

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 7, 2012

[Cite as *03/07/2012 Case Announcements, 2012-Ohio-896.*]

MERIT DECISIONS WITHOUT OPINIONS

2011-2154. State ex rel. Washington v. Rowlands.

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.

2011-2202. Moody v. Morgan.

In Quo Warranto. On respondent's motion to dismiss and relator's motion for entry of default. Motion to dismiss granted. Motion for entry of default denied as moot. Cause dismissed.

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

2012-0016. State ex rel. Payne v. Sheeran.

In Procedendo. On respondent's answer and motion for judgment on the pleading, and relator's motion to strike. Motion for judgment on the pleadings granted. Motion to strike denied as moot. Cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2011-2040. Holmes v. Crawford Machine, Inc.

Crawford App. No. 3-11-12, 2011-Ohio-5741. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the

issue stated at page 1 of the court of appeals' journal entry filed November 7, 2011:

“When a claimant/employee petitions the common pleas court to participate in the workers' compensation fund for multiple claims/conditions and the trier of fact finds that the claimant/employee is entitled to participate in the fund for at least one of those claims/conditions but not all of the claims/conditions, does the trial court abuse its discretion under R.C. 4123.512(F) by taxing an opposing party attorney's fees and costs that are strictly related to the claims/conditions for which the trier of fact determined that the claimant/employee was ineligible to participate in the fund?”

The conflict case is *Hollar v. Pleasant Twp.*, Franklin App. No. 03AP-250, 2003-Ohio-6827.

2011-0778. State v. Noling.

Portage C.P. No. 95 CR 220. Upon further review, the parties are to brief the following issue:

“In view of *State v. Davis*, 131 Ohio St.3d 1, 2011-Ohio-5028, whether R.C. 2953.73(E)(1), which confers jurisdiction on this court to consider Noling's appeal, is constitutional.”

The following briefing schedule is set for the filing of briefs: Appellant shall file his brief within 20 days of the date of this entry and appellee shall file its brief within 15 days after the filing of appellants' brief.

2011-0990. State v. Simons.

Champaign App. No. 2010 CA 7, 193 Ohio App.3d 784, 2011-Ohio-2071. On motion to consolidate with 2011-1627, *State v. Simons*. Motion denied.

2012-0041. Bank of New York Mellon v. Calhoun.

Cuyahoga App. No. 97489. On motion for stay of proceedings. Motion denied.

2012-0074. State v. Payne.

Hamilton App. No. C-060437. On motion for delayed appeal. Motion denied.

2012-0112. State v. Craver.

Greene App. No. 2010-CA-57, 2011-Ohio-5542. On motion for delayed appeal. Motion denied.

Pfeifer and McGee Brown, JJ., dissent

2012-0129. State v. Miller.

Montgomery App. No. 23965, 2011-Ohio-2828. On motion for delayed appeal. Motion denied.

2012-0132. State v. Ott.

Portage App. No. 2007-P-0093. On motion for delayed appeal. Motion denied.

2012-0136. State v. Primus.

Cuyahoga App. No. 96191, 2011-Ohio-5497. On motion for delayed appeal. Motion granted.

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

2012-0140. State v. Rader.

Butler App. No. CA2010-11-310, 2011-Ohio-5084. On motion for delayed appeal. Motion denied.

Pfeifer, Lundberg Stratton, and Cupp, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2011-2025. DiFranco v. First Energy.

Geauga App. No. 2010-G-2990, 2011-Ohio-5434.

Pfeifer and O'Donnell, JJ., dissent.

2011-2075. State v. Steele.

Hamilton App. No. C-100637, 2011-Ohio-5479. Discretionary appeal accepted on Proposition of Law I.

Cupp, J., would also accept Proposition of Law II.

O'Connor, C.J., and Pfeifer, J., would accept all propositions of law.

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

2011-2094. State v. Williams.

Cuyahoga App. No. 94965, 2011-Ohio-5650.

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

2011-2104. Bank of Am., Natl. Assn. v. Jimenez.

Delaware App. No. 2011CAE050046, 2011-Ohio-5606. Discretionary appeal accepted. Sua sponte cause held for the decision in 2011-1201 and 2011-1362, *Fed. Home Loan Mtge. Corp. v. Schwartzwald*, Greene App. No. 2010 CA 41, 2011-Ohio-2681; and briefing schedule stayed.

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

2011-2126. State v. Howard.

Montgomery App. No. 24680, 2011-Ohio-5693.

Lanzinger and Cupp, JJ., would hold the cause for the decision in 2011-1066, *State v. Brunning*, Cuyahoga App. No. 95376, 2011-Ohio-1936.

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

APPEALS NOT ACCEPTED FOR REVIEW

2011-1627. State v. Simons.

Champaign App. No. 2010 CA 7, 193 Ohio App.3d 784, 2011-Ohio-2071. Discretionary appeal not accepted. On motion to consolidate with case number 2011-0990, *State v. Simons*, Champaign App. No. 2010 CA 7, 193 Ohio App.3d 784, 2011-Ohio-2071. Motion denied as moot.

