

R E L E A S E

OCTOBER 26, 2001

ASHTABULA

2000-A-0046 STATE OF OHIO, Plaintiff-Appellee v. ALBERT T. HUGHES,
Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [O'NEILL] (NADER)
(GRENDALL)

CRIMINAL LAW/SENTENCING:

A trial court's substantial compliance with Crim.R. 11 is enough to accept a defendant's guilty plea. Substantial compliance occurs where a defendant subjectively understood the rights he was waiving by a totality of the circumstances.

2000-A-0074 CITY OF GENEVA, Plaintiff-Appellee v. DEMETREOUS W. SHAW,
Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [O'NEILL] (NADER)
(GRENDALL)

CRIMINAL LAW/EVIDENCE:

When reviewing a claim of insufficient evidence, the test is whether after viewing the probative evidence and inferences reasonably drawn therefrom in the light most favorable to the prosecution, any rational trier of fact could have found all the essential elements of the offense proven beyond a reasonable doubt.

2001-A-0010 STATE OF OHIO, Plaintiff-Appellant v. CHRISTOPHER M. RAAB,
Defendant-Appellee.

Judgment affirmed. Grendell, J., concurs with Concurring Opinion. See Opinions and Judgment Entry. [O'NEILL] (NADER) (GRENDALL)

CRIMINAL LAW/SEARCH AND SEIZURE:

A police officer does not have the reasonable suspicion necessary to justify an investigatory stop where an individual is standing outside a building on a Sunday afternoon in an area that is not considered a high-crime area.

GEAUGA

2000-G-2276 JAMES M. HRASTAR, et al., Plaintiffs-Appellants v. LAWRENCE F. THOMPSON, et al., Defendants-Appellees.

Judgment reversed and remanded. Ford, J., dissents with Dissenting Opinion. Grendell, J., concurs with Concurring Opinion. See Opinions and Judgment Entry. [O'NEILL] (FORD) (GRENDALL)

FRAUD:

In an action for fraud, the statute of limitations does not begin to run until the fraud is actually discovered.

2001-G-2333 and

2001-G-2334 CHESTER PROPERTIES, INC., Plaintiff-Appellant v. HARLAN HOFFMAN, et al., Defendants, SHELL OIL COMPANY, et al., Defendants-Appellees.

Judgment affirmed. Grendell, J., dissents with Dissenting Opinion. See Opinions and Judgment Entry. [FORD] (CHRISTLEY) (GRENDALL)

MISCELLANEOUS:

When a party's attorney has notice of condition that would start the running of the statute of limitations in a negligence action for damage to real property, that party is also deemed to have notice of that condition for purposes of the "discovery rule," pursuant to which the statute of limitations begins to run when the damage to the real property is first discovered or should have been discovered through the exercise of reasonable diligence .

LAKE

98-L-214 STATE OF OHIO, Plaintiff-Appellee v. NICHOLAS P. WHITE, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [FORD] (CHRISTLEY) (NADER)

MISCELLANEOUS:

A psychological report is reliable hearsay and may be introduced at a defendant's sexual predator hearing. The defendant, however, must be given the opportunity to rebut any alleged inaccuracies in the report.

2000-L-140 LAURA BENTLEY, Plaintiff-Appellant v. API PATTERN WORKS, INC., et al., Defendants-Appellees.

Judgment affirmed. See Opinion and Judgment Entry. [FORD] (CHRISTLEY) (GRENDALL)

EMPLOYMENT RELATIONS:

To establish a prima facie case of retaliation, an employee must show: (1) he was a member of a protected class or engaged in a protected activity; (2) the employer knew he

took part in the protected activity; (3) the employer took adverse action against the employee; and (4) there was a causal link. Once an employee presents a prima facie case of discrimination, the burden shifts to the employer to articulate a legitimate nondiscriminatory reason for the employer's action. If the employer carries its burden, the burden shifts back to the employee to prove the proffered nondiscriminatory reasons by the employer are a pretext.

PORTAGE

2000-P-0105 HOWARD J. TRICKETT, Plaintiff-Appellant v. KRUGLIAK, WILKINS, GRIFFITHS & DOUGHERTY CO., L.P.A., et al., Defendants-Appellees.
Judgment affirmed. See Opinion and Judgment Entry. [FORD] (CHRISTLEY) (GRENDALL)

MISCELLANEOUS:

An affirmative act is not required to terminate an attorney-client relationship. Subsequent to an unsuccessful appeal of a matter, if the deadline for filing an appeal to the Supreme Court of Ohio has passed, the attorney has performed no further legal work for his client, and the client has failed to identify any further legal action that attorney should have undertaken on his behalf with respect to the matter, the attorney-client relationship may terminate without an affirmative act on the part of either the attorney or his client.

2001-P-0089 STATE OF OHIO *ex rel.* MICHAEL R. NORRIS, Relator v. JUDGE BARBARA R. WATSON, Respondent.

Petition dismissed. See *Per Curiam* Opinion and Judgment Entry. (O'NEILL) (CHRISTLEY) (NADER)

EXTRAORDINARY WRIT:

An action in mandamus cannot be employed to contest the issue of whether a criminal defendant has been denied his right to a jury trial. The defendant can raise that issue in an appeal from his conviction.