

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

1:00 P.M.

WEDNESDAY  
December 5, 2001

**MERIT DOCKET**

**01-1698. State ex rel. McMullen v. Bettis.**

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.

**01-1749. State ex rel. West v. Eighth Appellate Dist.**

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.

**01-1838. Caudill v. State.**

In Procedendo. On motion to dismiss of Judge Joseph Niemeyer. Motion to dismiss sustained. Cause dismissed.

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

**01-1885. State ex rel. White v. Jones.**

In Mandamus. On answer of respondent Kevin E. Jones and motion to compel respondent to provide relator with copy of six-month trust account statement.

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.

**01-1894. Manderbach v. Leonard.**

In Habeas Corpus. On petition for writ of habeas corpus of Douglas R. Manderbach. *Sua sponte*, cause dismissed.

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

**01-1932. Wells v. Bagley.**

In Habeas Corpus. On petition for writ of habeas corpus of John E. Wells, Sr. *Sua sponte*, cause dismissed.

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

**01-1947. Inge v. State.**

In Habeas Corpus. On petition for writ of habeas corpus of Ivry Preston Inge. *Sua sponte*, cause dismissed.

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

**MOTION DOCKET**

**98-1970. State v. Tibbetts.**

Hamilton C.P. No. B9708596. On application for reopening under S.Ct.Prac.R. XI(5). Application denied.

**01-871. State v. Ahmed.**

Belmont C.P. No. 99CR192. On motion to withdraw as counsel and *pro se* motion to strike the motion to withdraw as counsel. Motion to withdraw granted and motion to strike denied.

Cook, J., dissents.

**01-1057. State v. Campbell.**

Franklin C.P. No. 97CR042020. On motion to modify the record with the record attached. Motion denied.

**01-1688. State v. Brown.**

Fayette App. No. CA2000-10-027. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue stated in the court of appeals' Entry Granting Motion to Certify dated September 17, 2001, at pages 3-4:

"The issue for certification is whether the defendant's filing of a request for discovery or for a bill of particulars, and the state's response thereto, extends that time within which the defendant must be brought to trial under the Ohio speedy trial statutes, R.C. 2945.71, *et seq.*"

*Sua sponte*, cause consolidated with 01-1686, *State v. Brown*, Fayette App. No. CA2000-10-027.

The conflict cases are *State v. Cox* (Apr. 1, 1987), Holmes App. No. CA-367, unreported, 1987 WL 9956; and *State v. Spicer* (May 8, 1998), Hamilton App. Nos. C-970480 and C-970454, unreported, 1998 WL 226411.

**01-1840. State v. Woodard.**

Cuyahoga App. No. 61171. On motion for appointment of counsel or, in the alternative, motion to remand to the Eighth District for appointment of counsel. Motion to remand to the Eighth District granted.

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

**01-1956. Citizen Power, Inc. v. Pub. Util. Comm.**

Public Utilities Commission, No. 00-2469-EL-UNC. On amended motion for admission *pro hac vice* of William M. Ondrey Gruber for Harvey L. Reiter. Motion granted.

**APPEALS ALLOWED**

**01-1516. Sayer v. Epler.**

Licking App. Nos. 00CA76 and 00CA85.

Pfeifer and Lundberg Stratton, JJ., dissent.

**01-1604. Jones v. Nationwide Ins. Co.**

Stark App. No. 2000CA00329. Discretionary appeal allowed and cause held for the decision in 01-1786, *Lemm v. The Hartford*, Franklin App. No. 01AP-251; briefing schedule stayed.

Cook and Lundberg Stratton, JJ., dissent.

**01-1618. Berrios v. State Farm Ins. Co.**

Franklin App. No. 00AP-504.

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

**01-1686. State v. Brown.**

Fayette App. No. CA2000-10-027. Discretionary appeal allowed on Proposition of Law No. I and cause consolidated with 01-1688, *State v. Brown*, Fayette App. No. CA2000-10-027.

Pfeifer, J., concurs but would allow all propositions of law.

**APPEALS NOT ALLOWED**

**01-1658. L.P. Cavett Co. v. Washington Twp. Bd. of Trustees.**

Preble App. No. CA2000-08-010.

**01-1659. Lower v. Ghee.**

Franklin App. No. 00AP-1349.

**01-1666. State v. Harris.**

Lorain App. No. 00CA007691.

**01-1667. State v. Murphy.**

Meigs App. No. 00CA13.

**01-1674. Atakpu v. Cent. State Univ.**

Franklin App. No. 00AP-1113.

**01-1676. In re Estate of McMullen.**

Lawrence App. No. 00CA27.

F.E. Sweeney, J., dissents.

**01-1677. Bennett v. Roadway Express, Inc.**

Summit App. No. 20317.

**01-1679. State v. Matthews.**

Franklin App. No. 01AP-139.

**01-1680. State v. Steele.**

Vinton App. No. 99CA530.

