

07/16/97

## SUPREME COURT OF OHIO

## COLUMBUS

## ANNOUNCEMENT

9:00 A.M.

WEDNESDAY  
July 16, 1997

## MERIT DOCKET

97-1137. Lambert v. State.

In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook  
and Lundberg Stratton, JJ., concur.DISMISSALS, SUA SPONTE, NO SUBSTANTIAL  
CONSTITUTIONAL QUESTION AND DISCRETIONARY  
APPEALS, IF APPLICABLE, NOT ALLOWED

97-426. State v. Williams.

Summit App. No. 17598.

97-788. Mueller v. Vandalia.

Montgomery App. No. 16158. On discretionary appeal. Appeal  
denied.

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

On motion for sanctions. Motion denied.

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

97-852. State v. Fosdick.

Licking App. No. 96CA143.

97-854. Soltis v. Wegman, Hessler, Vanderburg &amp; O'Toole.

Cuyahoga App. No. 69602.

97-857. State v. Graham.

Franklin App. Nos. 96APA08-1041 and 96APA09-1140.

97-878. State v. Plassman.

Fulton App. No. F-96-034.

Resnick, J., not participating.

97-886. In re Rhodes.

Franklin App. No. 96APF08-1078.

97-889. State v. Burnett.

Cuyahoga App. No. 70618.

97-891. Walker v. Cincinnati Bengals, Inc.

Hamilton App. No. C-960653.

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

97-892. State v. Brown.

Stark App. No. 1995CA00370.

97-894. State v. Thomson.

Lucas App. No. L-97-1085.

97-900. State v. Thomas.

Hamilton App. No. C-960178.

97-901. State v. Farnsley.

Hamilton App. No. C-960334.

97-902. State v. Gaul.

Cuyahoga App. No. 70131.

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

97-903. State v. McMorris.

Sandusky App. No. S-96-018.

Pfeifer, J., dissents.

97-906. Midwest Ford v. C.T. Taylor Co.

Medina App. No. 2573-M.

Douglas and Pfeifer, JJ., dissent.

97-908. State v. Rose.

Cuyahoga App. No. 70984.

97-912. State v. Smith.

Auglaize App. No. 2-95-20.

97-913. State v. Dever.

Hamilton App. No. C-970111.

97-915. State v. Watkins.

Richland App. No. 95CA69.

97-921. State v. Hitchcock.

Knox App. No. 96CA34.

97-924. State v. Easterling.

Greene App. Nos. 96CA13, 96CA57 and 96CA81.

97-926. State v. Whaley.

Jackson App. No. 96CA779.

97-927. State v. Craft.

Clermont App. No. CA96-09-076.

97-928. State v. Wilson.

Lorain App. No. 96CA006412.

97-934. State v. Searcy.  
Franklin App. No. 96APA07-965.

97-937. Summit v. Michitsch.  
Summit App. No. 17818.  
Douglas, Resnick and Pfeifer, JJ., dissent.

97-939. Probst v. Summit Cty.  
Summit App. No. 17810.  
Douglas and Pfeifer, JJ., dissent.

97-950. State v. Gentile.  
Cuyahoga App. No. 70505.  
Pfeifer, J., dissents.

97-953. State v. Jackson.  
Lorain App. No. 96CA006355.

97-954. State v. Wilson.  
Cuyahoga App. No. 69346.

97-956. State v. Adkins.  
Cuyahoga App. No. 70326.

97-957. State v. Lawhorn.  
Cuyahoga App. No. 71166.

97-975. Michaels v. Aden.  
Cuyahoga App. No. 70890.  
Lundberg Stratton, J., dissents.

97-977. State v. Merritt.  
Cuyahoga App. No. 70729.

97-1092. State v. Murnahan.  
Lawrence App. No. 96CA41.

#### MOTION DOCKET

97-628. State v. Perry.  
Hamilton App. No. C-960297. On motion for appointment of Christine Y. Jones as counsel. Sua sponte, this matter is remanded to the court of appeals for appointment of counsel.

97-630. State ex rel. Serv. Emp. Internatl. Union, Dist. 925 v. State Emp. Relations Bd.  
In Mandamus. On motion for leave to intervene of University of Cincinnati. Motion granted.  
Moyer, C.J., Douglas and Resnick, JJ., dissent.

97-779. Cincinnati Bell Tel. Co. v. Pub. Util. Comm.  
Public Utilities Commission, No. 95-845-TR-COI. On motion for leave to intervene of Communications Buying Group, Inc. Motion granted.

97-791. ALLTEL Ohio, Inc. v. Pub. Util. Comm.  
Public Utilities Commission, No. 95-845-TP-COI. On motion for

leave to intervene of Communications Buying Group, Inc. Motion granted.

Resnick, J., not participating.

97-795. GTE N., Inc. v. Pub. Util. Comm.  
Public Utilities Commission, No. 95-845-TP-COI. On motion for leave to intervene of Communications Buying Group, Inc. Motion granted.

Resnick, J., not participating.

97-1055. Rea v. Pecsok, Rea & DeMarchi.  
Cuyahoga App. No. 71014. On motion to stay appeal. Stay granted for thirty days.

