

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

March 16, 2011

[Cite as *03/16/2011 Case Announcements, 2011-Ohio-1049.*]

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## MERIT DECISIONS WITHOUT OPINIONS

**2010-2238. [State ex rel.] Sassano v. Fuerst.**

In Mandamus and Prohibition. On motion for judgment on the pleadings. Motion for judgment on the pleadings granted. Cause dismissed.

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

O'Donnell, J., dissents and would grant an alternative writ.

**2011-0026. State ex rel. Holloman v. Klatt.**

In Mandamus. 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.

**2011-0036. [State ex rel.] Bevins v. Cartolano.**

In Mandamus and 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.

**2011-0046. [State ex rel.] Green v. Ohio Adult Parole Auth.**

In Mandamus. 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.

**2011-0184. Ricks v. Trim.**

In Habeas Corpus. On petition for writ of habeas corpus of Ana Lisa Ricks. Sua sponte, cause dismissed.

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

**2011-0186. Nickelson v. Knab.**

In Habeas Corpus. On petition for writ of habeas corpus of LeShawn Nickelson. Sua sponte, cause dismissed.

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

**2011-0194. Young v. Bradshaw.**

In Habeas Corpus. On petition for writ of habeas corpus of Arnett L. Young. 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**

**2010-1536. State ex rel. O'Shea & Assoc. Co., L.P.A. v. Cuyahoga Metro. Hous. Auth.**

Cuyahoga App. No. 93275, 190 Ohio App.3d 218, 2010-Ohio-3416. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County.

Upon review of the motion for admission pro hac vice of Daniel J. Lenerz for amicus curiae United States of America, it is ordered by the court that amicus curiae shall file a supplemental motion for admission pro hac vice that includes an affidavit, as required by Gov.Bar R. XII(2)(A)(6)(c), within ten days of the date of this entry.

**2010-2266. In re G.T.B.**

Franklin App. No. 10AP-1057. On motion to dismiss. Motion denied.

Lundberg Stratton, J., dissents.

**2011-0008. State v. Harris.**

Cuyahoga App. No. 95128, 2010-Ohio-5374. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' Journal Entry filed December 6, 2010:

“Does the failure to include a mandatory driver’s license suspension in a criminal sentence render that sentence void?”

O’Donnell, J., would hold the cause for the decision in 2010-1605, *State ex rel. Davis v. Ewers*.

Pfeifer, J., dissents.

The conflict case is *State v. Thomas*, Hamilton App. Nos. C-090716 and C-090463, 2010-Ohio-4856.

Sua sponte, cause consolidated with 2011-0010, *State v. Harris*, Cuyahoga App. No. 95128, 2010-Ohio-5374.

**2011-0121. State v. Pinkney.**

Cuyahoga App. No. 91861, 2010-Ohio-237. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2011-0136. State v. Wharton.**

Ross App. No. 09CA3132, 2010-Ohio-4775. On motion for leave to file delayed appeal. Motion denied.

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

**2011-0147. State v. Richey.**

Stark App. No. 2010CA00274. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, Lundberg Stratton, and McGee Brown, JJ., dissent.

**2011-0160. State v. Zonou.**

Hamilton App. No. C-090903. On motion for leave to file delayed appeal. Motion granted.

O’Connor, C.J., dissents.

**2011-0185. State v. Colley.**

Scioto App. No. 09CA3323, 2010-Ohio-4834. On motion for leave to file delayed appeal. Motion granted.

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

**2011-0189. State v. Raleigh.**

Clermont App. Nos. CA2009-08-046 and CA2009-08-047, 2010-Ohio-2966. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2011-0200. State v. McCumbers.**

Summit App. No. 25169, 2010-Ohio-6129. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' Journal Entry filed January 19, 2011:

“Whether, for the purpose of enhancing the offense level in an OVI case, the [s]tate is required to prove the prior OVI convictions by providing a judgment of conviction executed in conformity with CrimR. 32(C)?”

Pfeifer, J., dissents.

The conflict case is *State v. Finney*, Fulton App. No. F-06-009, 2006-Ohio-5770.

**2011-0202. State v. Qualls.**

Meigs App. No. 10CA8, 2010-Ohio-5316. On review of order certifying a conflict. The court determines that a conflict exists. The parties shall brief the issue stated at page 6 of the court of appeals' Entry filed January 13, 2011:

“If a defendant is notified about postrelease control at the sentencing hearing, but that notification is inadvertently omitted from the sentencing entry, can that omission be corrected with a nunc pro tunc entry?”

Pfeifer and O'Donnell, JJ., dissent.

The conflict case is *State v. Lee*, Lucas App. No. L-09-1279, 2010-Ohio-1704.

