

ATTENTION

DIRECT ANY QUESTIONS ABOUT THE ANNOUNCEMENT TO WALTER S. KOBALKA,  
REPORTER OF DECISIONS, AND DEBORAH J. BARRETT AT (614) 466-4961 OR  
1-800-826-9010.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY  
December 22, 1993

MERIT DOCKET

92-1269. State v. Carpenter.

Franklin County. Appeal from the Court of Appeals for Franklin  
County, No. 91AP-1150. Judgment reversed, indictment for murder  
dismissed and defendant discharged.

Moyer, C.J., A.W. Sweeney, Douglas, Wright and F.E. Sweeney, JJ.,  
concur.

Resnick and Pfeifer, JJ., dissent.

92-1403. AT&T Technologies, Inc. v. Indus. Comm.

Franklin County. Appeal from the Court of Appeals for Franklin  
County, No. 91AP-1434. Judgment affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and  
Pfeifer, JJ., concur.

Wright, J., dissents.

92-1718. Shimola v. Cleveland.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga  
County, Nos. 60923 and 61187. Sua sponte, cause dismissed as having  
been improvidently allowed.

A.W. Sweeney, Douglas, Resnick and Pfeifer, JJ., concur.

Moyer, C.J., Wright and M.L. Resnick, JJ., dissent.

Melvin L. Resnick, J., of the Sixth Appellate District, sitting  
for F.E. Sweeney, J.

92-2115. Wenzel v. Enright.

Franklin County. Appeal from the Court of Appeals for Franklin County, No. 92AP-737. Judgment affirmed.

Moyer, C.J., Douglas, Resnick and Sweeney, JJ., concur.  
A.W. Sweeney, Wright and Pfeifer, JJ., dissent.

93-1183. In re Petition for Writ of Habeas Corpus for Ortiz.  
In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas and Resnick, JJ., concur.  
Wright, F.E. Sweeney and Pfeifer, JJ., would deny the writ.

93-1236. State ex rel. Schottenstein v. Belskis.  
In Prohibition. On motion to dismiss. Motion to dismiss sustained.  
Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick and F.E. Sweeney, JJ., concur.  
Pfeifer, J., dissents and would grant the writ.

93-1807. State v. Black.  
Lawrence County, No. 92-CA-8. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.  
A.W. Sweeney and Wright, JJ., dissent.

93-1848. State v. Taylor.  
Hamilton County, No. C-900103. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.  
A.W. Sweeney and Wright, JJ., dissent.

93-1985. State v. Newlin.  
Franklin County, No. 87AP-222. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.  
A.W. Sweeney and Wright, JJ., dissent.

93-1997. State v. Adams.  
Lucas County, No. L-92-290. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.  
A.W. Sweeney and Wright, JJ., dissent.

93-2004. State ex rel. Henderson v. Blake.  
In Quo Warranto. On motion to amend complaint. Motion granted. Sua sponte, cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright and Resnick, JJ., concur.  
F.E. Sweeney, J., would grant an alternative writ.  
Pfeifer, J., would deny the writ.

93-2032. State v. Wilson.  
Hamilton County, No. C-76131. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.  
A.W. Sweeney and Wright, JJ., dissent.

93-2069. Rockwell v. Edwards.  
In Habeas Corpus. On motion to dismiss. Motion to dismiss

sustained. Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

93-2074. Malone v. Littlefield.

In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

93-2082. Elliott v. Burden.

Hamilton County, No. C-920365. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

A.W. Sweeney, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

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

93-2086. State v. Kelly.

Franklin County, No. 91AP-739. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

A.W. Sweeney and Wright, JJ., dissent.

93-2108. State v. Cotten.

Richland County, No. CA-1611. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

A.W. Sweeney and Wright, JJ., dissent.

93-2113. State ex rel. Farmer v. Holland.

In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

93-2115. Bragg v. Voinovich.

In Mandamus. On answer of respondent. Sua sponte, cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick and F.E. Sweeney, JJ., concur.