2011-1673. State v. Fisk.

Summit App. No. 25610, 2011-Ohio-4064.

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

2011-1716. State v. Thomas.

Licking App. No. 10-CA-125, 2011-Ohio-3932.

2011-2023. State v. Miley.

Richland App. No. 2011 CA 0005, 2011-Ohio-5647.

2011-2024. Huntington Natl. Bank v. Prospect Park, L.L.C.

Cuyahoga App. No. 96218, 2011-Ohio-5391.

2011-2027. State v. Wilcox.

Cuyahoga App. No. 96079, 2011-Ohio-5388.

2011-2031. State v. Fields.

Muskingum App. No. CT11-0037, 2011-Ohio-6044.

2011-2041. Daugherty v. Wayne Cty. Bd. of Commrs.

Wayne App. No. 10CA0046, 2011-Ohio-5432.

2011-2048. State v. Martin.

Hamilton App. No. C-110262.

2011-2053. Beechwood II, L.P. v. Clermont Cty. Bd. of Revision.

Clermont App. No. CA2011-04-033, 2011-Ohio-5449.

2011-2054. In re A.E.

Licking App. No. 10-CA-107, 2011-Ohio-4746.

2011-2060. State v. Smith.

Hamilton App. No. C-100743.

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

2011-2062. Tiffin Univ. v. Rosenblatt.

Seneca App. Nos. 13-10-37 and No. 13-10-38.

2011-2065. State v. Alltop.

Montgomery App. No. 24324, 2011-Ohio-5541.

Cupp, J., dissents and would accept the appeal and hold the cause for the decision in 2011-1066, *State v. Brunning*, Cuyahoga App. No. 95376, 2011-Ohio-1936.

2011-2066. Fehrenbach v. O'Malley.

Hamilton App. No. C-100730, 2011-Ohio-5481.

2011-2067. State v. Kaba.

Hamilton App. No. C-100812.

2011-2068. State v. Emerick.

Montgomery App. No. 24215, 2011-Ohio-5543.

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

O'Donnell and Cupp, JJ., dissent.

2011-2070. State v. Henson.

Hamilton App. No. C-100526.

O'Donnell, J., dissents.

2011-2071. State v. Green.

Stark App. No. 2011 CA 00127, 2011-Ohio-5611.

2011-2074. Innovative Technologies Corp. v. Advanced Mgt. Technology, Inc.

Montgomery App. No. 23819, 2011-Ohio-5544.

2011-2077. State v. Rizer.

Meigs App. No. 10CA3, 2011-Ohio-5702.

Pfeifer, J., dissents.

2011-2085. State v. Wilson.

Lucas App. No. L-11-1171.

2011-2088. State v. Lennox.

Lake App. No. 2010-L-104, 2011-Ohio-5103.

2011-2095. Feazel v. Mills.

Butler App. No. CA2011-02-022, 2011-Ohio-5589.

Pfeifer, J., dissents.

2011-2097. Strong v. Ohio State Adult Parole Auth.

Franklin App. No. 11AP-52, 2011-Ohio-5615.

Lanzinger, J., dissents.

2011-2098. State v. Hollins.

Hancock App. No. 5-10-41, 2011-Ohio-5588.

O'Donnell, J., dissents.

2011-2101. State v. Gibson.

Franklin App. No. 10AP-1047, 2011-Ohio-5614.

2011-2102. State v. Allen.

Hamilton App. No. C-110152.

2011-2103. Crabtree v. Cook.

Franklin App. No. 10AP-343, 2011-Ohio-5612.

2011-2105. U.S. Bank Natl. Assn. v. Kafantaris.

Trumbull App. No. 2011-T-0002, 2011-Ohio-5601.

Pfeifer, J., dissents.

2011-2106. State v. Bryant.

Mahoning App. No. 99 CA 135.

2011-2109. Martin v. Mid-East Career & Technology Ctrs. Bd. of Edn.
Muskingum App. No. CT11-0015, 2011-Ohio-5753.

2011-2111. State v. Collins.
Cuyahoga App. No. 95422, 2011-Ohio-4808.
O'Connor, C.J., dissents.

2011-2112. Riotte v. Cleveland.
Cuyahoga App. No. 96129, 2011-Ohio-4507.

2011-2115. State v. Dingess.
Franklin App. No. 10AP-848, 2011-Ohio-5659.

2011-2116. State v. Bachman.
Stark App. No. 2011CA00125, 2011-Ohio-6151.

2011-2120. State v. Mobley.
Paulding App. No. 11-11-04. Discretionary appeal not accepted. Motion to dismiss denied as moot.

