissent.

95-1992. Weiss v. Thomas & Thomas Dev. Co.
Cuyahoga County, Nos. 67508, 67509, 67515 and 67516. (Appeal by David E. Weiss, Executor, et al.; second appeal by State Automobile Mutual and State Auto Property.)

F.E. Sweeney, J., dissents and would allow the appeal.
Douglas and Pfeifer, JJ., dissent and would allow the appeal and second appeal.

95-1995. Savage v. Thomas.
Lake County, No. 94-L-062.

95-2001. Snyder v. Snyder.
Ross County, No. 94CA2068.
Moyer, C.J., dissents.

95-2006. Normand v. Spahia.
Franklin County, No. 95APE02-174.

95-2008. Hartford Ins. Co. v. Johnson Ritchart & Assoc.
Summit County, No. 17331.
Wright and Pfeifer, JJ., dissent.

95-2010. State v. Crimi.
Cuyahoga County, No. 67002.

95-2013. State v. Sabbah.
Erie County, No. E-94-031.
Wright and Pfeifer, JJ., dissent.

95-2015. Mayfield Hts. v. Rhodes.
Cuyahoga County, No. 67594.

95-2016. In re Foreclosure of Liens.
Franklin County, Nos. 94APE12-1791 and 95APE01-81.

95-2020. Rich v. Erie Cty. Dept. of Human Resources.
Erie County, No. E-95-002.

95-2023. State v. McKinney.
Clinton County, No. CA95-03-007.

95-2026. State v. Moronta.
Cuyahoga County, No. 67967.

95-2031. Goldfuss v. Davidson.
Portage County, No. 94-P-0010.
Wright and Pfeifer, JJ., dissent.

95-2033. State v. Haywood.
Allen County, No. CA95-08-0049.
Wright, J., dissents.

95-2034. State v. Tomko.
Cuyahoga County, No. 68161.
F.E. Sweeney, J., dissents.

95-2037. Kemerer v. Antwerp Bd. of Edn.
Paulding County, No. 11-95-4.
Douglas, F.E. Sweeney and Pfeifer, JJ., dissent.

95-2039. Hagood v. Gail.
Trumbull County, No. 93-T-4961.
Pfeifer, J., dissents.

95-2046. State v. Goston.
Allen County, No. 94110085.
Resnick, J., not participating.

95-2049. Popke v. Wightman.
Erie County, No. E-95-016.

95-2050. State v. Flora.
Geauga County, No. 94-G-1843.

95-2060. Blake v. Mihm.
Summit County, No. 17043.
F.E. Sweeney, J., dissents.

95-2096. State v. Coleman.
Belmont County, No. 91-B-36.
Cook, J., dissents and would allow on Proposition of Law No. II.
Wright and Pfeifer, JJ., dissent and would allow all propositions of law.

95-2099. State v. Hutton.
Belmont County, No. 93-B-2.

95-2106. State v. Simpson.
Hamilton County, No. C-941049.

95-2111. State ex rel. Associated Bldrs. & Contrs., Cent. Ohio Chapter v.
Jefferson Cty. Bd. of Commrs.
Jefferson County, No. 94-J-49.
Moyer, C.J., and Wright, J., dissent.

95-2114. State v. Oden.
Summit County, No. 17052.

MOTION DOCKET

95-795. State ex rel. Ondusko v. Jarvis, Downing & Assoc.
Franklin County, No. 94APD03-320. On motion to strike. Motion denied.

F.E. Sweeney, J., would grant the motion and dismiss the cause.
On alternative motion to motion to strike. Motion granted.

Moyer, C.J., and Cook, J., dissent.
F.E. Sweeney, J., would dismiss the cause.

95-934. State ex rel. Hipp v. N. Canton.
Stark County, No. CA-9374. On request for oral argument. Request denied.

95-2109. State v. Miller.
Franklin County, No. 94APA10-1458. On motion for leave to file delayed appeal.
Motion denied.

Douglas, J., dissents.

95-2224. State ex rel. WHIO-TV-7 v. Lowe.
On motion to dismiss, motion for leave to intervene of Therressa Jolynn Ritchie,
and motion to consolidate case with 95-2356, State ex rel. WHIO-TV-7 v. Lowe.
Motion for leave to intervene granted and motion to consolidate granted. Sua
sponte, alternative writ granted.

95-2391. State v. Geren.
Auglaize County, No. 2-95-22. 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.

95-2409. Beagle v. Walden.
Certified State Law Question, No. 595CV1146. On preliminary memoranda pursuant
to S.Ct.Prac.R. XVIII(6). The court will answer the following question:

"Is Ohio Revised Code (3937.18(A)(2) unconstitutional on any grounds
under the facts of this case, including those stated by plaintiff[?]" Sua
sponte, this cause shall be set for oral argument.

F.E. Sweeney and Cook, JJ., dissent and would not permit oral argument.

95-2464. State v. Bailes.
Fairfield County, No. 46CA90. On motion for leave to file delayed appeal.
Motion denied.

Resnick and Pfeifer, JJ., dissent.

95-2471. State v. White.
Clark County, No. 1999. On motion for appointment of counsel. Motion denied.

