

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 12, 2008

[Cite as *03/12/2008 Case Announcements, 2008-Ohio-969.*]

MERIT DECISIONS WITH OPINIONS

2006-1890 and 2006-2043. Taylor Bldg. Corp. of Am. v. Benfield, Slip Opinion No. 2008-Ohio-938.

Clermont App. No. CA2005-09-083, 168 Ohio App.3d 517, 2006-Ohio-4428. Judgment affirmed in part and reversed in part, and cause remanded.

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

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

2006-2293, 2006-2389, and 2006-2390. Elyria v. Lorain Cty. Budget Comm., Slip Opinion No. 2008-Ohio-940.

Board of Tax Appeals, Nos. 2003-T-1533, 2004-T-1166, and 2005-T-1301. Decisions reversed and causes remanded.

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

Lanzinger, J., concurs in judgment only.

2007-0126. Episcopal School of Cincinnati v. Levin, Slip Opinion No. 2008-Ohio-939.

Board of Tax Appeals, No. 2004-R-230. Decision affirmed.

Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, and Cupp, JJ., concur.

Moyer, C.J., concurs in judgment only.

Lanzinger, J., dissents.

2007-0265. State v. Fulmer, Slip Opinion No. 2008-Ohio-936.

Lake App. No. 2005-L-137, 2006-Ohio-7015. Judgment reversed and cause remanded.

Moyer, C.J., and O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.
Pfeifer and Lundberg Stratton, JJ., dissent and would dismiss the appeal as having been improvidently accepted.

MERIT DECISIONS WITHOUT OPINIONS

2007-2357. State ex rel. Martin v. Fuerst.

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

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

2007-2372. State ex rel. Gillman v. Parrott.

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

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

2007-2419. State ex rel. Huffman v. Moody.

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

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

2007-2455. State ex rel. Taylor v. Campbell.

In Mandamus. On respondent's motion to dismiss and relator's motion for leave to amend case caption. Motion to dismiss granted. Motion for leave to amend case caption denied as moot. Cause dismissed.

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

2007-2457. State ex rel. Odd v. Lioi.

In Mandamus. On respondent's motion to dismiss and relator's motion of notice of bias. Motion to dismiss granted. Motion of notice of bias denied. Cause dismissed.

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

2008-0022. State ex rel. Bozsik v. Slaby.

In Mandamus. On respondents' motion to dismiss and relator's motion for leave to amend complaint. Motion to dismiss granted. Motion for leave to amend complaint denied as moot. Cause dismissed.

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

2008-0024. State ex rel. Wooden v. Beightler.

In Mandamus. On complaint in mandamus and petition for writ of habeas corpus of Tracy L. Wooden and answer of respondent. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

2008-0051. State ex rel. Parks v. Butler Cty. Court of Common Pleas.

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

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

2008-0158. Clumm v. Ohio Adult Parole Auth.

In Habeas Corpus. On petition for writ of habeas corpus of William A. Clumm. Sua sponte, cause dismissed.

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

2008-0159. Johnson v. Lazaroff.

In Habeas Corpus. On petition for writ of habeas corpus of Michael Johnson. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2007-0172. State v. Alexander.

Mahoning App. No. 05 MA 221, 2006-Ohio-7049. On motion to strike judgment entry. Motion denied.

2007-0960. Ohioans For Concealed Carry, Inc. v. Clyde.

Sandusky App. Nos. S-06-039 and S-06-040, 2007-Ohio-1733. On motion for admission pro hac vice of Stephen P. Halbbrook by John F. Kostyo. Motion granted.

2007-1781. State ex rel. Nash v. Court of Appeals, Eighth Appellate Dist.

In Mandamus. On motion for relief per Civ.R. 60(B). Motion denied.

2007-2057. State ex rel. Nash v. Thomas.

In Habeas Corpus. On motions for relief per Civ.R. 60(B). Motions denied.

2007-2060. State ex rel. Ali v. Thomas.

In Habeas Corpus. On motion for relief per Civ.R. 60(B). Motion denied.

2007-2217. State ex rel. Blank v. Beasley.

