

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

August 24, 2006

[Cite as *08/24/2006 Case Announcements, 2006-Ohio-4361.*]

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### MERIT DECISIONS WITHOUT OPINIONS

**2006-1484. State ex rel. Klosterman v. Ohio Dept. of Commerce.**

In Mandamus and Prohibition. On relator's complaint and emergency motion for stay of administrative hearing. Motion for stay denied. On S.Ct. Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

### MOTION AND PROCEDURAL RULINGS

**1993-2179. State v. Lundgren.**

Lake App. No. 90-L-15140. This cause came on for further consideration upon appellee's motion to set an execution date. Upon consideration thereof,

IT IS ORDERED by the court that the motion to set an execution date is granted.

IT IS FURTHER ORDERED by the court that appellant's sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Tuesday, the 10th day of October, 2006, in accordance with the statutes so provided.

IT IS FURTHER ORDERED that a certified copy of this entry and a warrant under the seal of this court be duly certified to the Warden of the Southern Ohio Correctional Facility and that said Warden shall make due return thereof to the Clerk of the Court of Appeals for Lake County.

**2003-1572. State ex rel. Howard v. Indus. Comm.**

Franklin App. No. 97AP-860. This cause came on for further consideration of the second and third notices of failure to pay sanctions filed by appellee Seaway

Foodtown, Inc., and appellant's motions for leave to file responses to the notices instanter. Upon consideration thereof,

IT IS ORDERED by the court that appellant's motions for leave are granted.

IT IS FURTHER ORDERED that appellant Gregory T. Howard shall continue making payments toward the March 3, 2004, award of attorney fees to appellee Seaway Foodtown, Inc., in accordance with the payment schedule ordered by this court on December 14, 2005. The parties shall notify this court when the attorney fee award is paid in full.

**2005-1678. State v. Hale.**

Cuyahoga C.P. No. CR-0454857. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Cuyahoga County. Upon consideration of appellant's second motion to supplement the record,

IT IS ORDERED by the court that the motion is granted and that the Clerk of the Court of Common Pleas of Cuyahoga County shall certify and transmit to the Clerk of the court the following documents within twenty days of the date of this entry: Transcripts from the January 11, February 9, and March 24, 2005, pre-trial hearings.

**2006-0543. State v. Hyland.**

Butler App. No. CA2005-05-103, 2006-Ohio-339. This cause is pending before the court as a discretionary appeal and claimed appeal of right. On March 15, 2006, appellant filed a notice that a motion to certify a conflict was pending in the court of appeals and, pursuant to S.Ct.Prac.R. IV(4)(A), this court stayed consideration of the jurisdictional memoranda filed in this appeal. Whereas appellant has neither notified this court that the court of appeals determined that a conflict does not exist as provided by S.Ct.Prac.R. IV(4)(B) nor filed a copy of the court of appeals' order certifying the existence of a conflict as provided by S.Ct.Prac.R. IV(4)(C),

IT IS ORDERED by the court, sua sponte, that appellant show cause within fourteen days of the date of this entry why this court should not proceed to consider the jurisdictional memoranda in this appeal pursuant to S.Ct.Prac.R. III(6).

**2006-1358. State v. Lopshire.**

Portage App. No. 2005-P-0037. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's motion for stay of sentence pending appeal,

IT IS ORDERED by the court that the motion is denied.

Resnick and O'Donnell, JJ., dissent.

## RECONSIDERATION OF PRIOR DECISIONS

### **2006-1070. State ex rel. Foster v. Buchanan.**

Cuyahoga App. No. 85962. Reported at \_\_\_ Ohio St.3d \_\_\_, 2006-Ohio-4085, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

## DISCIPLINARY CASES

### **1999-2262. Butler Cty. Bar Assn. v. Turner.**

On May 31, 2000, this court suspended respondent from the practice of law for six months and stayed the suspension on conditions, including the condition that during the stay respondent shall work with an attorney-mentor to be named by relator. Prior to issuance of that order, the court, on April 5, 2000, in Supreme Court Case No. CLE-1999-16670, suspended respondent from the practice of law for failure to comply with the continuing legal education requirements of Gov.Bar R. X. At that time, respondent was ordered to immediately cease the practice of law.

Respondent has now satisfied all requirements for reinstatement from his Gov.Bar R. X suspension. In a separate order issued on this date, the court ordered respondent reinstated to the practice of law in CLE-1999-16670. Upon consideration thereof,

Respondent is ordered to work with an attorney-mentor for six months from the date of this order. It is further ordered that on or before 30 days from the date of this order, relator file with the clerk of this court the name of the attorney who will serve as respondent's mentor. It is further ordered that at the end of the six-month period, relator shall file a report with this court indicating whether respondent has complied with the conditions set forth in the order of May 31, 2000.

### **2003-1533. Disciplinary Counsel v. Travis.**

On July 13, 2004, this court issued an order finding respondent in contempt for failing to file an affidavit of compliance as required by this court's order of March 10, 2004.

On August 7, 2006, respondent filed his affidavit of compliance along with a request that the court reconsider its finding of contempt.

Upon consideration thereof, respondent's request to purge the contempt is granted.

## MISCELLANEOUS ORDERS

In re Report of the Commission on  
Continuing Legal Education.

Case No. CLE-99-16670

Talbert Randall Turner  
(#0016670)  
Respondent.

O R D E R

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (“commission”) pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 1997-1998 reporting period.

On April 5, 2000, this court adopted the recommendation of the commission, imposed a sanction fee upon the respondent, and suspended the respondent from the practice of law pursuant to Gov.Bar R. X(6)(B)(3) and (5)(A)(4). The court further ordered that respondent shall not be reinstated to the practice of law in Ohio until respondent complies with the requirements for reinstatement set forth in Gov.Bar R. X(7); respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; respondent complies with this and all other orders of the court; and this court orders respondent reinstated.

On August 4, 2006, the commission filed a recommendation pursuant to Gov.Bar R. X(7)(B)(2), finding that the respondent has paid all fees assessed for noncompliance, has made up all deficiencies, and is now in full compliance with all requirements of Gov.Bar R. X, and recommending that the respondent be reinstated to the practice of law in Ohio. The commission certified that respondent had completed the credit hours of continuing legal education required during his suspension by this court’s order of suspension. On July 19, 2006, respondent satisfied all the requirements of this court’s order of suspension. Upon consideration thereof,

It is ordered by the court that the recommendation of the commission is adopted and respondent, Talbert Randall Turner, is hereby reinstated to the practice of law. Consistent with the order issued on this date in *Butler County Bar Association v. T. Randall Turner*, Supreme Court Case No. 1999-2262, respondent is ordered to work with an attorney-mentor, to be named by relator, for six months from the date of this order.

In re Report of the Commission  
On Continuing Legal Education

Case No. CLE-2003-67699

O R D E R

Christopher T. Travis,  
Respondent.

On January 13, 2006, this court issued an order finding respondent in contempt for failing to file an affidavit of compliance as required by this court's order of March 10, 2004.

On August 18, 2006, respondent filed his affidavit of compliance along with a request that the court reconsider its finding of contempt.

Upon consideration thereof, respondent's request to purge the contempt is granted.

**MEDIATION REFERRALS**

The following cases have been referred to mediation pursuant to S.Ct.Prac.R. XIV(6):

**2006-1426. State ex rel. Kill v. Indus. Comm.**

Franklin App. No. 05AP-934.

**2006-1544. State ex rel. Hilltop Basic Resources, Inc. v. Cincinnati.**

Hamilton App. No. C-050774, 2006-Ohio-3348.