

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

1:00 P.M.

WEDNESDAY  
December 9, 1998

**MERIT DOCKET**

**98-2069. State ex rel. Miller v. Ohio Adult Parole Auth.**

In Prohibition. On answer of respondent and on motion for summary judgment. Answer treated as motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

**98-2084. State ex rel. Strothers v. Cleveland Parking Violations Bur.**

In Mandamus. *Sua sponte*, cause dismissed.

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

**98-2100. State ex rel. Blake v. Ford.**

In Mandamus. On motion to dismiss. Motion to dismissed sustained. Cause dismissed.

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

**98-2135. State v. Jones.**

Hamilton App. No. C-970692. On review of order certifying a conflict. The court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B). This cause is therefore dismissed.

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

**98-2138. State v. Jones.**

Hamilton App. C-970688. On review of order certifying a conflict. The court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B). This cause is therefore dismissed.

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

**98-2141. State v. Schwier.**

Hamilton App. No. C-970691. On review of order certifying a conflict. The court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B). This cause is therefore dismissed.

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

**98-2142. State v. Price.**

Hamilton App. No. C-970685. On review of order certifying a conflict. The court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B). This cause is therefore dismissed.

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

**98-2247. Duhart v. Mohr.**

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**

**98-1831. State v. Warren.**

Stark App. No. 1995CA00386.

**98-1838. State v. Jones.**

Hamilton App. No. C-970692.

Moyer, C.J., and Cook, J., would allow on Propositions of Law Nos. III, IV, and V.

**98-1868. State v. Jones.**

Hamilton App. No. C-970688.

Moyer, C.J., and Cook, J., would allow on Propositions of Law Nos. III, IV, and V.

**98-1869. State v. Price.**

Hamilton App. No. C-970685.

Moyer, C.J., and Cook, J., would allow on Propositions of Law Nos. III, IV, and V.

**98-1870. State v. Schwier.**

Hamilton App. No. C-970691.

Moyer, C.J., and Cook, J., would allow on Propositions of Law Nos. III, IV, and V.

**98-2000. State v. Brown.**

Hamilton App. Nos. C-870755, C-880056, C-880122, and C-880124.

**98-2008. State v. Key.**

Cuyahoga App. No. 69852.

**98-2070. State v. Smith.**

Cuyahoga App. No. 68135.

**98-2076. State v. Knuckles.**

Butler App. No. CA93-11-222.

**98-2106. State v. Parker.**  
Cuyahoga App. No. 71474.

**98-2117. State v. Schlosser.**  
Montgomery App. Nos. 14968 and 14976.

**MOTION DOCKET**

**98-1074. State v. Jalowiec.**  
Lorain App. No. 96CA006445. On motion for leave to proceed *pro se*. Motion denied.

Douglas, Resnick and Lundberg Stratton, JJ., dissent.

**98-1894. State v. Fields.**  
Hamilton App. No. C-930638. On motion for leave to file delayed appeal. Motion denied.

**98-2041. Reed v. Kinkela.**  
In Habeas Corpus. *Sua sponte*, writ allowed. Allowing the writ means only that a return is ordered. See *Workman v. Warden* (1997), 80 Ohio St.3d 1479, 687 N.E.2d 474; *Pegan v. Crawmer* (1995), 73 Ohio St.3d 607, 609, 653 N.E.2d 659, 661. Respondents are ordered to file a return of writ within thirty days of service of the petition, and petitioner may file a response within twenty days after the return. Petitioner's physical presence before this court is not required. *Gaskins v. Shiplevy* (1996), 76 Ohio St.3d 380, 382, 667 N.E.2d 1194, 1196.

Douglas, Resnick and Lundberg Stratton, JJ., dissent and would dismiss this cause.

**98-2192. State v. Snodgrass.**  
Lucas App. No. L-93-250. On motion for leave to file delayed appeal. Motion denied.

**98-2201. State v. Keith.**  
Richland App. No. 97CA442. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., dissents.

**98-2202. State v. Sybert.**

Lucas App. No. L-96-337. On motion for leave to file delayed appeal. Motion granted.

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

**98-2204. State v. Scott.**

Cuyahoga App. No. 74805. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Pfeifer, J., dissent.

**98-2231. State v. Miller.**

Cuyahoga App. Nos. 72344, 72345, 72346 and 72347. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., Pfeifer and Cook, JJ., dissent.

**98-2246. State v. Martin.**

Montgomery App. No. 15615. On motion for leave to file delayed appeal. Motion denied.

**98-2263. State v. Halliwell.**

Cuyahoga App. No. 70369. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Douglas, J., dissent.

**98-2264. State v. Marshall.**

Lucas App. No. L-97-1199. On motion for leave to file delayed appeal. Motion denied.

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

**98-2265. State v. Wilberger.**

Cuyahoga App. No. 74775. On motion for leave to file delayed appeal. Motion denied.

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

**98-2280. State v. Avery.**

Union App. No. 14-97-30. On motion for stay. Motion denied.

**98-2282. State v. Johnson.**

Delaware App. No. 96CAA12066. On motion for leave to file delayed appeal. Motion denied.



**98-2285. State ex rel. White v. Goldsberry.**

Athens App. No. 98CA38. On motion for stay. Motion denied.

**98-2301. State v. Gowdy.**

Hamilton App. No. C-970359. On motion for leave to file delayed appeal. Motion granted.

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

**RECONSIDERATION DOCKET**

**97-929. State v. McNeill.**

Lorain App. No. 95CA006158. Reported at 83 Ohio St.3d 438, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**97-1974. State v. McNeill.**

Lorain App. No. 95CA006158. Reported at 83 Ohio St.3d 457, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

**97-2676. Cincinnati Bar Assn. v. Caliman.**

Reported at 83 Ohio St.3d 461, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Douglas, Resnick and Lundberg Stratton, JJ., dissent.

**97-2684. State ex rel. Stinson v. Youngstown Osteopathic Hosp.**

Franklin App. No. 96APD10-1323. Reported at 83 Ohio St.3d 400, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**98-1036. Smith v. Walker.**

Pickaway App. No. 98CA10. Reported at 83 Ohio St.3d 431, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Douglas, J., dissents.

**98-1363. Reese v. Price.**

Erie App. No. E-97-086. Reported at 83 Ohio St.3d 1460, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Resnick, J., not participating.

**98-1550. State v. McGee.**

Logan App. No. 8-98-01. Reported at 83 Ohio St.3d 1461, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**98-1577. State v. Gillard.**

Stark App. Nos. 1997CA00318 and 1997CA00410. Reported at 83 Ohio St.3d 1461, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., would allow on Proposition of Law No. IX.

Pfeifer, J., would allow.

**98-1605. Swaney v. Syndicate Mgt., Inc.**

Cuyahoga App. No. 73509. Reported at 83 Ohio St.3d 1472, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**98-2022. State ex rel. Manos v. Delaware Cty. Bd. of Elections.**

Reported at 83 Ohio St.3d 562, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

F.E. Sweeney, Pfeifer and Lundberg Stratton, JJ., dissent.