

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 18, 2012

[Cite as *04/18/2012 Case Announcements*, 2012-Ohio-1710.]

MERIT DECISIONS WITHOUT OPINIONS

2012-0197. Rivera v. Ohio Bur. of Motor Vehicles.

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.

2012-0227. State ex rel. Garnett v. Ohio Dept. of Rehab. & Corr. Operations Support Ctr.

In Mandamus. On respondents' 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.

2012-0264. State ex rel. Tompkins v. Ohio Adult Parole Auth.

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.

2012-0280. State ex rel. Perry v. Villanueva.

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.

2012-0344. Paquette v. Brunzman.

In Habeas Corpus. On petition for writ of habeas corpus of Shawn Paquette. 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

2010-2292. Melton v. GER Taylor Gardens, L.L.C.

Cuyahoga App. No. 95070. On appellant's motion to vacate the decision and motion to strike appellee's memo opposing the motion to vacate. Motions denied.

2011-1364. Roberts v. Knab.

Ross App. No. 11CA3235. On motion for relief from judgment. Motion denied.

2011-2047. State ex rel. Harrison v. Disciplinary Counsel.

In Mandamus. On motion to vacate. Motion denied.

2011-2139. Billiter v. Banks.

In Habeas Corpus. On request for findings of fact and conclusions of law. Request denied.

2011-2153. Lenard v. Russo.

In Prohibition. On motion to correct the record. Motion denied.

Lundberg Stratton, J., dissents and would grant an alternative writ.

2012-0093. State ex rel. Harsh v. Sheets.

Butler App. No. CA2011-10-203. On motion to stay lower court's void judgment, motion for declaratory judgment and injunctive relief, motion for special prosecutor, motion to proceed with issuance of a writ of habeas corpus, and motion for default judgment. Motions denied.

2012-0107. Parkview Fed. Sav. Bank v. Grimm.

Cuyahoga App. No. 97704. On motion to declare the appellant a vexatious litigator. Motion granted. Robert L. Grimm is prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. Any request for leave shall be submitted to the clerk of this court for the court's review.

Pfeifer and O'Donnell, JJ., dissent.

2012-0237. Guliano v. Guliano.

Trumbull App. No. 2010-T-0031, 2011-Ohio-6853. On motion for stay of further trial court proceedings. Motion denied.

2012-0325. State v. Watson.

Hamilton App. No. C-110746. On motion for delayed appeal. Motion denied.
O'Donnell and Lanzinger, JJ., dissent.

2012-0329. State v. Porter.

Cuyahoga App. No. 94049, 2010-Ohio-4491. On motion for delayed appeal. Motion denied.
O'Donnell, J., dissents.

2012-0349. State v. Turner.

Franklin App. No. 10AP-1051, 2011-Ohio-3705. On motion for delayed appeal. Motion denied.
Pfeifer, J., dissents.

2012-0350. Mickey v. Rokakis.

Cuyahoga App. No. 97053, 2012-Ohio-273. On motion to stay execution of judgment. Motion denied.

2012-0351. State v. Davis.

Summit App. No. 25399, 2011-Ohio-5630. On motion for delayed appeal. Motion denied.
Pfeifer, J., dissents.

2012-0354. State v. Williams.

Franklin App. No. 10AP-779, 2011-Ohio-4760. On motion for delayed appeal. Motion denied.
Pfeifer, J., dissents.

2012-0355. State v. Bizet.

Allen App. No. 1-11-14. On motion for delayed appeal. Motion denied.
Pfeifer, J., dissents.

2012-0386. State v. Alsip.

Cuyahoga App. No. 93105, 2010-Ohio-1757. On motion for delayed appeal. Motion denied.

2012-0387. State v. Jones.

Franklin App. No. 09AP-700, 2010-Ohio-903. On motion for delayed appeal. Motion denied.

2012-0389. Foster v. Foster.

