

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

June 26, 2013

[Cite as *06/26/2013 Case Announcements*, 2013-Ohio-2645.]

MERIT DECISIONS WITHOUT OPINIONS

2013-0239. State ex rel. Flanagan v. Lucas.

In Quo Warranto. On answer of respondent to first amended complaint. It is ordered by the court, sua sponte, that an alternative writ is granted and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05:

The parties shall file any evidence they intend to present within 20 days of the date of this entry; relator shall file a brief within 10 days of the filing of the evidence; respondent shall file a brief within 20 days after the filing of relator's brief; and relator may file a reply brief within 7 days after the filing of respondent's brief.

O'Connor, C.J., and O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

Pfeifer, J., dissents and would dismiss the cause.

2013-0497. State ex rel. Jackson v. Bunting.

In Mandamus and Prohibition. On answer of respondents. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0598. State ex rel. Collins v. Mohr.

In Mandamus. On relator's motion for default judgment and respondents' motion to dismiss, it is ordered by the court that the motion for default judgment is denied and the motion to dismiss is granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0602. Plants v. Bender.

In Procedendo. On complaint in procedendo of Glen R. Plants. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

O'Connor, C.J., and Pfeifer, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

O'Donnell, J., not participating.

2013-0643. Bertuzzi v. Armengau.

In Mandamus. On answer of respondent. On complaint in mandamus of Raymond Bertuzzi. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0645. Morris v. Bunting.

In Habeas Corpus. On petition for writ of habeas corpus/mandamus of Anthony Morris. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0664. State ex rel. Gilcreast v. Bunting.

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

Pfeifer, O'Donnell, Kennedy, French, and O'Neill, JJ., concur.

Lanzinger, J., dissents and would order a return on the writ.

O'Connor, C.J., not participating.

2013-0675. Branham v. Butcher.

Complaint for writ. On respondents' motions to dismiss and relator's motion to strike the motions to dismiss. Motions to dismiss granted and motion to strike the motions to dismiss denied. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0698. Alahverdian v. Zeugner.

In Habeas Corpus. On petition for writ of habeas corpus of Nicholas Alahverdian. Motion for stay of execution of sentence denied as moot. Cause dismissed.

O'Connor, C.J., and O'Donnell, Kennedy, French, and O'Neill, JJ., concur.

Pfeifer and Lanzinger, JJ., dissent and would order a return on the writ and grant the motion for stay.

MOTION AND PROCEDURAL RULINGS

2006-1502. State v. Fry.

Summit C.P. No. CR2005083007. On application for reopening under S.Ct.Prac.R. 11.06. Application denied.

2012-2097. In re A.G.

Ottawa App. No. OT-11-003, 2012-Ohio-5109.

On renewed motion for timely stay of trial court's decision and judgment entry. Motion granted.

Pfeifer, Lanzinger, and Kennedy, JJ., dissent.

2012-2159. State v. Jackson.

Cuyahoga App. No. 98157, 2012-Ohio-5885. On motion via S.Ct.Prac.R. 4.01 for leave to consider exhibit (G-10). Motion denied.

Pfeifer and Kennedy, JJ., dissent.

2013-0739. State v. Hazel.

Clark App. No. 2011 CA 16, 2012-Ohio-835. On motion for delayed appeal. Motion denied.

2013-0743. State v. Schleiger.

Preble App. No. CA2011-11-012, 2013-Ohio-1110. On motion for delayed appeal. Motion granted.

O'Connor, C.J., dissents.

2013-0747. State v. Boggs.

Lucas App. No. L-11-1150, 2012-Ohio-4737. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2013-0772. State v. Harris.

Franklin App. No. 13AP-08. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2013-0781. State v. Castagnola.

Summit App. Nos. 26185 and 26186, 2013-Ohio-1215. On motion for delayed appeal. Motion granted.

2013-0803. State v. Williams.

