

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

May 7, 2008

[Cite as *05/07/2008 Case Announcements*, 2008-Ohio-2028.]

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## MERIT DECISIONS WITH OPINIONS

**2007-0035 and 2007-0112. Turner v. Ohio Bell Tel. Co., Slip Opinion No. 2008-Ohio-2010.**

Cuyahoga App. No. 87541, 2006-Ohio-6168. Judgment affirmed in part and reversed in part.

Moyer, C.J., and Lundberg Stratton, O'Connor, Lanzinger, and Cupp, JJ., concur.

Pfeifer and O'Donnell, JJ., dissent.

**2007-0113. Shoemaker v. Gindlesberger, Slip Opinion No. 2008-Ohio-2012.**

Holmes App. No. 05 CA 010, 2006-Ohio-6916. Judgment affirmed.

O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Moyer, C.J., and Pfeifer and Lundberg Stratton, JJ., concur separately.

**2007-0152. Cristino v. Ohio Bur. of Workers' Comp., Slip Opinion No. 2008-Ohio-2013.**

Cuyahoga App. No. 87567, 2006-Ohio-5921. Judgment reversed.

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

Pfeifer, J., concurs separately.

## MERIT DECISIONS WITHOUT OPINIONS

**2008-0586. Martin v. Ohio Adult Parole Auth.**

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

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

**2008-0589. Mansfield v. Jackson.**

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

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

**MOTION AND PROCEDURAL RULINGS**

**2007-1452. Sogg v. Ohio Dept. of Commerce.**

Franklin App. No. 06AP-883, 2007-Ohio-3219. On motion for admission pro hac vice of Benjamin C. Mizer by William P. Marshall. Motion granted.

**2007-2383. State ex rel. Vazquez v. Cuyahoga Cty. Court of Common Pleas.**

Cuyahoga App. No. 90755, 2007-Ohio-6629. Sua sponte, cause held for the decision in 2007-1588, *Thorton v. Montville Plastics & Rubber, Inc.*, Geauga App. No. 2006-G-2744, 2007-Ohio-3475. Request for oral argument denied.

**2008-0310. State v. Dunning.**

Medina App. No. 06CA0087-M, 2007-Ohio-7039. On motion for stay of court of appeals' judgment and for bail. Motion denied.

**2008-0442. State ex rel. Lawrence Cty. Republican Party Exec. Commt. v. Brunner.**

In Mandamus. On answer of respondent. Sua sponte, 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. X:

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 ten 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 seven days after filing of respondent's brief..

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

**2008-0539. State v. Barksdale.**

Montgomery App. No. 21848, 2008-Ohio-182. On motion for leave to file delayed appeal. Motion granted.

O'Connor, Lanzinger, and Cupp, JJ., dissent.

**2008-0548. State v. Tapplar.**

Hamilton App. No. C-060552, 2007-Ohio-6868. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

**2008-0554. State v. Alaiydi.**

Hamilton App. No. C-070369. On motion for leave to file delayed appeal. Motion granted.

O'Connor, O'Donnell, and Lanzinger, JJ., dissent.

**2008-0555. State v. Taylor.**

Scioto App. No. 07CA3147, 2007-Ohio-7174. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, Lundberg Stratton, and Cupp, JJ., dissent.

**2008-0556. State v. Kelly.**

Cuyahoga App. No. 89393, 2007-Ohio-6838. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.

**2008-0580. State v. Sharp.**

Cuyahoga App. No. 89295, 2007-Ohio-6324. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2008-0588. State v. Richardson.**

Lucas App. No. L-06-1038, 2007-Ohio-204. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**APPEALS ACCEPTED FOR REVIEW**

**2007-2295. State v. Hoover.**

Union App. No. 14-07-11, 173 Ohio App.3d 487, 2007-Ohio-5773. Discretionary appeal accepted.

Pfeifer and O'Donnell, JJ., dissent.

Discretionary cross-appeal accepted.

Pfeifer, O'Donnell, and Cupp, JJ., dissent.

**2008-0128. Lima v. State.**

Allen App. No. 1-07-21, 2007-Ohio-6419. Discretionary appeal accepted. Oral argument in this case shall be held on the same day as oral argument in 2008-0418, *State v. Akron*, Summit App. No. 23660, 2008-Ohio-38.

**2008-0170. Minno v. Pro-Fab.**

Trumbull App. No. 2007-T-0021, 2007-Ohio-6565. Discretionary appeal accepted on Proposition of Law No. I.

Lundberg Stratton, O'Connor, and Cupp, JJ., would also accept the appeal on Proposition of Law No. II.

