

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY
October 20, 1999

MERIT DOCKET

99-1488. Elijah v. Ohio Adult Parole Auth.

In Habeas Corpus. On petition for writ of habeas corpus by Richard T. Elijah.

Sua sponte, cause dismissed.

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

99-1543. Gonyer v. Bishop.

In Mandamus and Procedendo. On motion to dismiss. Motion to dismiss
sustained. Cause dismissed.

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

99-1553. State ex rel. Untied v. Taft.

In Mandamus. On answer of respondent Governor Bob Taft, motion for judgment
on pleadings by Governor Bob Taft, answer of respondents Todd A. Bickle and the
Honorable W. Allen Wolfe, motion to amend complaint, and motion for judgment
on pleadings.

Sua sponte, cause dismissed.

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

99-1563. State ex rel. Sevayega v. Blackmon.

In Mandamus. On complaint in mandamus by Dr. Reginald D. Sevayega.

Sua sponte, cause dismissed.

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

Lundberg Stratton, J., dissents and would grant the writ.

99-1640. Iden v. Brigano.

In Habeas Corpus. On petition for writ of habeas corpus by Tod R. Iden.

Sua sponte, cause dismissed.

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

99-1679. Turner v. Lazaroff.

In Habeas Corpus. On petition for writ of habeas corpus by Frederick L. Turner.

Sua sponte, cause dismissed.

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

99-1683. State ex rel. Watts v. Ohio Adult Parole Auth.

In Habeas Corpus. On petition for writ of habeas corpus by Jackson Watts, Jr.

Sua sponte, cause dismissed.

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

99-1691. State ex rel. Fields v. Ohio Adult Parole Auth.

In Habeas Corpus. On petition for writ of habeas corpus by Billie R. Fields.

Sua sponte, cause dismissed.

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

**DISMISSALS, SUA SPONTE, NO SUBSTANTIAL
CONSTITUTIONAL QUESTION AND DISCRETIONARY
APPEALS, IF APPLICABLE, NOT ALLOWED**

99-1247. Jury v. Ridenour.

Richland App. No. 98CA100.

Douglas and Lundberg Stratton, JJ., dissent.

99-1317. State v. Delgado.

Geauga App. No. 98-G-2137.

99-1330. Cleveland Hts. v. Riley.
Cuyahoga App. No. 74101.

99-1335. State v. Jackson.
Cuyahoga App. No. 73809.

99-1336. King v. King.
Adams App. No. 98CA668.
Lundberg Stratton, J., dissents.

99-1338. State v. Byberg.
Lorain App. No. 98CA007104.
Moyer, C.J., and Cook, J., dissent, would allow on Propositions of Law Nos. I and II, and would hold this cause for the decision in 99-765, *State v. Suffecool*, Stark App. No. 1998CA00101.

99-1340. Forsyth v. Dearth.
Clark App. No. 98CA96.

99-1342. In re Lawson.
Montgomery App. No. 17777.
Moyer, C.J., and Cook, J., dissent.

99-1346. In re Minella.
Hamilton App. No. C-980413.

99-1355. State v. Lutman.
Lucas App. No. L-97-1447.
Moyer, C.J., and Pfeifer, J., dissent.

99-1356. State v. Simms.
Cuyahoga App. No. 74702.

99-1358. State v. Ruiz.
Cuyahoga App. No. 73645.

99-1361. State v. Barney.
Meigs App. No. 97CA12.

99-1362. State v. Crawford.
Franklin App. No. 96APA04-553.

99-1363. State v. Jackson.
Allen App. No. 1-99-09.

99-1365. State v. Jackson.
Hamilton App. No. C-980660.

99-1366. State v. Blair.
Cuyahoga App. No. 73975.
Moyer, C.J., and Lundberg Stratton, J., dissent.

99-1368. Burnep v. Labmark, Inc.
Franklin App. No. 98AP-962.

99-1371. State v. Logan.
Summit App. No. 18958.

99-1372. State v. Wilson.
Lorain App. No. 99CA007378.

99-1373. In re Zhang.
Cuyahoga App. No. 73001.
Pfeifer, J., dissents and would allow on Proposition of Law No. I.
Lundberg Stratton, J., dissents.

99-1374. In re Edgington.
Crawford App. No. 3-99-07.

99-1377. State v. Harding.
Hamilton App. No. C-980603.

99-1382. State v. Macht.
Hamilton App. No. C-980676.

