

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

November 16, 2011

[Cite as *11/16/2011 Case Announcements*, 2011-Ohio-5883.]

MERIT DECISIONS WITHOUT OPINIONS

2011-1507. Rivera v. Mandros.

In Procedendo. On respondent's answer and motion for judgment on the pleadings. Motion for judgment on the pleadings granted. Cause dismissed.

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

2011-1558. Shue v. Summit Cty. Juvenile Clerk.

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

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

2011-1595. State ex rel. Smith v. Sheehan.

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

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

2011-1600. Leak v. Matia.

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

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

2011-1608. Garnett v. Serrott.

In Mandamus. On respondent's answer and motion for judgment on the pleadings. Motion for judgment on the pleadings granted. Cause dismissed.

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

2011-1651. Ojile v. Leis.

In Habeas Corpus. On petition for writ of habeas corpus of Ugbe Ojile. Sua sponte, cause dismissed.

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

2011-1658. Osborne v. Santiago.

In Habeas Corpus. On petition for writ of habeas corpus of Jack Osborne. Sua sponte, cause dismissed.

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

2011-1690. Smith v. Sheldon.

In Habeas Corpus. On petition for writ of habeas corpus of Douglas C. Smith. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2011-0108. Cincinnati v. Su.

Hamilton App. No. C-100609. On motions for en banc decisions and motion to read case record. Motions denied.

2011-1501. State v. Billiter.

Stark App. No. 2010CA00292, 2011-Ohio-2230. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the following issue set forth in the court of appeals' entry dated August 3, 2011:

"Where a criminal defendant enters a plea of guilty to escape, does res judicata bar the defendant from arguing his plea is void due to a post release control sentencing violation?"

Cupp, J., dissents.

The conflict cases are *State v. Pointer*, Montgomery App. No. 24210, 2011-Ohio-1419; *State v. Robinson*, Champaign App. No. 2010CA30, 2011-Ohio-1737; and *State v. Renner*, Montgomery App. No. 24019, 2011-Ohio-502.

2011-1627. State v. Simons.

Champaign App. No. 2010 CA 7, 193 Ohio App.3d 784, 2011-Ohio-2071. On Motion for delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within thirty days from the date of this entry. Motion for appointment of counsel is granted. Christine Jones is appointed to represent appellant.

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

2011-1644. State v. Watkins.

Henry App. No. 7-11-07. On Motion for delayed appeal. Motion denied.

Pfeifer, O'Donnell, and Cupp, JJ., dissent.

2011-1653. State v. Byerly.

Franklin App. No. 10AP-1136. On Motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2011-1683. State v. Carter.

Cuyahoga App. No. 90796, 2009-Ohio-226. On Motion for delayed appeal. Motion denied.

2011-1706. State v. Hyden.

Hamilton App. Nos. C-100483 and C-100532. On Motion for delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2011-1328. State v. Friedman.

Wayne App. No. 10CA0025, 2011-Ohio-2989.

O'Connor, C.J., dissents.

2011-1336. In re J.T.

Licking App. No. 10-CA-134, 2011-Ohio-3324. Discretionary appeal accepted and cause held for the decision in 2010-0731, *In re C.P.*, Athens App. No. 09CA41, 2010-Ohio-1484.

O'Donnell and Cupp, JJ., dissent.

2011-1477. Royse v. Dayton.
Montgomery App. No. 24172, 2011-Ohio-3509.
O'Connor, C.J., and Pfeifer, J., dissent

APPEALS NOT ACCEPTED FOR REVIEW

2011-0897. State v. Sims.
Cuyahoga App. No. 96283.

2011-1250. Platt v. Cincinnati Bd. of Bldg. Appeals.
Hamilton App. No. C-100648, 2011-Ohio-2776.

2011-1252. Sapienza v. Material Eng. & Technical Support Servs. Corp.
Delaware App. No. 10CAE110092, 2011-Ohio-3559.
Lanzinger and McGee Brown, JJ., dissent.

2011-1259. State v. Helton.
Hamilton App. No. C-100447.

2011-1263. State v. Lowery.
Montgomery App. No. 24198, 2011-Ohio-2827.

2011-1267. State v. Bethel.
Tuscarawas App. No. 10-AP-35, 2011-Ohio-3020.

2011-1269. State v. Nickelson.
Lawrence App. No. 11CA11.

2011-1277. Mayfield Hts. v. Barry.
Cuyahoga App. No. 95771, 2011-Ohio-2665. Motion to dismiss denied as moot.
O'Connor, C.J., dissents and would accept the appeal on Proposition of Law
No. 1.

2011-1279. Thomas v. Thomas.
Clark App. No. 2009 CA 88, 2011-Ohio-2977.

2011-1281. State v. Weimert.
Auglaize App. No. 2-10-35, 2011-Ohio-2846.

2011-1286. State v. Evans.

Cuyahoga App. No. 94984, 2011-Ohio-3046.

2011-1287. State v. \$1,885 in United States Currency.

Stark App. No. 2011-CA-00036, 2011-Ohio-3038.

