

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 10, 2012

[Cite as *10/10/2012 Case Announcements*, 2012-Ohio-4650.]

MERIT DECISIONS WITH OPINIONS

2011-0432. State ex rel. Guthrie v. Indus. Comm., Slip Opinion No. 2012-Ohio-4637.

Franklin App. No. 10AP-171, 2011-Ohio-833. Judgment affirmed.

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

2011-1569. State v. Dibble, Slip Opinion No. 2012-Ohio-4630.

Franklin App. No. 10AP-648, 195 Ohio App.3d 189, 2011-Ohio-3817. Judgment reversed and cause remanded.

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

Pfeifer, J., dissents.

2012-0688. Akron Bar Assn. v. DeLoach, Slip Opinion No. 2012-Ohio-4629.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-085. Jana Bassinger DeLoach, Attorney Registration No. 0071743, is publicly reprimanded.

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

MERIT DECISIONS WITHOUT OPINIONS

2012-1197. SST Bearing Corp. v. Twin City Fan Cos., Ltd.

Hamilton App. No. C-110611, 2012-Ohio-2490. On review of an order certifying a conflict. The court determines that no conflict exists. Cause dismissed.

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

2012-1207. Chesapeake Exploration, L.L.C. v. Oil & Gas Comm.

In Prohibition. On complaint for a writ of prohibition. Upon consideration thereof, it is ordered by the court that an alternative writ is granted and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 10.6:

The parties shall file any evidence they intend to present within 20 days of the date of this entry; relator shall file a brief within ten days of the filing of the evidence; respondents shall file a brief within 20 days after the filing of relator's brief; and relator may file a reply brief within seven days after filing of respondents' brief.

It is further ordered that the respondents' motion to dismiss is denied.

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

2012-1266. Clifford v. Webb.

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

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

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

2012-1289. State ex rel. Ott v. Mansfield Corr. Inst.

In Mandamus. On motion for judgment on the pleadings. Motion granted. Cause dismissed.

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

O'Donnell, J., dissents.

2012-1296. State ex rel. Gambill v. Opperman.

In Mandamus. On complaint for a writ of mandamus. Upon consideration thereof, it is ordered by the court, sua sponte, that an alternative writ is granted and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 10.6:

The parties shall file any evidence they intend to present within 20 days of the date of this entry; relator shall file a brief within ten days of the filing of the evidence; respondent shall file a brief within 20 days after the filing of relator's

brief; and relator may file a reply brief within seven days after the filing of respondent's brief.

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

2012-1400. Harper v. Nicholson.

On complaint filed by relator. On S.Ct.Prac.R. 10.5 consideration. Cause dismissed. Relator's motion for writ of mandamus denied as moot.

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

2012-1435. State ex. rel. Robinson v. Matia.

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.

2012-1459. Goldshtein v. Bradshaw.

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

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

2012-1490. State ex rel. Weatherford v. Tibbals.

In Habeas Corpus. On petition for writ of habeas corpus of Charles Ray Weatherford Jr. 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

2012-1407. State v. Mitchell.

Cuyahoga App. No. 97387, 2012-Ohio-1547. On motion for delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2012-1414. State v. Tomlinson.

Summit App. No. 25924, 2012-Ohio-1441. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2012-1416. State v. Lindsey.

Cuyahoga App. No. 96601, 2012-Ohio-804. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2012-1423. State v. Irwin.

Columbiana App. No. 11-CO-6, 2012-Ohio-2720. On motion for delayed appeal. Motion granted.

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

2012-1426. State v. Simmons.

Summit App. No. 25275, 2011-Ohio-916. On motion for delayed appeal. Motion denied.

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

2012-1441. State v. Holdcroft.

Wyandot App. No. 16-10-13, 2012-Ohio-3066. On review of an order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated on page 1 of the court of appeals' entry filed August 16, 2012:

“Does a trial court have jurisdiction to resent a defendant for the purpose of imposing mandatory post-release control regarding a particular conviction, when the defendant has served the stated prison term regarding that conviction, but has yet to serve the entirety of his aggregate prison sentence, when all of the convictions which led to the aggregate sentence resulted from a single indictment?”