Franklin App. No. 11AP-371. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' journal entry filed February 21, 2012:

“Does the expiration of a domestic violence civil protection order issued pursuant to R.C. 3113.31 render an appeal of the order moot?”

Pfeifer and O'Donnell, JJ., dissent.

The conflict case is *Wilder v. Perna*, Cuyahoga App. No. 89253, 174 Ohio App.3d 586, 2007-Ohio-6653.

2012-0391. State v. Delaney.

Lorain App. No. 11CA009982. On motion for delayed appeal. Motion denied.

2012-0395. State v. Isreal.

Butler App. No. CA2010-07-170, 2011-Ohio-1474. On motion for delayed appeal. Motion denied.

2012-0422. Foley v. Arnold.

Hamilton App. No. C-100799. On motion for stay of court of appeals' judgment. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2012-0098. State v. Sutton.

Cuyahoga App. No. 96408, 2011-Ohio-6270.

Lanzinger, Cupp, and McGee Brown, JJ., would also hold the cause for the decision in 2011-2094, *State v. Williams*, Cuyahoga App. No. 94965, 2011-Ohio-5650.

O'Connor, C.J., and Pfeifer and Lundberg Stratton, JJ., dissent.

2012-0118. In re J.S.

Cuyahoga App. No. 96637, 2011-Ohio-6280.

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

2012-0196. State v. Caldero.

Cuyahoga App. No. 96719, 2012-Ohio-11. Discretionary appeal accepted and cause held for the decision in 2011-1066, *State v. Brunning*, Cuyahoga App. No. 95376, 2011-Ohio-1936.

Pfeifer, J., dissents.

2012-0205. Riffle v. Physicians & Surgeons Ambulance Serv.

Summit App. No. 25829, 2011-Ohio-6595.

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

APPEALS NOT ACCEPTED FOR REVIEW

2011-2011. State v. Yoder.

Stark App. No. 2011-CA-00027, 2011-Ohio-4975.

2012-0010. State v. Waver.

Cuyahoga App. No. 97000, 2011-Ohio-6480.

2012-0097. Foxhall v. Lauderdale.

Portage App. No. 2011-P-0006, 2011-Ohio-6213.

O'Donnell, J., dissents.

2012-0106. Brown v. E. Ohio Gas Co.

Cuyahoga App. No. 96815, 2011-Ohio-6443.

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

2012-0109. State v. Clark.

Fulton App. No. F-10-025, 2011-Ohio-6310.

2012-0111. Martynyszyn v. Budd.

Mahoning App. No. 11 MA 191, 2011-Ohio-6785.

Lundberg Stratton, J., dissents.

2012-0114. State v. Hudson.

Cuyahoga App. No. 96435, 2011-Ohio-6272.

Pfeifer and O'Donnell, JJ., dissent.

2012-0116. Harmon v. Haehn.

Mahoning App. No. 10 MA 177, 2011-Ohio-6449.

2012-0117. State v. Miller.

Cuyahoga App. No. 96301, 2011-Ohio-6264.

O'Donnell, J., dissents.

2012-0121. State v. Patel.

Greene App. No. 2010-CA-77, 2011-Ohio-6329.

O'Donnell, J., dissents.

2012-0124. State v. Unsworth.

Lucas App. Nos. L-03-1189 and L-04-1165.

2012-0125. State v. Du.

Greene App. No. 2010-CA-27, 2011-Ohio-6306.

2012-0126. Maple Hts. v. Woods.

Cuyahoga App. No. 96998, 2011-Ohio-6300.

2012-0130. State v. Marshall.

Hamilton App. No. C-110054.

2012-0135. State v. Vanac.

Lake App. No. 2011-L-027, 2011-Ohio-6338.

2012-0137. State v. Brumbach.

Hamilton App. No. C-100792, 2011-Ohio-6635.

2012-0138. State v. Phillips.

Stark App. No. 2010 CA 00338, 2011-Ohio-6569.

