

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M. WEDNESDAY
October 18, 1995

MERIT DOCKET

94-2181. State ex rel. Linndale v. Teske.
In Mandamus. Sua sponte, cause dismissed because an action for declaratory judgment is here an adequate remedy at law.
Moyer, C.J., Douglas, F.E. Sweeney, Pfeifer and Cook, JJ., concur.
Wright and Resnick, JJ., dissent and would grant the writ.

95-1700. Carrico v. Richland Cty. Common Pleas Court.
In Procedendo. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

95-1704. State ex rel. Davis v. Geyer.
In Procedendo. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

95-1706. Guess v. Officials.
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

95-1723. Drabic v. Judges.
In Mandamus and Procedendo. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

95-1731. State ex rel. Haley v. Second Dist. Court of Appeals.
In Mandamus. Sua sponte, cause dismissed.
Moyer, C.J., Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.
Douglas, J., dissents and would grant an alternative writ.

95-1737. Guess v. Judges.

In Mandamus. On motion to dismiss of Judges, Fourth District Court of Appeals, and on motion to dismiss of Judges, Juvenile Court. Motions to dismiss sustained. Cause dismissed.

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

95-1747. State ex rel. Lake v. Judges of the Court of Appeals of Ohio, Tenth Appellate Dist.

In Mandamus. Sua sponte, cause dismissed.

Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

Moyer, C.J., dissents and would grant an alternative writ.

95-1755. State ex rel. Young v. Wood Cty.

In Mandamus. On answer of respondent Alan Mayberry. Answer treated as motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-1778. State ex rel. Hamilton v. Cosgrove.

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

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

95-1791. State ex rel. Smith v. Zent.

In Mandamus. On answer of respondent. Answer treated as motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-1833. State ex rel. Potete v. Ohio Adult Parole Auth.

In Mandamus. On answer of respondent. Answer treated as motion to dismiss. On motion to dismiss. Motion to dismiss sustained. Cause dismissed

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

95-1846. Martin v. Connors.

In Mandamus. On motion to amend complaint to add respondents Judge Hoffman and Judge Sargeant, and on answer of respondent. Motion to amend granted and answer treated motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-1860. State ex rel. Scott v. Ghee.

In Mandamus. On answer of respondent. Answer treated as motion dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-1857. State v. Lenix.

Cuyahoga County, No. 67532. On review of order certifying a conflict. The court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B) and Whitelock v. Gilbane Bldg. Co. (1993), 66 Ohio St.3d 594, 613 N.E.2d 1032. This cause is therefore dismissed.

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

Pfeifer, J., concurs and agrees with the court of appeals' judgment.

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

95-1158. State v. Brooks.
Cuyahoga County, No. 57034.

95-1267. White v. Fed. Res. Bank.
Cuyahoga County, No. 67078.
Moyer, C.J., and Wright, J., dissent.

95-1270. Gaul v. Haas.
Cuyahoga County, No. 67313.

95-1276. Harrison v. State Med. Bd. of Ohio.
Franklin County, No. 94APE10-1457.
Wright, J., dissents.

95-1282. Bush v. Long.
Lucas County, No. OT94023.
Pfeifer, J., dissents.
Resnick, J., not participating.

95-1285. State v. Payne.
Cuyahoga County, No. 67124.

95-1289. State v. Martinez.
Hancock County, No. 5-94-48.

95-1290. State v. Bullock.
Perry County, No. CA-468.
Wright, J., dissents.

95-1294. State v. Patton.
Summit County, Nos. 16475 and 16634.
Wright, J., dissents.

95-1299. State v. Freeman.
Hamilton County, Nos. C-900698 and C-900699.

95-1312. State v. Heredia.
Cuyahoga County, No. 67880.

95-1319. Ofat v. Ohio Civ. Rights Comm.
Jefferson County, No. 94-J-31.
Wright and Pfeifer, JJ., dissent.