The conflict case is *State v. Dresser*, Cuyahoga App. No. 92105, 2009-Ohio-2888.

Sua sponte, cause consolidated with 2012-1325, *State v. Holdcroft*, Wyandot App. No. 16-10-13, 2012-Ohio-3066.

2012-1446. State v. Jackson.

Butler App. No. CA2011-08-154, 2012-Ohio-993. On motion for delayed appeal. Motion denied.

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

2012-1454. State v. Parks.

Stark App. No. 2010CA00349, 2011-Ohio-3037. On motion for delayed appeal. Motion denied.

2012-1457. State v. Reid.

Montgomery App. No. 24841, 2012-Ohio-2666. On motion for delayed appeal. Motion granted.

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

2012-1463. State v. Cox.

Greene App. No. 2011 CA 19, 2012-Ohio-2100. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2012-1469. State v. Hardman.

Delaware App. No. 11CAA110107, 2012-Ohio-2453. On motion for delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2012-1041. In re D.S.

Cuyahoga App. No. 97757, 2012-Ohio-2213.

Pfeifer and Cupp, JJ., dissent.

2012-1070. State v. Washington.

Lorain App. No. 11CA010015, 2012-Ohio-2117.

Pfeifer and McGee Brown, JJ., dissent.

2012-1074. State v. Harris.

Hamilton App. Nos. C-100243 and C-100273, 2012-Ohio-2460. Discretionary appeal accepted and cause held for the decision in 2011-1066, *State v. Brunning*, Cuyahoga App. No. 95376, 2011-Ohio-1936.

Pfeifer and Lanzinger, JJ., dissent.

2012-1325. State v. Holdcroft.

Wyandot App. No. 16-10-13, 2012-Ohio-3066. Discretionary appeal accepted on Proposition of Law IX and cause consolidated with 2012-1441, *State v. Holdcroft*, Wyandot App. No. 16-10-13, 2012-Ohio-3066.

Pfeifer and O'Donnell, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2012-0873. Rymers v. Rymers.

Lake App. No. 2011-L-064, 2012-Ohio-1675.

2012-0981. State v. Donald.

Hamilton App. No. C-110597.

2012-0994. State v. Frangella.

Richland App. No. 11 CA 43, 2012-Ohio-1863.

2012-1042. State v. McFarland.

Erie App. No. E-11-048, 2012-Ohio-1991.

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

2012-1043. Duncan v. Cuyahoga Community College.

Cuyahoga App. No. 97222, 2012-Ohio-1949.

Pfeifer, J., dissents.

2012-1045. State v. Quinones.

Cuyahoga App. No. 97054, 2012-Ohio-1939.

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

2012-1046. State v. Richardson.

Hamilton App. No. C-110273.

2012-1048. Clark v. Ohio Dept. of Rehab. & Corr.

Richland App. No. 11-CA-88.

2012-1049. State v. Drane.

Montgomery App. No. 23862, 2012-Ohio-1978.

2012-1051. State v. Brown.

Allen App. No. 1-11-68, 2012-Ohio-2126.

2012-1059. State v. Hickman.

Fairfield App. No. 11-CA-54, 2012-Ohio-2182.

2012-1060. State v. Kirk.

Cuyahoga App. No. 96695, 2012-Ohio-2056.

2012-1066. State v. Burnap.

Delaware App. No. 11CAC090086, 2012-Ohio-2047.

O'Connor, C.J., and Cupp, J., dissent.

2012-1075. State v. Comer.

Gallia App. No. 10CA15, 2012-Ohio-2261.

2012-1076. Lovell v. Ohio Wesleyan Univ.

Delaware App. No. 2011-CAE-06-0053, 2012-Ohio-2139.

2012-1079. State v. Clark.

Cuyahoga App. No. 96768, 2012-Ohio-2058.

2012-1080. FirstMerit Bank, N.A. v. Ashland Lakes, L.L.C.

