

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 31, 2012

[Cite as *12/31/2012 Case Announcements*, 2012-Ohio-6209.]

MERIT DECISIONS WITH OPINIONS

2010-2260. State v. Hood, Slip Opinion No. 2012-Ohio-6208.

Cuyahoga App. No. 93854, 2010-Ohio-5477. Reported at ___ Ohio St.3d ___, 2012-Ohio-5559, ___ N.E.2d ___. On motion for reconsideration. Decision vacated. Judgment affirmed.

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

Cupp, J., concurs in judgment only.

Kennedy, J., not participating.

2012-1519. State v. Campbell, Slip Opinion No. 2012-Ohio-6192.

Hamilton App. No. C-110627, 2012-Ohio-3332. Reported at 133 Ohio St.3d 1492, 2012-Ohio-5459, 978 N.E.2d 911. On motion for reconsideration. Motion granted. Discretionary appeal accepted, judgment reversed and cause remanded.

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

O'Donnell, J., dissents.

Kennedy, J., not participating.

MOTION AND PROCEDURAL RULINGS

2012-1653. In re Judicial Campaign Complaint Against O'Toole.

This matter came on for further consideration upon the filing by respondent, Colleen O'Toole, of a motion for oral argument.

Upon consideration of the motion, it is ordered by this court that the motion is denied.

RECONSIDERATION OF PRIOR DECISIONS

Reporter's Note: Kennedy, J., did not participate in the rulings reported below.

2011-0743. Anderson v. Massillon.

Stark App. No. 2010CA00196, 193 Ohio App.3d 297, 2011-Ohio-1328. Reported at ___ Ohio St.3d ___, 2012-Ohio-5711, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

2011-0902. Bennett v. Admr., Ohio Bur. of Workers' Comp.

Lucas App. No. L-10-1185, 2011-Ohio-1264. Reported at ___ Ohio St.3d ___, 2012-Ohio-5639, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

Patrick F. Fischer, J., of the First Appellate District, sitting for Lanzinger, J.

2011-1473. State v. Hampton.

Franklin App. No. 10AP-1109, 2011-Ohio-3486. Reported at ___ Ohio St.3d ___, 2012-Ohio-5688, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

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

2011-1899. Beary v. Larry Murphy Dump Truck Serv., Inc.

Stark App. No. 2011-CA-00048, 2011-Ohio-4977. Reported at ___ Ohio St.3d ___, 2012-Ohio-5626, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

2011-1933. Rayess v. Educational Comm. for Foreign Med. Graduates.

Montgomery App. No. 24125. Reported at ___ Ohio St.3d ___, 2012-Ohio-5676, ___ N.E.2d ___. On motion for reconsideration. Motion denied. On motion to substitute a phrase in the slip opinion filed under seal. Motion granted. The Reporter of Decisions shall substitute the phrase identified in appellee's motion forthwith.

Cupp, J., dissents and would deny the motion to substitute a phrase in the slip opinion.

2011-2094. State v. Williams.

Cuyahoga App. No. 94965, 195 Ohio App.3d 807, 2011-Ohio-5650. Reported at ___ Ohio St.3d ___, 2012-Ohio-5695, ___ N.E.2d ___. On motion for reconsideration. Motion granted, and the cause is remanded to the court of appeals for consideration of the remaining assignments of error.

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

2011-2126. State v. Howard.

Montgomery App. No. 24680, 195 Ohio App.3d 802, 2011-Ohio-5693. Reported at ___ Ohio St.3d ___, 2012-Ohio-5738, ___ N.E.2d ___. On amended motion for reconsideration. Motion denied. On motion for supplemental briefing. Motion denied. On motion for oral reargument. Motion denied.

O'Donnell, J., dissents and would grant the motion for reconsideration.

Cupp, J., dissents and would grant the motion for reconsideration and the motion for supplemental briefing.

2012-0375 and 2012-0381. State v. Smith.

Cuyahoga App. Nos. 96582, 96622, and 96623. Reported at ___ Ohio St.3d ___, 2012-Ohio-5777, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2012-0684. Cincinnati Bar Assn. v. Mezher and Espohl.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-078. Reported at ___ Ohio St.3d ___, 2012-Ohio-5527, ___ N.E.2d ___. On joint motion for reconsideration of Kathleen D. Mezher and Frank Eric Espohl. Motion denied.

Lundberg Stratton, J., dissents.

2012-0897. Bank of New York v. Blanton.

Clermont App. No. CA2011-03-019, 2012-Ohio-1597. Reported at ___ Ohio St.3d ___, 2012-Ohio-5498, ___ N.E.2d ___. On motion for reconsideration. Motion denied. On motion to stay execution pending appeal. Motion denied.

Lundberg Stratton, J., dissents and would remand the cause for application of *Fed. Home Loan Mtge. Corp. v. Schwartzwald*, ___ Ohio St.3d ___, 2012-Ohio-5017, ___ N.E.2d ___.

2012-1456. Cincinnati v. State.

Hamilton App. No. C-110680, 2012-Ohio-3162. Reported at 133 Ohio St.3d 1490, 2012-Ohio-5459, 978 N.E.2d 910. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

2012-1504. Bank of Am., N.A. v. Davidson.

Clermont App. No. CA2012-03-024. Reported at 133 Ohio St.3d 1495, 2012-Ohio-5492, 978 N.E.2d 913. On motion for reconsideration. Motion denied.

2012-1514 and 2012-1528. State v. Davis.

Cuyahoga App. No. 97636, 2012-Ohio-3570. Reported at ___ Ohio St.3d ___, 2012-Ohio-5761, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2012-1534. State v. Lees.

Franklin App. No. 12AP-243. Reported at ___ Ohio St.3d ___, 2012-Ohio-5909, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

2012-1777. State v. DeBartolo.

Cuyahoga App. No. 97453, 2012-Ohio-3449. Reported at 133 Ohio St.3d 1489, 2012-Ohio-5459, 978 N.E.2d 909. On motion for reconsideration. Motion granted; appellant shall file a memorandum in support of jurisdiction within 30 days of the date of this entry.

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