Hamilton App. No. C-120183. On motion for delayed appeal. Motion granted.
O'Connor, C.J., and Lanzinger and French, JJ., dissent.

2013-0804. State v. Grimes.

Hamilton App. No. C-100377. On motion for delayed appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2013-0579. In re D.M.

Hamilton App. No. C-120794, 2013-Ohio-668.

2013-0580. Burkhart v. H.J. Heinz Co.

Wood App. No. WD-12-008, 2013-Ohio-723. Discretionary appeal accepted on Proposition of Law No. I.
Pfeifer and O'Neill, JJ., dissent.
Lanzinger, J., not participating.

2013-0585. Bierl v. BGZ Assoc. II, L.L.C.

Marion App. No. 9-12-42, 2013-Ohio-648. Discretionary appeal accepted and cause held for the decision in 2012-1600, *Mann v. Northgate Investors, L.L.C.*, 10th Dist. No. 11AP-684, 2012-Ohio-2871.
Pfeifer, J., dissents.

2013-0586. Sivit v. Village Green of Beachwood, L.P.

Cuyahoga App. No. 98401, 2013-Ohio-103.
French, J., would accept the appeal on Proposition of Law No. I only.
O'Connor, C.J., and Pfeifer, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2012-1275. State v. Fry.

Summit App. No. 26121, 2012-Ohio-2602.

2013-0255. State v. York.

Seneca App. No. 13-12-30.

O'Donnell, J., dissents.

2013-0492. State v. Holland.

Licking App. No. 12-CA-56, 2013-Ohio-905.

2013-0541. State v. Williams.

Cuyahoga App. No. 98210, 2013-Ohio-573.

2013-0542. State v. Zoeckler.

Portage App. No. 2012-P-0092, 2013-Ohio-548.

O'Donnell and O'Neill, JJ., dissent.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. I.

2013-0543. State v. Fleming.

Clark App. No. 2012 CA 59, 2013-Ohio-503.

O'Connor, C.J., and French, J., dissent.

2013-0545. State v. Davis.

Lorain App. No. 12CA010256, 2013-Ohio-846.

2013-0546. Marcus v. Rusk Heating & Cooling, Inc.

Clermont App. No. CA2012-03-026, 2013-Ohio-528.

Pfeifer and O'Neill, JJ., dissent.

2013-0549. State v. Combs.

Montgomery App. No. 25262, 2013-Ohio-620.

2013-0553. State v. Brown.

Montgomery App. No. 21540.

2013-0554. State v. Holland.

Licking App. No. 11-CA-47, 2013-Ohio-905.

2013-0555. Dickess v. Stephens.

Lawrence App. No. 12CA8, 2013-Ohio-1317.

2013-0556. State v. Johnson.

Cuyahoga App. No. 98245, 2013-Ohio-575.
O'Donnell and Kennedy, JJ., dissent.

2013-0558. State v. Rednour.

Henry App. No. 7-13-13. Discretionary appeal not accepted. Motion to remand denied as moot.

2013-0559. State v. Smith.

Portage App. No. 2012-P-0076, 2013-Ohio-640.
O'Donnell and O'Neill, JJ., dissent.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. I.

2013-0560. State v. Hill.

Franklin App. No. 12AP-463, 2013-Ohio-674.
O'Donnell, J., dissents.

2013-0561. In re T.H.

Franklin App. No. 12AP-612, 2013-Ohio-609.

2013-0578. Cline v. Fairland Local School Dist. Bd. of Edn.

Lawrence App. No. 12CA15, 2013-Ohio-886.

2013-0582. State v. Hendrix.

Lake App. No. 2012-L-080, 2013-Ohio-638.
Pfeifer, J., dissents.

2013-0584. State v. Banks.

Seneca App. No. 13-12-18, 2013-Ohio-649.

O'Neill, J., dissents and would accept the appeal and hold the cause for the decision in 2013-0167, *State v. Bonnell*, 5th Dist. No. 12CAA030022, 2012-Ohio-5150.