99-1383. Moore v. Daw.
Muskingum App. No. CT980023.
Moyer, C.J., dissents and would allow on Proposition of Law No. I.
Douglas, J., dissents.

99-1387. Wade v. Ohio Bur. of Workers' Comp.
Franklin App. No. 98AP-997.

99-1389. State v. West.
Hamilton App. No. C-980189.
Lundberg Stratton, J., dissents.

99-1393. Cain v. Cain.
Hamilton App. No. C-980358.

99-1395. State v. Gearing.
Cuyahoga App. No. 74406.

99-1397. In re Estate of Sluss.
Stark App. No. 1998CA00342.

99-1400. Talwar v. Kattan.
Allen App. No. 1-98-83.

99-1408. Snyder v. Elliott.
Clermont App. No. CA98-09-079.
F.E. Sweeney, J., dissents.

99-1410. Smith v. Conner.
Allen App. No. 1-99-15.

99-1412. State v. Mathis.
Hamilton App. No. C-980664.
Lundberg Stratton, J., dissents.

99-1414. State v. White.
Summit App. No. 19040.

99-1424. State v. Botros.
Cuyahoga App. No. 75368.

99-1429. State v. Morrison.
Cuyahoga App. No. 74184.

99-1435. State v. Anderson.

Summit App. No. 19162.

99-1440. State v. Boggs.

Hamilton App. No. C-980640.

99-1443. State v. Sanders.

Cuyahoga App. Nos. 76557 and 76558.

99-1450. State v. Matheny.

Tuscarawas App. No. 1998AP120125.

99-1470. State v. McAdams.

Hamilton App. No. C-980807.

99-1472. State v. Wallace.

Franklin App. No. 98AP-1208.

99-1503. State v. Cannon.

Lake App. No. 98-L-032.

99-1531. State v. Price.

Lucas App. No. L-99-1201.

99-1555. State v. Jones.

Franklin App. No. 98AP-129.

99-1575. State v. Perdue.

Hamilton App. No. C-980843.

99-1580. State v. Whiteside.

Franklin App. No. 98AP-804.

MOTION DOCKET

99-222. Karr v. Borchardt.

Seneca App. No. 13-98-36. On motion for substitution of Ginger Karr, administrator, as a party appellant for Andrew Beddow. Motion granted.

99-1573. Roseville v. Glass.

Perry App. No. 98CA13. On application for continuation of bond. Application denied.

99-1585. State ex rel. Chesney v. Lisbon.

In Mandamus. On motion to dismiss. *Sua sponte*, cause referred to mediation pursuant to S.Ct.Prac.R. XIV(6).

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

99-1604. State v. Sarli.

Cuyahoga App. No. 74292. On review of order certifying a conflict. The court determines that a conflict exists; *sua sponte*, cause consolidated with 99-1402, *State v. Sarli*, Cuyahoga App. No. 74292, causes held for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191, and briefing schedule stayed.

Resnick, F.E. Sweeney and Lundberg Stratton, JJ., dissent.

99-1627. State v. Rogers.

Muskingum App. No. 98CA14. On motion for leave to file delayed appeal. Motion denied.

99-1664. State v. Miller.

Hamilton App. No. C-980577. On motion for leave to file delayed appeal. Motion granted.

F.E. Sweeney, J., dissents.

99-1669. State v. Chapman.

Cuyahoga App. No. 72532. On motion for leave to file delayed appeal. Motion denied.

99-1671. State v. Buckner.

Hamilton App. No. C-980889. On motion for leave to file delayed appeal. Motion granted.

Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

99-1688. State v. Curenton.

Jefferson App. No. 96JE19. On motion for leave to file delayed appeal. Motion denied.

99-1692. State v. Miller.

Franklin App. No. 97APA05-623. On motion for leave to file delayed appeal. Motion denied.

99-1701. State v. Smith.

Mahoning App. No. 97CA5. On motion for stay of court of appeals' judgment. Motion denied.

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

99-1714. State v. McKinney.

Allen App. No. 1-98-67. On motion for leave to file delayed appeal. Motion denied.

99-1715. State v. McKinney.

Allen App. No. 1-98-68. On motion for leave to file delayed appeal. Motion denied.

99-1746. O'Connell v. O'Connell.

Clermont App. No. CA98-12-121. On motion for stay of the court of appeals' decision. Motion denied.

F.E. Sweeney, J., dissents.

DISCRETIONARY APPEALS ALLOWED

99-1280. Toledo Edison Co. v. Bryan.

Williams App. No. WM-98-017.

F.E. Sweeney, J., dissents.