O'Connor, C.J., and Lanzinger, J., dissent and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2010-2260, *State v. Hood*, Cuyahoga App. No. 93854, 2010-Ohio-5477.

2012-0141. State v. Fairman.

Montgomery App. No. 24299, 2011-Ohio-6489.

Cupp, J., dissents.

2012-0142. State v. Zich.

Lucas App. No. L-09-1184, 2011-Ohio-6505.

Pfeifer, J., dissents.

2012-0144. Kautz v. Kautz.

Stark App. No. 2011CA00034, 2011-Ohio-6547.

Lanzinger, J., dissents.

2012-0145. Widican v. Bridgestone/Firestone N. Am. Tire, L.L.C.

Summit App. No. 25674, 2011-Ohio-6602.

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

2012-0147. State v. Mayer.

Mercer App. No. 10-11-18.

2012-0149. State v. Sullivan.

Franklin App. No. 10AP-997, 2011-Ohio-6384.

2012-0151. State v. Lopez.

Stark App. No. 2011CA00040, 2011-Ohio-6743.

2012-0156. Clellan v. Wildermuth.

Franklin App. No. 11AP-452, 2011-Ohio-6390.

O'Donnell, J., dissents.

2012-0160. State v. Peace.

Hancock App. No. 5-11-29.

2012-0161. State v. Singh.

Cuyahoga App. No. 96049, 2011-Ohio-6447.

2012-0163. Huntington Natl. Bank v. Bridgeview Crossing, L.L.C.

Cuyahoga App. No. 97467.

2012-0165. State v. Ramirez.

Butler App. No. CA2010-11-305, 2011-Ohio-6531.

Lundberg Stratton, J., dissents.

2012-0166. State v. Howard.

Cuyahoga App. No. 96701, 2011-Ohio-6434.

2012-0167. Martin v. Lake Mohawk Properties Owner's Assn., Inc.

Carroll App. No. 10 CA 869, 2011-Ohio-6538.

2012-0169. Stammco, L.L.C. v. United Tel. Co. of Ohio.

Fulton App. No. F-11-003, 2011-Ohio-6503.

O'Connor, C.J., dissents and would accept the appeal on Propositions of Law Nos. I and II.

Lundberg Stratton, J. dissents.

McGee Brown, J., dissents and would accept the appeal on Propositions of Law Nos. I, II, and III.

2012-0170. Hayman v. Ohio State Bd. of Edn.

Lucas App. No. L-11-1100, 2011-Ohio-6499.

O'Donnell, J., dissents.

2012-0171. State v. Bolling.

Montgomery App. No. 24571, 2011-Ohio-6487.

2012-0172. Bank of New York Mellon v. Stefanidis.

Franklin App. No. 11AP-157, 2011-Ohio-6455.

2012-0175. State v. Hogg.

Franklin App. No. 11AP-50, 2011-Ohio-6454.

O'Donnell, J., dissents.

2012-0178. BAC Home Loans Servicing, L.P. v. Cromwell.

Summit App. No. 25755, 2011-Ohio-6413.

2012-0179. State v. Wilson.

Cuyahoga App. No. 96627, 2011-Ohio-6886.

2012-0185. Bell v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 10AP-920, 2011-Ohio-6559.

O'Donnell, J., dissents.

2012-0188. Barton v. G.E. Baker Constr.

Lorain App. No. 10CA009929, 2011-Ohio-5704.

O'Donnell, J., dissents.

McGee Brown, J., dissents and would accept the appeal on Propositions of Law Nos. II and III.

2012-0191. Furman v. Furman.

Franklin App. No. 10AP-407, 2011-Ohio-6558.

O'Donnell, J., dissents.

2012-0192. State v. Vargo.

Portage App. No. 2010-P-0065, 2011-Ohio-6690.

2012-0193. State v. Brown.

Richland App. No. 2011-CA-0021, 2011-Ohio-6782.