Ashland App. No. 11-COA-017, 2012-Ohio-549.

2012-1085. Sherrills v. Tyus.

Cuyahoga App. No. 97502, 2012-Ohio-2068.

2012-1087. George v. Newburgh Hts.

Cuyahoga App. No. 97320, 2012-Ohio-2065.

2012-1088. State v. Barber.

Montgomery App. No. 24770, 2012-Ohio-2332.

2012-1089. EverHome Mtge. Co. v. Behrens.

Lake App. No. 2011-L-128, 2012-Ohio-1454.

O'Donnell and McGee Brown, JJ., dissent and would accept the appeal and hold the cause for the decision in 2011-1201 and 2011-1362, *Fed. Home Loan Mtge. Corp. v. Schwartzwald*, Greene App. No. 5-10-35, 2011-Ohio-2681.

2012-1091. Davis v. Davis.

Wood App. No. WD-11-006, 2012-Ohio-2088.

2012-1092. State v. Hazel.

Clark App. No. 2011 CA 16, 2012-Ohio-835.

2012-1095. McBride v. McBride.

Butler App. No. CA2011-03-061, 2012-Ohio-2146.

O'Donnell, J., dissents.

2012-1099. Puritas Metal Prods. v. Cook.

Lorain App. No. 10CA009866, 2012-Ohio-2116.

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

Pfeifer, J., dissents.

2012-1108. State ex rel. Browning v. Browning.

Muskingum App. Nos. CT2011-CA-55 and CT2011-CA-60, 2012-Ohio-2158.

2012-1111. State v. Banks.

Cuyahoga App. No. 97299, 2012-Ohio-2304.

2012-1112. State v. Haynes.

Hamilton App. Nos. C-110500, C-110501, C-110502, and C-110503.

2012-1113. Whitcomb v. Allcare Dental & Dentures.

Cuyahoga App. No. 97141, 2012-Ohio-2195.

Pfeifer, J., dissents.

2012-1116. Arliss Mtge. Co., L.L.C. v. Woodford.

Franklin App. No. 11AP-883, 2012-Ohio-1320.

2012-1119. State v. Freeman.

Trumbull App. No. 2011-T-0059, 2012-Ohio-2244.

2012-1121. State v. Newton.

Lorain App. No. 11CA010047.

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

2012-1123. State v. Shedwick.

Franklin App. No. 11AP-709, 2012-Ohio-2270.

2012-1124. State v. Jackson.

Montgomery App. No. 24430, 2012-Ohio-2335.

2012-1131. GLIC Real Estate Holdings, L.L.C. v. Bicentennial Plaza, Ltd.

Franklin App. No. 11AP-474, 2012-Ohio-2269.

2012-1132. HSBC Mtge. Servs., Inc. v. Ballard.

Butler App. No. CA2011-05-088, 2012-Ohio-2251.

2012-1133. Pinkerton v. J&H Reinforcing & Structural Erectors, Inc.

Scioto App. Nos. 10CA3386 and 10CA3388, 2012-Ohio-1606.

Lundberg Stratton and Cupp, JJ., dissent.

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

2012-1134. Sturgeon v. Lucas Plumbing & Heating, Inc.

Lorain App. No. 11CA010010, 2012-Ohio-2240.

2012-1138. Martin v. Scripps Howard.

Hamilton App. No. C-120064.

2012-1140. Kidd v. Bur. of Workers' Comp.

Hamilton App. No. C-110721.

2012-1141. Natl. City Bank v. TAB Holdings, Ltd.

Erie App. No. E-11-009, 2012-Ohio-2346.

2012-1142. State v. Palmer.

Hamilton App. No. C-010583.

O'Donnell, J., dissents.

2012-1145. Raiser v. State.

Franklin App. No. 11AP-56.

2012-1146. Internatl. Bhd. of Elec. Workers, Local Union No. 8 v. Kingfish Elec., L.L.C.

Williams App. No. WM-11-006, 2012-Ohio-2363.

Lundberg Stratton, J., dissents.