Pfeifer, J., dissents and would grant an alternative writ.

93-2146. State v. Williams.

Franklin County, No. 91AP-362. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

A.W. Sweeney and Wright, JJ., dissent.

93-2158. Toth v. Kellogg-Jones.

In Mandamus. On motion to dismiss or for summary judgment. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

93-2185. State v. Eubank.

Lucas County, No. L-85-294. Judgment affirmed.

Moyer, C.J., Douglas, F.E. Sweeney and Pfeifer, JJ., concur.

A.W. Sweeney and Wright, JJ., dissent.

Resnick, J., not participating.

93-2198. State v. Milburn.

Franklin County, No. 89AP-655. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

A.W. Sweeney and Wright, JJ., dissent.

93-2202. State v. Cornell.

Cuyahoga County, No. 59365. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

A.W. Sweeney and Wright, JJ., dissent.

#### MOTION DOCKET

87-155. Carney v. McAfee.

Erie County, No. E-85-58. On motion for relief from judgment. Motion granted.

Moyer, C.J., and Wright, J., dissent.

Resnick, J., not participating.

92-1002. Jenkins v. James B. Day & Co.

Franklin County, No. 91AP-1124. On motion to file response to amicus brief. Motion granted.

93-4. State v. Copeland.

Cuyahoga County, No. 61607. On motion for leave to file memorandum in support instanter. Motion granted.

93-279. State ex rel. Paluf v. Feneli.

Cuyahoga County, No. 63383. On request for oral argument. Request denied.

93-285. State ex rel. Koren v. Grogan.

Cuyahoga County, No. 63946. On request for oral argument. Request denied.

93-529. Ricciardi v. Babcock & Wilcox Co.

Summit County, No. 15728. On motion for leave to file amicus of Ohio Manufacturers Association et al. Motion granted.

93-882. State ex rel. Walker v. Bowling Green.

In Mandamus. On request for oral argument. Request granted.

93-1115. In re Petition for Incorporation of Holiday City, Ohio.

Williams County, No. 92WM000011. On motion for leave to file amicus of Toledo Edison Company. Motion granted.

Resnick, J., not participating.

93-1135. State v. Barnett.

Seneca County, No. 13-92-3. On motion to take jurisdiction and to release appellee. Motion denied.

Douglas, J., would treat this cause as one in habeas corpus and order a response.

Pfeifer, J., dissents and would grant the motion.

93-1453. Office of Consumers' Counsel v. Pub. Util. Comm.  
Public Utilities Commission, No. 93-343-TP-ATA. On motion for leave  
to amend brief of appellee. Motion granted.

93-1554. Springfield Local School Dist. Bd. of Edn. v. Lucas Cty.  
Budget Comm.  
Board of Tax Appeals, Nos. 90-G-87, 90-G-401, 91-G-26 and 91-G-293.  
On motion for leave to file amicus of County Auditors' Association of  
Ohio. Motion granted.

93-1882. McCoy v. Western Reserve Mut. Lightning Rod Mut. Ins. Co.  
Montgomery County, No. 13808. On motion for leave to file amicus of  
Ohio Academy of Trial Lawyers and for extension to file brief. Motion  
granted.

On motion for leave to file amicus of OHio Insurance Institute.  
Motion granted.

93-1908. Iskowiz v. Whitt.  
Cuyahoga County, No. 62030. On motion for leave to file instanter.  
Motion granted. On motion for rehearing. Motion denied.

93-2045. State ex rel. Sweet v. Hancock Cty. Bd. of Elections.  
Hancock County, No. 5-93-15. On motion for leave to file amicus of  
Hancock County Republican Central Committee. Motion granted.

93-2190. State v. DeMuth.  
Erie County, No. E-90-51. On motion for leave to file delayed  
appeal. Motion denied.

Pfeifer, J., dissents.

93-2193. State v. Pollock.  
Lucas County, No. L-92-034. On motion for leave to file memorandum in  
support instanter. Motion granted.