95-1322. State v. Mitchell.
Mahoning County, No. 88 C.A. 180.

95-1327. Earhart Petroleum, Inc. v. Yowell Transp.
Montgomery County, No. 14665.

95-1328. Avondale Community Council v. Zoological Soc. of Cincinnati.
Hamilton County, No. C-930955.

95-1333. State v. Spillman.

Franklin County, No. 94APA10-1520.

95-1335. Johnson v. Monroe Realty Co.
Cuyahoga County, No. 67964.

95-1339. State v. Jamison.
Franklin County, No. 94APA11-1620.
Douglas, J., dissents.

95-1341. Brescol v. Dietrich.
Lucas County, No. L-94-107.
Douglas and Pfeifer, JJ., dissent.

95-1344. State v. Gronski.
Lucas County, No. L-89-331.
Resnick, J., not participating.

95-1345. Owens v. Coleman.
Lucas County, No. L-94-270.
Douglas, J., dissents.
Resnick, J., not participating.

95-1348. May v. Brown.
Hamilton County, Nos. C-940799 and C-940921.

95-1349. State v. Rothschild.
Summit County, No. 16624.

95-1353. Bldg. Industry Assn. of Cleveland v. Westlake.
Cuyahoga County, No. 67205.
Moyer, C.J., and Douglas, J., dissent.

95-1355. State v. Triggs.
Cuyahoga County, No. 67453.

95-1364. Bamber v. Ohio Dept. of Commerce.
Franklin County, No. 94API11-1633.
Pfeifer, J., dissents.

95-1367. Johnson v. Lenox Inn.
Fairfield County, No. 1994CA54.
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

95-1370. State v. Jacobs.
Summit County, No. 16916.
Wright, J., dissents.

95-1374. In re Matis.
Summit County, No. 16961.
Moyer, C.J., dissents.

95-1375. State v. Weaver.
Lorain County, No. 94CA005864.
Wright, J., dissents.

95-1384. Lemley v. Stevenson.
Erie County, No. E-94-40.

Moyer, C.J., and Pfeifer, J., dissent.
Resnick, J., not participating.

95-1385. State v. Ahmad.
Lorain County, No. 94CA005892.

95-1386. Cousins Waste Control Corp. v. Wellston.
Jackson County, No. 94CA733.
Wright and Resnick, JJ., dissent.

95-1387. Johnson v. Burgins.
Summit County, No. 16869. On motion for leave to file statement of additional
authorities. Motion denied.

95-1389. State v. Coleman.
Franklin County, No. 94APA10-1558.

95-1392. State v. Young.
Cuyahoga County, No. 68684.

95-1402. French v. French.
Marion County, No. 9-95-7.
Pfeifer, J., dissents.

95-1403. State v. Poole.
Medina County, No. 2336-M.

95-1406. State v. Jackson.
Cuyahoga County, No. 67598.

95-1410. State v. Williams.
Jefferson County, No. 88-J-26.
Douglas, J., dissents.

95-1412. Tapp v. Tapp.
Montgomery County, No. 15011.

95-1414. Sedlak v. Solon.
Cuyahoga County, No. 67727.

95-1419. State v. Gant.
Cuyahoga County, No. 67199.
Wright, J., would allow on Proposition of Law No. I only.

95-1422. J.A. Croson Co. v. Cent. Ohio Joint Vocational School Dist.
Madison County, No. CA94-07-026.
Moyer, C.J., dissents.

95-1426. State v. Rutkowski.
Lorain County, No. 94CA005831.

95-1429. State v. Totarella.
Cuyahoga County, Nos. 67968 and 67969.

95-1431. State v. Meyers.
Montgomery County, No. 14856.

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

95-1432. Weber v. Arcadia.
Hancock County, No. 5-94-36.
Douglas and F.E. Sweeney, JJ., dissent.

95-1436. State v. Goley.
Summit County, No. 16669.