Pfeifer, O'Donnell, and Lanzinger, JJ., dissent.

**2008-0190. State v. Bowsher.**

Union App. No. 14-07-32. Discretionary appeal accepted; cause held for the decision in 2007-2182, *State v. Goldsberry*, Union App. No. 14-07-06, 2007-Ohio-5493; and briefing schedule stayed.

**2008-0200. Olympic Holding Co., L.L.C. v. ACE Ltd.**

Franklin App. No. 07AP-168, 2007-Ohio-6643. Discretionary appeal accepted.

Pfeifer, O'Donnell, and Lanzinger, JJ., dissent.

Motion for admission pro hac vice of Frederick R. Kessler and William A. Maher by Kathleen M. Trafford granted.

**2008-0228. State v. Murray.**

Lake App. No. 2007-L-098, 2007-Ohio-6733. Discretionary appeal accepted; cause held for the decision in 2007-1703, *State v. Kalish*, Lake App. No. 2006-L-093, 2007-Ohio-3850.

Pfeifer, J., dissents.

**2008-0418. State v. Akron.**

Summit App. No. 23660, 2008-Ohio-38. Discretionary appeals accepted. Motion to consolidate denied. Oral argument in this case shall be held on the same day as oral argument in 2008-0128, *Lima v. State*, Allen App. No. 1-07-21, 2007-Ohio-6419.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2007-2354. State v. Shankle.**

Stark App. No. 2007CA00094, 2007-Ohio-6119.

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

**2008-0002. Kovacic v. Kovacic.**

Cuyahoga App. No. 89130, 2007-Ohio-5956.

**2008-0014. Wells Fargo Bank, N.A. v. Shingara.**

Geauga App. No. 2007-G-2764, 2007-Ohio-6154.

**2008-0035. State v. Frye.**

Ashtabula App. No. 2007-A-0023, 2007-Ohio-6941.

Lundberg Stratton, J., dissents.

**2008-0043. State v. Thompson.**

Hamilton App. No. C-070780.

**2008-0044. State v. Thompson.**

Allen App. No. 1-07-06, 2007-Ohio-6229.

**2008-0046. State v. Scott.**

Mahoning App. No. 05-MA-215, 2007-Ohio-6258.

**2008-0048. State v. Moviel.**

Cuyahoga App. No. 88984, 2007-Ohio-5947.

Moyer, C.J., dissents and would accept the appeal and hold the cause for the decision in 2007-0983, *State v. Clark*, Ashtabula App. No. 2006-A-0004, 2007-Ohio-1780.

**2008-0050. State v. Evans.**

Montgomery App. No. 21884, 2007-Ohio-6351.

**2008-0064. State v. Bertuzzi.**

Marion App. No. 9-07-13, 2007-Ohio-6236.

Cupp, J., not participating.

**2008-0068. Bank of New York v. Nicholson.**

Cuyahoga App. No. 89207, 2007-Ohio-6075.

**2008-0082. Martin v. Lake Mohawk Property Owners Assn., Inc.**

Carroll App. No. 06-CA-841, 2007-Ohio-6432.

**2008-0090. Zanesville LLC v. Motorists Mut. Ins. Co.**

Muskingum App. No. CT2006-0043, 2007-Ohio-6448.  
O'Connor and O'Donnell, JJ., dissent.

**2008-0091. State v. Wheeler.**

Lucas App. No. L-06-1125, 2007-Ohio-6375.

**2008-0098. State v. Starnes.**

Coshocton App. No. 07CA16.

**2008-0108. Murphy v. Penske Logistics.**

Geauga App. No. 2007-G-2771, 2007-Ohio-6407.

**2008-0115. State v. Johnson.**

Hamilton App. No. C-070051, 174 Ohio App.3d 130, 2007-Ohio-6512.

**2008-0119. Birch v. Cuyahoga Cty. Probate Court.**

Cuyahoga App. No. 88854, 173 Ohio App.3d 696, 2007-Ohio-6189.

O'Donnell, J., dissents.

Cupp, J., dissents and would accept the appeal on Proposition of Law No. III.

O'Connor, J., not participating.

**2008-0121. State v. Forbes.**

Preble App. No. CA2007-01-001, 2007-Ohio-6412.

O'Connor and Cupp, JJ., dissent.

**2008-0122. Farmers State Bank v. Followay.**

Wayne App. No. 07CA0011, 2007-Ohio-6399.

**2008-0124. State v. George.**

Hamilton App. No. C-060293.

**2008-0126. State v. Sommerfield.**

Union App. No. 14-07-09, 2007-Ohio-6427.

