

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 21, 2012

[Cite as *03/21/2012 Case Announcements*, 2012-Ohio-1143.]

MERIT DECISIONS WITHOUT OPINIONS

2012-0012. State ex rel. Smith v. Second Dist. Court of Appeals.

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.

2012-0034. State ex rel. Smith v. Second Dist. Court of Appeals.

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.

2012-0044. Ninth Dist. Court of Appeals v. Talafhah.

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.

2012-0066. State ex rel. Gorman v. Frye.

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.

2012-0070. Healthy Families Ohio, Inc. v. Ohio Ballot Bd.

In Mandamus and Prohibition. On relators' motion for leave to file first amended challenge and complaint, to strike the response to the motion to dismiss of Personhood Ohio, James Patrick Johnston, Frank Weimer, David Daubenmire, and Tom Raddell, and for sanctions and attorney fees pursuant to Civ.R. 11. Motion for leave to file first amended challenge and complaint, and motion to strike the response to the motion to dismiss granted. Motion for sanctions and attorney fees denied.

On answer of respondents Personhood Ohio, James Patrick Johnston, Frank Weimer, David Daubenmire, and Tom Raddell, and motion to dismiss of Ohio Ballot Board, Secretary of State Jon Husted, and Ohio Attorney General Mike DeWine. Motion to dismiss granted. Cause dismissed.

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

2012-0089. Hermiz v. Tucker.

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.

2012-0108. State ex rel. Sullivan v. Marcelain.

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.

2012-0255. Lichtenwalter v. Bobby.

In Habeas Corpus. On petition for writ of habeas corpus of Derek Lichtenwalter. 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

2008-1624. In re D.J.S.

Allen App. No. 1-07-58, 2008-Ohio-3234. On motion to enforce stay. Motion denied.

2008-1926. In re G.E.S.

Summit App. No. 24079, 2008-Ohio-4076. On motion to enforce stay. Motion denied.

2008-2257. In re M.D.G.

Allen App. No. 1-08-11, 2008-Ohio-5198. On motion to enforce stay. Motion denied.

2009-0189. In re A.R.

Licking App. No. 08-CA-17, 2008-Ohio-6581. On motion to enforce stay. Motion denied.

2009-0223. In re A.R.

Warren App. No. CA2008-03-036, 2008-Ohio-6566. On motion to enforce stay. Motion denied.

2009-0358. In re S.R.P.

Preble App. No. CA2007-11-027, 2009-Ohio-11. On motion to enforce stay. Motion denied.

2009-0826. In re J.C.

Summit App. No. 24354, 2009-Ohio-1213. On motion to enforce stay. Motion denied.

2011-0325. In re A.C.

Hamilton App. No. C-100136. On motion to enforce stay. Motion denied.

2011-0515. In re T.D.

Clinton App. No. CA2010-01-002, 2010-Ohio-6081. On motion to enforce stay. Motion denied.

2011-1027. In re A.R.R.

Ross App. No. 10CA3159. On motion to enforce stay. Motion denied.

2011-1836. White v. Travis.

In Mandamus. On motion for findings of fact and conclusions of law. Motion denied.

2011-1887. State ex rel. Harrison v. Ohio Dept. of Rehab. & Corr.

In Habeas Corpus. On motion to vacate ruling. Motion denied.

2012-0059. In re Bruce S.

Hamilton App. No. C-110042, 2011-Ohio-6634. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 4 of the court of appeals' journal entry filed December 23, 2011:

“May Senate Bill 10’s classification, registration, and community-notification provisions be constitutionally applied to a sex offender who had committed his sex offense between the July 1, 2007, repeal of Megan’s Law and the January 1, 2008, effective date of Senate Bill 10’s classification, registration, and community-notification provisions?”

The conflict case is *State v. Scott*, 8th Dist. No. 91890, 2011-Ohio-6255.

2012-0158. State v. Stevens.

Cuyahoga App. No. 97430. On motion for delayed appeal. Motion denied.

2012-0180. State v. Stout.

Hardin App. No. 6-10-16, 2011-Ohio-3522. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2012-0181. State v. Brack.

Stark App. No. 2010CA00061, 2011-Ohio-2949. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2012-0216. State v. Willan.

