

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

October 13, 2009

[Cite as *10/13/2009 Case Announcements, 2009-Ohio-5417.*]

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## MERIT DECISIONS WITH OPINIONS

**2009-0693. Disciplinary Counsel v. Bunstine, Slip Opinion No. 2009-Ohio-5286.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-041. Disciplinary complaint against Edward R. Bunstine, Attorney Registration No. 0030127, is dismissed.

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

Moyer, C.J., dissents.

**2009-1127. Columbus Bar Assn. v. Mangan, Slip Opinion No. 2009-Ohio-5287.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-051. Patrick F. Mangan, Attorney Registration No. 0016104, is publicly reprimanded.

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

**2009-1142. Ohio State Bar Assn. v. Trivers, Slip Opinion No. 2009-Ohio-5285.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-071. Oscar Trivers, Attorney Registration No. 0019588, is suspended from the practice of law in Ohio for one year, with six months stayed on condition.

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

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

## MOTION AND PROCEDURAL RULINGS

### **2007-1261. State v. Ketterer.**

Butler App. No. CR 2003-03-0309. This cause is pending before the court as a death appeal from the Court of Common Pleas of Butler County. Upon review of the record,

It is ordered by the court, sua sponte, that the Clerk of Butler County Court of Common Pleas shall certify and transmit to the Clerk of this court within 20 days from the date of this entry the following document: the transcript of the grand jury testimony. The transcript shall be transmitted and remain under seal.

### **2008-2424. State v. Williams.**

Montgomery App. No. 22532, 179 Ohio App.3d 584, 2008-Ohio-6245. This cause is pending before the court as an appeal from the Court of Appeals for Montgomery County. Upon consideration of the joint motion to allow amicus curiae Ohio Attorney General Richard Cordray to participate in oral argument scheduled for October 20, 2009, in support of the appellant,

It is ordered by the court that the motion is granted, and the amicus curiae shall share the time allotted to appellant.

### **2009-0079. State v. Horner.**

Lucas App. No. L-07-1224, 2008-Ohio-6169. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration thereof,

It is ordered by the court that the this cause is no longer held for the decision in *State v. Lester*, Slip Opinion No. 2009-Ohio-4225, but the briefing remains stayed.

### **2009-0311. State v. Horner.**

Lucas App. No. L-07-1224, 2008-Ohio-6169. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Lucas County.

It is ordered by the court, sua sponte, that this cause is no longer held for the decision in *State v. Lester*, Slip Opinion No. 2009-Ohio-4225. The parties are to brief the question certified by the court of appeals, as follows:

“Whether the holdings of *State v. Colon*, 118 Ohio St.3d 26, 2008-Ohio-1624, and *State v. Colon*, 119 Ohio St.3d 204, 2008-Ohio-3749, are applicable to the offense of aggravated robbery in violation of R.C. 2911.01(A)(3) or only to the offense of robbery, a violation of R.C. 2911.02(A)(2).”

It is ordered by the court that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Lucas County.

**2009-0627. DIRECTTV, Inc. v. Levin.**

Franklin App. No. 08AP-32, 2009-Ohio-636. 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 the stay of briefing is lifted and appellant's brief shall be filed within ten days of the date of this entry. The parties shall otherwise proceed in accordance with the Rules of Practice of the Supreme Court of Ohio.

**2009-0995. Lasson v. Coleman.**

Montgomery App. No. 22213, 2009-Ohio-1958. On June 1, 2009, appellant filed a notice of pending motion to certify a conflict. Whereas appellant has not notified this court of the decision on the pending motion to certify a conflict,

It is ordered by the court, sua sponte, that appellant show cause within 14 days of the date of this entry why this court should not proceed to consider the jurisdictional memoranda in this appeal pursuant to S.Ct.Prac.R. III(6).

**2009-1397. Hughley v. Duffey.**

On September 16, 2009, this court found Kevin Hughley to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B). This court further ordered that Hughley was prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. On September 25, 2009, the court ordered Hughley to show cause why the court should proceed to consider this appeal. Upon review of Hughley's response,

It is ordered by the court that Hughley has not shown good cause. Accordingly, this cause is dismissed.

**2009-1547. Office of Consumers' Counsel v. Pub. Util. Comm.**

Public Utilities Commission, Nos. 07-1080-GA-AIR and 07-1081- GA-ALT. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. Upon consideration of the motion for leave to intervene of Vectren Energy Delivery of Ohio, Inc.,

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

**2009-1639. State ex rel. Hughley v. McMonagle.**

Cuyahoga App. No. 93366, 2009-Ohio-4543. On September 16, 2009, this court found Kevin Hughley to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B). This court further ordered that Hughley was prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. On

September 25, 2009, the court ordered Hughley to show cause why the court should proceed to consider this appeal. Upon review of Hughley's response,

It is ordered by the court that Hughley has not shown good cause. Accordingly, this cause is dismissed.

**2009-1650. Ohio Cas. Ins. Co. v. D & J Distrib. & Mfg., Inc.**

Lucas App. No. L-08-1104, 2009-Ohio-3806. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's application for dismissal,

It is ordered by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

**2009-1797. Bertram v. State.**

Lake App. No. 2008-L-037, 2009-Ohio-5210. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's motion for stay of court of appeals' judgment,

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

**2009-1798. Thomas v. State.**

Lake App. No. 2008-L-026, 2009-Ohio-5209. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's motion for stay of court of appeals' judgment,

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

**2009-1799. State v. Bache.**

Lake App. No. 2008-L-061, 2009-Ohio-5211. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's motion for stay of court of appeals' judgment,

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

## **DISCIPLINARY CASES**

**2009-1739. Lorain Cty. Bar Assn. Legal Ethics and Grievance Commt. v. Hurst.** This cause is pending before the court upon relator's motion for an interim remedial suspension of respondent. Upon consideration of relator's motion for redaction,

It is ordered that the motion is granted, and counsel for relator shall come to the Supreme Court of Ohio and redact all personal identifiers, as defined by Rule 44(H) of the Rules of Superintendence of the Courts of Ohio, from the attachments

to the motion for interim remedial suspension filed in this case within ten days of the date of this entry.

**2009-1739. Lorain Cty. Bar Assn. Legal Ethics and Grievance Commt. v. Hurst.** This cause is pending before the court upon relator's motion for an interim remedial suspension of respondent. Upon consideration of relator's motion to supplement its motion for interim remedial suspension,

It is ordered by the court that relator's motion to supplement is granted.