95-1439. Lucas v. Gee.
Franklin County, No. 94APE09-1343. On motion for contempt order against counsel for appellees. Motion denied.

95-1463. State v. White.
Lorain County, No. 94CA005936.

95-1464. State v. Korecky.
Franklin County, No. 94APA101505.

95-1467. State v. Hayes.
Franklin County, No. 94APA11-1667.

95-1472. State v. Davis.
Hamilton County, No. C-940533.

95-1474. State v. Robinson.
Hamilton County, Nos. C-940526 and C-940527.
Moyer, C.J., dissents.

95-1476. State v. Thompson.
Warren County, No. CA94-12-101.
Douglas, Wright and Resnick, JJ., dissent.

95-1484. Akron Metro. Hous. Auth. v. Wheeler.
Summit County, No. 16973.

95-1492. State v. Brewer.
Cuyahoga County, No. 67782.

95-1493. State v. Ecklin.
Lake County, No. 94-L-077.

95-1494. McPhillips v. Cleveland Bd. of Zoning Appeals.
Cuyahoga County, No. 67314.
Pfeifer, J., dissents.

95-1506. Gargano v. Grunder.
Portage County, No. 94-P-0113.

95-1516. State v. Nabinger.
Franklin County, No. 94APA07-981.

95-1519. Fed. Land Bank Assn. v. Walton.
Wyandot County, No. 16-94-9.
Pfeifer, J., not participating.

95-1573. Garnett v. Pub. Storage.

Cuyahoga County, No. 67458.

MOTION DOCKET

88-351. State v. Cooley.
Summit County, No. 12943. On motion for reconsideration under S.Ct.Prac.R.
XI(1)(B). Motion denied.
Cook, J., not participating.

94-1093. State ex rel. Bryant v. Human Involvement Pro.
Franklin County, No. 93APD05-685. On motion to strike additional authorities.
Motion granted.

94-1319. State ex rel. Crabtree v. Ohio Bur. of Workers' Comp.
In Mandamus and Prohibition. On response to show cause order by Industrial
Commission, motion by amicus curiae Ohio Chamber of Commerce for leave to file
brief in opposition to show cause order, motion by amici curiae Ohio Mfg. Assn.
et al. for leave to file brief in opposition to show cause order, motion by
amici curiae Ohio Chapter/Natl. Fedn. of Indep. Business et al., for leave to
file brief in opposition to show cause order, and motion of relator for leave to
file reply to respondent's opposition to show cause order. Motion to show cause
overruled for want of standing.

95-611. State ex rel. OTR v. Columbus.
Franklin County, No. 94APE05-761. On motion to supplement record with
stipulation. Motion granted.

95-912. Coleman v. Sandoz Pharmaceuticals Corp.
Certified State Law Question, No. 3:91CV7573. On request for oral argument by
petitioner and on request for oral argument by respondent, Brandi Coleman.
Requests denied.
Moyer, C.J., Resnick and F.E. Sweeney, JJ., dissent.

95-1323. Maragas v. Summit Cty. Health Dept.
In Mandamus. On motion to assess costs. Motion denied.
Resnick and F.E. Sweeney, JJ., dissent.

95-1377. State v. Gustafson.
Mahoning County, No. 94 C.A. 232. On motion for admission pro hac vice of Henry
M. Jasny and on motion for admission pro hac vice of Michele Fields. Motions
granted.
On motion for stay of execution. Motion denied.
Resnick and F.E. Sweeney, JJ., dissent.
On motion to strike motion for stay. Motion denied.

95-1421. State ex rel. Nicholls v. Indus. Comm.
In Mandamus. On answer of respondent by Industrial Commission of Ohio and on
answer of respondent by American National Can Company. Sua sponte, alternative
writ granted.

95-1466. State v. Gustafson.
Mahoning County, No. 94 C.A. 232. On motion for admission pro hac vice of
Michele Fields and on motion for admission pro hac vice of Henry M. Jasny.
Motions granted.