97-1080. State v. Smith.  
Franklin App. No. 96APA06-738. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

97-1113. State v. Warren.  
Stark App. No. 1995CA00386. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., Pfeifer and Lundberg Stratton, JJ., dissent.

97-1292. Smith v. Mitchell.  
Trumbull App. No. 96-T-5608. On motion for stay. Motion denied.

#### DISCRETIONARY APPEALS ALLOWED

97-822. State v. Zucal.  
Stark App. No. 1996CA00179.  
Resnick and F.E. Sweeney, JJ., dissent.

97-851. State v. Dye.  
Summit App. No. 17763.  
Pfeifer, J., dissents.

97-897. State v. Benton.  
Montgomery App. No. 15850.  
Moyer, C.J., and Resnick, J., dissent.

97-980. Columbus Civ. Serv. Comm. v. McGlone.  
Franklin App. Nos. 96APE08-1032 and 96APE08-1083.  
Douglas, F.E. Sweeney and Cook, JJ., dissent.

97-1054. State v. Wilhelm.  
Butler App. No. CA96-12-272.  
Pfeifer, J., dissents.

#### DISCRETIONARY APPEALS NOT ALLOWED

97-456. State v. Miller.  
Montgomery App. No. 15481.

97-880. Nearor v. Davis.  
Hamilton App. No. C-960279.  
Douglas, Pfeifer and Lundberg Stratton, JJ., dissent.

97-890. H. Hafner & Sons, Inc. v. Cincinnati Metro. Sewer Dist.  
Hamilton App. No. C-960648.

Pfeifer and Cook, JJ., dissent.

97-896. Estate of Izold v. Suburban Power Piping Corp.  
Cuyahoga App. No. 70873.

Douglas and Pfeifer, JJ., dissent.

97-907. State v. Taylor.  
Medina App. No. 2579-M.

97-916. State v. Keith.  
Cuyahoga App. No. 69267.

97-930. State v. Colwell.  
Licking App. No. 96CA114.

97-938. Starkey v. Hartzler.  
Wayne App. No. 96CA0048.

Douglas, Resnick and Pfeifer, JJ., dissent.

97-948. Cary v. Patton.  
Allen App. No. 1-96-73.

Douglas, J., dissents.

97-951. Mincy v. Universal Constructors, Inc.  
Lorain App. No. 96CA006464.

97-976. State v. Bush.  
Clark App. No. 96CA42.

Resnick, J., dissents.

#### RECONSIDERATION DOCKET

96-221. State v. Gillard.  
Stark App. No. 95CA0257. Reported at 78 Ohio St.3d 548, \_\_\_\_  
N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

96-936. State v. Mease.  
Franklin App. No. 95APA05-614. Reported at 76 Ohio St.3d 1473,  
\_\_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

97-344. Schultz v. Lincoln Natl. Life Ins. Co.  
Cuyahoga App. No. 69499. Reported at 78 Ohio St.3d 1515, \_\_\_\_  
N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

97-351. Schultz v. Lincoln Natl. Life Ins. Co.  
Cuyahoga App. No. 69499. Reported at 78 Ohio St.3d 1516, \_\_\_\_  
N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

97-422. Blessing v. Blessing.  
Ottawa App. No. OT-96-016. Reported at 78 Ohio St.3d 1511, \_\_\_\_  
N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion granted; sua  
sponte, cause held for the decision in 96-1329, Pauly v. Pauly,  
Lucas App. No. L-95-293; briefing schedule stayed.

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

97-477. State ex rel. Kline v. Crow.  
In Mandamus. Reported at 78 Ohio St.3d 1510, \_\_\_ N.E.2d \_\_\_. On  
motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents and would grant the writ of  
mandamus and order the return of the tapes.

97-533. Pepper Pike v. Garson.  
Cuyahoga App. No. 70180. Reported at 78 Ohio St.3d 1512, \_\_\_  
N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Resnick, F.E. Sweeney and Lundberg Stratton, JJ., dissent.

97-576. State v. Yingling.  
Lorain App. No. 97CA006656. Reported at 78 Ohio St.3d 1516, \_\_\_  
N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Douglas, F.E. Sweeney and Lundberg Stratton, JJ., dissent.

97-599. Moore v. Univ. of Cincinnati Hosp.  
Franklin App. No. 96API05-560. Reported at 78 Ohio St.3d 1513,  
\_\_\_ N.E.2d \_\_\_. On motion for reconsideration and/or motion to  
remand. Motions denied.  
Douglas, F.E. Sweeney and Pfeifer, JJ., dissent.

97-694. State ex rel. Richard v. Eighth Dist. Court of Appeals.  
In Mandamus. Reported at 78 Ohio St.3d 1511, \_\_\_ N.E.2d \_\_\_. On  
motion for reconsideration. Motion denied.

#### DISCIPLINARY DOCKET

96-2495. In re Judicial Campaign Complaint Against Hildebrandt.  
On motion for award of additional attorney fees and expenses.  
Motion denied.  
Douglas, J., not participating.