In Mandamus. On motion for leave to amend complaint for writ of mandamus. Motion granted.

Pursuant to S.Ct.Prac.R. X(5), respondent shall file an answer to the amended complaint or a motion to dismiss within 21 days of the date of this entry.

O'Donnell, J., dissents and would dismiss the cause.

2007-2220. State ex rel. Kardassilaris v. Beasley.

In Mandamus. On motion for leave to amend complaint for writ of mandamus. Motion granted.

Pursuant to S.Ct.Prac.R. X(5), respondent shall file an answer to the amended complaint or a motion to dismiss within 21 days of the date of this entry.

2007-2347. State v. Lipscomb.

Cuyahoga App. No. 88831, 2007-Ohio-5945. On motion for leave to file delayed cross-appeal. Motion granted.

Pursuant to S.Ct.Prac.R. III(4), appellee/cross-appellant shall file a combined memorandum both in response to appellant/cross-appellee's memorandum and in support of jurisdiction for the cross-appeal within 30 days of the date of this entry. Appellant/cross-appellee shall then file a memorandum in response to appellee/cross-appellant's arguments in support of jurisdiction within 30 days after the filing of appellee/cross-appellant's memorandum.

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

2008-0076. State v. Lozier.

Franklin App. Nos. 07AP-348 and 07AP-349, 2007-Ohio-5798. On motion for leave to file delayed appeal. Motion granted.

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

2008-0111. State v. Griffie.

Cuyahoga App. No. 89009, 2007-Ohio-5325. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2008-0117. State v. Hunter.

Champaign App. No. 2006 CA 30, 2007-Ohio-5176. On motion for leave to file delayed appeal. Motion granted.

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

2008-0131. State v. Nave.

Hamilton App. No. C-060931. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, Lundberg Stratton, and Cupp, JJ., dissent.

2008-0144. State v. Peterson.

Mahoning App. No. 06 MA 70, 2007-Ohio-6917. On motion for leave to file delayed appeal. Motion granted.

O'Connor, J., dissents.

2008-0149. State v. Johnson.

Franklin App. No. 00AP-428. On motion for leave to file delayed appeal. Motion denied.

2008-0163. State v. Curry.

Cuyahoga App. No. 89075, 2007-Ohio-5721. On motion for leave to file delayed appeal. Motion granted.

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

2008-0164. State v. Webb.

Montgomery App. No. 21814, 173 Ohio App.3d 547, 2007-Ohio-5670. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton and O'Donnell, JJ., dissent.

2008-0166. State v. Murphy.

Clark App. No. 05-CA-71, 2007-Ohio-1747. On motion for leave to file delayed appeal. Motion denied.

2008-0201. State v. Smith.

Hamilton App. No. C-061041. On motion for leave to file delayed appeal. Motion granted.

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

2008-0202. State v. Trikilis.

Medina App. No. 06CA0068-M, 2007-Ohio-5475. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2008-0251. Athens Cty. Commrs. v. Ohio Patrolmen's Benevolent Assn.

Athens App. No. 06CA49, 2007-Ohio-6895. On motion for stay of court of appeals' judgment. Motion granted.

Pfeifer and O'Donnell, JJ., dissent.

2008-0293. Cincinnati v. Queen City Lodge No. 69, Fraternal Order of Police.

Hamilton App. No. C-060290. On motion for stay of court of appeals' judgment. Motion granted.

Pfeifer, O'Donnell, and Lanzinger, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2007-1812. State v. Harris.

Hamilton App. No. C-060587. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2007-0595 and 2007-0651, *State v. Cabrales*, Hamilton App. No. C-050682, 2007-Ohio-857; and briefing schedule stayed.

Pfeifer and O'Donnell, JJ., dissent.

2007-2182. State v. Goldsberry.

Union App. No. 14-07-06, 2007-Ohio-5493.

Pfeifer and Lanzinger, JJ., dissent.

2007-2198. Holbein v. Genesis Healthcare Sys.

