

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

March 23, 2009

[Cite as *03/23/2009 Case Announcements*, 2009-Ohio-1283.]

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### **SLIP OPINIONS REPLACED BY OHIO OFFICIAL REPORTS VERSIONS AS OF MARCH 23, 2009**

The official versions of the opinions listed below, which were previously released as slip opinions, have been published in the March 23, 2009 Ohio Official Reports advance sheet. These opinions should now be cited using the Ohio Official Reports citation format.

**2007-1408. Casserlie v. Shell Oil Co., 121 Ohio St.3d 55, 2009-Ohio-3.**

**2007-2023 and 2007-2024. Martin v. Design Constr. Servs., Inc., 121 Ohio St.3d 66, 2009-Ohio-1.**

**2007-2239. In re J.F., 121 Ohio St.3d 76, 2009-Ohio-318.**

**2008-0488. State v. Bradley, 121 Ohio St.3d 1212, 2009-Ohio-504.**

**2008-1452. State v. Cargile, 121 Ohio St.3d 1208, 2009-Ohio-477.**

**2008-1683. In re Application of Nwankwo, 121 Ohio St.3d 72, 2009-Ohio-260.**

**2008-1725. State v. Lester, 121 Ohio St.3d 1209, 2009-Ohio-478.**

**2008-1729. Disciplinary Counsel v. Davis, 121 Ohio St.3d 84, 2009-Ohio-500.**

**2008-1759. State v. Owens, 121 Ohio St.3d 83, 2009-Ohio-505.**

**2008-2127 and 2008-2249. State v. Rohrbaugh, 121 Ohio St.3d 1210, 2009-Ohio-479.**

## **MOTION AND PROCEDURAL RULINGS**

**2007-0475. State v. Elmore.**

Licking C.P. No. 02 CR 275. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas for Licking County. Upon consideration thereof,

It is ordered by the court, sua sponte, that oral argument will be limited to 15 minutes per side in this case.

**2008-0991. Chojnacki v. Cordray.**

Warren App. No. CA2008-03-040. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Warren County. Upon further review,

It is ordered that the parties are to brief the following issues:

1. "Whether sex offender reclassification hearings conducted pursuant to the provisions of Am.Sub.S.B. 10 are criminal or civil proceedings."

2. "Whether sex offenders are entitled to the appointment of counsel for Am.Sub.S.B. 10 reclassification hearings if those proceedings are civil in nature."

It is further ordered by the court that appellant's brief shall be filed within 40 days of the date of this entry, and further briefing shall be in accordance with S.Ct.Prac.R. VI. Briefing in this case and 2008-0992, *Chojnacki v. Cordray*, Warren App. No. CA2008-03-040, shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. VI and include both case numbers on the cover page of the briefs.

It is further ordered that this cause shall be scheduled for oral argument upon the completion of the supplemental briefing.

**2008-0992. Chojnacki v. Cordray.**

Warren App. No. CA2008-03-040. This cause is pending before the court as an appeal from the Court of Appeals for Warren County. Upon further review,

It is ordered that the parties are to brief the following issues:

1. "Whether sex offender reclassification hearings conducted pursuant to the provisions of Am.Sub.S.B. 10 are criminal or civil proceedings."

2. "Whether sex offenders are entitled to the appointment of counsel for Am.Sub.S.B. 10 reclassification hearings if those proceedings are civil in nature."

It is further ordered by the court that appellant's brief shall be filed within 40 days of the date of this entry, and further briefing shall be in accordance with

S.Ct.Prac.R. VI. Briefing in this case and 2008-0991, *Chojnacki v. Cordray*, Warren App. No. CA2008-03-040, shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. VI and include both case numbers on the cover page of the briefs.

It is further ordered that this cause shall be scheduled for oral argument upon the completion of the supplemental briefing.

### **MISCELLANEOUS ORDERS**

In re Report of the Commission  
On Continuing Legal Education.

David Henry Kennett  
(#0019469),  
Respondent.

### **ORDER**

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education ("commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 2004-2005 reporting period.

On April 17, 2007, this court entered an order against respondent adopting the recommendation of the commission that respondent be ordered to pay a sanction in the amount of \$750.00 for failure to comply with Gov.Bar R. X during the 2004-2005 reporting period.

On February 20, 2009, the commission filed a motion to vacate, requesting that the order of April 17, 2007 pertaining to the above-named respondent be vacated. Upon consideration thereof,

IT IS ORDERED by the court that the motion to vacate is granted.

IT IS FURTHER ORDERED by the court that the order of April 17, 2007 pertaining to respondent is vacated, and this cause is dismissed.