95-1554. State ex rel. Sartor v. Indus. Comm.

Franklin County, No. 94APD07-1000. On motion to correct record and entry as to party designation by Industrial Commission. Motion granted.

95-1786. State v. Johnson.

Franklin County, No. 94APA08-1218. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., dissents.

95-1799. State v. Lanham.

Medina County, No. 2295-M. On motion for leave to file delayed appeal. Motion denied.

Wright and Pfeifer, JJ., dissent.

Cook, J., not participating.

95-1821. State v. Willis.

Franklin County, No. 93AP-433. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

95-1827. State v. Federico.

Summit County, No. 16746. On motion for leave to file delayed appeal. Motion denied.

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

95-1828. Columbus v. Copley.

Franklin County, No. 94APC06-756. On motion to consolidate case with 95-1466, State v. Gustafson, supra. Motion denied.

Wright, J., would hold this cause for the decision in 95-1466.

Resnick, J., dissents.

95-1836. State v. Kemp.

Hamilton County, No. C-930645. On motion for leave to file delayed appeal. Motion denied.

95-1837. State v. Thomas.

Athens County, No. 94CA1608. On motion to consolidate with 94-1621, State v. Daws, Montgomery App. No. 13914, or, alternately, defer consideration. Motion denied.

Wright, J., would hold this cause for the decision in 94-1621.

Resnick, J., dissents.

95-1847. State v. Johnson.

Scioto County, No. 93CA2201. On motion for leave to file delayed appeal. Motion denied.

95-1850. State v. Roberson.

Cuyahoga County, No. 64956. On motion for leave to file delayed appeal. Motion denied.

Resnick, J., dissents.

95-1876. State v. Mays.

Ross County, No. 94CA2076. On motion to defer consideration pending decision in 95-450, State v. Thompkins, Montgomery App. No. 14703 et seq. Motion denied.

Wright and Resnick, JJ., dissent.

Pfeifer and Cook, JJ., would hold this cause for the decision in 95-450.

95-1893. State v. Busch.

Franklin County, Nos. 94APC11-1670 and 94APC11-1671. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue stated in the court of appeals' Journal Entry of Judgment filed August 29, 1995, as follows: "For the reasons stated in the memorandum decision of this court rendered herein on August 29, 1995, it is the order of this court that the motion to certify the judgment of this court as being in conflict with the judgment of the Court of Appeals for the Eighth District Court of Appeals in Cleveland v. Hall (Mar. 10, 1983), Cuyahoga App. No. 82-CRB-7753, unreported, is sustained, and, pursuant to Section 3(B)(4), Article IV, Ohio Constitution, the record of this case is certified to the Supreme Court of Ohio for review and final determination upon the following issue in conflict: whether a trial court has discretion to dismiss a criminal prosecution at the request of the complaining witness and over the objection of the state."

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

95-1898. State v. Hines.

Butler County, No. CA94-09-182. On motion for leave to file delayed appeal. Motion denied.

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

95-1902. State v. Williamson.

Stark County, No. CA-9068. On motion to produce/transmit record (transcripts). Motion denied.

DISCRETIONARY APPEALS ALLOWED

95-1253. Akzo Salt, Inc. v. Ohio Bur. of Emp. Serv.
Cuyahoga County, No. 67221.

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

95-1334. In re Grand Jury.

Washington County, Nos. 93CA09, 93CA10 and 93CA12. (Appeal of Michael Elkins; second appeal (claimed appeal of right) by Samuel Metz.) Discretionary appeals allowed.

Douglas, Resnick and Cook, JJ., dissent.

95-1365. State v. Hochhausler.

Warren County, Nos. CA93-12-104 and CA93-12-105.

Resnick, J., dissents.

95-1371. Natanski v. Prudential Property.

Summit County, No. 17020.

