

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY
July 12, 2000

MERIT DOCKET

00-793. State ex rel. Monroe v. Wilkinson.

In Mandamus. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

00-829. Stephens v. Sixth Dist. Court of Appeals.

In Procedendo. On amended motion to dismiss. Amended motion to dismiss
sustained. Cause dismissed.

Moyer, C.J., Douglas, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton,
JJ., concur.

Resnick, J., not participating.

00-912. State ex rel. Williams v. Reinbold.

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

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

00-948. State ex rel. Scholtz v. Cleveland.

In Mandamus. On answer of respondent Northeast Ohio Regional Sewer District, motion to dismiss by city of Cleveland et al., answer of respondent Frank Daffner, and counterclaim by Frank Daffner, and motion to dismiss by Ohio Attorney General Betty D. Montgomery. Motions to dismiss sustained. Cause dismissed.

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

00-967. State ex rel. Raypole v. Fayette Cty. Court of Common Pleas.

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

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

00-984. State ex rel. Abel v. Chaudhry.

In Habeas Corpus. On petition for writ of habeas corpus by Charles W. Abel.

Sua sponte, cause dismissed.

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

00-1003. McCoy v. Russell-Warden.

In Habeas Corpus. On petition for writ of habeas corpus by Michael McCoy.

Sua sponte, cause dismissed.

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

00-1023. State ex rel. Allen v. Wilson.

In Habeas Corpus. On petition for writ of habeas corpus by William Allen.

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**

00-743. State v. Osborne.

Huron App. No. H-96-013.

Resnick, J., not participating.

00-753. State v. Lawrence.

Lucas App. No. L-98-1240.

Resnick, J., not participating.

00-789. State v. Walker.

Montgomery App. No. 12034.

00-812. State v. Chavis.

Cuyahoga App. No. 76824.

Resnick, J., not participating.

00-852. State v. Cejas.

Huron App. No. H-92-032.

Resnick, J., not participating.

00-864. State v. Warner.

Delaware App. No. 98CAA04022.

00-897. State v. Richard.

Cuyahoga App. No. 74815.

00-973. State v. Goney.

Montgomery App. No. 13474.

MOTION DOCKET

98-1333. State v. Johnson.

Hamilton C.P. No. B9708745. On application for reopening under S.Ct.Prac.R. XI(5). Application denied.

98-2287. State ex rel. Liposchak v. Indus. Comm.

Franklin App. No. 97APD10-1427. On motion for substitution of Estate of Edith M. Liposchak. Motion granted.

99-2. State ex rel. US Airways, Inc. v. Myers.

Franklin App. No. 97APD11-1448. On request for oral argument. Request denied.

99-1268. State v. Cassano.

Richland C.P. No. 98CR171H. On *pro se* request to withdraw all direct appeals, motion for procedural order and to determine status and disposition of appellant's request to withdraw appeal, and *pro se* motion to withdraw appeal. Request and motions denied.

99-2117. Miele v. Ribovich.

Cuyahoga App. No. 75489. On motion to strike appellant's merit brief. Motion denied.

99-2158. In re Adoption of Asente.

Trumbull App. Nos. 99-T-0055, 99-T-0056, 99-T-0057 and 99-T-0058. On motion for admission *pro hac vice* of Suellyn Scarnecchia for Hear My Voice by Nicholas J. Rine. Motion granted.

00-23. State ex rel. Corn v. Russo.

Cuyahoga App. No. 76730. On request for oral argument. Request denied.
Douglas, J., dissents.

00-966. State v. Fenwick.

Erie App. No. E-98-031. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue whether the trial court's failure to set aside the defendant's convictions and sentences for allied offenses amounted to plain error when those sentences were ordered to be served concurrently with the sentence for the heightened offenses.

Douglas, J., dissents.

The conflict cases are *State v. Styles* (Oct. 9, 1997), Cuyahoga App. No. 71052, unreported, 1997 WL 626058; *State v. New* (Jan. 24, 1992), Lake App. No. 90-L-15-112, unreported, 1992 WL 25278; and *State v. Miller* (Dec. 5, 1990), Holmes App. No. CA-427, unreported, 1990 WL 200366.

00-970. State v. Townsend.

Cuyahoga App. No. 76922. On motion for leave to file delayed appeal. Motion denied.

Cook, J., dissents.

Resnick, J., not participating.

00-980. Nilavar v. Osborn.

Clark App. No. 99CA53. On motion to withdraw as counsel. Motion granted.

00-998. State v. Bohannon.

Hamilton App. No. C-990386. On motion for leave to file delayed appeal. Motion denied.

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

00-1004. State v. Stewart.

Cuyahoga App. No. 73255. On motion for leave to file delayed appeal. Motion denied.

Resnick, J., not participating.

