

## SUPREME COURT OF OHIO

## COLUMBUS

## ANNOUNCEMENT

1:00 P.M.

WEDNESDAY  
July 22, 1998

## MERIT DOCKET

98-1259. Ragan v. Lazaroff.

In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook  
and Lundberg Stratton, JJ., concur.

98-1266. Walker v. Kassis.

In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook  
and Lundberg Stratton, JJ., concur.DISMISSALS, SUA SPONTE, NO SUBSTANTIAL  
CONSTITUTIONAL QUESTION AND DISCRETIONARY  
APPEALS, IF APPLICABLE, NOT ALLOWED

98-481. State v. Sleppy.

Darke App. No. 96CA1412.

98-776. Coles v. Ohio Bur. of Emp. Serv.

Montgomery App. No. 16716.

98-909. State v. Fordenwalt.

Wayne App. No. 98CA0022.

98-931. Walters v. Ghee.

Ross App. No. 96CA2254.

98-940. State v. Ritchie.

Lorain App. No. 97CA006916.

98-943. State v. Jett.

Portage App. No. 97-P-0023.

Moyer, C.J., Resnick and Lundberg Stratton, JJ., dissent.

98-950. State v. Collins.

Auglaize App. No. 2-98-13.

98-956. Priest v. TFH-EB, Inc.  
Franklin App. No. 97APE08-1051.

98-957. State v. Jones.  
Cuyahoga App. Nos. 72179 and 73035.

98-969. Rinehart v. Bank One, Columbus, N.A.  
Franklin App. No. 97APF06-796.  
Moyer, C.J., and Douglas, J., dissent.

98-975. Staton v. Henry.  
Butler App. No. CA97-10-184.

98-981. Thomas v. Barberton Steel & Iron, Inc.  
Summit App. No. 18546.  
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

98-985. State v. Parker.  
Cuyahoga App. No. 71474.

98-991. State v. Riccota.  
Lorain App. No. 97CA006690.

98-994. State v. Preston.  
Warren App. No. CA97-08-085.  
Moyer, C.J., dissents.

98-998. State v. Rucker.  
Ashtabula App. No. 96-A-0051.

98-999. State v. Rucker.  
Ashtabula App. No. 96A0050.

98-1008. State v. Owens.  
Summit App. No. 18997.

98-1012. State v. Hawley.  
Geauga App. No. 97-G-2052.

98-1022. State v. Castilleja.  
Lucas App. No. L-97-1119.  
Resnick, J., not participating.

98-1030. State v. Johnson.  
Hamilton App. No. C-980114. On motion for admission pro hac  
vice of Katherine K. Yunker by Katharine Anne Van Tassel.  
Motion denied.

98-1031. State v. Harding.  
Franklin App. No. 97APA08-1058.  
Moyer, C.J., dissents.

98-1042. State v. King.  
Summit App. No. 18562.

98-1043. Farmers Ins. Co. of Columbus, Inc. v. Kuehls.  
Summit App. No. 18408.

Douglas, Resnick and F.E. Sweeney, JJ., dissent.

98-1058. State v. Hill.  
Hamilton App. No. C-970271.

98-1062. State v. Ford.  
Cuyahoga App. No. 72299.

98-1066. State v. Stiggers.  
Summit App. No. 18405.

98-1068. State v. Richard.  
Cuyahoga App. No. 73499.

98-1071. In re Bracewell.  
Hamilton App. No. C-970157.  
Moyer, C.J., and Cook, J., dissent.

98-1088. State v. Stith.  
Lucas App. No. L-97-1434.

98-1093. State v. Johnson.  
Hamilton App. No. C-970180. On appeal of Orlando C. Johnson.  
Discretionary appeal denied.  
Lundberg Stratton, J., dissents.  
On cross-appeal of state of Ohio. Discretionary cross-  
appeal denied.  
Moyer, C.J., and Cook, J., dissent.

98-1104. Howard v. Indus. Comm.  
Lucas App. No. L-97-1322.

98-1115. State v. Childers.  
Fairfield App. No. 96CA65.  
Douglas, J., would affirm.

98-1125. Rybaczewski v. Kingsley.  
Lucas App. No. L-97-1048.  
Douglas, J., would allow on Proposition of Law No. I only.  
Resnick, J., not participating.

