

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 24, 2012

[Cite as *10/24/2012 Case Announcements*, 2012-Ohio-4902.]

MERIT DECISIONS WITH OPINIONS

2011-1170 and 2011-1985. Liming v. Damos, Slip Opinion No. 2012-Ohio-4783.

Athens App. No. 10CA39, 2011-Ohio-2726. Judgment affirmed.

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

Pfeifer and O'Donnell, JJ., dissent.

MERIT DECISIONS WITHOUT OPINIONS

2012-1510. Clough v. Lawson.

In Habeas Corpus. On petition for writ of habeas corpus of Stephanie Y. Clough. Sua sponte, cause dismissed.

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

2012-1530. Taylor v. State.

In Habeas Corpus. On petition for writ of habeas corpus of Moses E. Taylor 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

2012-0797. Moretz v. Muakkassa.

Summit App. No. 25602, 2012-Ohio-1177. On motion to dismiss appeal or, in the alternative, to strike the motion for reconsideration. Motion denied.

Pfeifer, J., dissents and would grant the motion to dismiss.

2012-0931. State v. Henderson.

Cuyahoga App. No. 95655, 2012-Ohio-1040. On motion to request an emergency hearing to suspend execution of sentence. Motion denied.

2012-1500. State v. Walker.

Hamilton App. Nos. C-110420 and C-110421. On motion for delayed appeal. Motion denied.

2012-1521. State v. Bragg.

Lucas App. No. L-09-1076, 2010-Ohio-3436. On motion for delayed appeal. Motion denied.

2012-1528. State v. Davis.

Cuyahoga App. No. 97636, 2012-Ohio-3570. On review of an order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2011-2126, *State v. Howard*, Montgomery App. No. 24680, 2011-Ohio-5693; cause consolidated with 2012-1514, *State v. Davis*, Cuyahoga App. No. 97636, 2012-Ohio-3570; and briefing schedule stayed.

Pfeifer, J., dissents.

2012-1533. State v. Nitzsche.

Summit App. No. 25783, 2012-Ohio-688. On motion for delayed appeal. Motion denied.

Pfeifer, Acting C.J., and Cupp, J., dissent.

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

2012-1551. State v. Cottrell.

Ross App. Nos. 11CA3241 and 11CA3242, 2012-Ohio-4583. On motion for delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2012-1569. State v. Alford.

Montgomery App. No. 23332. On motion for delayed appeal. Motion denied.

2012-1614. BelVino, L.L.C. v. Empson (USA), Inc.

Cuyahoga App. No. 97305, 2012-Ohio-3074. On motion for stay. Motion denied.

Lundberg Stratton, J., dissents and would grant the motion conditioned on a \$500,000 bond.

O'Donnell, J., dissents.

2012-1624. State ex rel. M.L.G. v. Montgomery.

Franklin App. Nos. 12AP-13 and 12AP-401, 2012-Ohio-3591. On motion for stay.

Motion denied.

Pfeifer, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2012-1150. Pauley v. Circleville.

Pickaway App. No. 10CA31, 2012-Ohio-2378.

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

2012-1195. State v. Burks.

Lucas App. No. L-12-11116.

Pfeifer and Lanzinger, JJ., dissent.

2012-1210. State v. Brown.

Cuyahoga App. No. 97746, 2012-Ohio-2515. Discretionary appeal accepted and cause held for the decision in 2011-1066, *State v. Brunning*, Cuyahoga App. No. 95376, 2011-Ohio-1936.

2012-1235. Schussheim v. Schussheim.

Warren App. No. CA2011-07-078, 2012-Ohio-2573.

Pfeifer and Lanzinger, JJ., dissent.

2012-1242. State v. Kareski.

Summit App. No. 25705, 2012-Ohio-2173.

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

2012-1514. State v. Davis.

Cuyahoga App. No. 97636, 2012-Ohio-3570. Discretionary appeal accepted; cause held for the decision in 2011-2126, *State v. Howard*, Montgomery App. No.