Pfeifer, J., dissents.

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

Cupp, J., not participating.

**2008-0127. State v. Horton.**

Stark App. No. 2007-CA-00085, 2007-Ohio-6469.

**2008-0130. State v. Camp.**

Delaware App. No. 05CAA12086, 2007-Ohio-6513.

**2008-0132. State v. Hubbard.**

Hamilton App. No. C-060980.

**2008-0133. State v. Bradley.**

Champaign App. No. 06CA31, 2008-Ohio-720 and 2007-Ohio-6583.

Moyer, C.J., dissents and would accept the appeal on Proposition of Law No. II.

**2008-0137. In re Trust of Washington.**

Butler App. No. CA2007-05-131.

**2008-0139. Gilchrist v. Gonsor.**

Cuyahoga App. No. 88609, 2007-Ohio-3903.

Moyer, C.J., and Lundberg Stratton and O'Connor, JJ., dissent and would accept the appeal on Proposition of Law Nos. I, II, III, and IV.

**2008-0140. Tribble v. Children's Hosp. Med. Ctr.**

Hamilton App. No. C-070058.

Pfeifer, J., dissents.

**2008-0142. State v. Norris.**

Monroe App. No. 06 MO 5, 2007-Ohio-6915.

**2008-0145. Davis v. Davis.**

Wood App. No. WD-07-076.

**2008-0146. State v. Nichols.**

Hardin App. No. 6-07-12, 2007-Ohio-6710.

**2008-0150. Cosby v. Franklin Cty. Dept. of Job & Family Servs.**

Franklin App. No. 07AP-41, 2007-Ohio-6641.

Lanzinger, J., dissents.

**2008-0151. Young v. Stelter & Brinck, Ltd.**

Hamilton App. No. C-070259, 174 Ohio App.3d 221, 2007-Ohio-6510.

**2008-0154. State v. Clark.**

Athens App. No. 07CA9, 2007-Ohio-6621.

Lundberg Stratton and O'Connor, JJ., dissent and would accept the appeal on Proposition of Law Nos. I and II.

**2008-0155. State v. Foy.**

Stark App. No. 2006-CA-00269, 2007-Ohio-6578.

**2008-0165. State ex rel. Keffer v. Child Support Enforcement Agency.**

Medina App. No. 07CA0112-M.

**2008-0169. State v. Martin.**

Hamilton App. No. C-070017, 2007-Ohio-6662.

**2008-0172. State v. West.**

Jefferson App. No. 07 JE 10, 2007-Ohio-6912.

**2008-0173. State v. Hammond.**

Jackson App. No. 07CA10.

**2008-0174. State v. Freeman.**

Franklin App. No. 07AP-337, 2007-Ohio-6859.

**2008-0180. State v. Kidd.**

Portage App. No. 2006-P-0087, 2007-Ohio-6562.

**2008-0181. State v. Bradley.**

Lake App. No. 2006-L-257, 2007-Ohio-7134.

Pfeifer, J., dissents.

**2008-0186. Mulkerin v. Cho.**

Medina App. No. 07CA007-M, 2007-Ohio-6550.

**2008-0187. Pinkerton v. Thompson.**

Lorain App. No. 06CA008996, 174 Ohio App.3d 229, 2007-Ohio-6546.

**2008-0191. State ex rel. O'Brien v. Hamilton.**

Franklin App. No. 07AP-501, 2007-Ohio-7004.

**2008-0192. State v. Weller.**

Franklin App. Nos. 07AP-289, 07AP-290, and 07AP-291, 2007-Ohio-6598.

**2008-0195. Goldberg v. Mittman.**

Franklin App. No. 07AP-304, 2007-Ohio-6599.

**2008-0196. Crosby v. Pickaway Cty. Gen. Health Dist.**

Pickaway App. No. 06CA27, 2007-Ohio-6769.

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

**2008-0199. Hastings Mut. Ins. v. Halatek.**

Mahoning App. No. 06-MA-102, 174 Ohio App.3d 252, 2007-Ohio-6923.

Lundberg Stratton and O'Connor, JJ., dissent.

**2008-0203. State v. Goldman.**

Clark App. No. 2006 CA 103, 2007-Ohio-6682.

**2008-0204. State v. Fambro.**

Hamilton App. No. C-070853.

**2008-0205. State v. Nickles.**

Hamilton App. No. C-061081.

**2008-0208. Owens v. Smith.**

Richland App. No. 07CA42, 2007-Ohio-6766.

Lundberg Stratton and O'Donnell, JJ., dissent.