98-1138. State v. Hawthorne.  
Hamilton App. No. C-960225.  
Douglas, J., would affirm.

98-1148. State v. Benge.  
Butler App. No. CA97-08-163.

98-1167. State v. Elder.  
Butler App. No. CA97-07-142.  
Moyer, C.J., Cook and Lundberg Stratton, JJ., would allow  
on Proposition of Law No. II only and hold this cause for the  
decision in 97-1985, State v. Cook, Allen App. No. 1-97-21.

#### MOTION DOCKET

98-235. O'Sullivan v. Provident Bancorp, Inc.  
Hamilton App. No. C-970141. On motion to strike appellant's

merit brief and on motion to dismiss appeal. Motions denied.

98-1218. State v. Kent.  
Jackson App. No. 96CA794. On motion for leave to file delayed  
appeal. Motion denied.  
Pfeifer and Lundberg Stratton, JJ., dissent.

98-1324. Hanley v. Hanley.  
Pickaway App. No. 97CA35. On motion for stay. Motion denied.  
Moyer, C.J., dissents.

98-1363. Reese v. Price.  
Erie App. No. E-97-086. On motion for stay of court of appeals'  
judgment. Motion granted.  
F.E. Sweeney, Pfeifer and Cook, JJ., dissent.  
DISCRETIONARY APPEALS ALLOWED

98-918. In re Adoption of Eblin.  
Marion App. No. 9-97-64.  
F.E. Sweeney, Pfeifer and Cook, JJ., dissent.

98-946. McGuire v. Lovell.  
Marion App. No. 9-97-77.  
Pfeifer, J., dissents.

98-1016. State v. Nicholas.  
Warren App. Nos. CA97-04-035, CA97-04-036, CA97-05-040, CA97-05-  
044, CA97-05-045, CA97-05-046, CA97-05-047, CA97-05-052, CA97-06-  
063. Discretionary appeal allowed on Propositions of Law Nos. I  
and II; sua sponte, cause held for the decision in 97-1985,  
State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

98-1020. Takach v. Am. Med. Technology, Inc.  
Cuyahoga App. No. 72247.  
Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

98-309. Bramley v. Painesville.  
Lake App. No. 97-L-038.  
Lundberg Stratton, J., dissents.

98-854. Wray-Wallace v. Ohio Bur. of Emp. Serv.  
Fairfield App. No. 97CA61.

98-926. State v. Walton.  
Fairfield App. No. 97CA00063.

98-949. State v. Burdine-Justice.  
Clermont App. No. CA97-05-052.  
Moyer, C.J., Pfeifer and Lundberg Stratton, JJ., dissent.

98-972. Richards v. Beechmont Volvo.  
Hamilton App. No. C-961140.

98-974. Terrill v. State Farm Mut. Auto. Ins. Co.  
Lucas App. No. L-97-1176.

Pfeifer, J., dissents.  
Resnick, J., not participating.

98-1001. Bonaiutto v. Allstate Ins. Co.  
Cuyahoga App. No. 72457.

98-1002. Lorain v. Elbert.  
Lorain App. No. 97CA006747.

98-1011. State v. Gipson.  
Warren App. No. CA97-07-080.

98-1032. Estate of Barbieri v. Evans.  
Summit App. No. 18426.  
Douglas and F.E. Sweeney, JJ., dissent.

#### RECONSIDERATION DOCKET

95-2140. State ex rel. Pearson v. Indus. Comm.  
Franklin App. No. 94APD08-1240. Reported at 82 Ohio St.3d 180,  
\_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

97-239. State v. Mason.  
Marion App. No. 9-94-51. Reported at 82 Ohio St.3d 144, \_\_\_  
N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

97-1130. State v. Goff.  
Clinton App. No. CA95-09-026. Reported at 82 Ohio St.3d 123,  
\_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

98-620. State v. Spivey.  
Mahoning App. No. 89 C.A. 172. Reported at 82 Ohio St.3d 1449,  
\_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion granted,  
appeal restored to the active docket, and memorandum in support  
of jurisdiction and memorandum in response considered merit  
briefs.

Douglas, J., would grant the motion for reconsideration and  
grant leave to draft and file merit briefs.

98-733. Myers v. Grange Mut. Cas. Co.  
Franklin App. No. 97APE08-998. Reported at 82 Ohio St.3d 1441,  
\_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.