

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

May 29, 2002

MERIT DECISIONS WITH OPINIONS

2000-0873. State ex rel. Hadbavny v. Indus. Comm., 2002-Ohio-2340.

Franklin App. No. 99AP-108. Judgment affirmed.

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

2000-1874. State ex rel. Parma Community Gen. Hosp. v. Jankowski, 2002-Ohio-2336.

Franklin App. No. 99AP-1352. Judgment affirmed.

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

2000-2004 and 2000-2141. Haynes v. Franklin, 2002-Ohio-2334.

Warren App. No. CA2000-03-025. Judgment affirmed.

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

2001-0327. State ex rel. Cox v. Greyhound Food Mgt., Inc., 2002-Ohio-2335.

Franklin App. No. 00AP-110. Judgment affirmed.

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

2001-0451. Rubbermaid, Inc. v. Wayne Cty. Aud., 2002-Ohio-2338.

Board of Tax Appeals, No. 97-J-1119. Decision reversed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.
Cook, J., concurs in judgment.

Lundberg Stratton, J., dissents.

2001-1175. State ex rel. Butler v. Roadway Express, Inc., 2002-Ohio-2339.

Franklin App. No. 00AP-963. Judgment reversed and cause returned to the Industrial Commission.

Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

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

MERIT DECISIONS WITHOUT OPINIONS

2001-1958. State ex rel. Cincinnati-Dayton Stenographic, Inc. v. Crehan.

In Mandamus. On motion to dismiss action as moot. Motion granted and attorney fees awarded.

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

Lundberg Stratton, J., dissents in part because she would not grant attorney fees.

2001-2169. State ex rel. Hartman v. Cuyahoga Cty. Bd. of Elections.

Cuyahoga App. No. 80446. Sua sponte, cause dismissed as moot.

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

2002-0389. State ex rel. Hollins v. Fifth Dist. Court of Appeals.

In Mandamus. On complaint in mandamus of Raymond Hollins. On S.Ct.Prac.R. X(5) determination, cause dismissed.

2002-0415. State ex rel. Pepple v. Montgomery.

In Mandamus and Prohibition. On motion to dismiss of Betty D. Montgomery, Attorney General, and Kenneth J. Blackwell, Ohio Secretary of State, motion to dismiss of Ohio Campaign for New Drug Policies, and motion to dismiss of Alesnik, Blaskis, and Hynd. Sua sponte, cause dismissed.

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

2002-0633. Hollins v. Rose.

In Habeas Corpus. On petition for writ of habeas corpus of Raymond Rollins. Sua sponte, cause dismissed.

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

2002-0660. Garrett v. Mack.

In Habeas Corpus. On petition for writ of habeas corpus of Steven E. Garrett, Jr. Sua sponte, cause dismissed.

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

2002-0716. State v. Slaven.

In Habeas Corpus. On petition for writ of habeas corpus of Oral Dennis Slaven. Sua sponte, cause dismissed.

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

2002-0722. Pegg v. Wilkinson.

In Habeas Corpus. On petition for writ of habeas corpus of Maurice S. Pegg. Sua sponte, cause dismissed.

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

2002-0754. Maguran v. Cuyahoga Cty. Dept. of Children & Family Serv.

In Habeas Corpus. On petition for writ of habeas corpus of Crystal Maguran. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

1989-0846. State v. Lott.

Cuyahoga App. No. 54537. On motion to set execution date. Motion granted.

Moyer, C.J., F.E. Sweeney and Pfeifer, JJ., dissent.

2001-0201. State ex rel. Hubbard v. Indus. Comm.

In Mandamus. On request for oral argument. Request denied.

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

2001-1132. New Par v. Pub. Util. Comm.

Public Utilities Commission, No. 93-1758-RC-CSS. On motion to suspend order of the Public Utilities Commission and motion for stay of further proceedings based on the order pending appeal. Motions denied.

Resnick, J., not participating.

2001-1158. Cincinnati SMSA LP v. Pub. Util. Comm.

Public Utilities Commission, No. 93-1758-RC-CSS. On motion to suspend Public Utilities Commission order and to stay further proceedings pending appeal. Motion denied.

Resnick, J., not participating.

2001-1417. Valentine v. Willard & Assoc. Title Search.

Fairfield App. No. 01CA15. On motion for substitution of Wanda R. Valentine, executor of the estate of Gerald R. Valentine, as appellant. Motion granted.

2001-1683. State ex rel. Keesee v. OEC Corp.

Franklin App. No. 00AP-1290. On motion to strike appellant's merit brief for failure to provide service. Motion denied and leave granted to provide service.

2002-0351. State v. Comer.

Lucas App. No. L-99-1296, 2002-Ohio-233. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue stated in the court of appeals' Decision and Judgment Entry dated February 21, 2002, at 4:

“When a trial court sentences an individual to non-minimum, consecutive or maximum sentences, must the trial court make the requisite findings from the bench at the sentencing hearing or is it sufficient to make the findings for the first time in the sentencing entry?”