Muskingum App. No. CT2006-0048, 2007-Ohio-5550. Discretionary appeal accepted on Proposition of Law Nos. III and VI; cause held for the decision in 2007-1529, *Fletcher v. Univ. Hosps. of Cleveland*, Cuyahoga App. No. 88573, 172 Ohio App.3d 153, 2007-Ohio-2778; and briefing schedule stayed.

Pfeifer, J., would also accept the appeal on all other Propositions of Law.

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

2007-2202. Schelling v. Humphrey.

Williams App. No. WM-07-001, 2007-Ohio-5469.

Pfeifer and Cupp, JJ., dissent.

2007-2239. In re J.F.

Greene App. No. 06-CA-123, 2007-Ohio-5652.

Lundberg Stratton, Lanzinger, and Cupp, JJ., dissent.

2007-2254. In re Carson.

Stark App. No. 2007CA00070, 2007-Ohio-5687.

O'Connor and Lanzinger, JJ., dissent.

2007-2269. State Emp. Relations Bd. v. Queen City Lodge No. 69, Fraternal Order of Police.

Hamilton App. No. C-060782, 2007-Ohio-5741.

O'Connor and O'Donnell, JJ., would accept the appeal on Proposition of Law No. II only.

2007-2303. State v. Taylor.

Ashtabula App. No. 2007-A-0018, 2007-Ohio-5912. Discretionary appeal accepted; cause held for the decision in 2007-0052, *State v. Simpkins*, Cuyahoga App. No. 87692, 2006-Ohio-6028; and briefing schedule stayed.

2007-2311. State v. Skropits.

Stark App. No. 2007 CA 00098, 2007-Ohio-5817.

Pfeifer, O'Donnell, and Lanzinger, JJ., dissent.

2007-2358. State v. Lipscomb.

Hamilton App. Nos. C-060213 and C-060249, 2007-Ohio-2246. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2007-0325, *State v. Davis*, Hamilton App. No. C-040665, 2006-Ohio-3171; and briefing schedule stayed.

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

2008-0073. In re Thomas.

Crawford App. No. 3-07-20, 2007-Ohio-6970.

Pfeifer, Lundberg Stratton, and O'Donnell, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2007-1554. State v. Miller.

Hamilton App. No. C-070492.

2007-1799. State v. Shelton.

Cuyahoga App. No. 88477, 2007-Ohio-3900.

2007-1830. State v. Gapen.

Montgomery App. No. 21822, 2007-Ohio-4333.

2007-1843. Anousheh v. Planet Ford, Inc.

Montgomery App. Nos. 21960 and 21967, 2007-Ohio-4543. Discretionary appeal and cross-appeals not accepted.

2007-1911. State v. Lindsay.

Logan App. No. 8-06-24, 2007-Ohio-4490. Discretionary appeal and cross-appeal not accepted.

Moyer, C.J., dissents and would accept the appeal.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law No. II.

2007-1957. State v. Parsons.

Athens App. No. 07CA2, 2007-Ohio-4812.

2007-2008. State v. Braun.

Cuyahoga App. No. 88336, 2007-Ohio-4578.

2007-2066. State v. Bublitz.

Summit App. No. 23547, 2007-Ohio-5029.

2007-2113. Hills & Dales v. Ohio Dept. of Edn.

Franklin App. No. 06AP-1249, 2007-Ohio-5156.

Lundberg Stratton, J., dissents.

2007-2118. Knoop v. Knoop.

Montgomery App. No. 22037, 2007-Ohio-5178.

2007-2126. State v. Johnson.

Montgomery App. No. 21459, 2007-Ohio-5662.

2007-2130. State v. Deavers.

Muskingum App. No. CT2007-0001, 2007-Ohio-5464.
Pfeifer, J., dissents.

2007-2134. State v. Johnson.

Muskingum App. No. CT2007-0059.

2007-2136. State v. Thomas.

Adams App. No. 06CA825, 2007-Ohio-5340. Discretionary appeal and cross-appeal not accepted.

2007-2137. Preferred Properties, Inc. v. Tillimon.

Lucas App. No. L-07-1065.

2007-2138. Morelli v. Walker.

Cuyahoga App. No. 88706, 2007-Ohio-4832.

