

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

February 27, 2006

[Cite as *02/27/2006 Case Announcements*, 2006-Ohio-854.]

MERIT DECISIONS WITH OPINIONS

2004-1171 and 2004-1267. State v. Mathis, 2006-Ohio-855.

Cuyahoga App. No. 83311, 2004-Ohio-2982, and Cuyahoga App. No. 82278, 2004-Ohio-2971. Judgments affirmed and causes remanded to the trial court.

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

Resnick, J., concurs in paragraph three of the syllabus and in judgment.

2004-1568, 2004-1771, 2005-0735, and 2005-2156. State v. Foster, 2006-Ohio-856.

Licking App. No. 03CA95, 2004-Ohio-4209, Cuyahoga App. No. 83720, 2004-Ohio-4485, Lake App. No. 2003-L-110, 2005-Ohio-1107, and Ottawa App. No. OT-03-016, 2005-Ohio-5257. Judgment reversed in No. 2004-1568 and cause remanded to the trial court. Judgment affirmed in No. 2004-1771 and cause remanded to the trial court. Judgment reversed in No. 2005-0735 and cause remanded to the trial court. Judgment affirmed in No. 2005-2156.

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

Resnick, J., concurs in paragraph seven of the syllabus and in judgment.

MOTION AND PROCEDURAL RULINGS

2003-1572. State ex rel. Howard v. Indus. Comm.

Franklin App. No. 97AP-860. This cause came on for further consideration of appellant's motion for leave to file a motion for relief from this court's prior judgments and motion for leave to file a motion for sanctions. Upon consideration thereof,

IT IS ORDERED by the court that the motions are denied.

2005-1432. In re Guardianship of Schneider.

Medina App. No. 05CA0050-M. This cause came on for further consideration of appellant's motions to vacate entries issued by the court on January 25 and February 13, 2006, and motions for leave to hear all matters in this case en banc. Upon consideration thereof,

IT IS ORDERED by the court that the motions are denied.

2005-1652. In re Guardianship of Schneider.

Medina App. No. 05CA0050-M. This cause came on for further consideration of appellant's motions to vacate entries issued by this court on February 8 and February 13, 2006, and motions for leave to hear all matters in this case en banc. Upon consideration thereof,

IT IS ORDERED by the court that the motions are denied.

2005-2034. State v. Weber.

Hamilton App. No. C-040820, 2005-Ohio-4854. This cause is pending before the court as a discretionary appeal and claimed appeal of right. On October 31, 2005, appellant filed a notice that a motion to certify a conflict was pending in the court of appeals and, pursuant to S.Ct.Prac.R. IV(4)(A), this court stayed consideration of the jurisdictional memoranda filed in this appeal. Whereas appellant has neither notified this court that the court of appeals determined that a conflict does not exist as provided by S.Ct.Prac.R. IV(4)(B) nor filed a copy of the court of appeals' order certifying the existence of a conflict as provided by S.Ct.Prac.R. IV(4)(C),

IT IS ORDERED by the court, sua sponte, that appellant show cause within 14 days from the date of this entry why this court should not proceed to consider the jurisdictional memoranda in this appeal pursuant to S.Ct.Prac.R. III(6).

2005-2106. State v. Sullivan-Griggs.

Hamilton App. No. C-040853. This cause is pending before the court as a discretionary appeal and claimed appeal of right. On November 8, 2005, appellant filed a notice that a motion to certify a conflict was pending in the court of appeals and, pursuant to S.Ct.Prac.R. IV(4)(A), this court stayed consideration of the jurisdictional memoranda filed in this appeal. Whereas appellant has neither notified this court that the court of appeals determined that a conflict does not exist as provided by S.Ct.Prac.R. IV(4)(B) nor filed a copy of the court of appeals' order certifying the existence of a conflict as provided by S.Ct.Prac.R. IV(4)(C),

IT IS ORDERED by the court, sua sponte, that appellant show cause within 14 days from the date of this entry why this court should not proceed to consider the jurisdictional memoranda in this appeal pursuant to S.Ct.Prac.R. III(6).

2006-0328. State ex rel. Kuhar v. Medina Cty. Bd. of Elections.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus involving an expedited election matter. Upon consideration of relator's motion to file a reduced number of copies of evidence,

IT IS ORDERED by the court that the motion is granted, and the parties shall file an original plus two copies of the evidence.

2006-0378. State ex rel. McCray v. West.

Hamilton App. No. C-050955. This cause was filed as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's jurisdictional memorandum, it is determined by the court that this cause originated in the court of appeals and, therefore, should proceed as an appeal of right pursuant to S.Ct.Prac.R. II(1)(A)(1).

IT IS ORDERED by the court that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Hamilton County, and the parties shall brief this case in accordance with S.Ct.Prac.R. VI.

MISCELLANEOUS DISMISSALS

2006-0007. Smith v. Leis.

Hamilton App. No. C-050857, 2005-Ohio-6090 and 2006-Ohio-450. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. It appears from the records of this court that appellant has not filed a merit brief, due February 21, 2006, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause is dismissed sua sponte.

MEDIATION REFERRALS

The following case has been referred to mediation pursuant to S.Ct.Prac.R. XIV(6):

2006-0363. Bd. of Edn. of Kettering City Schools v. Montgomery Cty. Bd. of Revision.

Board of Tax Appeals, No. 2004-A-1209.