Moyer, C.J., and Cook, J., dissent.

95-1683. State v. Busch.

Franklin County, Nos. 94APC11-1670 and 94APC11-1671. Discretionary appeal allowed on Proposition of Law No. I only; cause consolidated with 95-1893, supra.

Resnick, F.E. Sweeney and Pfeifer, JJ., would allow all propositions of law.

Douglas, J., dissents.

DISCRETIONARY APPEALS NOT ALLOWED

95-1262. Shover v. Ohio Dept. of Youth Serv.

Franklin County, No. 94API10-1480.

95-1268. In re Adoption of Baby Girl Dickson.
Fairfield County, No. 94CA57.
Wright and Pfeifer, JJ., dissent.

95-1272. Howard v. Walter.
Cuyahoga County, No. 68923.
Wright and Resnick, JJ., dissent.

95-1277. Moser v. Moser.
Lorain County, No. 94CA005959.
Resnick, J., dissents.

95-1280. Taylor v. Ohio State University.
Franklin County, No. 94API11-1639.

95-1284. Agin v. Goldberg Cos., Inc.
Cuyahoga County, No. 67069.
Wright, J., dissents.

95-1291. Sicard v. Univ. of Dayton.
Montgomery County, No. CA 14977.

95-1292. Kramer v. Brookwood Retirement Community.
Hamilton County, No. C-940250.
Moyer, C.J., Douglas and Pfeifer, JJ., dissent.

95-1296. Kapel v. Carnegie Mgt. & Dev. Corp.
Cuyahoga County, No. 67939.

95-1298. Investor's Computer Serv. Co. v. The Reserves Network, Inc.
Cuyahoga County, No. 67691.

95-1315. Kamm v. Kamm.
Huron County, No. H-94-019.
Resnick, J., not participating.

95-1316. Hodge v. Lackey.
Trumbull County, No. 93-T-4947.

95-1317. Cooper v. Metal Sales Mfg. Corp.
Ashtabula County, No. 93-A-1849.
Wright and F.E. Sweeney, JJ., dissent.

95-1329. Williams v. Oeder.
Clermont County, Nos. CA94-01-005, CA94-01-007, CA94-02-008 and CA94-02-009.

95-1336. Chesapeake Ford, Inc. v. Motor Vehicle Dealers Bd.
Franklin County, No. 94APE10-1651.

95-1337. Arcuragi v. Miami Univ.
Preble County, No. CA94-09-024.

95-1338. Liqui-Box Corp. v. Stein.
Franklin County, No. 94APE06-850.

95-1346. Steiner v. Van Dorn Co.
Cuyahoga County, Nos. 67173, 67174 and 67175.
Douglas, J., would allow on Proposition of Law No. II only.
Moyer, C.J., and Pfeifer, J., dissent.

95-1360. Wolfangel v. Wolfangel.
Summit County, No. 16868. Discretionary appeal and cross-appeal not allowed.

95-1368. Second Street Assoc. v. Gen. Elec. Capital Corp.
Hamilton County, No. C-940185.
Moyer, C.J., not participating.

95-1369. Natl. City Bank v. The Plechaty Cos.
Cuyahoga County, No. 67194.

95-1388. Dawson v. Metrohealth Ctr.
Cuyahoga County, No. 68337.
Pfeifer, J., dissents.

95-1398. State v. Schindler.
Lorain County, Nos. 94CA005890 and 94CA005901.

95-1399. Phillips v. Brandt Pike Pizza, Inc.
Montgomery County, No. 14694.

95-1404. Stumbo v. Acceleration Natl. Ins. Co.
Franklin County, No. 94APE11-1622.
Douglas, F.E. Sweeney and Pfeifer, JJ., dissent.

95-1411. Schlachet v. Cleveland Clinic Found.
Cuyahoga County, No. 67569.
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

95-1415. Blackstone v. Lyden Co.
Lorain County, No. 94CA005886.

