

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

June 6, 2012

[Cite as *06/06/2012 Case Announcements*, 2012-Ohio-2454.]

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## MERIT DECISIONS WITH OPINIONS

**2011-1774. Cincinnati Bar Assn. v. Hartke, Slip Opinion No. 2012-Ohio-2443.**  
On Certified Report of the Board of Commissioners on Grievances and Discipline, No. 11-003. James R. Hartke, Attorney Registration No. 0011584, is suspended from the practice law in Ohio for a period of six months.

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

Lanzinger, J., dissents and would impose a six-month stayed suspension.

**2011-0673. Cincinnati City School Dist. Bd. of Edn. v. Conners, Slip Opinion No. 2012-Ohio-2447.**

Hamilton App. No. C-100399, 2011-Ohio-1084. Judgment affirmed.

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

Pfeifer, J., concurs in syllabus and concurs in part and dissents in part.

## MERIT DECISIONS WITHOUT OPINIONS

**2012-0452. Truitt v. Cosgrove.**

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

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

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

**2012-0478. State ex rel. Guliano v. Trumbull Cty. Court of Common Pleas, Domestic Relations Div.**

In Prohibition. 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.

**2012-0523. State ex rel. Gaither v. DeWeese.**

In Prohibition. 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.

**2012-0529. State ex rel. Akemon v. Hildebrant.**

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

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

**2012-0547. Pemberton v. Carter.**

On original action complaint and 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.

**2012-0555. Zeune v. Bender.**

In Mandamus. On answer of respondent. On S.Ct.Prac.R. 10.5 determination, cause dismissed.

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

**2012-0566. State ex rel. Woodland v. Sutula.**

In Mandamus and 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.

**2012-0584. State ex rel. Stamper v. Beathard.**

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.

**2012-0588. Loehr v. Hedric.**

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.

**2012-0605. State v. Niehaus.**

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.

**2012-0694. State v. Fox.**

In Habeas Corpus. On petition for writ of habeas corpus of David Fox. Sua sponte cause dismissed.

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

**2012-0713. State ex rel. Oko v. Goodrich.**

In Habeas Corpus. On petition for writ of habeas corpus of Michael Oko. Sua sponte cause dismissed.

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

**2012-0752. State ex rel. Anderson v. Kagel.**

In Habeas Corpus. On petition for writ of habeas corpus of Herbert Anderson. Sua sponte cause dismissed. Motion for sanctions for violation of R.C. Chapter 149 denied.

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

**MOTION AND PROCEDURAL RULINGS**

**2011-2146. Sylvania City Schools Bd. of Edn. v. Lucas Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2011-M-2524. On motion to dismiss. Motion granted. Cause dismissed.

Pfeifer, J., dissents.

**2011-2156. Sparks v. Sparks.**

Warren App. No. CA2010-10-096, 2011-Ohio-5746. On motion for Civ.R. 60(B) relief. Motion denied.

**2012-0624. State v. Secessions.**

Summit App. No. 25754, 196 Ohio App.3d 741, 2011-Ohio-6066. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2012-0633. State v. Jones.**

Montgomery App. No. 24409, 2011-Ohio-5966. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2012-0641. State v. Woodson.**

Cuyahoga App. No. 96538, 2012-Ohio-172. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and McGee Brown, JJ., dissent.

**2012-0696. State v. Bunting.**

Stark App. No. 2011 CA 00112, 2012-Ohio-445. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

**2012-0706. State v. Saunders.**

Cuyahoga App. No. 96643, 2012-Ohio-104. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

**2012-0737. State ex rel. McGrath v. McClelland.**

Cuyahoga App. No. 97209, 2012-Ohio-157. On motion for stay of court of appeals' judgment. Motion denied.

**2012-0738. State v. Burkhart.**

Tuscarawas App. No. 11AP030010, 2012-Ohio-439. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

**2012-0741. State v. Divens.**

Cuyahoga App. No. 88808, 2007-Ohio-3923. On motion for leave to file delayed appeal. Motion denied.

**2012-0742. State v. Rodrigues.**

Lorain App. No. 11CA009971, 2012-Ohio-535. On motion for leave to file delayed appeal. Motion granted.

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

**2012-0754. State v. Hayes.**

Hamilton App. No. C-080076. On motion for leave to file delayed appeal. Motion denied.

**APPEALS ACCEPTED FOR REVIEW**

**2012-0438. Leopold v. Ace Doran Hauling & Rigging Co.**

Cuyahoga App. No. 97277, 2012-Ohio-497.