F.E. Sweeney, J., dissents.

Resnick, J., not participating.

The conflict case is *State v. Williams* (2000), 136 Ohio App.3d 570, 737 N.E.2d 139.

Sua sponte, cause consolidated with 2002-0422, *State v. Comer*, Lucas App. No. L-99-1296, 2002-Ohio-233.

2002-0625. State v. Dunn.

Montgomery App. No. 16904. On motion for leave to file delayed appeal. Motion denied.

2002-0648. State v. Beddow.

Montgomery App. No. 18957, 2002-Ohio-910. On motion for leave to file delayed appeal. Motion denied.

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

2002-0655. Toledo v. Diefenbaugh.

Lucas App. No. L-01-1327, 2002-Ohio-1182. On motion for stay of court of appeals' judgment. Motion denied.

Resnick, J., not participating.

2002-0662. State v. Reddish.

Montgomery App. No. 17323. On motion for leave to file delayed appeal. Motion denied.

2002-0674. State v. Moss.

Franklin App. No. 00AP-574. On motion for leave to file delayed appeal. Motion denied.

2002-0680. State v. Jefferson.

Summit App. No. 20407. On motion for leave to file delayed appeal. Motion denied.

2002-0692. State v. Rotarius.

Cuyahoga App. No. 78766, 2002-Ohio-666. On motion for leave to file delayed appeal. Motion granted.

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

2002-0714. Long v. MacDonald.

Crawford App. No. 3-02-10. On motion for stay of court of appeals' decision. Motion denied.

2002-0742. Crown Heating & Cooling, Inc. v. Trickett.

Portage App. No. 2001-P-0001, 2002-Ohio-1473. On motion for stay of the court of appeals' judgment. Motion denied.

Lundberg Stratton, J., would grant upon increasing the bond.

Cook, J., not participating.

2002-0785. Irvine v. Akron Beacon Journal.

Summit App. Nos. 20450 and 20524, 2002-Ohio-83 and 2002-Ohio-2204. On motion for stay of the court of appeals' judgment. Motion granted without bond.

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

APPEALS ACCEPTED FOR REVIEW

2002-0242. State v. Brown.

Montgomery App. No. 18972, 2001-Ohio-7073.

Moyer, C.J., F.E. Sweeney and Pfeifer, JJ., dissent.

2002-0289. Cleveland Police Patrolmen's Assn. v. Cleveland.

Cuyahoga App. No. 78427.

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

2002-0352. Voshing v. Auto-Owners Ins. Co.

Licking App. No. 01CA56. Appeal allowed and cause held for the decision in 2001-1786, *Lemm v. The Hartford*, Franklin App. No. 01AP-251; briefing schedule stayed.

Lundberg Stratton, J., dissents.

2002-0361. Pickett v. Ohio Farmers Ins. Co.

Stark App. Nos. 2001CA00227 and 2001CA00236, 2002-Ohio-259. Appeal allowed and cause held for the decision in 2001-1786, *Lemm v. The Hartford*, Franklin App. No. 01AP-251; briefing schedule stayed.

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

2002-0422. State v. Comer.

Lucas App. No. L-99-1296, 2002-Ohio-233. Discretionary appeal allowed and cause consolidated with 2002-0351, *State v. Comer*, Lucas App. No. L-99-1296, 2002-Ohio-233.

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

Resnick, J., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

2002-0142. State v. Washington.

Hamilton App. No. C-000754.

Cook, J., would allow on Proposition of Law No. II.

2002-0362. Hayden v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 01AP-679.

2002-0372. Bobajidi v. Laguta.

Richland App. No. 02CA6.

2002-0374. State v. Banks.

Franklin App. No. 87AP-83.

2002-0386. State v. Netter.

Franklin App. No. 01AP-1372.

2002-0402. State v. Taylor.

Cuyahoga App. No. 79274, 2002-Ohio-7.

2002-0410. State v. Eakin.

Licking App. No. 01CA00087.

2002-0411. State v. Poindexter.

Franklin App. No. 01AP-1311.

2002-0412. State v. Love.

Cuyahoga App. No. 78850, 2002-Ohio-6.

2002-0419. State v. Arnold.

Cuyahoga App. No. 79280.

Lundberg Stratton, J., dissents.

2002-0421. State v. Tapp.

Delaware App. No. 01CAA07027, 2002-Ohio-365.

Pfeifer, J., dissents.

2002-0423. State v. Weisenbarger.

Preble App. No. CA2001-08-014, 2002-Ohio-291.

2002-0426. Bostic v. Cleveland.

Cuyahoga App. No. 79336, 2002-Ohio-333.

Douglas, J., dissents.

2002-0427. Price v. Price.

Geauga App. No. 2000-G-2320. Appeal and cross-appeal denied.

Moyer, C.J., and Resnick, J., dissent.

2002-0429. Hale v. Dayton.

Montgomery App. No. 18800, 2002-Ohio-542.

