

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 15, 2010

[Cite as *12/15/2010 Case Announcements*, 2010-Ohio-6008.]

MERIT DECISIONS WITH OPINIONS

2009-2131. State v Chappell, Slip Opinion No. 2010-Ohio-5991.

Cuyahoga App. No. 92455, 2009-Ohio-5371. Judgment of the court of appeals reversed, and cause remanded to the trial court.

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

2009-2293. State ex rel. Mahajan v. State Medical Bd. of Ohio, Slip Opinion No. 2010-Ohio-5995.

In Mandamus. Writ granted in part and denied in part.

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

2010-0805. Disciplinary Counsel v. Doellman, Slip Opinion No. 2010-Ohio-5990.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 09-040. Norbert Mark Doellman Jr., Attorney Registration No. 0002122, is suspended from the practice of law in Ohio for one year, stayed on conditions.

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

Peggy L. Bryant, J., of the Tenth Appellate District, sitting for Brown, C.J.

MERIT DECISIONS WITHOUT OPINIONS

2010-1534. State ex rel. DeGroot v. Bohannon.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Motion for leave to file supplemental complaint denied as moot. Cause dismissed.

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

Pfeifer, J., dissents and would grant an alternative writ.

2010-1714. [State ex rel.] Gordon v. Weaver.

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

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

2010-1716. State ex rel. Whatley v. Franklin Cty. Clerk of Courts.

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

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

2010-1733. [State ex rel.] Hawk v. Goldsberry.

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

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

2010-1745. State ex rel. Striker v. Cline.

Richland App. No. 09CA107, 2010-Ohio-3592. On motion to dismiss. Motion to dismiss granted. Motion to strike motion to dismiss denied as moot. Cause dismissed.

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

2010-1764. [State ex rel.] Current v. State.

In Prohibition. On motions to dismiss. Motions to dismiss granted. Cause dismissed.

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

2010-1771. State ex rel. Macfarlane v. Basinski.

In Procedendo and Prohibition. On answer of respondent. On S.Ct.Prac.R. 10.5 determination, cause dismissed.

Pfeifer, Lundberg Stratton, O'Connor, Lanzinger, and Cupp, JJ., concur.
Brown, C.J., and O'Donnell, J., dissent and would grant an alternative writ.

2010-1807. [State ex rel.] Nash v. McDonnell.

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

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

2010-1810. State ex rel. Nash v. Donnelly.

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

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

2010-1896. Reed v. Alexander.

In Habeas Corpus. On petition for writ of habeas corpus of Jerome R. Reed. Sua
sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2010-1832. State v. McIntire.

Pickaway App. No. 09CA10, 2010-Ohio-3955. On motion for leave to file
delayed appeal. Motion denied.

Brown, C.J., and Pfeifer and Lundberg Stratton, JJ., dissent.

2010-1833. State v. Barber.

Hamilton App. No. C-090827. On motion for leave to file delayed appeal. Motion
denied.

Brown, C.J., and Pfeifer and Lundberg Stratton, JJ., dissent.

2010-1850. State v. Krueger.

Cuyahoga App. No. 93742, 2010-Ohio-3725. On motion for leave to file delayed
appeal. Motion denied.

Brown, C.J., and Pfeifer and Lundberg Stratton, JJ., dissent.

2010-1878. State v. Smith.

Hamilton App. No. C-090677. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., and Pfeifer and Cupp, JJ., dissent.

2010-1895. State v. Lawrence.

Hamilton App. Nos. C-090507 and C-090588. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., and Pfeifer and Lundberg Stratton, JJ., dissent.

2010-1897. State v. Lawson.

Hamilton App. No. C-080877, 2010-Ohio-4115. On motion for leave to file delayed appeal. Motion granted.

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

2010-1921. State v. Murphy.

Scioto App. No. 09CA3311, 2010-Ohio-5031. On motion for stay of court of appeals' judgment. Motion denied.

2010-1925. State v. Ginley.

Cuyahoga App. No. 95593. On motion for stay of court of appeals' judgment. Motion denied.

Lundberg Stratton and Cupp, JJ., dissent.

2010-2011. Columbus v. Flowers.

