

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

June 30, 2009

[Cite as *06/30/2009 Case Announcements, 2009-Ohio-3161.*]

MERIT DECISIONS WITH OPINIONS

2005-2436. State v. Trimble, Slip Opinion No. 2009-Ohio-2961.

Portage C.P. No. 2005 CR 0022. Judgment affirmed.

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

Pfeifer, J., concurs separately.

2008-0905 and 2008-1009. Alexander v. Wells Fargo Financial Ohio 1, Inc., Slip Opinion No. 2009-Ohio-2962.

Cuyahoga App. No. 89277, 2008-Ohio-1402, and Cuyahoga App. No. 89311, 2008-Ohio-1403. Judgments reversed. Case No. 2008-0905 is remanded to the court of appeals, and case No. 2008-1009 is remanded to the trial court.

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

Pfeifer, J., dissents.

2008-1069. Northwestern Ohio Bldg. & Constr. Trades Council v. Ottawa Cty. Improvement Corp., Slip Opinion No. 2009-Ohio-2957.

Ottawa App. No. OT-07-017, 2008-Ohio-1852. Judgment affirmed.

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

MOTION AND PROCEDURAL RULINGS

1996-2455. State v. Keene.

Montgomery App. No. 14375. By entry filed May 6, 2009, this court ordered that appellant's sentence be carried into execution on Tuesday, July 21, 2009. In order to facilitate this court's timely consideration of any matters relating to the execution of appellant's sentence,

It is ordered by the court that the Chief Justice may suspend application of any provisions of the Rules of Practice of the Supreme Court, including, but not limited to, the filing requirements imposed by S.Ct.Prac.R. XIV(1). It is further ordered that service of documents as required by S.Ct.Prac.R. XIV(2), shall be personal, by facsimile transmission, or by e-mail.

It is further ordered that counsel of record for the parties shall provide this court with a copy of any document relating to this matter that is filed in, or issued by, any other court in this state or any federal court, as well as any commutation, pardon, or warrant of reprieve issued by the Governor. A copy of the document shall be delivered to the Office of the Clerk as soon as possible, either personally, by facsimile transmission, or by e-mail.

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

Franklin App. No. 97AP-860. On September 24, 2004, this court found appellant Gregory T. Howard to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B). This court further ordered that appellant was prohibited from continuing or instituting legal proceedings in the court without obtaining leave. On June 24, 2009, Howard filed three separate motions for leave.

It is ordered by the court that all three motions for leave filed on June 24, 2009, are denied.

2007-0866. State v. Leonard.

Ashtabula App. No. 2006-A-0064, 2007-Ohio-1545. This cause is pending before the court as an appeal from the Court of Appeals for Ashtabula County. Upon consideration thereof,

It is ordered by the court, sua sponte, that this cause is no longer held for the decisions in case Nos. 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362.

It is further ordered by the court that this cause is now held for the decision in case No. 2008-1255, *State v. Singleton*, Cuyahoga App. No. 90042, 2008-Ohio-2351, and the briefing schedule remains stayed.

2007-1023. State v. McKay.

Ashtabula App. No. 2006-A-0066, 2007-Ohio-1923. This cause is pending before the court as an appeal from the Court of Appeals for Ashtabula County. Upon consideration thereof,

It is ordered by the court, sua sponte, that this cause is no longer held for the decisions in case Nos. 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362.

It is further ordered by the court that this cause is now held for the decision in case No. 2008-1255, *State v. Singleton*, Cuyahoga App. No. 90042, 2008-Ohio-2351, and the briefing schedule remains stayed.

2007-1407. State v. Ross.

Ashtabula App. No. 2006-A-0088, 2007-Ohio-3388. This cause is pending before the court as an appeal from the Court of Appeals for Ashtabula County. Upon consideration thereof,

It is ordered by the court, sua sponte, that this cause is no longer held for the decisions in case Nos. 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362.

It is further ordered by the court that this cause is now held for the decision in case No. 2008-1255, *State v. Singleton*, Cuyahoga App. No. 90042, 2008-Ohio-2351, and the briefing schedule remains stayed.

2007-1787. State v. Bailey.

Hamilton App. No. C-060918. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Upon consideration thereof,

It is ordered by the court, sua sponte, that this cause is no longer held for the decisions in case Nos. 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362.

It is further ordered by the court that this cause is now held for the decision in case No. 2008-1255, *State v. Singleton*, Cuyahoga App. No. 90042, 2008-Ohio-2351, and the briefing schedule remains stayed.

2007-2303. State v. Taylor.

Ashtabula App. No. 2007-A-0018, 2007-Ohio-5912. This cause is pending before the court as an appeal from the Court of Appeals for Ashtabula County. Upon consideration thereof,

It is ordered by the court, sua sponte, that this cause is no longer held for the decisions in case Nos. 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012,

2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362.

It is further ordered by the court that this cause is now held for the decision in case No. 2008-1255, *State v. Singleton*, Cuyahoga App. No. 90042, 2008-Ohio-2351, and the briefing schedule remains stayed.

2008-0057. State v. Harris.

Cuyahoga App. No. 89128, 2007-Ohio-6850. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. Upon consideration thereof,

It is ordered by the court, sua sponte, that this cause is no longer held for the decisions in case Nos. 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362.

