

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 10, 2012

[Cite as *05/10/2012 Case Announcements*, 2012-Ohio-2049.]

MERIT DECISIONS WITH OPINIONS

2011-1754. State v. White, Slip Opinion No. 2012-Ohio-1983.

Fairfield App. No. 2010-CA-60, 2011-Ohio-4526. Judgment vacated and cause remanded.

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

Pfeifer, J., dissents.

2011-1798. State ex rel. Cincinnati Enquirer v. Craig, Slip Opinion No. 2012-Ohio-1999.

Hamilton App. No. C-100820, 2011-Ohio-4498. Judgment affirmed.

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

2011-1807. State v. Jefferson, Slip Opinion No. 2012-Ohio-1984.

Cuyahoga App. No. 95950, 2011-Ohio-4637. Judgment vacated and cause remanded.

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

Pfeifer, J., dissents.

2011-1870 and 2011-1871. State v. Sullivan, Slip Opinion No. 2012-Ohio-1985.

Fairfield App. No. 2010-CA-52, 2011-Ohio-4967. Judgment vacated and cause remanded.

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

Pfeifer, J., dissents.

2011-1931. State v. Sayles, Slip Opinion No. 2012-Ohio-1986.

Butler App. Nos. CA2011-01-005 and CA2011-01-006. Judgment vacated and cause remanded.

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

2012-0099. State v. Winningham, Slip Opinion No. 2012-Ohio-1998.

Hamilton App. No. C-11134, 2011-Ohio-6229. Discretionary appeal accepted. Judgment vacated and cause remanded.

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

MOTION AND PROCEDURAL RULINGS

2011-2094. State v. Williams.

Cuyahoga App. No. 94965, 2011-Ohio-5650. This cause is pending before the court as a discretionary appeal and claimed appeal of right.

Upon consideration of appellee's motion for appointment of counsel, it is ordered by the court that the motion is granted and the Ohio Public Defender's Office is appointed to represent appellee.

2012-0187. In re Application of Columbus S. Power Co.

Public Utilities Commission, Nos. 08-917-EL-SSO and 08-918-EL-SSO. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio.

Upon consideration of Ohio Power Company's motion for leave to intervene, it is ordered by the court that the motion is granted.

2012-0374. Hercutt v. Hercutt.

Montgomery App. No. 24778, 2012-Ohio-206. This cause is pending before the court as a discretionary appeal and claimed appeal of right.

Upon consideration of appellant's motion to strike the memorandum in response, it is ordered by the court that the motion is denied as moot.

2012-0465. State ex rel. Culgan v. Kimbler.

Medina App. No. 11CA0059-M. This cause is pending before the court as an appeal from the Court of Appeals for Medina County.

Upon consideration of appellant's motion to strike unneeded documents from his appendix to his merit brief, it is ordered by the court that the motion is granted.

2012-0535. Cullen v. State Farm Mut. Auto. Ins. Co.

Cuyahoga App. No. 95925, 2011-Ohio-6621. This cause is pending before the court as a discretionary appeal.

Upon consideration of the motion for admission pro hac vice of Robert H. Schultz Jr., it is ordered by the court that the motion is granted. Pursuant to Gov.Bar R. XII(4), counsel shall file a notice of permission to appear pro hac vice with the Supreme Court's Office of Attorney Services within 30 days of the date of this entry.

2012-0630. Kaiser v. Franklin Cty. Aud.

Franklin App. No. 10AP-909, 2012-Ohio-820. This cause is pending before the court as a discretionary appeal and claimed appeal of right.

Upon consideration of appellants' motion to refer this case to mediation, it is ordered by the court that the motion is denied.

MISCELLANEOUS ORDERS

In re Howard.

On September 24, 2004, this court found appellant Gregory T. Howard to be a vexatious litigator under S.Ct.Prac.R. 14.5(B). This court further ordered that appellant was prohibited from continuing or instituting legal proceedings in the court without obtaining leave. On May 1, 2012, Howard presented a motion for leave to file an original action, a complaint in mandamus/procedendo, pursuant to the provisions included in R.C. 2731.01 et seq., instanter. It is ordered by the court that the motion for leave is denied.

MEDIATION MATTERS

The following cases have been referred to mediation pursuant to S.Ct.Prac.R. 17.1(A):

2012-0725. HIN, L.L.C. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2008-K-2386.

2012-0734. State ex rel. Smith v. Indus. Comm.

Franklin App. No. 11AP-61, 2012-Ohio-1011.

2012-0780. Crown Communication, Inc. v. Testa.
Board of Tax Appeals, No. 2009-A-3187.

DISCIPLINARY CASES

2000-2267. Disciplinary Counsel v. Cushion.

On April 12, 2012, respondent, Ralph P. Cushion II, filed an application for termination of probation. Upon consideration thereof, the court finds that respondent has substantially complied with Gov.Bar R. V(9)(D), and with its order, dated April 6, 2009, in which the court reinstated respondent to the practice of law and placed respondent on monitored probation for a period of three years subject to conditions.

On consideration thereof, it is ordered by this court that the probation of respondent, Ralph P. Cushion II, Attorney Registration No. 0037116, last known business address in Cleveland, Ohio, is terminated.

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.

2012-0366. Disciplinary Counsel v. Richardson.

On certified order of the Supreme Court of Kentucky, Case No. 2011-SC-000654-KB, Donald Lynn Richardson, Attorney Registration Number 0059046, last known business address in Covington, Kentucky, is permanently disbarred from the practice of law in Ohio.