24680, 2011-Ohio-5693; cause consolidated with 2012-1528, *State v. Davis*, Cuyahoga App. No. 97636, 2012-Ohio-3570; and briefing schedule stayed. O'Connor, C.J., and Pfeifer, J., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2011-1379. State v. Waddy.

Franklin App. No. 09AP-1197, 2011-Ohio-3154.
Pfeifer, J., dissents.

2012-0480. Bradley v. Ohio Dept. of Transp.

Franklin App. Nos. 11AP-409 and 11AP-410, 2012-Ohio-451.

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

2012-0912. State v. Martin.

Hamilton App. No. C-110204.

2012-1090. State v. Morales.

Holmes App. No. 12CA005.

O'Donnell, J., dissents.

2012-1118. Studer v. Studer.

Crawford App. No. 3-11-04, 2012-Ohio-2838.

O'Donnell, J., dissents.

2012-1147. Shampine v. Lee.

Cuyahoga App. No. 98205.

2012-1148. Pintagro v. Sagamore Hills Twp.

Summit App. No. 25697, 2012-Ohio-2284.

2012-1152. State v. Beach.

Huron App. No. H-11-005, 2012-Ohio-2338.

O'Donnell, J., dissents.

2012-1160. Lotspeich v. R.A. Hermes, Inc.

Hamilton App. No. C-110698.

McGee Brown, J., dissents.

2012-1164. Hamilton v. Mansfield Motorsports Speedway, L.L.C.

Richland App. No. 11 CA 103, 2012-Ohio-2446.

Pfeifer and O'Donnell, JJ., dissent.

2012-1165. In re Guardianship of I.T.A.

Belmont App. Nos. 11 BE 27 and 11 BE 29, 2012-Ohio-2438.

2012-1166. State v. Boyle.

Geauga App. No. 2011-G-3035, 2012-Ohio-2831.

2012-1168. State v. Jefferson.

Cuyahoga App. No. 97331, 2012-Ohio-2387.

2012-1170. Blough v. Smythe Cramer Co.

Summit App. No. 25913, 2012-Ohio-2373.

2012-1172. State v. Sullivan.

Licking App. No. 12-CA-14, 2012-Ohio-2873.

2012-1176. Harter v. Chillicothe Long-Term Care, Inc.

Ross App. No. 11CA3277, 2012-Ohio-2464.

Pfeifer, J., dissents.

2012-1182. PNC Bank, Natl. Assn. v. Richards.

Franklin App. No. 11AP-275, 2012-Ohio-1610.

2012-1183. In re K.S.

Cuyahoga App. No. 97343, 2012-Ohio-2388.

O'Donnell, J., dissents.

2012-1187. Fifth Third Mtge. Co. v. Rankin.

Pickaway App. No. 11CA8, 2012-Ohio-2806.

2012-1191. Saks v. E. Ohio Gas Co.

Cuyahoga App. No. 97770, 2012-Ohio-2637.

Pfeifer, J., dissents.

2012-1199. State v. Fox.

Mahoning App. No. 12 MA 78.

Lundberg Stratton and Lanzinger, JJ., dissent.

2012-1200. State v. Moxley.

Madison App. No. CA2011-06-010, 2012-Ohio-2572.

2012-1201. State v. Viceroy.

Cuyahoga App. No. 97031, 2012-Ohio-2494.

2012-1203. State v. Jama.

Franklin App. No. 11AP-210, 2012-Ohio-2466.

O'Connor, C.J., dissents.

2012-1204. Scott v. Dennis C. McCluskey, M.E. & Assoc., Inc.

Summit App. No. 25838, 2012-Ohio-2484.

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

2012-1205. Kemper v. Springfield Twp.

Hamilton App. Nos. C-110514 and C-110546, 2012-Ohio-2461.

2012-1208. Dunlop v. Ohio Dept. of Job & Family Servs.

Franklin App. No. 11AP-929, 2012-Ohio-1378.

2012-1209. Kodger v. Ducatman.

