

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

December 8, 2004

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### MERIT DECISIONS WITH OPINIONS

**2001-1589. State v. Leonard, 2004-Ohio-6235.**

Hamilton C.P. No. B0005891. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2002-1446. Allen Cty. Bar Assn. v. Linnon, 2004-Ohio-6386.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 01-33. Craig M. Linnon, Attorney Registration No. 0062690, is suspended from the practice of law in Ohio for two years, with one year stayed on conditions.

Resnick, Pfeifer, Lundberg Stratton and O'Donnell, JJ., concur.

Moyer, C.J., F.E. Sweeney and O'Connor, JJ., dissent.

**2002-1953. State v. Fitch, 2004-Ohio-6387.**

Cuyahoga App. No. 79937, 2002-Ohio-4891. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-0033. State v. Colbert, 2004-Ohio-6388.**

Cuyahoga App. No. 80361, 2002-Ohio-6315. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-0114. Performing Arts School of Metro. Toledo, Inc. v. Wilkins, 2004-Ohio-6389.**

Board of Tax Appeals, No. 2001-J-977. Decision reversed.

Moyer, C.J., F.E. Sweeney, O'Connor and O'Donnell, JJ., concur.  
Resnick, Pfeifer and Lundberg Stratton, JJ., dissent.

**2003-0174. State v. Tuomala, 2004-Ohio-6239.**

Ashtabula App. No. 2001-A-0088, 2002-Ohio-6936. Judgment reversed.  
Moyer, C.J., F.E. Sweeney, O'Connor and O'Donnell, JJ., concur.  
Resnick and Pfeifer, JJ., dissent.  
Lundberg Stratton, J., dissents.

**2003-0396. State v. Finger, 2004-Ohio-6390.**

Cuyahoga App. No. 80691, 2003-Ohio-402. Certified question answered.  
Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor  
and O'Donnell, JJ., concur.

**2003-0487. State v. Skatzes, 2004-Ohio-6391.**

Montgomery App. No. 15848. Judgment affirmed.  
Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor  
and O'Donnell, JJ., concur.

**2003-0573. State v. Tuttle, 2004-Ohio-6392.**

Cuyahoga App. No. 80775, 2003-Ohio-419. Judgment reversed and cause  
remanded.  
Moyer, C.J., Resnick, Lundberg Stratton, O'Connor and O'Donnell, JJ.,  
concur.  
F.E. Sweeney and Pfeifer, JJ., dissent.

**2003-0820. State v. Miller, 2004-Ohio-6393.**

Cuyahoga App. No. 81608, 2003-Ohio-1168. Judgment reversed and cause  
remanded.  
Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor  
and O'Donnell, JJ., concur.

**2003-0873. State v. Rowan, 2004-Ohio-6394.**

Cuyahoga App. No. 80540, 2003-Ohio-2458. Judgment reversed and cause  
remanded.  
Moyer, C.J., Resnick, Lundberg Stratton, O'Connor and O'Donnell, JJ.,  
concur.  
F.E. Sweeney and Pfeifer, JJ., dissent.

**2003-0899. State v. Moody, 2004-Ohio-6395.**

Champaign App. No. 2002 CA 13, 2003-Ohio-1566. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-1025. State v. Axson, 2004-Ohio-6396.**

Cuyahoga App. No. 81231, 2003-Ohio-2182. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-1138. State v. Stewart, 2004-Ohio-6397.**

Cuyahoga App. No. 81468, 2003-Ohio-2867. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-1194. State v. Smith, 2004-Ohio-6238.**

Morrow App. No. 02CA0957. Judgment affirmed.

Moyer, C.J., Resnick, Pfeifer and Lundberg Stratton, JJ., concur.

F.E. Sweeney, O'Connor and O'Donnell, JJ., dissent.

**2003-1346. State v. McCauley, 2004-Ohio-6398.**

Cuyahoga App. No. 80630, 2003-Ohio-3211. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-1654. State v. Johnson, 2004-Ohio-6399.**

Cuyahoga App. No. 81814, 2003-Ohio-4180. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-1734. State v. Carpenter, 2004-Ohio-6400.**

Cuyahoga App. No. 82470, 2003-Ohio-4198. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

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

**2003-2063. Lima v. DePalma, 2004-Ohio-6401.**

Allen App. No. 1-03-10, 155 Ohio App.3d 81, 2003-Ohio-5451. Sua sponte, cause dismissed as having been improvidently allowed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-2169. Dayton Bar Assn. v. Parker, 2004-Ohio-6236.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 02-41. Arlynn A. Parker, Attorney Registration No. 0029312, is indefinitely suspended from the practice of law in Ohio.

Moyer, C.J., Resnick, F.E. Sweeney, O'Connor and O'Donnell, JJ., concur.

Pfeifer, J., dissents.

Lundberg Stratton, J., dissents with opinion.

**2003-2171. Northwestern Ohio Bar Assn. v. Lauber, 2004-Ohio-6237.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 02-77. Cause remanded for further proceedings.

Moyer, C.J., F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

Resnick, J., dissents.

**2004-0082. Disciplinary Counsel v. Medley, 2004-Ohio-6402.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 02-79. William S. Medley, Attorney Registration No. 0031001, is suspended from the practice of law in Ohio for 18 months and concurrently is suspended from his position as judge of the Probate Court of Gallia County, with six months stayed on conditions.

Moyer, C.J., Resnick, F.E. Sweeney, O'Connor and O'Donnell, JJ., concur.

Pfeifer, J., concurs in part and dissents in part.

Lundberg Stratton, J., dissents.

**2004-0183. State v. King, 2004-Ohio-6403.**

Cuyahoga App. No. 81905, 2003-Ohio-6489. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2004-0184. State v. Wilburn, 2004-Ohio-6404.**

Cuyahoga App. No. 82573, 2003-Ohio-6495. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2004-0289. State v. Alvarez, 2004-Ohio-6405.**

Cuyahoga App. No. 82337, 2003-Ohio-6888. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

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

**2004-0336. State ex rel. Trafalgar Corp. v. Miami Cty. Bd. of Commrs., 2004-Ohio-6406.**

Miami App. No. 2002-CA-20, 2004-Ohio-177. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

Pfeifer, J., dissents.

**2004-0433. Cuyahoga Cty. Bar Assn. v. Aldrich, 2004-Ohio-6407.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 02-089. Thomas P. Aldrich III, Attorney Registration No. 0042451, is permanently disbarred from the practice of law in Ohio.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

F.E. Sweeney, J., dissents and would suspend respondent indefinitely.

**2004-0530. State ex rel. Wheeler v. Indus. Comm., 2004-Ohio-6408.**

Franklin App. No. 03AP-93, 2004-Ohio-840. Judgment affirmed consistent with the opinion of the court of appeals.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2004-0630. State ex rel. Bodnar v. Indus. Comm., 2004-Ohio-6409.**

Franklin App. No. 03AP-215, 2004-Ohio-1135. Judgment affirmed consistent with the opinion of the court of appeals.

Moyer, C.J., Resnick, F.E. Sweeney, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

Pfeifer, J., dissents and would reverse the judgment of the court of appeals.

**2004-0733. State ex rel. Talwar v. State Med. Bd. of Ohio, 2004-Ohio-6410.**

Franklin App. No. 03AP-644, 2004-Ohio-1301. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

Pfeifer, J., concurs in judgment only.

**2004-0847. In re C.W., 2004-Ohio-6411.**

Summit App. Nos. 21809 and 21811, 2004-Ohio-1987. Judgment affirmed on the issue certified for review.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.