95-2507. State v. McMillen.
Ashtabula County, No. 94A-0050. On motion for leave to file delayed appeal.
Motion granted.

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

95-2511. State v. Robinson.
Scioto County, No. 94CA2277. On motion for leave to file delayed appeal.
Motion granted.

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

95-2512. State v. Glover.

Cuyahoga County, No. 67423. On motion for leave to file delayed appeal. Motion denied.

Resnick and Pfeifer, JJ., dissent.

95-2541. State v. Bledsoe.

Cuyahoga County, No. 66173. On motion for leave to file delayed appeal. Motion denied.

95-2547. Holstein v. Ohio Bur. of Motor Vehicles.

Franklin County, No. 95APC03-366. On review of order certifying a conflict.

The court determines that a conflict exists. Sua sponte, cause consolidated with 95-2317, infra, cause held for the decision in 95-1513, Bryan v. Hudson, Williams County, No. WM94014, and briefing schedule stayed.

Resnick, J., not participating.

DISCRETIONARY APPEALS ALLOWED

95-1993. State v. Moore.

Franklin County, No. 95APC03-365. 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.

Resnick and Cook, JJ., dissent.

95-1996. State v. Buskey.

Franklin County, No. 95APA02-198. Sua sponte, cause held for the decision in 95-450, State v. Thompkins, Montgomery County, No. 14703 et seq.; briefing schedule stayed.

Pfeifer, J., dissents.

95-1999. State v. Parker.

Franklin County, No. 95APC05-606. Discretionary appeal allowed and cause held for the decision in 95-1377 and 95-1466, supra; briefing schedule stayed.

95-2014. Goldfuss v. Davidson.

Portage County, No. 94-P-0010.

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

95-2066. DeRolph v. State.

Perry County, No. CA-477.

Wright, J., dissents.

95-2317. Holstein v. Ohio Bur. of Motor Vehicles.

Franklin County, No. 95APC03-366. Discretionary appeal allowed in Proposition of Law No. I only; sua sponte, cause held for the decision in 95-1513, Bryan v. Hudson, Williams County, No. WM94014, and briefing schedule stayed.

Douglas, F.E. Sweeney and Pfeifer, JJ., would allow all propositions of law.

Resnick, J., not participating.

DISCRETIONARY APPEALS NOT ALLOWED

95-1940. State v. Hummel.

Stark County, No. 1994CA00364.

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

95-1943. Bossey v. Al Castrucci, Inc.

Montgomery County, No. 15113.

Wright, J., dissents.

95-1947. Ammon v. Fresh Mark, Inc.

Columbiana County, No. 94-C-46.

Wright, J., dissents.

95-1949. Haller v. Borrer.

Franklin County, No. 95APE01-16.

95-1961. Sweitzer v. Kroger Co.

Franklin County, No. 94APE10-1556.

95-1973. Miller v. Miller.

Hamilton County, No. C-940865.

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

95-1991. McGee v. N. Columbus Alliance Church.

Franklin County, No. 95APE01-87.

95-1994. Dickens v. Ogdin.

Meigs County, No. 94CA17.

Douglas, J., dissents.

95-1998. Peters v. Cincinnati.

Hamilton County, No. C-940820.

95-2003. Runser v. Lippi.

Van Wert County, No. 15-95-2.

Wright and Pfeifer, JJ., dissent.

95-2012. Fain v. USAA Cas. Ins. Co.

Cuyahoga County, No. 68136.

Pfeifer, J., dissents.

95-2028. Peterson v. Neurological Diagnostic Clinic, Inc.

Stark County, No. 1994CA00374.

Wright and Cook, JJ., dissent.

95-2032. State v. Raymundo.

Trumbull County, No. 94-T-5025.

Resnick and Pfeifer, JJ., dissent.

RECONSIDERATION DOCKET

91-1266. In re Application of Keita.

Reported at 74 Ohio St.3d 46, ___ N.E.2d ___. On motion for reconsideration.

Motion denied.

Wright, J., not participating.

95-1760. Wayne Mut. Ins. Co. v. Burdge.

Stark County, No. 95CA0011. Reported at 74 Ohio St.3d 1477, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Douglas and Pfeifer, JJ., dissent.

95-1773. Carrel v. Allied Products Corp.

Marion County, No. 9-94-24. Reported at 74 Ohio St.3d 1475, ____ N.E.2d _____. On motion for reconsideration. Motion granted and discretionary appeal allowed. Moyer, C.J., Wright and Cook, JJ., dissent.

95-1809. Moore v. Volvo-GM Heavy Trucks, Inc. Summit County, No. 16905. Reported at 74 Ohio St.3d 1476, ____ N.E.2d _____. On motion for reconsideration. Motion granted and discretionary appeal allowed. Moyer, C.J., Wright and Cook, JJ., dissent.

95-2154. State ex rel. Higginbotham v. Lorain Cty. Court of Common Pleas. Reported at 74 Ohio St.3d 1475, ____ N.E.2d _____. On motion for reconsideration. Motion denied.

95-2341. State v. Wilson. Hamilton County, No. C-950038. Reported at 74 Ohio St.3d 1490, ____ N.E.2d _____. On motion for reconsideration. Motion granted and discretionary appeal allowed. Resnick and Pfeifer, JJ., dissent.