**2011-0222. In re Guardianship of Soltesz.**

Erie App. No. E-10-063. On motion for stay of court of appeals' judgment. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

**2011-0223. In re Guardianship of Soltesz.**

Erie App. No. E-10-057. On motion for stay of court of appeals' judgment. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

**2011-0278. State v. Slates.**

Summit App. No. 25019, 2011-Ohio-295. On motions for stay of court of appeals' judgment and for bail pending appeal. Motions denied.

McGee Brown, J., dissents.

**APPEALS ACCEPTED FOR REVIEW**

**2010-2138. Spencer v. FHI, L.L.C.**

Miami App. No. 09-CA-44, 2010-Ohio-5288.  
Pfeifer, Lanzinger, and McGee Brown, JJ., dissent.

**2010-2159. Goodman v. Mayhew.**

Montgomery App. Nos. 23834, 23835, and 23842, 2010-Ohio-5273.  
Lanzinger and Cupp, JJ., dissent.

**2010-2229. State v. Holloway.**

Hamilton App. No. C-100219. Discretionary appeal accepted; cause held for the decision in 2010-0819, *State v. Mbodji*, Hamilton App. No. C-090384; and briefing schedule stayed.

Pfeifer and O'Donnell, JJ., dissent.

Motion for stay of jurisdictional consideration denied as moot.

**2011-0010. State v. Harris.**

Cuyahoga App. No. 95128, 2010-Ohio-5374. Discretionary appeal accepted on Proposition of Law No. II and cause consolidated with 2011-0008, *State v. Harris*, Cuyahoga App. No. 95128, 2010-Ohio-5374.

Lundberg Stratton, O'Donnell, and Lanzinger, JJ., would also accept the appeal on Proposition of Law No. I.

Pfeifer, J., dissents.

**2011-0033. State v. Johnson.**

Butler App. No. CA2009-12-307, 2010-Ohio-5808.

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

**2011-0049. State v. Vickers.**

Franklin App. No. 10AP-318. Discretionary appeal accepted on Proposition of Law No. II.

Lundberg Stratton, O'Donnell, and Cupp, JJ., would also accept the appeal on Proposition of Law Nos. I and III.

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

**APPEALS NOT ACCEPTED FOR REVIEW**

**2010-1822. State v. Miller.**

Lawrence App. No. 10CA2, 2010-Ohio-3710.

**2010-1897. State v. Lawson.**

Hamilton App. No. C-080877, 2010-Ohio-4115.

**2010-2132. In re A.B.**

Cuyahoga App. No. 95057, 2010-Ohio-5413.

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

**2010-2133. State v. Crosky.**

Franklin App. No. 10AP-399, 2010-Ohio-5264.

**2010-2137. Ironton v. Rist.**

Lawrence App. No. 10CA10, 2010-Ohio-5292.

O'Donnell and Lanzinger, JJ., dissent.

**2010-2146. Republic Bank v. Conner.**

Summit App. No. 25028, 2010-Ohio-5212.

O'Donnell, J., dissents.

**2010-2154. Wilson v. Whitmore.**

Cuyahoga App. No. 94720, 2010-Ohio-5489.

**2010-2155. State v. Whitt.**

Clark App. No. 2010 CA 3, 2010-Ohio-5291.

**2010-2156. Delaware Cty. Bd. of Commrs. v. Home Road Holdings, L.L.C.**

Delaware App. No. 10CAE010007, 2010-Ohio-5298.

**2010-2166. Visual Edge Technology, Inc. v. Bruner-Cox, L.L.P.**

Stark App. No. 2010CA00041, 2010-Ohio-5337.

**2010-2168. State v. Stefanovski.**

Lake App. No. 2009-L-107, 2010-Ohio-5304.

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

**2010-2172. Abroms v. Synergy Bldg. Sys.**

Montgomery App. Nos. 23940, 23941, 23942, and 23943.

O'Connor, C.J., dissents.

**2010-2174. State v. Gueye.**

Hamilton App. No. C-090514.

**2010-2176. State v. Webb.**

Richland App. No. 10CA67, 2010-Ohio-5499.

**2010-2178. Ruggles v. Ruggles Family Ltd. Partnership.**

Huron App. No. H-09-031, 2010-Ohio-3923.

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

**2010-2183. State v. Dolman.**

Williams App. No. WM-10-007, 2010-Ohio-5505.

**2010-2184. State v. Adams.**

Allen App. No. 1-10-03, 2010-Ohio-5404.

**2010-2185. State v. Morris.**

Hamilton App. No. C-100711.

**2010-2187. Weldon v. Prairie Twp.**

Franklin App. No. 10AP-311, 2010-Ohio-5562.

**2010-2189. State v. Anaya.**

Lucas App. No. L-10-1046, 2010-Ohio-6045.

**2010-2191. State v. Underwood.**

Hamilton App. No. C-100129.

