

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 22, 2017

[Cite as *09/22/2017 Case Announcements*, 2017-Ohio-7742.]

MOTION AND PROCEDURAL RULINGS

1988-1074. State v. Hutton.

Cuyahoga App. No. 51704. On appellant/cross-appellee's motion to set an execution date. Motion granted. Percy Hutton's sentence shall be carried into execution by the warden of the Southern Ohio Correctional Facility, or in his absence, by the deputy warden, on Wednesday, June 22, 2022, in accordance with the statutes so provided.

O'Neill, J., dissents for the reasons set forth in his dissenting opinion in *State v. Wogenstahl*, 134 Ohio St.3d 1437, 2013-Ohio-164, 981 N.E.2d 900.

1994-0010. State v. Carter.

Hamilton App. No. C920604. On appellee's motion to set an execution date. Motion granted. Cedric Carter's sentence shall be carried into execution by the warden of the Southern Ohio Correctional Facility, or in his absence, by the deputy warden, on Wednesday, August 24, 2022, in accordance with the statutes so provided.

O'Neill, J., dissents for the reasons set forth in his dissenting opinion in *State v. Wogenstahl*, 134 Ohio St.3d 1437, 2013-Ohio-164, 981 N.E.2d 900.

2000-1540. State v. Hutton.

Cuyahoga App. No. 51704. On appellee's motion to set an execution date. Motion granted. Percy Hutton's sentence shall be carried into execution by the warden of the Southern Ohio Correctional Facility, or in his absence, by the deputy warden, on Wednesday, June 22, 2022, in accordance with the statutes so provided.

O'Neill, J., dissents for the reasons set forth in his dissenting opinion in *State v. Wogenstahl*, 134 Ohio St.3d 1437, 2013-Ohio-164, 981 N.E.2d 900.

DISCIPLINARY CASES

2017-0803. Mahoning Cty. Bar. Assn. v. DiMartino.

Sua sponte, Dennis Armand DiMartino, Attorney Registration No. 0039270, last known business address in Youngstown, Ohio, is found in contempt for failure to file an affidavit of compliance on or before August 11, 2017.

2017-0881. In re Scudder.

Sua sponte, Steven C. Scudder, Attorney Registration No. 0044134, last known business address in Centerville, Ohio, is found in contempt for failure to file an affidavit of compliance on or before August 7, 2017.

2017-1081. Disciplinary Counsel v. Sarver.

On August 7, 2017, the Board of Professional Conduct filed a final report in the office of the clerk of this court pursuant to Gov.Bar R. V(16), in which the board accepted the agreement entered into by relator, disciplinary counsel, and respondent, Jason Allan Sarver. The agreement set forth the misconduct and the agreed, recommended sanction of a two-year suspension from the practice of law, with the entire suspension stayed on the condition that respondent engage in no further misconduct. The board recommended that the agreement be accepted. The court, sua sponte, issued an order waiving the issuance of a show-cause order, and this matter was submitted to the court on the report and record filed by the board.

Sua sponte, the recommended sanction is rejected. Pursuant to Gov.Bar R. V(17)(D), this cause is remanded to the Board of Professional Conduct for further proceedings, including consideration of a more severe sanction. Proceedings before this court in this case are stayed until further order of this court. Costs to abide final determination of the case.

O'Neill, J., dissents and would adopt the agreement and suspend respondent for two years with the entire suspension stayed.

MISCELLANEOUS DISMISSALS

2017-0737. Vertex Refining OH, L.L.C. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 2016-545 and 2016-546. On appellant's application for dismissal. Application granted. Cause dismissed.

2017-0933. State ex rel. Ruth v. Jamison.

In Procedendo. On relator's application for dismissal. Application granted. Cause dismissed.