

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 24, 2014

[Cite as *07/24/2014 Case Announcements*, 2014-Ohio-3216.]

MERIT DECISIONS WITH OPINIONS

2012-2093 and 2012-2156. State v. Amos, Slip Opinion No. 2014-Ohio-3160.

Cuyahoga App. No. 97719, 2012-Ohio-3954, and Cuyahoga App. No. 97531, 2012-Ohio-3946. Judgment reversed in 2012-2093, *State v. Amos*. Judgment affirmed in 2012-2156, *State v. Richmond*.

O'Neill, J., concurs.

O'Connor, C.J., and Kennedy and French, JJ., concur in judgment only.

Pfeifer and Lanzinger, JJ., concur in part and dissent in part.

O'Donnell, J., dissents.

2013-0167. State v. Bonnell, Slip Opinion No. 2014-Ohio-3177.

Delaware App. No. 12CAA030022, 2012-Ohio-5150. Judgment reversed, sentence vacated, and cause remanded.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, and O'Neill, JJ., concur.

Kennedy and French, JJ., concur in part and dissent in part.

MOTION AND PROCEDURAL RULINGS

2011-0538. State v. Davis.

Butler App. No. CA2009-10-263, 2011-Ohio-787. This cause came for further consideration upon appellant's filing of a motion for stay of execution of death sentence scheduled for August 17, 2016.

Upon consideration of appellant's motion for stay of execution of death sentence pending disposition of available state remedies, it is ordered by the court

that the motion is granted. It is further ordered that this stay shall remain in effect until exhaustion of all state postconviction proceedings, including any appeals.

2013-1730. Dodd v. Croskey.

Harrison App. No. 12 HA 6, 2013-Ohio-4257. This cause is pending before the court as an appeal from the Court of Appeals for Harrison County.

Upon consideration of appellants' motion to strike briefs, it is ordered by the court that the motion is denied.

O'Donnell and Kennedy, JJ., concur in part and dissent in part.

Lanzinger, J., not participating.

O'Donnell, J., concurring in part and dissenting in part.

In accord with *State v. Emerson*, 129 Ohio St.3d 1464, 2011-Ohio-4449, 952 N.E.2d 1150, *State v. LaPrairie*, 129 Ohio St.3d 1420, 2011-Ohio-3607, 950 N.E.2d 973, and *Cleveland Metro. Bar Assn. v. Berk*, 129 Ohio St.3d 1435, 2011-Ohio-4001, 951 N.E.2d 789, I would grant the motion to strike as to John Croskey's brief because of its failure to comply with mechanical requirements, and I would order that he file a conforming brief within ten days of the entry. I would deny the motion to strike as to the brief of Harriet Evans.

Kennedy, J., concurs in the foregoing opinion.

2014-0235. Hillenmeyer v. Cleveland Bd. of Rev.

Board of Tax Appeals, No. 2009-3688. This cause is pending before the court as an appeal from the Board of Tax Appeals.

It is ordered by the court, sua sponte, that the attorney general of Ohio is requested to file an amicus brief addressing appellant's fourth proposition of law, and specifically to address the validity of R.C. 718.011 under the Equal Protection Clause, along with any issue of severability that would arise should an equal-protection violation be found. Should the attorney general agree to file a brief as requested by this court, the brief shall be filed within 30 days of the date of this entry. Any party may respond to the attorney general's brief within 30 days after it has been filed.

2014-0564. Fronimo v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2013-4251. This cause is pending before the court as an appeal from the Board of Tax Appeals.

Upon consideration of the joint motion to remand to the Board of Tax Appeals to implement a settlement agreement, it is ordered by the court that the

motion is granted and the cause is remanded to the Board of Tax Appeals to take further action as appropriate.

It is further ordered that a mandate be sent to and filed with the Board of Tax Appeals.

2014-0977. Stewart v. [Elliott].

Portage App. No. 2013-P-0009, 2014-Ohio-1872. This cause is pending before the court as a jurisdictional appeal.

Upon consideration of the motion for admission pro hac vice of Michael Artz, it is ordered by the court that the motion is granted. Pursuant to Gov.Bar R. XII(4), counsel shall file a notice of permission to appear pro hac vice with the Supreme Court's Office of Attorney Services within 30 days of the date of this entry.

2014-1080. State v. Howard.

Cuyahoga App. No. 100094, 2014-Ohio-2176. This cause is pending before the court as a jurisdictional appeal.

Upon consideration of appellant's motion to exceed page limitation, it is ordered by the court that the motion is denied.

It is further ordered by the court, sua sponte, that appellant shall file an amended memorandum in support of jurisdiction that is no more than 15 pages in length, within 15 days of the date of this entry, and appellee may file a memorandum in response within 30 days of appellant's amended memorandum in support of jurisdiction.

MISCELLANEOUS DISMISSALS

2014-0646. Campbell v. Bunting.

Marion App. No. 9-14-08. This cause is pending before the court as an appeal from the Court of Appeals for Marion County. The records of this court indicate that appellant has not filed a merit brief, due July 17, 2014, 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.

It is further ordered that a mandate be sent to and filed with the clerk of the Court of Appeals for Marion County.