Franklin App. No. 10AP-32, 2010-Ohio-5081. On motion for stay of court of appeals' judgment. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2010-1315. State v. Gould.

Lucas App. No. L-08-1383, 2010-Ohio-3437. Discretionary appeal accepted on Proposition of Law No. I.

Lundberg Stratton, J., would also accept the appeal on Proposition of Law Nos. II, III, and IV.

O'Connor, J., would also accept the appeal on Proposition of Law No. II.

Cupp, J., would also accept the appeal on Proposition of Law Nos. II and III.

Brown, C.J., and Pfeifer and Lanzinger, JJ., dissent.

2010-1465. State v. Alhajjeh.

Cuyahoga App. No. 93077, 2010-Ohio-3179. Discretionary appeal accepted on Proposition of Law No. VI; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

Lanzinger, J., would accept the appeal on Proposition of Law No. VII and hold the cause for the decision in *State v. Hodge*.

Pfeifer, J., dissents.

2010-1532. State v. Riggerbach.

Richland App. No. 09CA121, 2010-Ohio-3392. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2009-0897, *State v. Fischer*, Summit App. No. 24406, 2009-Ohio-1491; and briefing schedule stayed.

Brown, C.J., and Lundberg Stratton, J., would also accept the appeal on Proposition of Law Nos. II and III.

Pfeifer, J., dissents.

2010-1548. Drees Co. v. Hamilton Twp.

Warren App. No. CA2009-11-150, 2010-Ohio-3473. Discretionary appeal accepted.

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

Motion for admission pro hac vice of Christopher M. Whitcomb by August T. Janszen granted.

2010-1561. Sampson v. Cuyahoga Metro. Hous. Auth.

Cuyahoga App. No. 93441, 188 Ohio App.3d 250, 2010-Ohio-3415. Discretionary appeal accepted on Proposition of Law No. I.

Lundberg Stratton, J., would also accept the appeal on Proposition of Law No. II.

Pfeifer and O'Donnell, JJ., dissent.

2010-1571. State v. Samuels.

Hamilton App. No. C-090652. Discretionary appeal accepted on Proposition of Law No. V; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

Pfeifer and O'Donnell, JJ., dissent.

2010-1637. State v. Torres.

Cuyahoga App. No. 94003, 2010-Ohio-3615. Discretionary appeal not accepted.

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

Discretionary cross-appeal accepted on Proposition of Law No. I; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

Lundberg Stratton, J., would also accept the cross-appeal on Proposition of Law No. II.

Pfeifer, J., dissents and would not accept the cross-appeal.

2010-1671. State v. Freeman.

Cuyahoga App. No. 92809, 2010-Ohio-3714. Discretionary appeal accepted on Proposition of Law No. I, and briefing shall proceed as to Proposition of Law No. I.

O'Donnell and Cupp, JJ., dissent.

Discretionary appeal accepted on Proposition of Law No. IV; cause held as to that proposition of law for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

Pfeifer, J., dissents.

Discretionary appeal accepted on Proposition of Law No. VI; cause held as to that proposition of law for the decision in 2009-0477, *State v. Dunlap*, Cuyahoga App. No. 91165, 2009-Ohio-134; and briefing schedule stayed.

Lundberg Stratton, O'Donnell, and Cupp, JJ., would also accept the appeal on Proposition of Law No. V and hold the cause for the decision in 2009-0477, *State v. Dunlap*.

Pfeifer, J., dissents as to Proposition of Law No. VI.

APPEALS NOT ACCEPTED FOR REVIEW

2010-1072. State v. Britton.

Delaware App. No. 09 CAA 02 0016, 2010-Ohio-2061.

2010-1187. State v. Bryan.

Cuyahoga App. No. 93038, 2010-Ohio-2088.

Brown, C.J., dissents.

2010-1369. E. Liverpool v. Buckeye Water Dist.

Columbiana App. No. 08 CO 19, 2010-Ohio-3170. Discretionary appeal and cross-appeal not accepted.

Pfeifer and Lundberg Stratton, JJ., dissent.

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

2010-1461. State v. Marriott.

Clark App. No. 2008 CA 48, 2010-Ohio-3115.

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

2010-1464. State v. Piesciuk.