2002-0430. State v. Trakas.

Lorain App. No. 01CA007871, 2002-Ohio-458.

2002-0433. State v. Ooten.

Franklin App. No. 01AP-234, 2002-Ohio-367.

2002-0434. State v. Whitson.

Franklin App. No. 01AP-819, 2002-Ohio-683.

2002-0436. Stoner v. Ricart Ford.

Morrow App. No. CA926, 2002-Ohio-514.

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

2002-0439. State v. McCoy.

Summit App. No. 20656, 2002-Ohio-313.

2002-0440. State v. Stecion.

Summit App. No. 20626, 2002-Ohio-318.

2002-0441. State v. Carrion.

Lorain App. No. 01CA007797, 2002-Ohio-308.

2002-0445. Deerfield Twp. Bd. of Trustees v. Mason.

Warren App. No. CA2001-07-069, 2002-Ohio-374.

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

2002-0449. State v. Dickerson.

Erie App. No. E-01-008, 2002-Ohio-381.

2002-0450. State v. Jenkins.

Montgomery App. No. 18551, 2001-Ohio-1448.

2002-0451. In re Anderson.

Tuscarawas App. No. 2001AP030021, 2002-Ohio-776.

2002-0452. State v. White.

Cuyahoga App. No. 80644.

2002-0456. State v. Wright.

Hancock App. No. 5-01-10, 2001-Ohio-2258.

2002-0457. Hahn v. State Farm Mut. Auto. Ins. Co.

Butler App. No. CA2001-09-229, 2002-Ohio-375.

2002-0458. Hoon v. Superior Tool Co.

Cuyahoga App. No. 79821.

2002-0459. Goldberg v. Marc's Discount Store.

Cuyahoga App. No. 79173.

2002-0462. Concerned Citizens of Spring Valley v. Spring Valley Twp. Bd. of Zoning Appeals.

Greene App. No. 01CA0059, 2002-Ohio-540.

2002-0464. Carpenter v. Carpenter.

Wood App. No. WD-01-028, 2002-Ohio-526.

2002-0466. State v. Dye.

Licking App. No. 99CA2.

Moyer, C.J., dissents.

2002-0467. State v. Leggett.

Williams App. No. WM-00-003, 2002-Ohio-533.

Resnick, J., not participating.

2002-0468. State v. Dixon.

Montgomery App. No. 18582, 2002-Ohio-541.

Moyer, C.J., dissents.

2002-0470. State v. Beliveau.

Franklin App. No. 01AP-211, 2001-Ohio-4112.

2002-0485. State v. Stringfield.

Medina App. No. 2997-M.

2002-0486. Layne v. Westfield Ins. Co.

Ross App. Nos. 01CA2596 and 01CA2598, 2002-Ohio-802.

Cook and Lundberg Stratton, JJ., dissent.

Moyer, C.J., not participating.

2002-0537. In re M.M.

Cuyahoga App. No. 79947, 2002-Ohio-472.

2002-0575. Bradley v. Cage.

Summit App. No. 2-07-13, 2002-Ohio-816.

2002-0589. State v. Lake.

Tuscarawas App. No. 2001AP110100, 2002-Ohio-984.

RECONSIDERATION OF PRIOR DECISIONS

2002-0085. Green v. Cincinnati Ins. Co.

Huron App. No. H-01-018. Reported at 95 Ohio St.3d 1425, 2002-Ohio-1760, 766 N.E.2d 602. On motion for reconsideration. The motion fails for want of four votes on the following vote:

Moyer, C.J., Pfeifer and Lundberg Stratton, JJ., vote to deny.

Douglas, Resnick and F.E. Sweeney, JJ., vote to grant.

Cook, J., not participating.

2002-0178. Franklin Twp. Bd. of Trustees v. Armentrout.

Portage App. No. 2000-P-0082, 2001-Ohio-8719. Reported at 95 Ohio St.3d 1422, 2002-Ohio-1737, 766 N.E.2d 162. On motion for reconsideration. Motion denied.

Moyer, C.J., dissents.

2002-0183. DeAnda v. Vanegas Enterprises-Corro-Flo Engineering, Inc.

Hancock App. No. 5-01-18, 2001-Ohio-2336. Reported at 95 Ohio St.3d 1422, 2002-Ohio-1737, 766 N.E.2d 162. On motion for reconsideration. Motion denied.

Douglas and Resnick, JJ., dissent.

2002-0185. Moton v. Ford Motor Credit Co.

Richland App. No. 01CA4, 2001-Ohio-7041. Reported at 95 Ohio St.3d 1422, 2002-Ohio-1737, 766 N.E.2d 162. On motion for reconsideration. Motion denied.

F.E. Sweeney, J., dissents.

2002-0493. State ex rel. Chalender v. Shoemaker.

In Mandamus and Prohibition. Reported at 95 Ohio St.3d 1428, 2002-Ohio-1871, 766 N.E.2d 995. On motion for reconsideration. Motion denied.