Moyer, C.J., Wright and F.E. Sweeney, JJ., dissent.  
On motion for leave to exceed page limit. Motion denied.

A.W. Sweeney and Douglas, JJ., dissent.

93-2294. State v. Van Sickle.  
Franklin County, No. 92AP-1633. On motion for leave to file amicus of  
Ohio Prosecuting Attorneys Association. Motion granted.

93-2298. State v. Boxx.  
Sandusky County, No. S-92-10. On motion for leave to file delayed  
appeal. Motion denied.

Pfeifer, J., dissents.

93-2300. Okosun v. Insurx, Inc.  
Cuyahoga County, No. 65593. On motion for leave to file memorandum in  
support instanter. Motion granted.

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

#### REHEARING DOCKET

86-1499. State v. Sowell.  
Hamilton County, No. C-830835. Reported at 67 Ohio St.3d 1502,

N.E.2d . On motion for rehearing. Rehearing denied.  
A.W. Sweeney and Wright, JJ., dissent.

92-2373. State v. Sowell.  
Hamilton County, No. C-830835. Reported at 67 Ohio St.3d 1500,  
N.E.2d . On motion for rehearing. Rehearing denied.  
A.W. Sweeney and Wright, JJ., dissent.

93-2395. State v. Steffen.  
Hamilton County, No. C-830445. Reported at 67 Ohio St.3d 1500,  
N.E.2d . On motion for rehearing. Rehearing denied.  
A.W. Sweeney and Wright, JJ., dissent.

93-183. State v. Beuke.  
Hamilton County, No. C-830829. Reported at 67 Ohio St.3d 1500,  
N.E.2d . On motion for rehearing. Rehearing denied.  
A.W. Sweeney and Wright, JJ., dissent.

93-1401. In re Musial.  
Cuyahoga County, No. 64825. Reported at 67 Ohio St.3d 1505,  
N.E.2d . On motion for rehearing. Rehearing denied.  
Pfeifer, J., dissents.

93-1457. Walls v. Lewis Ctr.  
In Habeas Corpus. Reported at 67 Ohio St.3d 1500, N.E.2d . On  
motion for rehearing. Rehearing denied.

93-1555. State v. Salem.  
Cuyahoga County, No. 59700. Reported at 67 Ohio St.3d 1495,  
N.E.2d . On motion for rehearing. Rehearing denied.

93-1662. Johnson v. United Lajero Co., Inc.  
Tuscarawas County, No. 92AP090065. Reported at 67 Ohio St.3d  
1506, N.E.2d . On motion for rehearing. Rehearing denied.  
Moyer, C.J., and Wright, J., dissent.

93-1692. Reed v. Perry Cty. Children's Serv.  
Perry County, No. CA-429. Reported at 67 Ohio St.3d 1513,  
N.E.2d . On motion for rehearing. Rehearing denied.  
Wright, J., dissents.

93-1721. Johnson v. Wilkinson.  
In Mandamus. Reported at 67 Ohio St.3d 1500, N.E.2d . On  
motion for rehearing. Rehearing denied.  
F.E. Sweeney, J., dissents.

93-1846. State ex rel. Aleman v. Ohio Adult Parole Auth.  
In Mandamus. Reported at 67 Ohio St.3d 1509, N.E.2d . On  
motion for rehearing. Rehearing denied.  
F.E. Sweeney and Pfeifer, JJ., dissent.

#### DISCIPLINARY DOCKET

92-1730. Mahoning Cty. Bar Assn. v. Strobel.  
On response to court's order to show cause. Motion for  
reconsideration denied.

Pfeifer, J., would modify the court's order to permit the contemnor to pay \$50 per month, order the contemnor to report annually by affidavit his income, order that the order be reviewed annually based on the contemnor's income, and give the contemnor until January 31, 1994 to purge his contempt by beginning payments of \$50 per month.

93-434. Cleveland Bar Assn. v. Oliver.

On affidavit of respondent. Sua sponte, the affidavit is stricken.

Pfeifer, J., would grant respondent a hearing.