Cuyahoga App. No. 97842, 2012-Ohio-2517.

Pfeifer, J., dissents.

2012-1211. State v. Chesrown.

Summit App. No. 26019, 2012-Ohio-2476.

2012-1217. State v. Champion.

Montgomery App. No. 24782, 2012-Ohio-2537.

2012-1219. State v. Hayes.

Cuyahoga App. No. 97289, 2012-Ohio-2500.

2012-1220. State v. Paige.

Hamilton App. No. C-110533.

2012-1222. IntraSee, Inc. v. Ludwig.

Lorain App. Nos. 10CA009916 and 11CA010024, 2012-Ohio-2684.

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

Cupp, J., dissents and would accept the appeal on Proposition of Law No. IV.

2012-1224. State v. Johnson.

Montgomery App. No. 24775, 2012-Ohio-2542.

2012-1226. State v. Hill.

Muskingum App. No. CT2011-0063, 2012-Ohio-2531.

2012-1233. Li v. Yang.

Cuyahoga App. No. 96741, 2012-Ohio-2491.

2012-1236. State v. Brown.

Richland App. No. 11 CA 12.

2012-1237. State v. Broadnax.

Montgomery App. No. 24878, 2012-Ohio-2535.

2012-1240. State v. Walker.

Delaware App. No. 12 CAA 02 0010, 2012-Ohio-3095.

2012-1241. Radzisewski v. Szymanczak.

Cuyahoga App. No. 97795, 2012-Ohio-2639.

O'Donnell, J., dissents.

2012-1244. Powell v. Rion.

Montgomery App. No. 24756, 2012-Ohio-2665.

O'Donnell, J., dissents.

2012-1251. Brunswick Hills Twp. Bd. of Trustees v. Ludrosky.

Medina App. No. 11CA0026-M, 2012-Ohio-2556.

2012-1255. Jones v. Warden, Marion Corr. Inst.

Marion App. No. 9-12-03.

2012-1256. State v. Walton.

Stark App. No. 2011 CA 00214, 2012-Ohio-2597.

Lanzinger, J., dissents and would accept the appeal and hold the cause for the decision in 2012-1070. *State v. Washington*, Lorain App. No. 11CA010015, 2012-Ohio-2117.

2012-1257. State v. Smith.

Summit App. No. 25834, 2012-Ohio-2614.

O'Donnell, J., dissents.

2012-1258. Crow v. Dooley.

Allen App. No. 1-11-59, 2012-Ohio-2565.

Pfeifer, J., dissents.

McGee Brown, J., dissents and would accept the appeal on Proposition of Law No. I.

2012-1259. State v. Rudin.

Hamilton App. No. C-110747, 2012-Ohio-2643.

Lundberg Stratton, J., dissents.

2012-1261. Lackey v. Noble.

Medina App. No. 11CA0082-M, 2012-Ohio-2554.

Lundberg Stratton and O'Donnell, JJ., dissent and would accept the appeal and hold the cause for the decision in 2011-0743, *Anderson v. Massillon*, Stark App. No. 2010 CA 00196, 2011-Ohio-1328.

2012-1265. State v. Messenger.

Marion App. No. 9-11-40, 2012-Ohio-2692.

2012-1270. State v. Sparks.

Franklin App. No. 11AP-702, 2012-Ohio-2653.

2012-1273. Hochstetler v. Hochstetler.

Knox App. No. 11 CA 20, 2012-Ohio-2669.

2012-1278. State v. Byrd.

Montgomery App. No. 24583, 2012-Ohio-2659.

Lundberg Stratton and Cupp, JJ., dissent.

2012-1284. State v. Miles.

Summit App. No. 26187, 2012-Ohio-2607.

Lundberg Stratton and McGee Brown, JJ., dissent.

Pfeifer, Acting C.J.

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

2012-1286. State v. Walker.

Richland App. No. 2009-CA-0088.

2012-1290. State v. Thomas.

Cuyahoga App. No. 97185, 2012-Ohio-2626.