Pfeifer and Lanzinger, JJ., dissent.

**2012-0471. State v. Deanda.**

Seneca App. No. 13-10-23, 2012-Ohio-408.

Pfeifer, Lanzinger, and Cupp, JJ., dissent.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2011-1959. In re J.L.H.**

Stark App. No. 2010CA00266, 2011-Ohio-5586. Discretionary appeal and cross-appeal not accepted. Motion to strike memorandum of amici curiae denied as moot.

Pfeifer and Lundberg Stratton, JJ., dissent and would accept the discretionary appeal.

**2012-0136. State v. Primus.**

Cuyahoga App. No. 96191, 2011-Ohio-5497.

**2012-0417. Romig v. Baker Hi-Way Express, Inc.**

Tuscarawas App. No. 2011AP-02-0008, 2012-Ohio-321.

O'Connor, C.J., and Lundberg Stratton and Cupp, JJ., dissent and would accept the appeal on Proposition of Law No. 2.

**2012-0420. State v. Simmons.**

Cuyahoga App. No. 96778, 2012-Ohio-268.

**2012-0422. Foley v. Arnold.**

Hamilton App. No. C-100799.

**2012-0425. Whipps v. Ryan.**

Franklin App. Nos. 11AP-1138 and 11AP-1139.

**2012-0435. State v. Casshie.**

Cuyahoga App. No. 96942, 2012-Ohio-363.

**2012-0436. State v. Norris.**

Muskingum App. No. CT11-0001, 2012-Ohio-485.

**2012-0437. State v. Smith.**

Montgomery App. No. 24402, 2012-Ohio-734.

**2012-0439. State v. Cioffi.**

Trumbull App. Nos. 2011-T-0072 and 2011-T-0073, 2012-Ohio-299.  
Discretionary appeal not accepted. Motion for leave denied as moot.

**2012-0441. State v. Hurley.**

Putnam App. No. 12-11-01, 2012-Ohio-310.

**2012-0447. Brown v. Danson, Inc.**

Hamilton App. No. C-110336.

**2012-0448. State v. Eggert.**

Hamilton App. No. C-110361.

**2012-0450. State v. Culberson.**

Tuscarawas App. No. 2011AP030016, 2012-Ohio-448.

**2012-0453. In re Change of Name of A.L.P.**

Cuyahoga App. No. 97066, 2012-Ohio-368. Discretionary appeal not accepted.  
Motion to consolidate with 2011-1979, *D.W. v. T.L.*, denied.

O'Connor, C.J., dissents and would accept the appeal on Proposition of Law No. III, and hold the cause for the decision in 2011-1979, *D.W. v. T.L.*, Clinton App. No. CA2011-03-004, 2011-Ohio-5228.

Lanzinger, J., dissents and would accept the appeal and grant the motion to consolidate with 2011-1979, *D.W. v. T.L.*

**2012-0454. Inwood Village, Ltd. v. Cincinnati.**  
Hamilton App. No. C-110117, 2011-Ohio-6632.

**2012-0457. State v. Brown.**  
Montgomery App. No. 24473, 2012-Ohio-417.  
O'Donnell, J., dissents.

**2012-0461. Brooks-Lee v. Lee.**  
Franklin App. No. 11AP-284, 2012-Ohio-373.

**2012-0462. Ford Motor Credit Co. v. Agrawal.**  
Cuyahoga App. No. 96413, 2011-Ohio-6474.  
Lundberg Stratton and O'Donnell, JJ., dissent.

**2012-0464. Brandner v. Innovex, Inc.**  
Hamilton App. No. C-110401, 2012-Ohio-462.

**2012-0466. State v. Russell.**  
Montgomery App. No. 24443, 2012-Ohio-422.  
O'Connor, C.J., and O'Donnell, J., dissent

**2012-0468. State v. Boyd.**  
Cuyahoga App. No. 97862.

**2012-0470. State v. Gawlikowski.**  
Medina App. No. 11CA0111-M.

**2012-0472. State v. Mitchell.**  
Franklin App. No. 11AP-377, 2012-Ohio-466.

**2012-0473. Swank v. Swank.**  
Richland App. No. 2011 CA 8, 2011-Ohio-6920.

**2012-0475. State v. Yisrael.**  
Hamilton App. No. C-120032.

**2012-0476. State v. Troutman.**

Marion App. No. 9-11-17, 2012-Ohio-407.

**2012-0481. State v. Ulery.**

Clark App. No. 2010 CA 89.