O'Connor, J., dissents and would accept the appeal on Proposition of Law No. I.

2007-2139. Beauty Max L.L.C. v. WBUY TV.

Cuyahoga App. No. 88664, 2007-Ohio-4831.

2007-2143. Laurenzi v. Ohio Dept. of Transp.

Franklin App. No. 07AP-54, 2007-Ohio-5344.

2007-2145. State v. Mitchell.

Muskingum App. No. CT2006-0090, 2007-Ohio-5519.

2007-2148. State v. Lehman.

Clermont App. No. CA2007-04-048.

Lanzinger, J., dissents.

2007-2151. State v. Gist.

Montgomery App. No. 21436, 2007-Ohio-5571.

2007-2160. Crnic v. Am. Republic Ins. Co.

Cuyahoga App. No. 89021, 2007-Ohio-5439.

O'Donnell, J., dissents.

2007-2165. Wiedemann v. Sky Bank, Inc.

Greene App. No. 2007CA0017, 2007-Ohio-5373.

2007-2168. State v. Alexander.

Franklin App. No. 06AP-986.

2007-2172. State v. Jones.

Hamilton App. No. C-060512, 2007-Ohio-5458.

2007-2174. Ronske v. Heil Co.

Stark App. No. 2006-CA-00168, 2007-Ohio-5417.

2007-2179. State v. Rhoads.

Hancock App. No. 5-07-10, 2007-Ohio-5386.

2007-2184. Grimme v. Twin Valley Community Local School Dist. Bd. of Edn.

Preble App. No. CA2006-08-019, 173 Ohio App.3d 460, 2007-Ohio-5495.

2007-2187. State v. Hitchcock.

Cuyahoga App. No. 88896, 2007-Ohio-5059.

2007-2190. O'Brien v. O'Brien.

Franklin App. No. 07AP-313, 2007-Ohio-5448.

2007-2192. Cox v. Cardiovascular Consultants, Inc.

Stark App. No. 2006 CA 00389, 2007-Ohio-5468.

2007-2201. Wazevich v. Tasse.

Cuyahoga App. No. 88938, 2007-Ohio-5062.

Lundberg Stratton and O'Donnell, JJ., dissent.

2007-2204. State v. Carovillano.

Hamilton App. Nos. C-060658 and C-060659, 2007-Ohio-5459.

2007-2205. Medallion Group, Ltd. v. Delaware Cty. Bd. of Revision.

Delaware App. No. 07CAH02011, 2007-Ohio-5513.

O'Donnell, J., dissents.

2007-2218. State v. Williams.

Hamilton App. No. C-060785.

2007-2224. Hahn v. Groveport.

Franklin App. No. 07AP-27, 2007-Ohio-5559.

Lundberg Stratton, J., not participating.

2007-2229. Nunnari v. Paul.

Lucas App. No. L-06-1281, 2007-Ohio-5591.

2007-2233. U.S. Bank, N.A. v. Stewart.

Montgomery App. No. 21775, 2007-Ohio-5669.

2007-2234. State v. Walters.

Franklin App. No. 06AP-693, 2007-Ohio-5554.

2007-2237. State v. Yslas.

Miami App. No. 05CA43, 173 Ohio App.3d 396, 2007-Oho-5646.

O'Donnell, J., dissents.

2007-2240. State v. Smith.

Lucas App. No. L-05-1350, 2007-Ohio-5592.

2007-2243. State v. Tate.

Lorain App. No. 07CA009246.

2007-2244. State v. Tyler.

Trumbull App. No. 2007-T-0073, 2007-Ohio-5611.

2007-2252. State v. Cox.

Franklin App. No. 06AP-1053, 2007-Ohio-5654.

2007-2255. State v. Rahe.

Franklin App. No. 06AP-997, 2007-Ohio-5864.

2007-2257. State v. Sanders.

Portage App. No. 2006-P-0062, 2007-Ohio-5613.

2007-2262. Berlin v. Thompson.

Stark App. No. 2007CA00115, 2007-Ohio-5700.

2007-2263. State v. Campbell.