Summit App. No. 24894, 2011-Ohio-6603. On motion for stay. Motion denied.

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

2012-0232. State v. Backie.

Stark App. No. 2011-CA-00060, 2011-Ohio-5801. On motion for delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2012-0234. State v. Crumbley.

Cuyahoga App. No. 97402. On motion for delayed appeal. Motion denied.

McGee Brown, J., dissents.

2012-0241. State v. Crutchfield.

Hamilton App. No. C-100694, 2011-Ohio-5383. On motion for delayed appeal. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2012-0242. State v. Gordon.

Summit App. No. 25531, 2011-Ohio-3938. On motion for delayed appeal. Motion denied.

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

2012-0248. State v. Haynes.

Butler App. No. CA2010-10-273, 2011-Ohio-5743. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2012-0283. State v. Alredge.

Montgomery App. No. 24755, 2012-Ohio-414. On motion for stay and for expedited decision. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2011-2134. State v. Gardner.

Montgomery App. No. 24308, 2011-Ohio-5692.

Pfeifer, O'Donnell, and Lanzinger, JJ., dissent.

2011-2147. 2200 Carnegie, L.L.C. v. Cuyahoga Cty. Bd. of Revision.

Cuyahoga App. No. 96646, 195 Ohio App.3d 713, 2011-Ohio-5397.

Pfeifer and O'Donnell, JJ., dissent.

2012-0018. In re J.B.

Franklin App. No. 11AP-243, 2011-Ohio-6134.

O'Connor, C.J., and Lanzinger and McGee Brown, JJ., would hold the cause for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

Pfeifer, O'Donnell, and Cupp, JJ., dissent.

2012-0053. Miller v. Motorists Mut. Ins. Co.

Portage App. No. 2011-P-0016, 2011-Ohio-6099. Discretionary appeal accepted on Proposition of Law No. I.

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

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

APPEALS NOT ACCEPTED FOR REVIEW

2010-1735. State v. Lang.

Stark App. No. 2009 CA 00187, 2010-Ohio-3975. Discretionary appeal not accepted. Motion to dismiss and motion to strike denied as moot.

2011-0443. State v. Keith.

Crawford App. No. 3-10-19, 192 Ohio App.3d 231, 2011-Ohio-407.
Pfeifer, J., not participating.

2011-1737. State v. Lampley.

Richland App. No. 10CA30, 2011-Ohio-3814.

2011-2131. State v. Wright.

Harrison App. No. 11 HA 2, 2011-Ohio-5761.

2011-2136. State v. Morrow.

Delaware App. No. 2010CAA100082, 2011-Ohio-5797.

2011-2138. Fisher v. Clay.

Trumbull App. No. 2011-T-0031, 2011-Ohio-6007.

2011-2141. State v. Short.

Butler App. No. CA2010-12-322, 2011-Ohio-5744.
O'Donnell, J., dissents.

2011-2145. State v. Keeley.

Washington App. No. 11CA5.

2011-2148. Hudson v. Cincinnati Group Health Assoc., Inc.

Hamilton App. No. C-100825.
O'Donnell, J., dissents.

2011-2156. Sparks v. Sparks.

Warren App. No. CA2010-10-096, 2011-Ohio-5746.

2011-2158. State v. Gordon.

Putnam App. No. 12-10-04, 2011-Ohio-5738.
O'Connor, C.J., and Lanzinger and Cupp, JJ., dissent.

2011-2159. Knight v. Cleveland Civ. Serv. Comm.
Cuyahoga App. No. 96777, 2011-Ohio-6440.

2011-2161. DiGiorgio v. Cleveland.
Cuyahoga App. No. 95945, 2011-Ohio-5824.
O'Donnell, J., dissents.

2011-2167. Blue Ash Auto Body, Inc. v. Progressive Cas. Ins. Co.
Hamilton App. No. C-110083, 2011-Ohio-5785.
Pfeifer, J., dissents.

2011-2168. Berkmyer v. Serra.
Stark App. No. 2011CA00068, 2011-Ohio-5901.
Pfeifer, J., dissents.

2011-2172. Esber Beverage Co. v. Heineken USA, Inc.
Stark App. No. 2011CA00033, 2011-Ohio-5939.
O'Connor, C.J., and Lanzinger, J., dissent.