Butler App. No. CA2009-10-251, 2010-Ohio-3136.

2010-1470. State v. Wells.

Champaign App. No. 2010 CA 5, 2010-Ohio-3238.

2010-1473. Hillman v. Edwards.

Franklin App. Nos. 10AP-58 and 10AP-59, 2010-Ohio-3524.

2010-1476. State v. Moore.

Cuyahoga App. No. 95124.

Lundberg Stratton, J., dissents.

2010-1481. State v. Snyder.

Licking App. No. 10CA0010, 2010-Ohio-3588.

2010-1485. State v. Martinez.

Lucas App. No. L-09-1299, 2010-Ohio-3221.

2010-1498. State v. White.

Cuyahoga App. No. 92972, 2010-Ohio-2342.

Lundberg Stratton and O'Donnell, JJ., dissent and would accept the appeal and hold the cause for the decision in 2009-1481, *State v. Johnson*, Hamilton App. Nos. C-080156 and C-080158, 2009-Ohio-2568.

2010-1499. Amu & Anu, Inc. v. Levin.

Belmont App. No. 10 BE 4.

2010-1503. Mireles v. State.

Cuyahoga App. Nos. 92302 and 92313, 2010-Ohio-3078.

Cupp, J., dissents.

2010-1506. State v. DelManzo.

Lake App. No. 2009-L-167, 2010-Ohio-3555.

2010-1510. Star-Ex, Inc. v. Higgs.

Miami App. No. 10-CA-06, 2010-Ohio-3332.
Brown, C.J., and Pfeifer and O'Connor, JJ., dissent.

2010-1515. State v. Thomas.

Montgomery App. No. 23544, 2010-Ohio-3534.
O'Donnell, J., dissents.

2010-1519. Cincinnati v. Harrison.

Hamilton App. No. C-090702, 2010-Ohio-3430.

2010-1520. State v. Johnson.

Montgomery App. No. 23866, 188 Ohio App.3d 438, 2010-Ohio-3345.
Lundberg Stratton, O'Connor, and Cupp, JJ., dissent.

2010-1521. State v. Stone.

Cuyahoga App. No. 92949, 2010-Ohio-3308.
Lundberg Stratton, J., dissents.

2010-1523. State v. Doyle.

Montgomery App. No. 23861, 188 Ohio App.3d 434, 2010-Ohio-3339.
Lundberg Stratton, J., dissents.

2010-1530. McKay v. McKay.

Montgomery App. No. 23702, 2010-Ohio-3348.
Brown, C.J., and Cupp, J., dissent.

2010-1531. Calhoun v. Calhoun.

Cuyahoga App. No. 93369, 2010-Ohio-2347.

2010-1537. State v. Swinford.

Hamilton App. No. C-090622.

2010-1541. Curry v. Blanchester.

Clinton App. Nos. CA2009-08-010 and CA2009-08-012, 2010-Ohio-3368.

2010-1543. Majewski v. State.

Cuyahoga App. Nos. 92372 and 92400, 2010-Ohio-3178.
Lanzinger and Cupp, JJ., dissent.

2010-1546. Steadman v. Sterilite Corp.

Stark App. No. 2009 CA 00280, 2010-Ohio-3391.

2010-1547. State v. Bates.

Clark App. No. 2009 CA 106, 2010-Ohio-3440.

2010-1550. State v. Carr.

Montgomery App. No. 23445, 2010-Ohio-3442.

2010-1557. State v. Kafaru.

Cuyahoga App. No. 92543, 2010-Ohio-3401.

Lanzinger, J., dissents.

2010-1559. State v. Hendricks.

Hamilton App. No. C-090352.

2010-1560. Binns v. Sterling Jewelers, Inc.

Summit App. No. 25149, 2010-Ohio-3386. Discretionary appeal not accepted. Motion to strike notice of appeal and dismiss appeal denied as moot.

2010-1566. Meredith v. Cleveland Hts. Police Dept.

Cuyahoga App. No. 93436, 2010-Ohio-2472.

2010-1568. State v. Sanders.

Franklin App. No. 09AP-983, 188 Ohio App.3d 452, 2010-Ohio-3433.

2010-1574. State v. Farmer.