**2010-2196. State v. Browning.**

Highland App. No. 09CA36, 2010-Ohio-5417.

**2010-2197. Burns v. Spitzer Mgt., Inc.**

Cuyahoga App. No. 94700, 2010-Ohio-5369. Discretionary appeal not accepted.

Lundberg Stratton, J., dissents.

Motion to amend caption on notice of appeal denied as moot.

**2010-2200. State v. Marcum.**

Perry App. Nos. 10CA1 and 10CA2.

**2010-2201. Mun. Constr. Equip. Operators' Labor Council v. Cleveland.**

Cuyahoga App. No. 94057, 2010-Ohio-5351.

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

**2010-2202. Williams v. Norton.**

Cuyahoga App. No. 93829, 2010-Ohio-5349.

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

**2010-2207. State v. Arnold.**

Franklin App. No. 07AP-789, 2010-Ohio-5622.

Pfeifer, J., dissents.

McGee Brown, J., not participating.

**2010-2208. Burkart v. Burkart.**

Franklin App. No. 10AP-314, 2010-Ohio-5363. Discretionary appeal not accepted.

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

Motion to dismiss or to strike denied as moot.

**2010-2218. State v. Johnson.**

Franklin App. Nos. 10AP-137 and 10AP-138, 2010-Ohio-5440.

**2010-2220. State v. Boles.**

Lucas App. No. L-09-1285, 2010-Ohio-5503.

**2010-2221. State v. Gresh.**

Delaware App. No. 09-CAA-012-0102, 2010-Ohio-5814.

**2010-2222. State v. Cooper.**

Montgomery App. No. 23143, 2010-Ohio-5517.

**2010-2231. In re A.L.H.**

Preble App. No. CA2010-02-004, 2010-Ohio-5425.

**2010-2233. Westerville v. Williams.**

Franklin App. No. 10AP-667.

**2010-2235. State v. Marzett.**

Cuyahoga App. No. 93805, 2010-Ohio-5428.

Lanzinger and McGee Brown, JJ., dissent.

**2010-2236. State v. Schwirzinski.**

Wood App. No. WD-09-056, 2010-Ohio-5512.



**2010-2237. State v. Pierce.**

Cuyahoga App. No. 92922, 2010-Ohio-5467.

Lundberg Stratton, J., dissents.

**2010-2240. Amalgamated Transit Union, Local 627 v. Southwest Ohio Regional Transit Auth.**

Hamilton App. No. C-090766, 2010-Ohio-5494.

Cupp, J., dissents.

**2010-2241. Jones v. Ohio State Univ.**

Franklin App. No. 10AP-957.

**2010-2242. State v. Rayburn.**

Jackson App. No. 09CA6, 2010-Ohio-5693.

**2010-2246. State v. Davis.**

Stark App. No. 2010CA00293.

**2010-2250. State v. Anderson.**

Cuyahoga App. No. 94598, 2010-Ohio-5487.

McGee Brown, J., dissents.

**2010-2252. Olah v. Ganley Chevrolet, Inc.**

Cuyahoga App. No. 94273, 2010-Ohio-5485.

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

**2010-2256. Middleburg Hts. v. Bunt.**

Cuyahoga App. No. 94149, 2010-Ohio-5479.

**2010-2257. State v. Russell.**

Cuyahoga App. No. 94163, 2010-Ohio-5481.

**2010-2259. State v. Ingram.**

Medina App. No. 10CA0022-M.

**2010-2261. State v. Johnson.**

Hamilton App. No. C-090753.

**2010-2262. State ex rel. DeWine v. Republic Environmental Sys., Inc.**

Montgomery App. Nos. 23513, 23644, and 23723, 2010-Ohio-5523.

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

Pfeifer, J., dissents.

**2010-2263. State v. Blevins.**

Hamilton App. No. C-090857.

**2010-2267. State v. English.**

Hamilton App. No. C-080872.

**2010-2274. State v. Speer.**

Ottawa App. No. OT-10-021, 2010-Ohio-5648.

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

**2010-2277. State v. Beechler.**

Clark App. No. 09-CA-54.

**2010-2280. Pesta v. Parma.**

Cuyahoga App. No. 94395, 2010-Ohio-4897.

Pfeifer, J., dissents.

**2010-2281. Poneris v. Ohio Dept. of Transp.**

Franklin App. No. 10AP-80, 2010-Ohio-5553.

**2010-2282. Dover v. Carmeuse Natural Chems.**

Perry App. No. 10-CA-8, 2010-Ohio-5657.

**2010-2289. State v. Griffith.**

Franklin App. No. 10AP-94, 2010-Ohio-5556.

**2010-2290. Rorick v. Ohio Dept. of Job & Family Servs.**

Hamilton App. No. C-090627, 2010-Ohio-5571.