**2012-0485. State v. Elliott.**

Licking App. No. 2011-CA-00064, 2012-Ohio-771.

**2012-0488. State v. O’Neal.**

Medina App. No. 10CA0140-M, 2012-Ohio-396.

**2012-0497. Wolfe v. Grange Indemn. Ins. Co.**

Stark App. No. 2010CA00339, 2012-Ohio-598.

Lundberg Stratton and Lanzinger, JJ., dissent  
O’Donnell, J., dissents and would accept the appeal on Proposition of Law  
No. I.

**2012-0500. Bailey v. Juilfs.**

Hamilton App. No. C-110142.

Pfeifer, J., dissents.

**2012-0502. State v. Potts.**

Trumbull App. No. 2011-T-0054, 2012-Ohio-741.

**2012-0506. State v. Mapp.**

Union App. No. 14-10-34.

**2012-0514. Pragnell v. Edward R. Hart Co.**

Stark App. No. 2011CA00111, 2012-Ohio-778.

**2012-0541. State v. Conway.**

Cuyahoga App. No. 96905, 2012-Ohio-590.

O’Donnell, J., dissents.

**2012-0545. State v. Sparent.**

Cuyahoga App. No. 96710, 2012-Ohio-586.

Pfeifer, J., dissents.



**2012-0549. State v. Bolton.**

Cuyahoga App. No. 96385, 2012-Ohio-169.

**2012-0563. State v. Blair.**

Scioto App. No. 11CA3429, 2012-Ohio-769.

**2012-0564. State v. Hopson.**

Cuyahoga App. No. 97833.

**2012-0567. State v. Erwin.**

Franklin App. No. 09AP-918, 2012-Ohio-776.

**2012-0568. State v. Locher.**

Scioto App. No. 11CA3414, 2012-Ohio-787.

**2012-0570. State v. Greenleaf.**

Summit App. No. 25848, 2012-Ohio-686.

Cupp, J., dissents.

**2012-0581. Grenga v. Youngstown State Univ.**

Franklin App. No. 11AP-165, 2011-Ohio-5621.

**2012-0587. State v. Parker.**

Cuyahoga App. No. 96941, 2012-Ohio-362.

**2012-0593. Toliver v. Duwel.**

Montgomery App. No. 24768, 2012-Ohio-846.

**2012-0594. State v. Gordon.**

Summit App. No. 25911, 2012-Ohio-902.

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

**2012-0597. State v. Dieckhoner.**

Cuyahoga App. No. 96694, 2012-Ohio-805.

**2012-0608. State v. Campbell.**

Hamilton App. No. C-090875.

**2012-0654. State v. Smith.**

Montgomery App. No. 21058.

**2012-0673. State v. Brooks.**

Cuyahoga App. No. 94978, 2012-Ohio-915.

**2012-0721. In re D.A.**

Lucas App. No. L-11-1197, 2012-Ohio-1104.

**RECONSIDERATION OF PRIOR DECISIONS**

**2012-0062. Largent v. Sticker Corp.**

Lake App. No. 2010-L-061, 2011-Ohio-6094. Reported at 131 Ohio St.3d 1499, 2012-Ohio-1501, 964 N.E.2d 440. On motion for reconsideration. Motion denied.  
Pfeifer and O'Donnell, JJ., dissent.

**2012-0068. State v. Holloman.**

Franklin App. No. 11AP-454, 2011-Ohio-6138. Reported at 131 Ohio St.3d 1499, 2012-Ohio-1501, 964 N.E.2d 440. On motion for reconsideration. Motion denied.  
O'Connor, C.J., and O'Donnell, JJ., dissent.

**2012-0083. Monus v. Day.**

Mahoning App. No. 10 MA 70, 2011-Ohio-6219. Reported at 131 Ohio St.3d 1500, 2012-Ohio-1501, 964 N.E.2d 440. On motion for reconsideration. Motion denied.

**2012-0123. State v. Silguero.**

Franklin App. No. 11AP-274, 2011-Ohio-6293. Reported at 131 Ohio St.3d 1500, 2012-Ohio-1501, 964 N.E.2d 440. On motion for reconsideration. Motion denied.

**2012-0272. In re R.H.**

Lorain App. Nos. 11CA010002 and 11CA010003, 2011-Ohio-6749. Reported at 131 Ohio St.3d 1501, 2012-Ohio-1501, 964 N.E.2d 441. On motion for reconsideration. Motion denied.  
O'Donnell, J., dissents.