It is further ordered by the court that this cause is now held for the decision in case No. 2008-1255, *State v. Singleton*, Cuyahoga App. No. 90042, 2008-Ohio-2351, and the briefing schedule remains stayed.

2008-1241. State v. Armstrong.

Cuyahoga App. No. 89995, 2008-Ohio-2184. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. Upon consideration thereof,

It is ordered by the court, sua sponte, that this cause is no longer held for the decisions in case Nos. 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362.

It is further ordered by the court that this cause is now held for the decision in case No. 2008-1255, *State v. Singleton*, Cuyahoga App. No. 90042, 2008-Ohio-2351, and the briefing schedule remains stayed.

2008-1246. State v. Harris.

Hamilton App. No. C-070506. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Upon consideration thereof,

It is ordered by the court, sua sponte, that this cause is no longer held for the decisions in case Nos. 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362.

It is further ordered by the court that this cause is now held for the decision in case No. 2008-1255, *State v. Singleton*, Cuyahoga App. No. 90042, 2008-Ohio-2351, and the briefing schedule remains stayed.

2008-1424. State v. Satterfield.

Hamilton App. Nos. C-070414 and C-07415. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Upon consideration thereof,

It is ordered by the court, sua sponte, that this cause is no longer held for the decisions in case Nos. 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362.

It is further ordered by the court that this cause is now held for the decision in case No. 2008-1255, *State v. Singleton*, Cuyahoga App. No. 90042, 2008-Ohio-2351, and the briefing schedule remains stayed.

2008-1758. Shiloh Automotive, Inc. v. Wilkins.

Board of Tax Appeals, Nos. 2004-M-380 and 2004-M-1283. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of the joint motion to remand and vacate,

It is ordered by the court that the motion is granted. The Board of Tax Appeals Certification and Order dated August 5, 2008 is hereby vacated.

It is further ordered that this cause is remanded to the Board of Tax Appeals, and the Board of Tax Appeals is ordered to remand the case to the Tax Commissioner to implement the settlement agreement of the parties.

2008-2343. State v. Fuller.

Madison App. No. CA2008-04-008. This cause is pending before the court as an appeal from the Court of Appeals for Madison County. Upon consideration thereof,

It is ordered by the court, sua sponte, that this cause is no longer held for the decisions in case Nos. 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362.

It is further ordered by the court that this cause is now held for the decision in case No. 2008-1255, *State v. Singleton*, Cuyahoga App. No. 90042, 2008-Ohio-2351, and the briefing schedule remains stayed.

2008-2009. State v. Downing.

Franklin App. No. 08AP-48, 2008-Ohio-4463. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration thereof,

It is ordered by the court, sua sponte, that this cause is no longer held for the decisions in case Nos. 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362.

It is further ordered by the court that this cause is now held for the decision in case No. 2008-1255, *State v. Singleton*, Cuyahoga App. No. 90042, 2008-Ohio-2351, and the briefing schedule remains stayed.

It is further ordered that the motion to lift stay and set a briefing schedule and for oral argument is denied at this time.

2009-0481. In re Application of Am. Transmission Sys., Inc.

Power Siting Board, No. 07-171-EL-BTX. This cause is pending before the court as an appeal from the Power Siting Board. Upon consideration of appellant's motion to seal the Supplement to Brief Volume III,

It is ordered by the court that the motion is granted.

2009-0886. State v. Downour.

Lucas App. No. L-08-1029, 2009-Ohio-1812. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellee's motion to strike memorandum in support of jurisdiction,

It is ordered by the court that the motion is denied. Appellee may file a memorandum in response within 30 days from the date of this entry.

2009-0948. State ex rel. Brown v. Lemmerman.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relator's motion to strike or deny request for extension of time and motion to vacate order granting extension of time,

It is ordered by the court that the motions are denied.

DISCIPLINARY CASES

2006-0738 and 2008-0037. Disciplinary Counsel v. Manning.

On applications for reinstatement of Thomas Joel Manning, Attorney Registration No. 0059759. Applications granted and respondent is reinstated to the practice of law in Ohio in case No. 2006-0738 and is reinstated to the practice of law and placed on probation in case No. 2008-0037.

2008-0819. Toledo Bar Assn. v. Hales.

On application for reinstatement of Steven C. Hales, Attorney Registration No. 0071285. Application granted and respondent is reinstated to the practice of law on conditions.

2009-0660. Columbus Bar Assn. v. Johnson.

This cause is before the court upon the filing of a final report by the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio. The report recommends that the respondent, Katryna Lynette Johnson, Attorney Registration No. 0070915, be suspended from the practice of law in Ohio for a period of six months with the entire six months stayed on conditions pursuant to Gov.Bar R. V(6)(B)(3).

By order dated June 24, 2009, the court accepted respondent's resignation from the practice of law as a resignation with disciplinary action pending in case No. 2009-1011, *In re Resignation of Johnson*. Pursuant to the court's order and Gov.Bar R. V(11)(G), the resignation is unconditional, final, and irrevocable.

Accordingly, it is ordered by the court that case No. 2009-0660, *Columbus Bar Assn. v. Johnson*, is dismissed as moot.

MEDIATION REFERRALS

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

2009-0851. State ex rel. Gen. Dynamics Land Sys., Inc. v. Morris.
Franklin App. No. 08AP-509, 2009-Ohio-1266.