**01-1682. Bardes v. Todd.**

Hamilton App. No. C-010498. On motion to consolidate case with 01-1231, *Bardes v. Todd*, Hamilton App. No. C-000055. Motion denied.

**01-1684. 4 Aces Sanitation Serv., Inc. v. McIntosh.**

Butler App. No. CA2001-04-080.

**01-1685. State v. Clinkscale.**

Franklin App. No. 00AP-1479.

**01-1689. W. Chester Twp. Zoning v. Fromm.**

Butler App. No. CA2000-12-253.

**01-1699. State v. Arthur.**

Cuyahoga App. No. 77770.

Resnick, J., dissents.

**01-1701. Blazy v. Ohio State Bd. of Pharmacy.**

Franklin App. Nos. 01AP-210 and 01AP-273.

**01-1705. State v. Fortson.**

Cuyahoga App. No. 78240.

**01-1710. State v. Cromer.**

Lucas App. Nos. L-01-1191 and L-01-1192.

Resnick, J., not participating.

**01-1713. State v. Smith.**

Hamilton App. No. C-990689.

**01-1714. Stickovich v. Cleveland.**

Cuyahoga App. No. 75655.

Moyer, C.J., dissents.

**01-1716. Alexander v. Urban Communications Television, Inc.**

Montgomery App. No. 18696.

**01-1717. State v. Hickman.**

Clark App. No. 01CA52.

Lundberg Stratton, J., dissents.

**01-1719. State v. Burnett.**

Hamilton App. No. C-000865.

**01-1720. State v. Dwyer.**

Lake App. No. 2000-L-090.

**01-1721. State v. Ogletree.**

Cuyahoga App. No. 78306.

Resnick and Lundberg Stratton, JJ., dissent.

**01-1724. Blanchard Valley Farmers Coop., Inc. v. Rossman.**

Hancock App. No. 5-01-04.

Cook, J., would allow on Proposition of Law Nos. II and III.

Douglas, J., would allow.

**01-1725. Abboud v. Robertson.**

Cuyahoga App. No. 78028.

**01-1730. State v. McDonald.**

Hamilton App. No. C-000394.

Pfeifer, J., dissents.

**01-1733. State v. Arnett.**

Cuyahoga App. No. 78679.

**01-1735. Flowers v. Penn Traffic Co.**

Franklin App. No. 01AP-82.

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

**01-1736. State v. Brooks.**

Cuyahoga App. No. 75711.

**01-1738. State v. Dell.**

Ashtabula App. No. 99-A-0038.

**01-1739. State v. Neal.**

Stark App. No. 2001CA00067.

**01-1745. State v. Spurgeon.**

Cuyahoga App. No. 77952.

**01-1754. Goldauskas v. Elyria Foundry Co.**

Lorain App. No. 00CA007744. On discretionary appeal. Appeal denied.

F.E. Sweeney, J., dissents.

Cook, J., not participating.

On discretionary cross-appeal. Appeal denied.

Douglas and Pfeifer, JJ., dissent.

Cook, J., not participating.

**01-1757. State v. McNeill.**

Lorain App. No. 01CA007800.

**01-1760. Gruger v. Koehler.**

Mahoning App. No. 01CA16.

**01-1763. State v. Ayers.**

Erie App. No. E-99-066.

Resnick, J., not participating.

**01-1768. State v. Pack.**

Auglaize App. No. 2-01-08.

**01-1784. Felss v. Felss.**

Hamilton App. No. C-010181.

**01-1794. Shepler v. Love.**

Huron App. No. H-00-022.

**01-1800. McInerney v. Harvey.**

Licking App. No. 01CA29.

**01-1842. State v. Beckett.**

Clark App. No. 00CA0049.

**RECONSIDERATION DOCKET**

**00-266. State v. Burnett.**

Hamilton App. No. C-981003. Reported at 93 Ohio St.3d 419, \_\_\_\_ N.E.2d \_\_\_\_.

On motion for reconsideration. Motion denied.

**00-1405. State ex rel. Stys v. Parma Community Gen. Hosp. Assn.**

In Mandamus. Reported at 93 Ohio St.3d 438, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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

**01-1428. Kniskern v. Amstutz.**

Cuyahoga App. No. 78407. Reported at 93 Ohio St.3d 1458, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**01-1432. McBroom v. Columbia Gas of Ohio, Inc.**

Franklin App. No. 00AP-1110. Reported at 93 Ohio St.3d 1458, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**01-1440. Halleen Chevrolet, Inc. v. Gen. Motors Corp.**

Franklin App. No. 00AP-1454. Reported at 93 Ohio St.3d 1459, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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

**01-1442. State v. Gates.**

Cuyahoga App. No. 78120. Reported at 93 Ohio St.3d 1459, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**01-1461. Whittington v. Kudlapur.**

Hocking App. No. 01CA1. Reported at 93 Ohio St.3d 1464, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**01-1470. Rengan v. Rengan.**

Montgomery App. No. 18522. Reported at 93 Ohio St.3d 1464, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.