Hamilton App. No. C-060981, 2007-Ohio-5742.

2007-2264. State v. Moser.

Richland App. No. 07CA10, 2007-Ohio-5811.

2007-2265. State v. Kimpel.

Williams App. No. WM-07-008, 2007-Ohio-6129.

2007-2266. State v. Hart.

Hamilton App. No. C-060686, 2007-Ohio-5740.

Lundberg Stratton, J., dissents and would accept the appeal and hold the cause for the decision in 2007-0595 and 2007-0651, *State v. Cabrales*, Hamilton App. No. C-050682, 2007-Ohio-857.

2007-2270. State v. Hashman.

Lorain App. No. 06CA008990, 2007-Ohio-5603.

O'Donnell, J., dissents.

2007-2271. Doe v. Robinson.

Lucas App. No. L-07-1051, 2007-Ohio-5746.

Lundberg Stratton and O'Donnell, JJ., dissent.

Lanzinger, J., not participating.

2007-2273. State v. Skinner.

Lorain App. No. 06CA009023, 2007-Ohio-5601.

2007-2282. State v. Harris.

Hamilton App. No. C-060989.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. II and hold the cause for the decision in 2007-0394, *State v. Hairston*, Franklin App. No. 06AP-420, 2007-Ohio-143.

2007-2283. State v. Markovanovich.

Summit App. No. 23572, 2007-Ohio-5676.

Cupp, J., dissents and would accept the appeal on Proposition of Law No. I.

2007-2307. State v. Hammond.

Franklin App. No. 07AP-205, 2007-Ohio-5921.

2007-2308. Boling v. Dimeche & Vlado, Inc.

Franklin App. No. 07AP-146, 2007-Ohio-5795.

2007-2309. State v. Brown.

Warren App. No. CA2006-10-120, 2007-Ohio-5787.
Moyer, C.J., and Lanzinger, J., dissent.

2007-2319. State v. Moore.

Franklin App. No. 07AP-309, 2007-Ohio-5797.

2007-2336. State v. Fikes.

Hamilton App. No. C-060581, 2007-Ohio-5870.

2007-2337. State v. Black.

Hamilton App. No. C-060861, 2007-Ohio-5871.

2007-2343. State v. Kendall.

Franklin App. Nos. 06AP-1139 and 06AP-1140, 2007-Ohio-5656.

2007-2348. State v. Kaeding.

Hamilton App. No. C-060573.

2007-2384. State v. Harrington.

Greene App. No. 06-CA-29, 2007-Ohio-1335.

2007-2386. State v. Stafford.

Hamilton App. No. C-060892.

2007-2391. State v. Cathel.

Franklin App. No. 07AP-786.

2007-2398. State v. Young.

Cuyahoga App. No. 78058, 2007-Ohio-6481.

2008-0052. State v. Jesus.

Hamilton App. No. C-030824.

2008-0134. State v. Ahmed.

Cuyahoga App. No. 88315, 2007-Ohio-6649.

2008-0156. In re Adoptions of R.T.R. and C.K.R.

Greene App. No. 2007-CA-37, 2007-Ohio-6592.

RECONSIDERATION OF PRIOR DECISIONS

2005-1656. State v. Davis.

Licking C.P. 04 CR 464. Reported at 116 Ohio St.3d 404, 2008-Ohio-2, 880 N.E.2d 31. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2006-1827. Marich v. Bob Bennett Constr. Co.

Summit App. No. 23026, 2006-Ohio-4242. Reported at 116 Ohio St.3d 553, 2008-Ohio-92, 880 N.E.2d 906. On motion for reconsideration. Motion denied.

2007-2157. State v. Harris.

Hamilton App. Nos. C-060399, C-060400 and C-060401, 2007-Ohio-3308. Reported at 116 Ohio St.3d 1481, 2008-Ohio-153, 879 N.E.2d 786. On motion for reconsideration. Motion granted. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2007-0325, *State v. Davis*, Hamilton App. No. C-040665, 2006-Ohio-3171; and briefing schedule stayed.

Pfeifer and O'Donnell, JJ., dissent.