2011-1289. Holtkamp v. Knox & Richland Cty. Joint Bd. of Commrs.

Richland App. No. 10 CA 122, 2011-Ohio-2986.

2011-1291. ABLE Roofing v. Pingue.

Franklin App. No. 10AP-404, 2011-Ohio-2868.

2011-1294. State v. Hines.

Allen App. No. 1-10-92, 193 Ohio App.3d 660, 2011-Ohio-3125.

2011-1298. Buschard v. State.

Hamilton App. No. C-110349.

2011-1299. Mackowiak v. Mackowiak.

Fayette App. No. CA2010-04-009, 2011-Ohio-3013.

2011-1300. State v. Crawford.

Allen App. No. 1-10-62, 2011-Ohio-3000.

2011-1302. Georgopoulos v. Humility of Mary Health Partners, Inc.

Trumbull App. No. 2010-T-0071, 2011-Ohio-3123.

2011-1307. Wurdlow v. Camcar Campus Towing.

Franklin App. No. 10AP-657, 2011-Ohio-2943.

2011-1308. Lamb v. Lamb.

Montgomery App. Nos. 24076 and 23538, 2011-Ohio-2970.

McGee Brown, J., dissents and would accept the appeal and hold the cause for the decision in 2011-1172, *Miller v. Miller*, Delaware App. No. 10 CF 09-0074, 2011-Ohio-2649.

2011-1309. State v. Burrell.

Cuyahoga App. No. 95512, 2011-Ohio-2533.

2011-1310. State v. Mobley.

Richland App. No. 10CA127.

2011-1319. State v. Crouse.

Richland App. No. 11CA49.

2011-1320. State v. Pearie.

Hamilton App. No. C-110367.

2011-1324. State v. Wickline.

Logan App. No. 8-10-20, 2011-Ohio-3004.

Lundberg Stratton, Lanzinger, and Cupp, JJ., dissent.

2011-1330. State v. Lucas.

Franklin App. Nos. 10AP-923, 10AP924, 10AP925, 10AP926, and 10AP927,
2011-Ohio-3450.

2011-1331. State v. Spires.

Franklin App. No. 10AP-861, 2011-Ohio-3312.

McGee Brown, J., not participating.

2011-1339. Concerned Citizens for Quality Edn. v. Ohio Dept. of Edn.

Franklin App. Nos. 10AP-569 and 10AP570, 2011-Ohio-3081.

Pfeifer, O'Donnell, and Lanzinger, JJ., dissent.

2011-1340. State v. Humberto.

Franklin App. No. 10AP-527, 2011-Ohio-3080.

2011-1342. Eschtruth Invest. Co., L.L.C. v. Amherst.

Lorain App. No. 10CA009870, 2011-Ohio-3251.

2011-1345. Bookmasters, Inc. v. Hamilton.

Ashland App. No. 10 COA 030, 2011-Ohio-3320.

O'Connor, C.J., and McGee Brown, J., dissent and would accept the appeal
on Propositions of Law No. 1 and 2.

2011-1346. State v. Fannin.

Delaware App. No. 10CAA030028, 2011-Ohio-3211.

2011-1347. State v. Thompson.

Delaware App. No. 10CAA090073.

2011-1348. State v. Davis.

Muskingum App. No. CT2010-0052, 2011-Ohio-3101.

2011-1349. Mitchell v. State.

Cuyahoga App. No. 95617, 2011-Ohio-3256.

Lundberg Stratton and Cupp, JJ., dissent.

2011-1350. Cincinnati Ins. Co. v. Getter.

Butler App. No. CA2010-10-297, 2011-Ohio-3344.

O'Donnell and McGee Brown, JJ., dissent.

2011-1352. State v. Jackson.

Franklin App. No. 10AP-461, 2011-Ohio-3079.

2011-1353. Lowe v. Lowe.

Pickaway App. No. 10CA30, 2011-Ohio-3340.

2011-1359. Alliance v. Lexington Twp. Bd. of Trustees.

Stark App. No. 10-CA-289, 2011-Ohio-3328.

2011-1360. State v. Jones.

Butler App. No. CA2009-05-0140.

2011-1363. Mingo Junction Safety Forces Assn. Local 1, v. Chappano.

Jefferson App. No. 10 JE 20, 2011-Ohio-3401.

2011-1365. Lindsley v. Roe.

Lucas App. No. L-10-1243, 2011-Ohio-3235.

2011-1367. State v. Gutierrez.

Hancock App. No. 5-10-14, 2011-Ohio-3126.

2011-1368. State v. Baron.

Hamilton App. No. C-100474, 2011-Ohio-3204.

2011-1369. State v. Swain.

Erie App. No. E-95-011.

2011-1370. State v. Frazier.

Summit App. No. 25338, 2011-Ohio-3189.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law No. 1.

2011-1374. State v. Edwards.

Hamilton App. No. C-100210.

2011-1376. State v. McCann.

Lawrence App. No. 10CA12, 2011-Ohio-3339.

2011-1377. Melvin v. Ohio State Univ. Med. Ctr.

