

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

March 16, 2005

[Cite as *03/16/2005 Case Announcements*, 2005-Ohio-1024.]

MERIT DECISIONS WITH OPINIONS

2003-1782. State v. Nipper, 2005-Ohio-784.

Butler App. No. CA2002-06-135, 2003-Ohio-7-4449. Sua sponte, cause dismissed as having been improvidently accepted.

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

2003-1886 and 2003-1887. State v. Roux, 2005-Ohio-783.

Belmont App. No. 02-BA-11, 154 Ohio App.3d 296, 2003-Ohio-4876. Judgment affirmed.

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

2003-2146. State v. Mason, 2005-Ohio-791.

Lucas App. Nos. L-02-1211 and L-02-1189, 2003-Ohio-5974. Judgment affirmed.

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

2003-2155. State v. Danison, 2005-Ohio-781.

Ashland App. No. 03 COA 021, 2003-Ohio-5924. Judgment reversed and cause remanded.

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

2003-2182. State v. Back, 2005-Ohio-782.

Butler App. No. CA2003-01-011, 2003-Ohio-5985. Judgment affirmed.

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

2004-0049. State v. Barlow, 2005-Ohio-790.

Montgomery App. No. 19628, 2003-Ohio-6530. Judgment affirmed.

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

2004-0240 and 2004-0372. State v. May, 2005-Ohio-789.

Ashtabula App. No. 2001-A-0037, 2003-Ohio-6979. Judgment affirmed.

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

2004-0523. State v. Horton, 2005-Ohio-788.

Stark App. No. 2003CA00097, 2004-Ohio-613. Sua sponte, cause dismissed as having been improvidently accepted.

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

2004-0537. State v. Glavic, 2005-Ohio-787.

Lake App. Nos. 2001-L-177 and 2001-L-179, 2003-Ohio-6961. Judgment affirmed.

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

2004-0690. State v. Johnson, 2005-Ohio-786.

Wyandot App. No. 16-03-09, 2004-Ohio-1513. Judgment affirmed.

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

2004-1049. State v. Haynie, 2005-Ohio-785.

Marion App. No. 9-03-52, 2004-Ohio-2452. Judgment affirmed.

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

2004-1473. State ex rel. Bortoli v. Dinkelacker, 2005-Ohio-779.

Hamilton App. No. C-040486. Judgment affirmed.

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

2004-1502. State ex rel. Waver v. Gallagher, 2005-Ohio-780.

Cuyahoga App. No. 84662, 2004-Ohio-4355. Judgment affirmed.
Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

MERIT DECISIONS WITHOUT OPINIONS

2004-1588. State ex rel. Goudreau v. Kilbane-Koch.

Cuyahoga App. No. 84732. On motion to dismiss as moot. Motion to dismiss as moot sustained. Cause dismissed.

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

2005-0055. State ex rel. Reitz v. O'Brien.

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

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

2005-0200. State ex rel. WBNS 10 TV, Inc. v. Nau.

In Mandamus and Prohibition. On answer of respondent. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2003-1903. State v. Cline.

Champaign App. No. 2002-CA-05, 2003-Ohio-4712. On motion for production of transcripts of oral argument. Motion denied. Appellant may request a video copy of the oral argument at cost.

2004-0394. State ex rel. Dispatch Printing Co. v. Johnson.

In Mandamus. Sua sponte, the court orders this cause to be scheduled for oral argument.

2004-1169. Jones v. Goodyear Tire & Rubber Co.

Summit App. No. 21724, 2004-Ohio-2821. On motion for admission pro hac vice of Laurie A. McCann by Ann-Marie Ahern. Motion granted.

2004-1492 and 2004-1647. Estate of Harrold v. Collier.

Wayne App. No. 03CA0064, 2004-Ohio-4331. On motion for admission pro hac vice of Karen A. Wyle, on behalf of Coalition for the Restoration of Parental Rights, by Robert C. Paxton II. Motion granted.

2005-0087. State v. Johnson.

Lorain App. No. 92CA005526. On motion for leave to file delayed appeal. Motion denied.

2005-0111. State v. Fitzgerald.

Lake App. No. 2003-L-084, 2004-Ohio-6173. On motion for leave to file delayed appeal. Motion granted.

Resnick and O'Connor, JJ., dissent.

2005-0127. State v. Tucker.

Cuyahoga App. No. 83419, 2004-Ohio-5380. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2005-0137. State v. Cornell.

Delaware App. No. 04-CA-A-01-006. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2005-0148. State v. Miles.