2013-0588. State v. Weaver.

Belmont App. No. 12 BE 21, 2013-Ohio-898.

2013-0589. State v. Hadding.

Auglaize App. No. 2-12-14, 2013-Ohio-643.

O'Connor, C.J., and Kennedy and O'Neill, JJ., dissent.

2013-0594. Sovereign Bank v. Flood.
Erie App. No. E-11-072, 2013-Ohio-725.

2013-0595. State v. Divens.
Franklin App. No. 12AP-326, 2013-Ohio-671.
O'Donnell, J., dissents.

2013-0597. Princeton City School Dist. Bd. of Edn. v. Princeton Assn. of Classroom Educators.
Hamilton App. No. C-120469, 2013-Ohio-667.
O'Neill, J., dissents.

2013-0600. State v. McEwen.
Franklin App. No. 12AP-419, 2013-Ohio-672.

2013-0601. Brannon v. Buehrer.
Cuyahoga App. No. 98711, 2013-Ohio-700.

2013-0605. State v. Marsh.
Mahoning App. No. 12 MA 40, 2013-Ohio-757.

2013-0607. State v. Ramirez.
Lucas App. No. L-11-1263, 2013-Ohio-843. Discretionary appeal not accepted.
Motion to strike denied as moot.

2013-0619. State v. Turner.
Montgomery App. No. 25115, 2013-Ohio-806.

2013-0646. Lundeen v. State Med. Bd. of Ohio.
Franklin App. No. 12AP-629, 2013-Ohio-112.
French, J., not participating.

2013-0648. State v. Knapp.
Ashtabula App. No. 2012-A-0035, 2013-Ohio-870.
Pfeifer and O'Neill, JJ., dissent.

2013-0662. State v. Walker.
Franklin App. No. 12AP-224, 2013-Ohio-945.

2013-0673. State v. McClurkin.

Franklin App. No. 11AP-944, 2013-Ohio-1140. Discretionary appeal not accepted. Motion to exceed page limitations is denied as moot.

2013-0710. State v. Hoffman.

Summit App. No. 26084, 2013-Ohio-1021.

O'Neill, J., dissents.

2013-0774. In re M.R.

Defiance App. No. 4-12-18, 2013-Ohio-1302.

Pfeifer and O'Neill, JJ., dissent.

Kennedy, J., dissents and would accept the appeal on Proposition of Law Nos. I, II, and IV.

RECONSIDERATION OF PRIOR DECISIONS

2013-0052. Pietrick v. Westlake Civ. Serv. Comm.

Cuyahoga App. No. 98258, 2012-Ohio-6009. Reported at 135 Ohio St.3d 1432, 2013-Ohio-1857, 986 N.E.2d 1021. On motion for reconsideration. Motion granted. The discretionary appeal is accepted.

Pfeifer, Kennedy, and French, JJ., dissent.

2013-0240. Adams v. Enon.

Clark App. No. 2012-CA-42, 2012-Ohio-6178. Reported at 135 Ohio St.3d 1433, 2013-Ohio-1857, 986 N.E.2d 1022. On motion for reconsideration. Motion denied.

O'Connor, C.J., and Lanzinger and O'Neill, JJ., dissent.

2013-0251. State v. Morris.

Medina App. No. 09CA0022-M, 2012-Ohio-6151. Reported at 135 Ohio St.3d 1433, 2013-Ohio-1857, 986 N.E.2d 1022. On motion for reconsideration. Motion granted. The discretionary appeal is accepted.

O'Connor, C.J., and Pfeifer and Kennedy, JJ., dissent.

2013-0306. State v. Jackson.

Cuyahoga App. No. 98157, 2012-Ohio-5885. Reported at 135 Ohio St.3d 1434, 2013-Ohio-1857, 986 N.E.2d 1023. On motion for reconsideration. Motion denied.