00-1008. State v. Sanchez.

Ashtabula App. No. 98-A-0006. On motion for leave to file delayed appeal. Motion denied.

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

00-1017. State v. Mitchell.

Lucas App. No. L-97-1283. On motion for leave to file delayed appeal. Motion denied.

00-1050. State v. Chancey.

Cuyahoga App. Nos. 75633 and 76277. On motion for leave to file delayed appeal. Motion denied.

00-1064. State v. Olvera.

Williams App. Nos. WM-98-022 and WM-98-023. On motion for leave to file delayed appeal. Motion denied.

Resnick, J., not participating.

00-1073. State v. Jenkins.

Harrison App. No. 98502CA. On motion for leave to file delayed appeal. Motion denied.

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

00-1078. State v. Hall.

Cuyahoga App. No. 75386. On motion for leave to file delayed appeal. Motion denied.

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

00-1081. State v. Volgares.

Lawrence App. No. 98CA6. On motion for leave to file delayed appeal. Motion denied.

00-1094. State v. McDowell.

Portage App. No. 99-P-0048. On motion for leave to file delayed appeal and on motion for stay of court of appeals' judgment. Motions denied.

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

00-1102. Capital L. Corp. v. Cleveland Bd. of Zoning Appeals.

Cuyahoga App. No. 76795. On motion for stay of court of appeals' judgment. Motion denied.

00-1130. Jacobs v. Gupta.

Allen App. No. 1-99-85. On motion for stay of court of appeals' judgment and motion for attorney fees pursuant to R.C. 2323.51. Motions denied.

RECONSIDERATION DOCKET

98-1203. State ex rel. Rothkegel v. Westlake.

Franklin App. No. 97APD04-505. Reported at 88 Ohio St.3d 409, ___ N.E.2d _____. On motion for reconsideration. Motion denied.

Douglas and Resnick, JJ., dissent.

98-1387. State ex rel. Conrad v. Indus. Comm.

Franklin App. No. 97APD04-571. Reported at 88 Ohio St.3d 413, ___ N.E.2d _____. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

99-12. State v. Childs.

Montgomery App. No. 16580. Reported at 88 Ohio St.3d 558, ___ N.E.2d _____. On motion for reconsideration. Motion denied.

Resnick, J., dissents.

99-1095. Williams v. Williams.

Warren App. No. CA98-09-114. Reported at 88 Ohio St.3d 441, ___ N.E.2d _____. On motion for reconsideration. Motion denied.

Douglas and Cook, JJ., dissent.

99-2244. Stephenson v. Grange Mut. Cas. Co.

Franklin App. No. 98AP-1596. Reported at 88 Ohio St.3d 1241, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

Douglas, Resnick and Pfeifer, JJ., dissent.

00-156. State v. Wallace.

Hamilton App. No. C-980314. Reported at 88 Ohio St.3d 1436, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

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

00-158. State ex rel. Hill v. Ohio Ins. Guar. Assn.

In Mandamus. Reported at 88 Ohio St.3d 1511, ___ N.E.2d _____. On motion for
reconsideration. Motion denied.

Douglas, Resnick and Pfeifer, JJ., dissent.

00-341. State ex rel. Witt v. Ohio Ins. Guar. Assn.

In Mandamus. Reported at 88 Ohio St.3d 1511, ___ N.E.2d _____. On motion for
reconsideration. Motion denied.

Douglas, Resnick and Pfeifer, JJ., dissent.

00-376. Cervone v. Cervone.

Mahoning App. No. 98CA99. Reported at 88 Ohio St.3d 1515, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

00-388. Jennings v. Univ. Ear, Nose & Throat Specialists, Inc.

Hamilton App. No. C-980994. Reported at 88 Ohio St.3d 1512, ___ N.E.2d ____.
On motion for reconsideration and motion to consolidate cases. Motions denied.

Pfeifer, J., dissents.

00-416. Sherrills v. Pennington.

Franklin App. No. 98AP-1022. Reported at 88 Ohio St.3d 1512, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

00-464. State v. Kates.

Mahoning App. No. 97CA252. Reported at 88 Ohio St.3d 1442, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

00-485. McCarley v. O.O. McIntyre Park Dist.

Gallia App. No. 99CA07. Reported at 89 Ohio St.3d 1408, ____ N.E.2d _____. On motion for reconsideration. Motion denied.

Douglas and Resnick, JJ., dissent.

00-486. Cervone v. Cervone.

Mahoning App. No. 98CA99. Reported at 88 Ohio St.3d 1511, ____ N.E.2d _____. On motion for reconsideration. Motion denied.

00-875. In re McCune.

Tuscarawas App. No. 1999AP040026. Reported at 89 Ohio St.3d 1406, ____ N.E.2d _____. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.