Summit App. No. 22090, 2004-Ohio-5687. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2005-0167. State v. Campbell.

Hamilton App. No. C-040181. On motion for leave to file delayed appeal. Motion granted.

Resnick, O'Connor and O'Donnell, JJ., dissent.

2005-0235. Austin v. Webb-Lewis.

Franklin App. No. 04AP-1135. On motion for stay of trial court proceedings. Motion denied.

2005-0294. Krancevic v. McPherson.

Cuyahoga App. No. 84511, 2004-Ohio-6915. On motion for stay of trial court proceedings. Motion denied.

Moyer, C.J., and Lanzinger, J., dissent.

APPEALS ACCEPTED FOR REVIEW

2004-2009. State v. Nelson.

Cuyahoga App. No. 84108, 2004-Ohio-5608.

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

2004-2067. Quickle v. Progressive Cas. Co.

Cuyahoga App. No. 82818, 2004-Ohio-4496.

Resnick, Pfeifer and Lanzinger, JJ., dissent.

2004-2074. State v. Sanders.

Lake App. No. 2003-L-144, 2004-Ohio-5937. Discretionary appeal accepted on Proposition of Law II; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick and Pfeifer, JJ., dissent.

2004-2082. Buckman-Peirson v. Brannon.

Montgomery App. No. 20320, 2004-Ohio-6074.

Moyer, C.J., Lundberg Stratton and O'Donnell, JJ., dissent.

2004-2121. State v. Keith.

Cuyahoga App. No. 83686, 2004-Ohio-5600. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick, Pfeifer and O'Connor, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2004-1655. State v. Loyed.

Cuyahoga App. No. 83075, 2004-Ohio-3961.

2004-1972. Brady v. Hickman & Lowder Co., LPA.

Cuyahoga App. Nos. 83041 and 83989, 2004-Ohio-4745.

2004-1973. State v. Armstrong.

Trumbull App. Nos. 2001-T-0120 and 2002-T-0071, 2004-Ohio-5635.
Discretionary appeal and cross-appeal not accepted.

Lundberg Stratton, J., dissents and would accept the discretionary appeal on
Proposition of Law I.

2004-1976. State v. Bratton.

Allen App. No. 1-04-56.

2004-1979. Chase Manhattan Mtge. Corp. v. Frazier.

Knox App. No. 2003-CA-31, 2004-Ohio-5523.

2004-1982. State v. Copeland.

Hamilton App. No. C-030907.

2004-1983. State v. Berry.

Cuyahoga App. No. 83756, 2004-Ohio-5485.

2004-1984. Hout v. Hout.

Richland App. No. 04 CA 6, 2004-Ohio-5507.

2004-1997. Natl. City Bank v. Frazier.

Knox App. No. 2003-CA-30, 2004-Ohio-5562.

2004-1998. Cotten v. Houck.

Madison App. No. CA2003-12-041, 2004-Ohio-5823.

2004-1999. State v. Butcher.

Holmes App. No. 03 CA 4, 2004-Ohio-5572.

O'Donnell, J., dissents and would accept on Proposition of Law I.

2004-2001. McDermott v. State.

Stark App. No. 2004-CA-00178, 2004-Ohio-5560.

2004-2015. State v. Richardson.

Clark App. No. 03CA92, 2004-Ohio-5815.

Moyer, C.J., dissents.

2004-2017. State v. Cunningham.

Allen App. No. 1-04-19, 2004-Ohio-5892.

2004-2023. State v. Allison.

Knox App. No. 04 CA 2, 2004-Ohio-5805.

2004-2024. State v. Sailor.

Cuyahoga App. No. 83552, 2004-Ohio-5207.

2004-2025. Schroeder v. Auto-Owners Ins. Co.

Lucas App. No. L-03-1349, 2004-Ohio-5667.

Lanzinger, J., dissents and would accept on Proposition of Law I.

2004-2026. Cenc v. Hayes.

Cuyahoga App. No. 84027.

2004-2033. State v. Bergsmark.

Lucas App. No. L-03-1137, 2004-Ohio-5753.

Lanzinger, J., not participating.

2004-2039. Altier v. Valentic.

Geauga App. No. 2003-G-2521, 2004-Ohio-5641.

2004-2040. Conner v. SBS Acquisition Corp.

Butler App. No. CA2004-03-075, 2004-Ohio-5650.

Lanzinger, J., dissents.

2004-2046. Estate of Schmidt v. Derenia.