2012-1292. Hinton v. Franke.

Hamilton App. No. C-120353.

2012-1294. In re B.B.

Defiance App. No. 4-10-17, 2012-Ohio-2695.

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

2012-1299. State v. Haddix.

Warren App. No. CA2011-07-075, 2012-Ohio-2687.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2012-1070. *State v. Washington*, Lorain App. No. 11CA010015, 2012-Ohio-2117.

2012-1300. State v. Henderson.

Ashland App. No. 11-COA-045, 2012-Ohio-2709.

2012-1309. State v. Gay.

Brown App. No. CA2011-04-010.

2012-1312. State v. Jones.

Summit App. No. 26226, 2012-Ohio-2744.

2012-1319. State v. Sansone.

Franklin App. No. 11AP-799, 2012-Ohio-2736.

2012-1323. State v. Tyner.

Cuyahoga App. No. 97403, 2012-Ohio-2770.

2012-1339. State v. Cunningham.

Clark App. No. 10-CA-57, 2012-Ohio-2794.

2012-1346. State v. Kramer.

Henry App. No. 7-11-05, 2012-Ohio-2841.

2012-1359. State v. Hornschemeier.

Hamilton App. No. C-110466, 2012-Ohio-2860.

2012-1360. State v. Boone.

Summit App. No. 26104, 2012-Ohio-3142.

2012-1389. State v. Tran.

Medina App. No. 11CA0078-M, 2012-Ohio-2980.

2012-1390. State v. Poling.

Ashtabula App. No. 2012-A-0002, 2012-Ohio-3039.

2012-1415. State v. Daniels.

Lorain App. No. 11CA010021, 2012-Ohio-2000.

2012-1422. Davis v. Cuyahoga Metro. Hous. Auth.

Cuyahoga App. No. 97356, 2012-Ohio-3077.

2012-1429. State v. Lorenzo.

Summit App. No. 26214, 2012-Ohio-3145.

RECONSIDERATION OF PRIOR DECISIONS

2010-0659. State v. Estrada-Lopez.

Butler App. No. CA2008-12-291, 2010-Ohio-732. Reported at 132 Ohio St.3d 1508, 2012-Ohio-4021, 974 N.E.2d 110. On motion for reconsideration. Motion denied.

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

2011-0120. Cincinnati Bar Assn. v. Sigalov.

Board of Commissioners on Grievances and Discipline, No. 08079. Reported at ___Ohio St.3d ___, 2012-Ohio-3868, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

2011-1504 and 2011-1593. State v. Hobbs.

Summit App. No. 25379, 2011-Ohio-3192.

Reported at ___Ohio St.3d ___, 2012-Ohio-3886, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

2012-0894. State v. Wilson.

Montgomery App. Nos. 24461, 24496, and 24501, 2012-Ohio-1660. Reported at 132 Ohio St.3d 1515, 2012-Ohio-4021, 974 N.E.2d 113. On motion for reconsideration. Motion denied.

2012-1038. State v. Dew.

Mahoning App. No. 08 MA 62, 2012-Ohio-434. Reported at 132 Ohio St.3d 1516, 2012-Ohio-4021, 974 N.E.2d 114. On motion for reconsideration. Motion denied.

2012-1053. Brown v. Testa.

Board of Tax Appeals, No. 2010-K-2871. Reported at 132 Ohio St.3d 1500, 2012-Ohio-3826, 973 N.E.2d 269. On motion for reconsideration. Motion denied.

2012-1069. State v. Ikharo.

Franklin App. No. 10AP-967, 2011-Ohio-2746. Reported at 132 Ohio St.3d 1511, 2012-Ohio-4021, 974 N.E.2d 110. On motion for reconsideration. Motion denied.

2012-1077. State v. Werber.

Cuyahoga App. No. 97797, 2012-Ohio-2516. Reported at 132 Ohio St.3d 1517, 2012-Ohio-4021, 974 N.E.2d 114. On motion for reconsideration. Motion denied.