**2008-0214. State v. Smith.**

Franklin App. No. 06AP-1165, 2007-Ohio-6772.

**2008-0217. State v. Metz.**

Franklin App. No. 06AP-755.

**2008-0222. State v. Terry.**

Summit App. No. 23043, 2007-Ohio-6790.

**2008-0234. State v. Carroll.**

Clermont App. No. CA2007-02-030, 2007-Ohio-7075.

**2008-0240. State v. Wyerick.**

Mercer App. No. 10-07-25.

**2008-0241. Smith v. Jones.**

Hancock App. No. 5-06-47, 2007-Ohio-6708.

Pfeifer, J., dissents.

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

**2008-0242. Tonti v. E. Bank Condominiums, LLC.**

Franklin App. No. 07AP-388, 2007-Ohio-6779.

**2008-0249. State v. Martin.**

Franklin App. No. 07AP-362, 2007-Ohio-7152.

**2008-0280. State v. Richards.**

Hamilton App. No. C-061027.

**2008-0294. State v. Staples.**

Butler App. No. CA2006-10-259, 2007-Ohio-7072.

**2008-0337. State v. Bevins.**

Hamilton App. Nos. C-070850 and C-070852.

**2008-0346. Bradley v. Ohio Dept. of Rehab. & Corr.**

Franklin App. No. 07AP-506, 2007-Ohio-7150.

**2008-0347. Ironton Med. Rehab., Inc. v. Ohio Dept. of Job & Family Servs.**

Franklin App. No. 07AP-499, 2007-Ohio-7149.

**2008-0370. State v. Bufford.**

Hamilton App. No. C-050330.

**2008-0379. State v. Lester.**

Auglaize App. No. 2-06-31, 2007-Ohio-4239.

O'Connor, J., dissents.

**2008-0439. State v. Parker.**

Cuyahoga App. No. 82687, 2008-Ohio-215.

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2007-0325, *State v. Davis*, Hamilton App. No. C-040665, 2006-Ohio-3171.

**2008-0447. State v. Smith.**

Summit App. No. 23542, 2007-Ohio-5119.

O'Connor, J., not participating.

**2008-0451. State v. Chattams.**

Butler App. No. CA2006-06-146.

**RECONSIDERATION OF PRIOR DECISIONS**

**2006-2096. Jackson v. Columbus.**

Franklin App. No. 05AP-1035, 2006-Ohio-5209. Reported at 117 Ohio St.3d 328, 2008-Ohio-1041, 883 N.E.2d 1060. On motion for reconsideration. Motion denied.

Lundberg Stratton and O'Donnell, JJ., dissent.

**2007-2013. State ex rel. Turner v. Eberlin.**

Belmont App. No. 07 BE 6, 2007-Ohio-5042. Reported at 117 Ohio St.3d 381, 2008-Ohio-1117, 884 N.E.2d 39. On motion for reconsideration. Motion denied.

**2007-2137. Preferred Properties, Inc. v. Tillimon.**

Lucas App. No. L-07-1065. Reported at 117 Ohio St.3d 1424, 2008-Ohio-969, 882 N.E.2d 445. On motion for reconsideration. Motion denied.

**2007-2282. State v. Harris.**

Hamilton App. No. C-060989. Reported at 117 Ohio St.3d 1426, 2008-Ohio-969, 882 N.E.2d 446. On motion for reconsideration. Motion denied.

Pfeifer and Lanzinger, JJ., dissent and would grant the motion as to Proposition of Law No. II and hold the cause for the decision in 2007-0394, *State v. Hairston*, Franklin App. No. 06AP-420, 2007-Ohio-143.

**2007-2336. State v. Fikes.**

Hamilton App. No. C-060581, 2007-Ohio-5870. Reported at 117 Ohio St.3d 1426, 2008-Ohio-969, 882 N.E.2d 446. On motion for reconsideration. Motion denied.

**2007-2384. State v. Harrington.**

Greene App. No. 06-CA-29, 2007-Ohio-1335. Reported at 117 Ohio St.3d 1427, 2008-Ohio-969, 882 N.E.2d 446. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents and would grant the motion as to Proposition of Law No. II.

**2008-0020. State ex rel. Ahmed v. Solovan.**

In Prohibition. Reported at 117 Ohio St.3d 1419, 2008-Ohio-995, 882 N.E.2d 441. On motion for reconsideration. Motion denied.

**2008-0022. State ex rel. Bozsik v. Slaby.**

In Mandamus. Reported at 117 Ohio St.3d 1420, 2008-Ohio-969, 882 N.E.2d 442. On motion for reconsideration. Motion denied.