

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

April 12, 2010

[Cite as *4/12/2010 Case Announcements*, 2010-Ohio-1623.]

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### **SLIP OPINIONS REPLACED BY OHIO OFFICIAL REPORTS VERSIONS AS OF APRIL 12, 2010**

The official versions of the opinions listed below, which were previously released as slip opinions, have been published in the April 12, 2010 Ohio Official Reports advance sheet. These opinions should now be cited using the Ohio Official Reports citation format.

**2007-0866. State v. Leonard, 124 Ohio St.3d 470, 2010-Ohio-717.**

**2007-1407. State v. Ross, 124 Ohio St.3d 471, 2010-Ohio-719.**

**2007-2303. State v. Taylor, 124 Ohio St.3d 472, 2010-Ohio-721.**

**2008-0057. State v. Harris, 124 Ohio St.3d 472, 2010-Ohio-722.**

**2008-1241. State v. Armstrong, 124 Ohio St.3d 473, 2010-Ohio-724.**

**2008-1246. State v. Harris, 124 Ohio St.3d 474, 2010-Ohio-723.**

**2008-1424. State v. Satterfield, 124 Ohio St.3d 474, 2010-Ohio-725.**

**2008-1562. In re M.P., 124 Ohio St.3d 445, 2010-Ohio-599.**

**2008-2009. State v. Downing, 124 Ohio St.3d 475, 2010-Ohio-716.**

**2009-0026. State ex rel. Nickoli v. Erie MetroParks, 124 Ohio St.3d 449, 2010-Ohio-606.**

**2009-1542. Allen Cty. Bar Assn v. Schramski, 124 Ohio St.3d 465, 2010-Ohio-630.**

**2009-1544. Disciplinary Counsel v. Nicks, 124 Ohio St.3d 460, 2010-Ohio-600.**

### **MERIT DECISIONS WITH OPINIONS**

Reporter's Note: The late Chief Justice Thomas J. Moyer participated in the deliberations in, and the final resolution of, the merit decisions with opinions reported below prior to his death.

**2009-0919. NBC-USA Hous., Inc.-Five v. Levin, Slip Opinion No. 2010-Ohio-1553.**

Board of Tax Appeals, No. 2006-N-1492. Decision affirmed.

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

Lundberg Stratton, J., concurs separately.

**2009-1535. Cleveland Metro. Bar Assn. v. Kealy, Slip Opinion No. 2010-Ohio-1554.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-075. John C. Kealy, Attorney Registration No. 0031331, is suspended from the practice of law in Ohio for 18 months, with 12 months stayed on condition.

Pfeifer, Lundberg Stratton, O'Donnell, and Lanzinger, JJ., concur.

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

**2009-2037. Columbus Bar Assn. v. Kiesling, Slip Opinion No. 2010-Ohio-1555.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-057. Charles Mark Kiesling, Attorney Registration No. 0019576, is permanently disbarred from the practice of law in Ohio.

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

**2009-2244. Disciplinary Counsel v. Riek, Slip Opinion No. 2010-Ohio-1556.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 09-010. F. Benjamin Riek III, Attorney Registration No. 0022703, is suspended from the practice of law in Ohio for 18 months, with 12 months stayed on condition.

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

## **MOTIONS AND PROCEDURAL RULINGS**

Reporter's Note: The late Chief Justice Thomas J. Moyer did not participate in the motion and procedural rulings reported below.

### **In re Karnofel.**

On February 10, 2010, this court found Delores M. Karnofel to be a vexatious litigator under S.Ct.Prac.R. 14.5(B). This court further ordered that Karnofel was prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. On March 31, 2010, and April 5, 2010, Karnofel submitted motions for leave to proceed and motions for reconsideration. Upon review of the proffered documents, the court finds them without merit. Accordingly,

It is ordered by the court that Delores M. Karnofel's motions for leave are denied.

Pfeifer, Acting C.J.

### **In re Sherrills.**

On March 31, 2008, this court found Daries Sherrills to be a vexatious litigator under S.Ct.Prac.R. 14.5(B). This court further ordered that Sherrills was prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. On March 30, 2010, Sherrills submitted a request for leave to file an appeal. Upon review of the proffered document, the court finds it without merit. Accordingly,

It is ordered by the court that Sherrills is denied leave to file an appeal.

Pfeifer, Acting C.J.

### **2009-0232. State v. Lanier.**

Hamilton App. No. C-080162, 2008-Ohio-6906. It is ordered by the court, sua sponte, that this cause is no longer held for the decision in Supreme Court case No. 2008-2037, *State v. Williams*, and the briefing schedule shall proceed.

It is ordered by the court that the clerk shall issue an order for the transmission of the record from the Court of Appeals for Hamilton County.

It is further ordered that briefing in case Nos. 2009-0232 and 2009-0328 shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. 6.2 through 6.7 and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 6.2 through 6.7.

Pfeifer, Acting C.J.

**2009-0328. State v. Lanier.**

Hamilton App. No. C-080162, 2008-Ohio-6906. It is ordered by the court, sua sponte, that this cause is no longer held for the decision in Supreme Court case No. 2008-2037, *State v. Williams*, and the briefing schedule shall proceed.

It is ordered by the court that the clerk shall issue an order for the transmission of the record from the Court of Appeals for Hamilton County.

It is further ordered that briefing in case Nos. 2009-0328 and 2009-0232 shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. 6.2 through 6.7 and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 6.2 through 6.7.

Pfeifer, Acting C.J.

**2009-1807. State v. Little.**

Miami App. No. 2008 CA 18, 183 Ohio App.3d 680, 2009-Ohio-4403. This cause is pending before the court as an appeal from the Court of Appeals for Miami County. Upon consideration of the Ohio Public Defender's motions to strike the notice of appeal and to dismiss,

It is ordered by the court that the motions are denied. The Ohio Public Defender may file a memorandum in response to the memorandum in support of jurisdiction within 30 days of the date of this entry. The time for filing of appellant's merit brief is stayed, and the clerk shall not accept for filing any merit brief until further order by the court.

Pfeifer, Acting C.J., and O'Connor, J., dissent and would grant the motion to dismiss.

**MISCELLANEOUS DISMISSALS**

Reporter's Note: The late Chief Justice Thomas J. Moyer did not participate in the ruling reported below.

**2010-0036. Duncan v. Fifth Dist. Court of Appeals.**

In Mandmaus and Procedendo. This cause originated in this court on the filing of a complaint for a writ of mandamus and procedendo. Upon consideration of relator's application for dismissal,

It is ordered by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

Pfeifer, Acting C.J.