2012-1149. Wright v. Bank of New York.

Summit App. No. 25842, 2012-Ohio-2289.

O'Connor, C.J., and Pfeifer and O'Donnell, JJ., dissent and would accept the appeal and hold the cause for the decision in 2011-1201 and 2011-1362, *Fed.*

Home Loan Mtge. Corp. v. Schwartzwald, Greene App. No. 5-10-35, 2011-Ohio-2681.

2012-1151. State v. Moore.

Cuyahoga App. No. 95106, 2012-Ohio-1958. Discretionary appeal and cross-appeal not accepted.

2012-1159. State v. Greathouse.

Montgomery App. No. 24935, 2012-Ohio-2414.

2012-1161. State v. Broughton.

Franklin App. No. 11AP-620, 2012-Ohio-2526.
Pfeifer, J., dissents.

2012-1162. State v. Thomas.

Hamilton App. No. C-110637.

2012-1167. State v. Ross.

Mahoning App. No. 11-MA-32, 2012-Ohio-2433.

2012-1173. State v. Butcher.

Athens App. No. 12CA11.

2012-1175. State v. Myers.

Franklin App. No. 11AP-909, 2012-Ohio-2733.

2012-1180. State v. Adkins.

Washington App. No. 11CA30, 2012-Ohio-2445.
Cupp and Lanzinger, JJ., dissent.

2012-1185. State v. Trollinger.

Hamilton App. No. C-110340.
Lundberg Stratton, J., dissents.

2012-1192. Raleigh v. Raleigh.

Hamilton App. No. C-110225.
Lundberg Stratton and McGee Brown, JJ., dissent.

2012-1196. State v. Wade.

Montgomery App. No. 25139.

2012-1202. State v. Terry.

Hamilton App. No. C-110717.

2012-1213. Cargile v. Ohio Dept. of Adm. Servs.

Franklin App. No. 11AP-743, 2012-Ohio-2470.

Pfeifer, J., dissents.

2012-1214. State v. Pettway.

Cuyahoga App. No. 98475.

2012-1221. SST Bearing Corp. v. Twin City Fan Cos., Ltd.

Hamilton App. No. C-110611, 2012-Ohio-2490.

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

2012-1225. State v. Harris.

Franklin App. No. 11AP-1019, 2012-Ohio-2039.

2012-1227. State v. Craig.

Cuyahoga App. No. 97061, 2012-Ohio-2301.

2012-1228. State v. Davis.

Cuyahoga App. No. 97227, 2012-Ohio-2499.

Pfeifer, J., dissents.

2012-1229. State v. Stein.

Cuyahoga App. No. 97395, 2012-Ohio-2502.

Lanzinger, J., dissents.

2012-1230. In re M.D.

Knox App. No. 2011-CA-9, 2012-Ohio-31.

Pfeifer and O'Donnell, JJ., dissent.

2012-1231. State v. Miller.

Trumbull App. No. 2010-T-0018.

2012-1234. State v. Gilmore.

Cuyahoga App. No. 97844, 2012-Ohio-2216.

2012-1246. State v. Smith.

Mahoning App. No. 10 MA 172, 2012-Ohio-2722.

2012-1247. State v. Burns.

Mahoning App. No. 09-MA-193, 2012-Ohio-2698.

2012-1248. State v. Shorter.

Mahoning App. No. 11 MA 42, 2012-Ohio-2701.

2012-1249. State v. Campbell.

Hamilton App. No. C-120016.

2012-1252. In re A.W.

Montgomery App. No. 25039, 2012-Ohio-2657.

Pfeifer, J., dissents.

2012-1280. State v. West.

Mahoning App. No. 11 MA 33, 2012-Ohio-2758.

2012-1288. State v. Johnson.

Cuyahoga App. No. 97327, 2012-Ohio-27.

2012-1351. State v. Turner.

Stark App. No. 2011-CA-00137, 2012-Ohio-345.

2012-1439. In re M.S.

Pike App. Nos. 11CA823 and 11CA824, 2012-Ohio-3207.