

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

August 26, 2010

[Cite as *08/26/2010 Case Announcements, 2010-Ohio-3988.*]

MOTION AND PROCEDURAL RULINGS

1996-1149. State v. Keith.

Crawford App. No. 3-94-14. By entry filed February 2, 2010, this court ordered that appellant's sentence be carried into execution on Wednesday, September 15, 2010. 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. 14.1.

It is further ordered that service of documents as required by S.Ct.Prac.R. 14.2 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.

2009-1292. State ex rel. Doner v. Logan.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. On October 23, 2009, the court referred this case to a master commissioner for the limited purpose of receiving evidence and making all necessary determinations and rulings in regard thereto.

Upon consideration of relators' motion for leave to file a supplement to the presentation of evidence,

It is ordered that the motion for leave to file a supplement to the presentation of evidence is denied.

Cupp, J., not participating.

2010-1406. State v. Pickens.

Hamilton C.P. No. B-0905088. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas for Hamilton County. Upon consideration of appellant's motion for stay of execution scheduled for October 18, 2010,

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

DISCIPLINARY CASES

2002-0347. Cincinnati Bar Assn. v. O'Brien

On petition for reinstatement of James F. O'Brien, Attorney Registration No.0030165. Petition granted and respondent is reinstated to the practice of law in Ohio.

2005-2394. Toledo Bar Assn. v. Burkholder.

On application for reinstatement of Fred Joseph Burkholder, Attorney Registration No. 0014094. Application granted and respondent is reinstated to the practice of law in Ohio.

2007-0403. In re Burkholder.

On April 16, 2007, this court suspended respondent, Fred Joseph Burkholder, for an interim period pursuant to Gov.Bar R. V(5)(A)(4). On July 6, 2010, the Board of Commissioners on Grievances and Discipline submitted a notice pursuant to Gov.Bar R. V(5)(D)(1)(c) notifying this court that respondent no longer was in default of the child support order previously submitted to the court. Upon consideration thereof,

It is ordered by the court that pursuant to Gov.Bar R. V(5)(D)(1), respondent, Fred Joseph Burkholder, Attorney Registration No. 0014094, last known business address in Toledo, Ohio, is reinstated to the practice of law.

It is further ordered that pursuant to Gov.Bar R. V(5)(D)(2), reinstatement of respondent shall not terminate any pending disciplinary proceedings against respondent.

It is further ordered that the Clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

2008-2052. Ohio State Bar Assn. v. Burkholder.

On petition for reinstatement of Fred Joseph Burkholder, Attorney Registration No. 0014094. Petition granted and respondent is reinstated to the practice of law in Ohio.

Brown, C.J., and O'Donnell, J., dissent.

MISCELLANEOUS ORDERS

2010-0840. Ohio State Bar Assn. v. West.

On May 11, 2010, movant, Ohio State Bar Association, filed a motion for an order to show cause why respondent should not be found in contempt for failure to comply with the subpoena duces tecum issued by the Board on the Unauthorized Practice of Law. This court ordered respondent, Andrea L. West, to appear before the court on August 10, 2010. Respondent did not appear as ordered. Upon consideration thereof,

It is ordered by this court that respondent is found in contempt. It is further ordered that respondent must comply with the board's subpoena duces tecum on or before September 7, 2010. It is further ordered that if respondent does not comply with the board's subpoena duces tecum, this court will issue a warrant for respondent's arrest and, upon her arrest, she will be incarcerated for a period of five days.

Brown, C.J., would impose a \$1,000 civil penalty but not the period of incarceration.