95-1442. Rickabaugh v. Grand Rapids.
Wood County, No. WD94102. Discretionary appeal and cross-appeal not allowed.

95-1469. Jarvis v. Clermont Cty. Aud.
Clermont County, No. CA95-01-004.

95-1482. Rayel v. Wackenhut Corp.
Cuyahoga County, No. 67459.
Resnick, J., dissents.

95-1483. Allison v. Hadley.
Franklin County, No. 94APE10-1551.
Resnick and F.E. Sweeney, JJ., dissent.

95-1486. Baker v. Hadley.
Franklin County, Nos. 94APE10-1550 and 94APE10-1552.
Douglas and Wright, JJ., dissent.

95-1520. Brownie v. Aluminum Smelting & Refining Co.
Cuyahoga County, 67040.

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

95-1523. Miller v. LeMonte.
Tuscarawas County, No. 94AP120088.

95-1529. Combs v. First Natl. Supermarkets, Inc.
Cuyahoga County, No. 67778.

RECONSIDERATION DOCKET

93-2179. State v. Lundgren.
Lake County, Nos. 90-L-15140 and 91-L-036. Reported at 73 Ohio St.3d 474, ___
N.E.2d ___. On motion for reconsideration. Motion denied.

93-2377. State v. Allen.
Cuyahoga County, No. 62275. Reported at 73 Ohio St.3d 626, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.
Moyer, C.J., and Pfeifer, J., dissent.

94-113. Queen City Terminals, Inc. v. Gen. Am. Transp. Corp.
Hamilton County, Nos. C-920088 and C-920112. Reported at 73 Ohio St.3d 609, ___
N.E.2d ___. On motion for reconsideration. Motion denied.
Wright, J., not participating.

94-349. Hausman v. Dayton.
Montgomery County, No. 13647. Reported at 73 Ohio St.3d 671, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

94-355. State v. Hill.
Hamilton County, No. C-920497. Reported at 73 Ohio St.3d 433, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.
Wright and Pfeifer, JJ., dissent.

94-372. State v. Joseph.
Allen County, No. 1-91-11. Reported at 73 Ohio St.3d 450, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.
Moyer, C.J., and Cook, J., dissent.
Wright, J., not participating.

94-375. Cent. Motors Corp. v. Pepper Pike.
Cuyahoga County, No. 64422. Reported at 73 Ohio St.3d 581, ___ N.E.2d ___. On
motion for reconsideration and on amicus curiae motion for leave to file under
S.Ct.Prac.R. XI by city of Pepper Pike. Motions denied.
Pfeifer, J., dissents.

94-756. State v. Gumm.
Hamilton County, No. C-920907. Reported at 73 Ohio St.3d 413, ___ N.E.2d ___.
On second amended motion for reconsideration. Motion denied.

94-1924. Evilsizor v. Tracy.
Board of Tax Appeals, No. 93-B-1034. Reported at 73 Ohio St.3d 297, ___ N.E.2d
___. On motion for reconsideration. Motion denied.

95-435. State v. Coeey.

Summit County, No. 12943. Reported at 73 Ohio St.3d 411, ____ N.E.2d _____. On motion for reconsideration. Motion denied.

Cook, J., not participating.

95-946. State ex rel. Cleveland v. Pub. Util. Comm.

In Mandamus. Reported at 73 Ohio St.3d 1207, ____ N.E.2d _____. On motion for reconsideration. Motion granted and cause restored to the court's calendar.

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

95-1119. State v. Tippman.

Allen County, No. CA94090069. Reported at 73 Ohio St.3d 1412, ____ N.E.2d _____. On motion for reconsideration. Motion denied.

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

95-1332. State v. Smith.

Cuyahoga County, No. 66497. Reported at 73 Ohio St.3d 1424, ____ N.E.2d _____. On motion for reconsideration. Motion denied.

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