Franklin App. Nos. 03AP-335 and 03AP-493, 158 Ohio App.3d 738, 2004-Ohio-5431.

Pfeifer, J., dissents.

2004-2047. Gilbert v. Fifth Third Bancorp.

Montgomery App. No. 20447, 2004-Ohio-5829.

Pfeifer, J., dissents.

Resnick, J., not participating.

2004-2048. State v. Hubbard.

Cuyahoga App. No. 83389, 2004-Ohio-5204.

2004-2049. Waliga v. Coventry Twp.

Summit App. No. 22015, 2004-Ohio-5683.

2004-2054. State v. Jackson.

Hamilton App. No. C-040650. Discretionary appeal not accepted. Motion to prepare transcripts denied as moot.

2004-2056. State v. Rousseau.

Lorain App. No. 04CA008494, 2004-Ohio-5949.

Moyer, C.J., O'Connor and O'Donnell, JJ., dissent.

2004-2058. In re Guardianship of McHaney.

Summit App. No. 22088, 2004-Ohio-5956.

2004-2061. State v. Roark.

Hamilton App. No. C-030547.

2004-2064. State v. Handwork.

Portage App. No. 2002-P-0134, 2004-Ohio-6181.

2004-2068. State v. Cargle.

Montgomery App. No. 20274, 2004-Ohio-6671.

2004-2069. J. Norman Stark Co., L.P.A. v. Santora.

Cuyahoga App. No. 81543, 2004-Ohio-5960.

Pfeifer, J., dissents.

2004-2070. State v. Brown.

Cuyahoga App. No. 84229, 2004-5587.

Lundberg Stratton, J., dissents.

2004-2083. Shock v. Motorist Ins. Co.

Wyandot App. No. 16-04-08, 2004-Ohio-6049.

Resnick, J., dissents.

2004-2089. Columbus S. Power Co. v. Snyder.

Franklin App. No. 04AP-356, 2004-Ohio-5840.

2004-2090. State v. Durant.

Montgomery App. No. 19715, 2004-Ohio-6224.

2004-2092. State v. McCaleb.

Lake App. No. 2002-L-157, 2004-Ohio-5940.

2004-2093. In re Brown.

Darke App. No. 04CA1651.

2004-2095. Toledo v. Ross.

Lucas App. No. L-03-1181, 2004-Ohio-5900.

Pfeifer, J., dissents.

O'Donnell, J., dissents and would accept on Proposition of Law I.

Lanzinger, J., not participating.

2004-2098. State ex rel. Petro v. Gitler.

Lucas App. No. L-04-1082, 2004-Ohio-5897.

2004-2099. Wright v. Cincinnati Ins. Co.

Montgomery App. No. 20640, 2004-Ohio-5932.

Pfeifer, J., dissents.

2004-2100. State v. Murphy.

Wayne App. No. 04CA0010, 2004-Ohio-5817.

O'Donnell, J., dissents.

2004-2101. State v. Heap.

Hamilton App. No. C-040007, 2004-Ohio-5850.

2004-2102. State v. Reese.

Montgomery App. No. 20246, 2004-Ohio-6674.

2004-2116. Irwin v. Irwin.

Delaware App. No. 04 CA-F-05-040, 2004-Ohio-6206.

2004-2120. State v. Wogenstahl.

Hamilton App. No. C-030945, 2004-Ohio-5994.

2004-2123. Phillips v. May.

Geauga App. No. 2003-G-2520, 2004-Ohio-5942.

Moyer, C.J., dissents.

2004-2130. State v. Rodriguez.

Cuyahoga App. No. 84161, 2004-Ohio-6010.

2004-2131. State v. Yates.

Summit App. No. 21790.

2004-2135. State v. Buelow.

Clark App. No. 2004 CA 18, 2004-Ohio-6052.

2004-2137. State v. Johnson.

Clermont App. No. CA2003-02-010, 2004-Ohio-2213.

2004-2160. State v. Whitlow.

Hamilton App. No. C-030748.

Lanzinger, J., dissents and would accept on Proposition of Law II.

2004-2167. State v. Williams.

Franklin App. No. 03AP-1214, 2004-Ohio-6123.

2005-0003. State v. Fogel.

Lorain App. No. 04CA008498, 2004-Ohio-6268.

2005-0008. State v. Solomon.

Marion App. No. 9-03-58, 2004-Ohio-2795.

2005-0012. State v. Stevens.

Summit App. No. 22157, 2004-Ohio-6263.

O'Connor, J., not participating.

2005-0030. State v. Holcomb.

Summit App. No. 22374.