

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

August 25, 2009

[Cite as *08/25/2009 Case Announcements*, 2009-Ohio-4281.]

MERIT DECISIONS WITH OPINIONS

2008-0661. State v. Hunter, Slip Opinion No. 2009-Ohio-4147.

Cuyahoga App. No. 89456, 2008-Ohio-794. Judgment affirmed.

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

2008-1376. State ex rel. Gibson v. Indus. Comm., Slip Opinion No. 2009-Ohio-4148.

Franklin App. No. 07AP-770, 2008-Ohio-2840. Judgment affirmed.

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

O'Donnell, J., concurs in judgment only.

2008-2471. State ex rel. Doe v. Smith, Slip Opinion No. 2009-Ohio-4149.

Clermont App. No. CA2008-01-006. Judgment affirmed in part and reversed in part, and cross-appeal dismissed in part.

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

Pfeifer, J., dissents and would reverse the judgment of the court of appeals.

2009-0245. State ex rel. Gessner v. Vore, Slip Opinion No. 2009-Ohio-4150.

Montgomery App. No. 22882. Judgment affirmed.

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

2009-0407. Disciplinary Counsel v. Howard, Slip Opinion No. 2009-Ohio-4173.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-012. Lee Howard, Attorney Registration No. 0026930, is suspended from the practice of law in Ohio for two years, with credit for time served under the interim suspension imposed on August 30, 2007.

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

O'Connor, J., dissents and would indefinitely suspend respondent from the practice of law in Ohio.

2009-0661. Cincinnati Bar Assn. v. Schmalz, Slip Opinion No. 2009-Ohio-4159.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-082. Anna Schmalz, Attorney Registration No. 0078103, is publicly reprimanded.

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

2009-0730. Erie-Huron Counties Bar Assn. v. Evans, Slip Opinion No. 2009-Ohio-4146.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-034. George M. Evans, Attorney Registration No. 0063793, is indefinitely suspended from the practice of law in Ohio, with no credit for time served under the interim suspension imposed on April 24, 2009.

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

MOTION AND PROCEDURAL RULINGS

1987-1674. State v. Broom.

Cuyahoga App. No. 51237. By entry filed April 22, 2009, this court ordered that appellant's sentence be carried into execution on Tuesday, September 15, 2009. In order to facilitate this court's timely consideration of any matters relating to the execution of appellant's sentence,

It is ordered by the court that the Chief Justice may suspend application of any provisions of the Rules of Practice of the Supreme Court including, but not limited to, the filing requirements imposed by S.Ct.Prac.R. XIV(1).

It is further ordered that service of documents as required by S.Ct.Prac.R. XIV(2) shall be personal, by facsimile transmission, or by email.

It is further ordered that counsel of record for the parties shall provide this court with a copy of any document relating to this matter that is filed in, or issued by, any other court in this state or any federal court, as well as any commutation, pardon, or warrant of reprieve issued by the governor. A copy of the document shall be delivered to the office of the Clerk as soon as possible, either personally, by facsimile transmission, or by email.

2008-1942. State v. Robinson.

Union App. No. 14-07-20, 177 Ohio App.3d 560, 2008-Ohio-4160. This cause is pending before the court as an appeal from the Court of Appeals for Union County. Upon consideration of the joint motion for leave for amicus curiae Ohio Attorney General Richard Cordray to participate in oral argument scheduled for September 29, 2009, in support of the appellant,

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

2008-2170. State v. Robinson.

Union App. No. 14-07-20, 177 Ohio App.3d 560, 2008-Ohio-4160. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Union County. Upon consideration of the joint motion for leave for amicus curiae Ohio Attorney General Richard Cordray to participate in oral argument scheduled for September 29, 2009, in support of the appellant,

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

2008-2173. Estate of Heintzelman v. Air Experts, Inc.

Delaware App. No. 07CAE090045, 2008-Ohio-4883. This cause is pending before the court as an appeal from the Court of Appeals for Delaware County. Upon consideration of the motion of amicus curiae Ohio Association of Justice for leave to participate in oral argument scheduled for September 2, 2009, in support of the appellees, and the motion of amicus curiae Ohio Association of Civil Trial Attorneys for leave to participate in oral argument in support of the appellant,

It is ordered by the court that the motions are granted. Ohio Association of Justice shall share the time allotted to appellees, and Ohio Association of Civil Trial Attorneys shall share the time allotted to appellant.

2009-0437. Rich's Dept. Stores, Inc. v. Levin.

Board of Tax Appeals, No. 2005-T-1609. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellee's request for oral argument,

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

DISCIPLINARY CASES

2009-1367. In re Resignation of Frenden.

On affidavit of resignation from the practice of law of John Anthony Frenden, Attorney Registration No. 0031512, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

MEDIATION REFERRALS

The following cases have been returned to the regular docket pursuant to S.Ct.Prac.R. XIV(6)(E):

2009-0892. State ex rel. Lohn v. Medina Cty. Bd. of Cty. Commrs.

In Mandamus.

2009-1119. State ex rel. Estes Express Lines v. Indus. Comm.

Franklin App. No. 08AP-569, 2009-Ohio-2148.