2012-0207. State v. Lawrence.

Franklin App. No. 11AP-223, 2011-Ohio-6563.

2012-0208. State v. Grimm.

Erie App. No. E-11-080.

2012-0218. State v. Buoni.

Franklin App. Nos. 11AP-111, 11AP-148, and 11AP-149, 2011-Ohio-6665.

2012-0220. State v. Phelps.

Hamilton App. No. C-110086.

2012-0254. State v. Richardson.

Hamilton App. No. C-110377.

2012-0256. State v. Isaacs.

Summit App. No. 26211.

O'Connor, C.J., not participating.

2012-0265. State v. McDowell.

Franklin App. No. 10AP-509, 2011-Ohio-6815.

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

2012-0266. State v. Samuel.

Franklin App. No. 11AP-158, 2011-Ohio-6821.

2012-0268. State v. Bond.

Franklin App. No. 11AP-403.

2012-0279. State v. Case.

Hamilton App. No. C-110325.

2012-0284. State v. Seagle.

Union App. Nos. 14-11-17 and 14-11-16, 2012-Ohio-132.

2012-0289. State v. Powell.

Summit App. No. 25453.

O'Connor, C.J., not participating.

2012-0290. State v. Dickerson.

Lucas App. No. L-08-1322.

2012-0309. State v. Pruitt.

Cuyahoga App. No. 86986, 2012-Ohio-94.

2012-0347. State v. McGlothin.

Hamilton App. No. C-100727.

2012-0348. State v. Williams.

Cuyahoga App. No. 95853, 2012-Ohio-352.

RECONSIDERATION OF PRIOR DECISIONS

2011-0295. Disciplinary Counsel v. Proctor.

Board of Commissioners on Grievances and Discipline, No. 09-059. Reported at 131 Ohio St.3d 215, 2012-Ohio-684, 963N.E.2d 215. On motion for reconsideration. Motion denied.

2011-1472. Nickelson v. Knab.

Ross App. No. 11CA3244. Reported at 131 Ohio St.3d 199, 2012-Ohio-579, 963 N.E.2d 154. On motion for reconsideration. Motion denied.

2011-1776. State ex rel. Lockheed Martin Energy Sys., Inc. v. Indus. Comm.

Franklin App. No. 10AP-823, 2011-Ohio-5054. Reported at 131 Ohio St.3d 1462, 2012-Ohio-691, 961 N.E.2d 1139. On motion for reconsideration. Motion denied.

Lundberg Stratton, Cupp, and McGee Brown, JJ., dissent.

2011-1895. State v. Thompson.

Lucas App. Nos. L-08-1208 and L-09-1214, 2011-Ohio-5046. Reported at 131 Ohio St.3d 1457, 2012-Ohio-648, 961 N.E.2d 1136. On motion for reconsideration. Motion denied.

2011-1912. State v. Ricks.

Erie App. No. E-10-022, 2011-Ohio-5043. Reported at 131 Ohio St.3d 1457, 2012-Ohio-648, 961 N.E.2d 1136. On motion for reconsideration. Motion granted. The discretionary appeal is accepted on Proposition of Law No. II. The parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

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

2011-2002. State v. Hamrick.

Madison App. No. CA2011-01-002, 2011-Ohio-5357. Reported at 131 Ohio St.3d 1459, 2012-Ohio-648, 961 N.E.2d 1137. On motion for reconsideration. Motion denied.

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

2011-2089. State ex rel. Thomas v. Corrigan.

In Mandamus. Reported at 131 Ohio St.3d 1454, 2012-Ohio-648, 961 N.E.2d 1134. On motion for reconsideration. Motion denied.

2011-2128. State v. J.K.

Cuyahoga App. No. 96574, 2011-Ohio-5675. Reported at 131 Ohio St.3d 1474, 2012-Ohio-896, 962 N.E.2d 805. On motion for reconsideration. Motion denied.

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