2011-2175. Mulk v. Ohio Dept. of Job & Family Servs.
Franklin App. No. 11AP-211, 2011-Ohio-5850.
Pfeifer and Lanzinger, JJ., dissent.

2011-2180. State v. McClain.
Guernsey App. No. 10CA0048, 2011-Ohio-5923.

2011-2181. Bonds v. Bonds.
Ashtabula App. No. 2010-A-0063, 2011-Ohio-5867.

2011-2185. State v. Smartt.
Lake App. No. 2011-L-140, 2011-Ohio-6212.
O'Donnell, J., dissents.

2011-2190. State v. Armstrong.
Hamilton App. No. C-100509, 2011-Ohio-6265.

2011-2191. Upper Arlington v. Nagel.

Franklin App. Nos. 11AP-450 and 11AP-451, 2011-Ohio-6137.

2011-2192. State v. Flagg.

Cuyahoga App. Nos. 95958 and 95986, 2011-Ohio-5386.

2011-2193. State v. Brandeberry.

Lucas App. No. L-10-1161, 2011-Ohio-5907.

2011-2196. DeRosa v. Parker.

Mahoning App. No. 10 MA 84, 2011-Ohio-6024.

2011-2197. State v. White.

Erie App. No. E-10-061, 2011-Ohio-5946.

2011-2200. Cumberland Trail Homeowners Assn., Inc. v. Bush.

Licking App. No. 11 CA 40, 2011-Ohio-6041.

2011-2203. Fogelman v. Stoyer.

Franklin App. No. 11AP-281, 2011-Ohio-5887.

2011-2206. State v. Davis.

Mahoning App. No. 10 MA 160, 2011-Ohio-6025.

2012-0002. Goggans v. State.

Cuyahoga App. No. 96861, 2011-Ohio-5932.

O'Donnell and Cupp, JJ., dissent.

2012-0004. Thomas v. Cohr, Inc.

Hamilton App. No. C-110094, 2011-Ohio-5916.

2012-0005. Devis v. Pineview Court Condominium Assn., Inc.

Cuyahoga App. No. 96740, 2011-Ohio-5931.

O'Donnell, J., dissents.

2012-0006. State v. Melton.

Cuyahoga App. No. 96621, 2011-Ohio-5929.

O'Connor, C.J., and Cupp, J., dissent and would accept the appeal and hold the cause for the decision in 2011-0818, *State v. Griffin*, Coshocton App. No. 09-CA-21, 2011-Ohio-1638.

2012-0007. State v. Carver.

Montgomery App. No. 24400, 2011-Ohio-5955.

2012-0008. Tallmadge v. Ragle.

Summit App. No. 25706, 2011-Ohio-5896.

2012-0011. State v. Aguilar.

Wayne App. No. 10CA0051, 2011-Ohio-6008. Discretionary appeal not accepted. Motion to accept untime-stamped opinion and motion to accept prime time-stamped document denied as moot.

2012-0013. State v. Harack.

Clermont App. No. CA2011-01-003, 2011-Ohio-6021.

2012-0014. Johnson v. Randall Smith, Inc.

Portage App. No. 2010-P-0050, 2011-Ohio-6000.

O'Connor, C.J., and Lundberg Stratton and Lanzinger, JJ., dissent.

2012-0033. State v. Kaeding.

Hamilton App. No. C-110217.

2012-0037. State v. Lewis.

Cuyahoga App. No. 95964, 2011-Ohio-6155.

2012-0038. State v. Faranda.

Cuyahoga App. No. 96807, 2011-Ohio-6083.

2012-0040. Culgan v. Miller.

Medina App. No. 10CA0074-M, 2011-Ohio-6194.

2012-0042. State v. Carter.

Cuyahoga App. No. 94967, 2011-Ohio-6256.

2012-0052. State v. Render.

Hamilton App. No. C-110129.

2012-0056. State v. Montgomery.

Guernsey App. No. 10CA42, 2011-Ohio-6145.

Lundberg Stratton and Cupp, JJ., dissent and would accept the appeal and hold the cause for the decision in 2011-0818, *State v. Griffin*, Coshocton App. No. 09-CA-21, 2011-Ohio-1638.