Franklin App. No. 10AP-975, 2011-Ohio-3317.

McGee Brown, J., not participating.

2011-1378. State v. Castillo.

Union App. No. 14-10-36, 2011-Ohio-3131.

2011-1380. State v. Wilson.

Allen App. No. 1-11-06.

2011-1382. State v. Pleban.

Lorain App. No. 10CA009789, 2011-Ohio-3254.

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

2011-1384. State v. Blake.

Franklin App. No. 10AP-992, 2011-Ohio-3318.

2011-1390. Columbus v. Shepherd.

Franklin App. No. 10AP-483, 2011-Ohio-3302.

2011-1393. State v. Telshaw.

Mahoning App. No. 10 MA 56, 2011-Ohio-3373.

2011-1405. State v. Tate.

Lake App. No. 2010-L-090, 2011-Ohio-3293.

2011-1407. State v. Inman.

Ross App. No. 10CA3176, 2011-Ohio-3438.

2011-1411. State v. Hill.

Muskingum App. No. CT11-0020, 2011-Ohio-3644.

2011-1440. State v. Fowler.

Summit App. No. 25467, 2011-Ohio-3356.

2011-1441. State v. Sapp.

Hamilton App. No. C-100422.

2011-1445. Hawkins v. State.

Cuyahoga App. Nos. 96082, 96085, 96087, 96088, 96089, and 96090, 2011-Ohio-3393.

Cupp, J., dissents.

2011-1450. Jones v. State.

Cuyahoga App. No. 96184, 2011-Ohio-3075.

2011-1454. State v. Gripper.

Franklin App. No. 10AP-1186, 2011-Ohio-3656.

2011-1459. State v. Hough.

Cuyahoga App. No. 95953, 2011-Ohio-3690.

2011-1466. State v. Brown.

Montgomery App. No. 24658.

2011-1471. State v. Quinn.

Lucas App. No. L-06-1003, 2011-Ohio-3717.

2011-1479. State v. Parrish.

Hamilton App. No. C-100754.

2011-1480. State v. Carnail.

Cuyahoga App. No. 95580, 2011-Ohio-3464.

O'Connor, C.J., dissents and would accept the appeal on Propositions of Law 1 through 4, and hold the cause for the decision in 2011-0202, *State v. Qualls*, Meigs App. No. 10CA8, 2010-Ohio-5316.

O'Donnell, J., dissents.

2011-1481. State v. Quinn.

Hamilton App. No. C-100738.

2011-1500. State v. Billiter.

Stark App. No. 2010CA00292, 2011-Ohio-2230.

Lanzinger, Cupp, and McGee Brown, JJ., dissent.

2011-1508. State v. Soulivong.

Franklin App. Nos. 11AP-12, 11AP-13, 11AP-14, and 11AP-15, 2011-Ohio-3601.

2011-1594. State v. Graggs.

Franklin App. No. 09AP-339.

RECONSIDERATION OF PRIOR DECISIONS

2010-0124. State ex rel. Dolgencorp, Inc. v. Indus. Comm.

Franklin App. No. 08AP-1014, 2009-Ohio-6565. Reported at 130 Ohio St.3d 20, 2011-Ohio-4606, 955 N.E.2d 376. On motion for reconsideration. Motion denied.

O'Connor, C.J., and Pfeifer and McGee Brown, JJ., dissent.

2010-2065. State ex rel. Tindira v. Ohio Police & Fire Pension Fund.

Franklin App. No. 09AP-1049, 2010-Ohio-5078. Reported at ___ Ohio St.3d ___, 2011-Ohio-4677, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

2011-0218. U.S. Bank Natl. Assn. v. Duvall.

Cuyahoga App. No. 94174, 2010-Ohio-6478. Reported at 129 Ohio St.3d 1479, 2011-Ohio-4751, 953 N.E.2d 844. On motion for reconsideration. Motion denied. Request for oral argument denied as moot.

2011-0379. Disciplinary Counsel v. Ranke.

Board of Commissioners on Grievances and Discipline, No. 10-053. Reported at ___ Ohio St.3d ___, 2011-Ohio-4730, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

O'Donnell and Lanzinger, JJ., dissent.

2011-0783. Untied v. Speedy.

Guernsey App. No. 10 CA 36. Reported at 129 Ohio St.3d 1475, 2011-Ohio-4751, 953 N.E.2d 842. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2011-0796. State ex rel. McDougald v. Brunsman.

Warren App. No. CA2011-02-011. Reported at 130 Ohio St.3d 22, 2011-Ohio-4607, 955 N.E.2d 377. On motion for reconsideration. Motion denied.

2011-0802. State v. Sowards.

Gallia App. No. 09CA8, 2011-Ohio-1660. Reported at 129 Ohio St.3d 1475, 2011-Ohio-4751, 953 N.E.2d 842. On motion for reconsideration. Motion denied. Motion for continued stay denied as moot.

2011-0877. State v. Bevins.

Hamilton App. No. C-110185. Reported at 129 Ohio St.3d 1477, 2011-Ohio-4751, 953 N.E.2d 843. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.