Resnick and Cook, JJ., not participating.

99-1287. Progressive Ins. Co. v. Stewart.

Lucas App. No. L-98-1250. Discretionary appeal allowed and cause held for the decision in 98-772, *Csulik v. Nationwide Mut. Ins. Co.*, Stark App. No. 1997CA00283; briefing schedule stayed.

Douglas, Resnick and F.E. Sweeney, JJ., dissent.

99-1302. Newkirk v. State Farm Ins. Co.

Preble App. No. CA98-05-005. Discretionary appeal allowed and cause held for the decision in 99-342, 99-348 and 99-618, *Holcomb v. State Farm Ins. Cos.*, Franklin App. No. 98AP-353; briefing schedule stayed.

Resnick, F.E. Sweeney and Lundberg Stratton, JJ., dissent.

99-1311. Gamble v. Dobrosky.

Lucas App. No. L-98-1283.

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

99-1402. State v. Sarli.

Cuyahoga App. No. 74292. Discretionary appeal allowed, cause consolidated with 99-1604, *State v. Sarli*, Cuyahoga App. No. 74292, causes held for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191, and briefing schedule stayed.

Resnick, F.E. Sweeney and Lundberg Stratton, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

99-1364. Vincent v. Ohio Bur. of Workers' Comp.

Cuyahoga App. No. 75414.

99-1381. Mianowski v. Senne.

Summit App. No. 19512.

Lundberg Stratton, J., dissents.

99-1386. State v. Knapp.

Portage App. No. 97-P-0060.

99-1392. Hilliard v. Huntington Natl. Bank.

Hamilton App. No. C-980383.

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

99-1396. D'Aurora v. King.

Jefferson App. No. 98JE39.

Douglas, J., dissents.

99-1406. Wofter v. Wofter.

Muskingum App. No. 98CA28.

99-1409. Canton v. Canton Realty & Dev. Co.

Stark App. No. 1998CA00232.

Pfeifer, J., dissents.

99-1416. Panini, Inc. v. 1078 Old River Rd., Inc.

Cuyahoga App. No. 74124.

F.E. Sweeney, J., dissents.

99-1428. In re Guardianship of Swank.

Richland App. No. 98CA69.

Resnick, J. dissents.

99-1441. Burrell Industries, Inc. v. Harrison Processing Corp.

Harrison App. No. 503.

99-1530. State v. Weber.

Franklin App. No. 98AP-1230.

RECONSIDERATION DOCKET

98-19. State v. Fears.

Hamilton C.P. No. B9702360B. Reported at 86 Ohio St.3d 329, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

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

98-405. Hamilton Ins. Serv., Inc. v. Nationwide Ins. Cos.

Richland App. Nos. 97CA27 and 97CA42. Reported at 86 Ohio St.3d 270, ___
N.E.2d ___. On motion for reconsideration. Motion denied.

Resnick, J., dissents.

98-1338. Harris v. Liston.

Cuyahoga App. No. 72244. Reported at 86 Ohio St.3d 203, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.

F.E. Sweeney, J., dissents.

Cook, J., not participating.

99-971. Randolph Twp. Trustees v. Mangold.

Portage App. No. 97-P-0110. Reported at 86 Ohio St.3d 1460, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

99-1028. Brokamp v. Mercy Hosp. Anderson.

Hamilton App. No. C-971077. Reported at 86 Ohio St.3d 1461, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

F.E. Sweeney, J., dissents.

99-1054. State v. Ewing.

Lorain App. No. 97CA006944. Reported at 86 Ohio St.3d 1475, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

Moyer, C.J., dissents.

99-1061. Sagen v. Thrower.

Cuyahoga App. No. 73954. Reported at 86 Ohio St.3d 1462, ___ N.E.2d _____. On
motion for reconsideration. Motion denied.

99-1070. State v. Johnson.

Muskingum App. No. CT980029. Reported at 86 Ohio St.3d 1462, ___ N.E.2d
_____. On motion for reconsideration. Motion denied.

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

99-1075. State v. Hull.

Clermont App. No. CA98-07-053. Reported at 86 Ohio St.3d 1462, ___ N.E.2d
_____. On motion for reconsideration. Motion denied.

99-1142. OHIC Ins. Co. v. Ohio Ins. Guar. Assn.

In Mandamus. Reported at 86 Ohio St.3d 1459, ___ N.E.2d _____. On motion for
reconsideration. Motion granted, alternative writ granted, and relators' request for
oral argument granted.

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