2012-0063. State v. Bandarapalli.

Cuyahoga App. No. 96319, 2011-Ohio-6158.

2012-0071. State v. McNew.

Montgomery App. No. 24180, 2011-Ohio-6179.

2012-0079. State v. Ambartsoumov.

Franklin App. No. 09AP-1054.

2012-0087. State v. Holmes.

Cuyahoga App. No. 96479, 2011-Ohio-5848.

2012-0091. State v. Wilson.

Montgomery App. No. 24462.

2012-0092. State v. Berry.

Franklin App. No. 10AP-1187, 2011-Ohio-6452.

2012-0094. State v. Garvin.

Scioto App. No. 10CA3348, 2011-Ohio-6617.

2012-0100. State v. Joyner.

Cuyahoga App. No. 97693. Discretionary appeal not accepted. Motion for stay denied as moot.

2012-0104. State v. Dodson.

Butler App. No. CA2010-08-191, 2011-Ohio-6222.

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

2012-0110. State v. Westfall.

Summit App. No. 25637, 2011-Ohio-6248.

2012-0120. State v. Lawson.

Lucas App. No. L-10-1204.

2012-0127. State v. Burrell.
Cuyahoga App. No. 96123, 2011-Ohio-5655.

2012-0143. State v. Dodson.
Butler App. No. CA2011-02-034, 2011-Ohio-6347.

2012-0213. State v. Young.
Montgomery App. No. 23642.

RECONSIDERATION OF PRIOR DECISIONS

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. Reported at ___ Ohio St.3d ___, 2012-Ohio-115, ___ N.E.2d ___. On motion for reconsideration. Motion denied. On motion to strike. Motion denied.
Pfeifer and O’Donnell, JJ., dissent.

2011-1625. Schnetz v. Ohio Dept. of Rehab. & Corr.
Franklin App. No. 10AP-959, 2011-Ohio-3927. Reported at 131 Ohio St.3d 1411, 2012-Ohio-136, 959 N.E.2d 1056. On motion for reconsideration. Motion denied.
Pfeifer and O’Donnell, JJ., dissent.

2011-1637. Bridgmon v. State.
Allen App. No. 1-10-80. Reported at 131 Ohio St.3d 1411, 2012-Ohio-136, 959 N.E.2d 1056. On motion for reconsideration. Motion denied.

2011-1640. State v. Wilson.
Montgomery App. No. 23734, 2011-Ohio-4195. Reported at 131 Ohio St.3d 1411, 2012-Ohio-136, 959 N.E.2d 1056. On motion for reconsideration. Motion denied.

2011-1718. Singer v. Davids.
Fairfield App. No. 10-CA-55, 2011-Ohio-4434. Reported at 131 Ohio St.3d 1413, 2012-Ohio-136, 959 N.E.2d 1057. On motion for reconsideration. Motion denied.

2011-1748. Cole v. Ohio Dept. of Job & Family Servs.
Franklin App. No. 10AP-1163, 2011-Ohio-3164. Reported at 131 Ohio St.3d 1438, 2012-Ohio-331, 960 N.E.2d 987. On motion for reconsideration. Motion denied.

2011-1802. State ex rel. Shepherd v. Fifth Dist. Court of Appeals.

In Mandamus. Reported at 131 Ohio St.3d 1407, 2012-Ohio-136, 959 N.E.2d 1053. On motion for reconsideration. Motion denied.

2011-1815. State ex rel. Brown v. Dinkelacker.

In Mandamus and Prohibition. Reported at 131 Ohio St.3d 1407, 2012-Ohio-136, 959 N.E.2d 1053. On motion for reconsideration. Motion denied.

2011-1832. Christian v. Wal-Mart Stores E., L.P.

Holmes App. No. 11CA002, 2011-Ohio-3512. Reported at 131 Ohio St.3d 1439, 2012-Ohio-331, 960 N.E.2d 988. On motion for reconsideration. Motion denied.

2011-1949. State ex rel. Bryant v. Thompson.

Cuyahoga App. No. 97057, 2011-Ohio-3192. Reported at 131 Ohio St.3d 1432, 2012-Ohio-231, 960 N.E.2d 471. On motion for reconsideration. Motion denied.