McGee Brown, J., dissents.

**2010-2292. Melton v. GER Taylor Gardens, L.L.C.**

Cuyahoga App. No. 95070.

**2011-0003. State v. Enyart.**

Franklin App. Nos. 08AP-184 and 08AP-318, 2010-Ohio-5623.

Pfeifer, J., dissents.

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

McGee Brown, J., not participating.

**2011-0016. State v. Singleton.**

Cuyahoga App. No. 94877, 2010-Ohio-5612.

**2011-0028. State v. Conley.**

Franklin App. No. 10AP-227, 2010-Ohio-5715.

**2011-0038. State v. Nelson.**

Cuyahoga App. No. 95420, 2010-Ohio-6032.

**2011-0048. State v. Madaris.**

Hamilton App. No. C-100202.

**2011-0053. State v. Scruggs.**

Cuyahoga App. No. 94518, 2010-Ohio-5604.

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

**2011-0057. State v. Smith.**

Hamilton App. No. C-100294.

**2011-0072. State v. Pruitt.**

Cuyahoga App. No. 95811.

**2011-0073. State v. Green.**

Mahoning App. No. 10 MA 43, 2010-Ohio-6271.

**2011-0080. State v. Skidmore.**

Mahoning App. No. 08 MA 165, 2010-Ohio-5940.

**2011-0083. State v. Starks.**

Summit App. No. 25155, 2010-Ohio-5980.

**2011-0087. Pinkney v. Ohio Dept. of Job & Family Servs.**

Cuyahoga App. No. 94696, 2010-Ohio-5252.

**2011-0103. Curtis v. Prince.**

Summit App. No. 25194, 2010-Ohio-5999.  
Lanzinger, J., dissents.

**2011-0104. State v. Mullins.**  
Hamilton App. No. C-100128.

**2011-0106. State v. Gilbert.**  
Summit App. No. 25711.

**2011-0144. In re Adoption of C.M.**  
Licking App. No. 2010 CA 00084, 2010-Ohio-6416.  
Pfeifer, J., dissents.

**2011-0167. State v. Mock.**  
Franklin App. No. 09AP-75.

## RECONSIDERATION OF PRIOR DECISIONS

**2010-1312. In re Monogudis.**  
Cuyahoga App. No. 92988, 2010-Ohio-2087. Reported at 127 Ohio St.3d 1503, 2011-Ohio-19, 939 N.E.2d 1266. On amended motion for reconsideration of Thomas J. Wozniak. Motion denied.

**2010-1417. State v. Carter.**  
Clinton App. No. CA2010-01-001. Reported at 127 Ohio St.3d 1503, 2011-Ohio-19, 939 N.E.2d 1266. On motion for reconsideration. Motion denied.

**2010-1707. State v. Troiano.**  
Franklin App. No. 09AP-862, 2010-Ohio-3019. Reported at 127 Ohio St.3d 1503, 2011-Ohio-19, 939 N.E.2d 1266. On motion for reconsideration. Motion granted to the following extent: The discretionary appeal is accepted on Proposition of Law No. I; the cause is held for the decision in 2010-1448, *State v. Barker*, Lucas App. No. L-09-1139, 2010-Ohio-3067; and the briefing schedule is stayed.  
O'Connor, C.J., and Pfeifer and Lanzinger, JJ., dissent.

**2010-1708. State v. Schleiger.**  
Preble App. No. CA2009-09-026, 2010-Ohio-4080. On motion for reconsideration and for oral argument. Motions denied.

**2010-1726. Broadview Hts. v. Stovall.**

Cuyahoga App. No. 93322, 2010-Ohio-3867. Reported at 127 Ohio St.3d 1504, 2011-Ohio-19, 939 N.E.2d 1267. On motion for reconsideration. Motion denied.  
Pfeifer and O'Donnell, JJ., dissent.

**2010-1753. In re Moore.**

Hamilton App. No. C-090576, 2010-Ohio-3991. Reported at 127 Ohio St.3d 1505, 2011-Ohio-19, 939 N.E.2d 1267. On motions for reconsideration and to reinstate stay of court of appeals' judgment. Motions denied.

**2010-1757. R&S Distrib., Inc. v. Hartage Smith Nonwovens, L.L.C.**

Hamilton App. No. C-090100, 2010-Ohio-3992. Reported at 127 Ohio St.3d 1505, 2011-Ohio-19, 939 N.E.2d 1267. On motion for reconsideration. Motion denied.  
Pfeifer, J., dissents.

**2010-1759. Sopp v. Turner.**

Franklin App. No. 10AP-25, 2010-Ohio-4021. Reported at 127 Ohio St.3d 1505, 2011-Ohio-19, 939 N.E.2d 1267. On motion for reconsideration. Motion denied.