

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 6, 2012

[Cite as *12/06/2012 Case Announcements #2, 2012-Ohio-5753.*]

MERIT DECISIONS WITH OPINIONS

2011-0252. State ex rel. Ohio Atty. Gen. v. Shelly Holding Co., Slip Opinion No. 2012-Ohio-5700.

Franklin App. No. 09AP-938, 191 Ohio App.3d 421, 2010-Ohio-6526. Judgment affirmed and cause remanded.

O'Connor, C.J., and Pfeifer, Lundberg Stratton, Cupp, and McGee Brown, JJ., concur.

O'Donnell and Lanzinger, JJ., dissent.

2011-0619. State v. Williams, Slip Opinion No. 2012-Ohio-5699.

Cuyahoga App. No. 94616, 2011-Ohio-0925. Judgment affirmed.

O'Connor, C.J., and Pfeifer, Lundberg Stratton, Lanzinger, Cupp, and McGee Brown, JJ., concur.

O'Donnell, J., dissents.

2011-0742. Burlingame v. Estate of Burlingame, Slip Opinion No. 2012-Ohio-5698.

Stark App. No. 2010-CA-00124, 2011-Ohio-1325. Judgment reversed on the authority of *Anderson v. Massillon*, ___ Ohio St.3d ___, 2012-Ohio-5711, ___ N.E.2d ___, and cause remanded for further proceedings consistent with this court's opinion in *Anderson v. Massillon*.

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

Pfeifer, J., dissents and would affirm the judgment of the court of appeals.

2011-0743. Anderson v. Massillon, Slip Opinion No. 2012-Ohio-5711.

Stark App. No. 2010 CA 00196, 193 Ohio App.3d 297, 2011-Ohio-1328.
Judgment affirmed.

O'Connor, C.J., and Lundberg Stratton, O'Donnell, Cupp, and McGee Brown, JJ., concur.

Pfeifer and Lanzinger, JJ., concur in judgment in part and dissent in part.

2011-0934. State ex rel. Jean-Baptiste v. Kirsch, Slip Opinion No. 2012-Ohio-5697.

Scioto App. No. 10CA3338, 2011-Ohio-3368. Judgment reversed.

O'Connor, C.J., and Pfeifer, Lanzinger, and McGee Brown, JJ., concur.

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

2011-1066. State v. Brunning, Slip Opinion No. 2012-Ohio-5752.

Cuyahoga App. No. 95376, 2011-Ohio-1936. Judgment affirmed in part and reversed in part, and cause remanded.

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

2011-1733. State v. Chandler, Slip Opinion No. 2012-Ohio-5735.

Stark App. No. 2010-CA-00295, 2011-Ohio-4387. Judgment reversed on the authority of *State v. Billiter*, ___ Ohio St.3d ___, 2012-Ohio-5144, ___ N.E.2d ___, and cause remanded for further proceedings consistent with this court's opinion in *State v. Billiter*.

O'Connor, C.J., and Pfeifer, O'Donnell, Cupp, and McGee Brown, JJ., concur.

Lundberg Stratton and Lanzinger, JJ., dissent for the reasons stated in their separate opinions in *State v. Billiter*.

2011-1979. D.W. v. T.L., Slip Opinion No. 2012-Ohio-5743.

Clinton App. No. CA2011-03-004, 2011-Ohio-5228. Judgment reversed and cause remanded.

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

2011-2094. State v. Williams, Slip Opinion No. 2012-Ohio-5695.

Cuyahoga App. No. 94965, 195 Ohio App.3d 807, 2011-Ohio-5650. Judgment reversed.

O'Connor, C.J., and Lundberg Stratton, O'Donnell, Cupp, and McGee Brown, JJ., concur.

Lanzinger, J., concurs in judgment only.

Pfeifer, J., dissents.

2011-2126. State v. Howard, Slip Opinion No. 2012-Ohio-5738.

Montgomery App. No. 24680, 195 Ohio App.3d 802, 2011-Ohio-5693. Judgment reversed and cause remanded.

O'Connor, C.J., and Pfeifer, Lundberg Stratton and McGee Brown, JJ., concur.

O'Donnell and Cupp, JJ., dissent.

Lanzinger, J., dissents and would remand for resentencing as a fifth-degree felony.

2012-0018. In re J.B., Slip Opinion No. 2012-Ohio 5675.

Franklin App. No. 11AP-243, 2011-Ohio-6134. Cause remanded to the Tenth District Court of Appeals for application of *State ex rel. Jean-Baptiste v. Kirsch*, ___ Ohio St.3d ___, 2012-Ohio-5697, ___ N.E.2d ___. The oral argument scheduled for January 8, 2013, is cancelled.

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

2012-0059. In Re Bruce S., Slip Opinion No. 2012-Ohio-5696.

Hamilton App. No. C-110042, 2011-Ohio-6634. Judgment affirmed.

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

2012-0383. Oak Hills Local School Dist. Bd. of Edn. v. Hamilton Cty. Bd. of Revision, Slip Opinion No. 2012-Ohio-5750.

Appeal from the Board of Tax Appeals, No. 2011-A-3219. Decision affirmed.

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

2012-0996. Disciplinary Counsel v. Peterson, Slip Opinion No. 2012-Ohio-5719.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 11-018. Paul Nickolas Peterson, Attorney Registration No. 0075730, is indefinitely suspended from the practice of law in Ohio.

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

2012-1002. Disciplinary Counsel v. Shimko, Slip Opinion No. 2012-Ohio-5694.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-069. Timothy Andrew Shimko, Attorney Registration No. 0006736, is suspended from the practice of law in Ohio for one year, with the entire suspension stayed on condition.

Pfeifer, Lundberg Stratton, O'Donnell, and Cupp, JJ., concur.

O'Connor, C.J., and Lanzinger and McGee Brown, JJ., dissent.

2012-1013. Disciplinary Counsel v. Schmidt, Slip Opinion No. 2012-Ohio-5712.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-025. James Walter Schmidt, Attorney Registration No. 0001882, is suspended from the practice of law in Ohio for 12 months, with the entire suspension stayed on condition.

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

2012-1361. State v. Lynch, Slip Opinion No. 2012-Ohio-5730.

Lorain App. No. 11CA010031, 2012-Ohio-2975. Judgment reversed on the authority of *State v. Billiter*, ___ Ohio St.3d ___, 2012-Ohio-5144, ___ N.E.2d ___, and cause remanded for further proceedings consistent with this court's opinion in *Billiter*.

O'Connor, C.J., and Pfeifer, O'Donnell, Cupp, and McGee Brown, JJ., concur.

Lundberg Stratton and Lanzinger, JJ., dissent for the reasons stated in their separate opinions in *State v. Billiter*.