Cuyahoga App. No. 93246, 2010-Ohio-3406.

2010-1575. State v. Redwine.

Brown App. No. CA2009-12-045, 2010-Ohio-3468.

O'Connor, J., dissents and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2009-0897, *State v. Fischer*, Summit App. No. 24406, 2009-Ohio-1491.

2010-1576. Spicer v. Redwine.

Brown App. No. CA2009-12-046.

2010-1581. Natl. Fed. of the Blind of Ohio v. Ohio Rehab. Servs. Comm.

Franklin App. No. 09AP-1177, 2010-Ohio-3384.

O'Donnell, J., dissents.

Brown, C.J., not participating.

2010-1584. Montello v. Ackerman.

Lake App. No. 2010-L-007, 2010-Ohio-3459.

2010-1589. Young v. Zukowski.

Summit App. No. 25146, 2010-Ohio-3491.

2010-1593. Flagstar Bank, F.S.B. v. Sellers.

Butler App. No. CA2009-11-287, 2010-Ohio-3951.

2010-1594. State v. Payne.

Hamilton App. No. C-090423.

2010-1600. State v. Sanchez.

Guernsey App. No. 10-CA-19.

2010-1607. State v. Eberle.

Clermont App. No. CA2009-10-065, 2010-Ohio-3563.

2010-1610. State v. Poulson.

Franklin App. No. 09AP-778, 2010-Ohio-3574.

2010-1619. State v. Clark.

Hamilton App. No. C-090573, 2010-Ohio-3962.

Brown, C.J., dissents and would accept the appeal on Proposition of Law No. IV and hold the cause for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968.

2010-1631. Horen v. Toledo Pub. Schools Bd. of Edn.

Lucas App. No. L-09-1143, 2010-Ohio-3631.

Pfeifer and O'Donnell, JJ., dissent.

Lanzinger, J., not participating.

2010-1640. State v. Hollis.

Pickaway App. No. 09CA9, 2010-Ohio-3945.

2010-1644. State v. McBeath.

Montgomery App. No. 23929, 2010-Ohio-3653.

2010-1647. State v. Pizarro.

Cuyahoga App. No. 93694, 2010-Ohio-4007.

2010-1657. State v. Stewart.

Cuyahoga App. No. 93428, 2010-Ohio-3869.

2010-1667. State v. Bryant.

Mahoning App. No. 10-MA-11, 2010-Ohio-4401.

2010-1704. State v. Dunaway.

Butler App. No. CA2010-01-024. Discretionary appeal not accepted. Motion to reinstate postconviction appeal denied as moot.

2010-1713. State v. Pettis.

Hamilton App. No. C-090125.

RECONSIDERATION OF PRIOR DECISIONS

2010-1238. State v. Rothe.

Fairfield App. No. 2009 CA 00060, 2010-Ohio-2498. Reported at 126 Ohio St.3d 1600, 2010-Ohio-4928, 935 N.E.2d 46. On motion for reconsideration. Motion denied.

O'Connor and Cupp, JJ., dissent.

2010-1310. State v. Chappell.

Cuyahoga App. No. 93298, 2010-Ohio-2465. Reported at 126 Ohio St.3d 1617, 2010-Ohio-5101, 935 N.E.2d 855. On motion for reconsideration. Motion denied.

2010-1428. Sliwinski v. St. Edward.

Summit App. No. 24967, 2010-Ohio-3006. Reported at 126 Ohio St.3d 1619, 2010-Ohio-5101, 935 N.E.2d 856. On motion for reconsideration. Motion denied.

O'Connor, J., dissents and would grant the motion as to Proposition of Law No. I.

O'Donnell and Lanzinger, J., dissent.

2010-1522. In re D.K.

Cuyahoga App. No. 94441, 2010-Ohio-3203. Reported at 126 Ohio St.3d 1602, 2010-Ohio-4928, 935 N.E.2d 47. On motion for reconsideration. Motion denied.

2010-1596. State v. Willis.

Franklin App. No. 08AP-536, 2009-Ohio-325. Reported at 126 Ohio St.3d 1615, 2010-Ohio-5101, 935 N.E.2d 853. On motion for reconsideration. Motion denied.