

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

February 15, 2013

[Cite as *02/15/2013 Case Announcements, 2013-Ohio-502.*]

MOTION AND PROCEDURAL RULINGS

1987-1159. State v. Van Hook.

Hamilton App. No. C-850565. This cause came on for further consideration upon appellee's motion to set an execution date.

Upon consideration thereof, it is ordered by the court that the motion is granted.

It is further ordered that Robert J. Van Hook's sentence be carried into execution by the warden of the Southern Ohio Correctional Facility, or in his absence, by the deputy warden on Thursday, March 12, 2015, in accordance with the statutes so provided.

It is further ordered that a certified copy of this entry and a warrant under the seal of this court be duly certified to the warden of the Southern Ohio Correctional Facility and that said warden shall make due return thereof to the clerk of the Court of Common Pleas of Hamilton County.

O'Neill, J., dissents.

2012-2173. King v. King.

Medina App. Nos. 11CA0006-M, 11CA0023-M, and 11CA0069-M, 2012-Ohio-5219. This cause is pending before the court as a jurisdictional appeal.

Upon consideration of the memoranda in support of jurisdiction filed on January 28, 2013, by appellees Christopher D. King and Elizabeth A. King, it is ordered by the court, sua sponte, that all propositions of law in the memoranda are stricken for noncompliance with S.Ct.Prac.R. 7.03(B)(2), and the memoranda shall be considered memoranda in response to appellant David C. King's memorandum in support of jurisdiction.

DISCIPLINARY CASES

2012-1714. Disciplinary Counsel v. Schuler.

On October 9, 2012, the Board of Commissioners on Grievances and Discipline filed a final report in the office of the clerk of this court pursuant to BCGD Proc.Reg. 11(D), in which the board accepted the agreement entered into by relator, disciplinary counsel, and respondent, Robert Carl Schuler. The agreement set forth the misconduct and the agreed, recommended sanction of an 18-month suspension with credit for time served under respondent's interim felony suspension. The board recommended that the agreement be accepted. The court, sua sponte, issued an order waiving the issuance of a show-cause order, and this matter was submitted to the court on the report and record filed by the board.

It is hereby ordered by the court, sua sponte, that the recommended sanction is rejected. It is further ordered that, pursuant to Gov.Bar R. V(8)(D), this cause is remanded to the Board of Commissioners on Grievances and Discipline for further proceedings, including consideration of a more severe sanction. Proceedings before this court in this case are stayed until further order of this court. Costs to abide final determination of the case.

Pfeifer and O'Neill, JJ., dissent and would accept the agreed sanction.

Kennedy, J., not participating.

2012-1715. Disciplinary Counsel v. Taubman.

On October 9, 2012, the Board of Commissioners on Grievances and Discipline filed a final report in the office of the clerk of this court pursuant to BCGD Proc.Reg. 11(D), in which the board accepted the agreement entered into by relator, disciplinary counsel, and respondent, Bruce David Taubman. The agreement set forth the misconduct and the agreed, recommended sanction of a six-month suspension with the entire suspension stayed. The board recommended that the agreement be accepted. The court, sua sponte, issued an order waiving the issuance of a show-cause order, and this matter was submitted to the court on the report and record filed by the board.

It has come to the court's attention that the affidavit submitted by respondent does not comply with BCGD Proc.Reg. 11(B). Specifically, the affidavit does not include a statement that respondent agreed to the sanction recommended by the board (*see* BCGD Proc.Reg. 11(B)(4)(c)), and the affidavit does not include the statements required by BCGD Proc.Reg. 11(B)(4)(d) and (e). *See Columbus Bar Assn. v. Williams*, 125 Ohio St.3d 1456, 2010-Ohio-2752, 928 N.E.2d 454 (remanding cause for further proceedings when the affidavit did not include statements required by BCGD Proc.Reg. 11(B)(4)). Accordingly, it is

hereby ordered by the court, sua sponte, that this cause is remanded to the Board of Commissioners on Grievances and Discipline for further proceedings.

Proceedings before this court in this case are stayed until further order of this court. Costs to abide final determination of the case.

Pfeifer and O'Neill, JJ., dissent and would accept the agreed sanction.

MISCELLANEOUS DISMISSALS

2012-2146. In re M.D.

Knox App. No. 12-CA-25. This cause is pending before the court as a jurisdictional appeal. The records of this court indicate that appellant has not filed a memorandum in support of jurisdiction, due February 4, 2013, in compliance with the Rules of Practice of the Supreme Court of Ohio and therefore has failed to prosecute this cause with the requisite diligence.

Upon consideration thereof, it is ordered by the court that this cause is dismissed.

MEDIATION MATTERS

The following case has been referred to mediation pursuant to S.Ct.Prac.R. 19.01(A):

2013-0156. Kevin O'Brien & Assocs. Co., L.P.A. v. Tyack.