2011-2121. State v. Stall.
Crawford App. No. 3-10-12, 2011-Ohio-5733.
Lundberg Stratton, Lanzinger, and Cupp, JJ., dissent and would accept the appeal and hold the cause for the decision in 2011-0619, *State v. Williams*, Cuyahoga App. No. 94616, 2011-Ohio-925.

2011-2122. Fulton v. Ohio Dept. of Job & Family Servs.
Cuyahoga App. No. 96562, 2011-Ohio-5673.

2011-2124. State v. Bronczyk.
Cuyahoga App. No. 96326, 2011-Ohio-5924.

2011-2125. State v. Wright.
Summit App. No. 25638, 2011-Ohio-5641.
O'Connor, C.J., not participating.

2011-2127. State v. Rawnsley.
Montgomery App. No. 24594, 2011-Ohio-5696.

2011-2128. State v. J.K.

Cuyahoga App. No. 96574, 2011-Ohio-5675.

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

2011-2129. State v. Dejarnette.

Cuyahoga App. No. 96553, 2011-Ohio-5672.

2011-2130. State v. Mills.

Richland App. No. 10CA119, 2011-Ohio-5793.

Pfeifer and O'Donnell, JJ., dissent.

2011-2132. State v. Hopkins.

Erie App. No. E-10-027, 2011-Ohio-5908.

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

2011-2140. State v. Doty.

Clermont App. No. CA2011-09-065.

2011-2144. State v. Todd.

Stark App. No. 2011CA00020, 2011-Ohio-5800.

Lundberg Stratton, J., dissents.

2011-2149. Holmes v. Crawford Machine, Inc.

Crawford App. No. 3-11-09, 2011-Ohio-5741.

2011-2150. Holmes v. Crawford Machine, Inc.

Crawford App. No. 3-11-12, 2011-Ohio-5741.

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

2011-2155. Novik v. Kroger Co.

Marion App. No. 9-11-21, 2011-Ohio-5737.

2011-2162. State v. Valentine.

Cuyahoga App. No. 96047, 2011-Ohio-5828.

2011-2166. State v. Mayes.

Cuyahoga App. No. 96052, 2011-Ohio-6260.

2011-2171. State v. Thomas.

Cuyahoga App. No. 94042, 2011-Ohio-6070.

2011-2174. Grier v. Bradshaw.

Richland App. No. 11CA57, 2011-Ohio-6361.

2011-2176. State v. Criswell.

Hamilton App. Nos. C-110135 and C-110286, 2011-Ohio-5786.

2011-2179. Phillips v. Am. Elec. Power.

Jefferson App. No. 10 JE 13, 2011-Ohio-6731.

2011-2183. State v. Williams.

Summit App. No. 25827, 2011-Ohio-6067.

2011-2188. State v. Clark.

Hamilton App. No. C-100693, 2011-Ohio-6030.

2011-2189. Mahoney v. HB Emp. Servs., L.L.C.

Cuyahoga App. No. 96603, 2011-Ohio-5186.

O'Connor, C.J., dissents.

2011-2198. State v. Hartman.

Muskingum App. No. CT2011-CA-19, 2011-Ohio-6112.

2011-2199. State v. Atkinson.

Cuyahoga App. No. 95602, 2011-Ohio-5918.

O'Donnell, J., dissents.

2011-2201. State v. Cabrales.

Hamilton App. No. C-050682.

2011-2205. State v. Huber.

Clark App. No. 2010-CA-83, 2011-Ohio-6175.

2012-0003. State v. Pritchett.

Montgomery App. No. 24183, 2011-Ohio-5978.

O'Connor, C.J., and Lanzinger and Cupp, JJ., dissent and would accept the appeal and hold the cause for the decision in 2011-1066, *State v. Brunning*, Cuyahoga App. No. 95376, 2011-Ohio-1936.

2012-0017. State v. Henry.

Hamilton App. No. C-100751.

2012-0021. Shampine v. Ohio Dept. of Job & Family Servs.
Franklin App. No. 11AP-123, 2011-Ohio-6057.

2012-0025. State v. Robison.
Medina App. No. 11CA0010-M, 2011-Ohio-5999.
O'Donnell, J., dissents.

2012-0026. State v. Reed.
Clark App. No. 2011 CA 3, 2011-Ohio-6304. Discretionary appeal not accepted.
Motion informing the court of resent evidence and medical test which warrants the court's attention denied as moot.

2012-0028. State v. Grooms.
Summit App. No. 25819, 2011-Ohio-6062.
O'Connor, C.J., not participating.
O'Donnell, J., dissents.

2012-0043. State v. Scott.
Madison App. No. CA2011-02-003, 2011-Ohio-6534.

2012-0046. State v. Woods.
Cuyahoga App. No. 96487, 2011-Ohio-5825.

2012-0069. State v. Hill.
Mahoning App. No. 09-MA-202, 2011-Ohio-6217.

2012-0183. In re Adoption of M.C.
Jackson App. Nos. 11CA5 and 11CA6. Discretionary appeal not accepted.
Motion for stay denied as moot.