

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

January 8, 2009

[Cite as *01/08/2009 Case Announcements*, 2009-Ohio-21.]

MERIT DECISIONS WITH OPINIONS

2007-0291 and 2007-0472. State v. D.H., Slip Opinion No. 2009-Ohio-9.

Franklin App. No. 06AP-250, 169 Ohio App.3d 798, 2006-Ohio-6953. Certified question answered in the negative, and judgment affirmed.

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

Lanzinger, J., concurs in judgment only.

Donna J. Carr, J., of the Ninth Appellate District, sitting for Cupp, J.

MOTION AND PROCEDURAL RULINGS

2007-1812. State v. Harris.

Hamilton App. No. C-060587. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Upon consideration of the joint motion to allow amicus curiae Cuyahoga County Public Defender to participate in oral argument scheduled for January 13, 2009, in support of the appellant,

It is ordered by the court that the motion is granted, and the amicus curiae shall share the time allotted to the appellant.

2008-1338. Am. Fiber Sys., Inc. v. Levin.

Board of Tax Appeals, No. 2006-B-118. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's request for argument before the full court,

It is ordered by the court that the motion is granted.

2008-2362. Ealy v. Ruppert.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. On December 17, 2008, the Clerk's office received a return receipt indicating receipt of the summons and complaint by the respondent on December 16, 2008. On December 23, 2008, the certified mail was returned to the Clerk's office indicating it had been returned for failure of delivery.

Accordingly, as it is unclear whether service by certified mail was properly perfected upon the respondent, it is ordered by the court that the Clerk's office shall immediately serve a copy of the summons and complaint on the respondent by regular mail. It is further ordered that respondent may file a response to the complaint within 21 days from the date of this entry.

MISCELLANEOUS DISMISSALS

2008-1882. State v. Williams.

Marion App. No. 9-07-61, 2008-Ohio-3887. This cause is pending before the court as a discretionary appeal and claimed appeal of right. It appears from the records of the court that the appellant has not filed a memorandum in support of jurisdiction, due January 2, 2009, 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.

2008-2042. State v. Whitaker.

Scioto App. No. 07CA3168, 2008-Ohio-4149. This cause is pending before the court as a discretionary appeal and claimed appeal of right. It appears from the records of the court that the appellant has not filed a memorandum in support of jurisdiction, due January 2, 2009, 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.