

# The Supreme Court of Ohio

March 20, 2002

## CASE ANNOUNCEMENTS

### MEDIATION REFERRALS

The following cases have been returned to the regular docket pursuant to S.Ct.Prac.R. XIV(6)(E):

**01-2159. State ex rel. Dunn v. Indus. Comm.**

Franklin App. No. 01AP-241.

**02-29. State ex rel. Gilreath v. Indus. Comm.**

Franklin App. No. 01AP-226.

### MOTION AND PROCEDURAL RULINGS

**02-20. State v. Noser.**

Lucas App. No. L-00-1154. On review of order certifying a conflict. The court determines that a conflict exists; *sua sponte*, cause held for the decision in 02-201, *State v. Fisher*, Franklin App. No. 01AP-614; briefing schedule stayed.

F.E. Sweeney, J., concurs but he would not hold this cause for the decision in 02-201.

**02-146. Gutman v. Feldman.**

Certified State Law Question, No. C301049. On review of preliminary memoranda pursuant to S.Ct.Prac.R. XVIII(6). The court will answer the question certified by the United States District Court for the Southern District of Ohio, Western Division:

“Can an oral contract constitute a ‘security’ as that term is defined in Ohio Revised Code [Section] 1707.01(B)?”

Oral argument to be scheduled.

**02-234. State v. Wright.**

Washington App. No. 00CA39. 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' Entry on Application to Certify dated January 28, 2002:

“[W]e find that our decision and judgment presents an actual conflict based upon the same question that was involved in the Twelfth District's decision and judgment. In [*State v.*] *Henderson* [(1991), 76 Ohio App.3d 290, 601 N.E.2d 596], the court concluded that a victim's uncorroborated allegations of sexual abuse did not fulfill the substantial proof requirement that the defendant committed other similar crimes. In [the case *sub judice*], we determined that a victim's uncorroborated allegation of prior sexual abuse was admissible. Thus, we declined to follow *Henderson*.

“Accordingly, we grant appellant's motion to certify this matter to the Ohio Supreme Court for review and final determination.”

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

**APPEALS NOT ALLOWED FOR REVIEW**

**01-2270. Neudecker v. Butler Cty. Engineer's Office.**

Butler App. No. CA2000-07-0147.

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

**02-9. Leisure v. State Farm Mut. Auto. Ins. Co.**

Stark App. No. 2001CA00095.

Moyer, C.J., F.E. Sweeney and Lundberg Stratton, JJ., dissent.

**02-34. Trumbull S. & L. Co. v. Vaccar.**

Trumbull App. No. 2000-T-0101.

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

**02-77. State v. Wright.**

Washington App. No. 00CA39.

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

**02-96. State v. Noser.**

Lucas App. No. L-00-1154.

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

Moyer, C.J., would allow on Proposition of Law Nos. I and V.

F.E. Sweeney, J., would allow all propositions of law.

**02-271. In re Fennell.**

Athens App. No. 01CA45.

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