

IN RE ADMINISTRATIVE LICENSE SUSPENSION CASES.

[Cite as *In re Administrative License Suspension Cases*, 1996-Ohio-78.]

Motor vehicles—Driving while intoxicated—License suspended administratively, pursuant to R.C. 4511.191, subsequent to arrest for violation of R.C. 4511.19—Disposition of causes on authority of Gustafson and Williams.

(Submitted September 10, 1996—Decided October 9, 1996.)

The following dispositions of currently pending appeals are hereby entered based on our decision in *State v. Gustafson* (1996), 76 Ohio St. 3d 425, 668 N.E.2d 435, or, where indicated, based on our decision in *State v. Williams* (1996), 76 Ohio St.3d 290, 667 N.E.2d 932.

I

{¶ 1} The judgments of the courts of appeals in the following cases are affirmed:

- 95-1220. *State v. Roberts*. Ross County, No. 94CA2020 (per *Williams*, *supra*).
- 95-1641. *State v. Melody*. Wyandot County, No. 16-95-3.
- 95-1802. *State v. Schaffner*. Auglaize County, No. 2-95-23.
- 95-1806 and 95-1807. *State v. Viera*. Auglaize County, No. 2-95-25.
- 95-1908. *State v. Waits*. Butler County, No. CA95-02-027.
- 95-1909. *State v. Sims*. Butler County, Nos. CA94-12-215, CA94-12-217, CA95-02-025, CA95-02-033 and CA95-04-064.
- 95-2040. *State v. Rischar*. Warren County, No. CA94-08-072. The judgment of the court of appeals is affirmed as to the sole proposition of law previously allowed.
- 95-2304. *State v. Malone*. Marion County, No. 9-95-17.
- 95-2430 and 95-2501. *State v. Johnston*. Franklin County, No. 95APC06-695.

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- 95-2468. *State v. Weber*. Franklin County, Nos. 95APC05-534, 95APC05-545, 95APC05-545 and 95APC06-717.
- 95-2506. *State v. Francis*. Warren County, Nos. CA95-04-039, CA95-04-040 and CA95-05-050.
- 95-2573. *State v. Hollen*. Franklin County, No. 95APC06-699.
- 95-2649. *Columbus v. Fabrizio*. Franklin County, No. 95APC06-705.
- 95-2657. *Bucyrus v. Fritz*. Crawford County, No. 3-95-20. The judgment of the court of appeals is affirmed as to the sole proposition of law previously allowed.
- 95-2677. *Columbus v. Grove*. Franklin County, No. 95APC06-679 (per *Gustafson* and *Bolivar v. Dick* [1996], 76 Ohio St.3d 216, 667 N.E.2d 18).
- 96-30. *State v. Eves*. Warren County, No. CA95-02-010.
- 96-66. *Columbus v. Brown*. Franklin County, No. 95APC08-993.
- 96-67. *State v. Gordon*. Franklin County, No. 95APC08-1098.
- 96-69. *Columbus v. Lambros*. Franklin County, No. 95APC06-704.
- 96-99. *State v. Howell*. Warren County, No. CA95-06-057.
- 96-116. *State v. Reyna*. Franklin County, No. 95APC06-706.
- 96-147. *Dublin v. Callahan*. Franklin County, No. 95APC08-963.
- 96-172. *Columbus v. Squeo*. Franklin County, No. 95APC08-990.
- 96-175 and 96-216. *Columbus v. Perry*. Franklin County, No. 95APC08-991.
- 96-190. *Middletown v. Combs*. Butler County, No. CA95-08-136.
- 96-191. *Middletown v. Smallwood*. Butler County, No. CA95-08-127.
- 96-200. *State v. Strobe*. Franklin County, No. 95APC07-852.
- 96-207. *State v. Nowling*. Franklin County, No. 95APC07-867.
- 96-448. *State v. Edmunds*. Summit County, No. 17249.
- 96-471. *State v. Toriello*. Summit County, Nos. 17415 and 17507.

- 96-645. *State v. Mangini*. Medina County, No. 2499-M (per *Gustafson* and *Williams*).
- 96-709. *State v. Phelps*. Union County, No. 14-95-27. The judgment of the court of appeals is affirmed as to Propositions of Law Nos. 1, 2, 3 and 4, which were previously allowed. Proposition of Law No. 5 is deemed improvidently allowed.
- 96-758. *State v. Barr*. Summit County, No. 17342.
- 96-799. *State v. Brandon*. Hocking County, No. 95-CA-14.
- 96-866. *State v. Thompson*. Hardin County, No. 6-95-20.
- 96-996. *State v. Dennis*. Medina County, No. 2512-M.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER AND STRATTON, JJ.,
concur.

COOK, J., concurs in judgment only.

II

{¶ 2} The judgments of the courts of appeals in the following cases are affirmed and the causes are remanded to the trial courts for final disposition in conformance with *State v. Gustafson, supra*:

- 95-2210. *State v. Sanders*. Miami County, Nos. 95-CA-11 and 95-CA-12.
- 95-2391. *State v. Geren*. Auglaize County, No. 2-95-22.
- 96-219. *Twinsburg v. Buckley*. Summit County, No. 17226.
- 96-270. *State v. Freed*. Hancock County, No. 5-95-38.
- 96-271. *Findlay v. Koziel*. Hancock County, No. 5-95-35.96-614. *State v. Martin*. Hardin County, No. 6-95-11.
- 96-631. *Akron v. Langley*. Summit County, No. 17479.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER and STRATTON, JJ.,
CONCUR.

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COOK, J., concurs in part and dissents in part because she would not remand to the trial court.

III

{¶ 3} The judgment of the court of appeals in the following case is reversed and the cause is remanded to the court of appeals for final disposition in conformance with *State v. Gustafson, supra*, and *State v. Hochhausler* (1996), 76 Ohio St.3d 455, 668 N.E.2d 457:

95-1906. *State v. Knisely*. Huron County, No. H-94-044.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER and STRATTON, JJ., concur.

COOK, J., concurs in judgment only.

IV

{¶ 4} In the following cases the discretionary appeals are allowed, the judgments are reversed, and the causes are remanded to the court of appeals for disposition in conformance with *State v. Gustafson, supra*:

96-512. *State v. Conroy*. Geauga County, No. 95-G-1925.

96-513. *State v. Hlavin*. Geauga County, No. 95-G-1912.

96-539. *State v. Gronowski*. Geauga County, No. 95-G-1926.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER and STRATTON, JJ., concur.

COOK, J., concurs in judgment only.

V

{¶ 5} In the following case the court finds that a conflict exists on the certified question and affirms the judgment of the court of appeals:

96-933. *State v. Baker*. Warren County, No. CA95-05-047.

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

COOK, J., concurs in judgment only.

VI

{¶ 6} The following cases are dismissed, *sua sponte*, as having no substantial constitutional question, and the discretionary appeals, if applicable, are not allowed:

- 95-1957. *State v. Knisely*. Huron County, No. H-94-044.
- 96-517. *State v. Sink*. Preble County, No. CA95-10-023.
- 96-582. *State v. Lisk*. Ross County, No. 95CA2136.
- 96-583. *State v. Francis*. Ross County, No. 95CA2133.
- 96-586. *State v. Beba*. Medina County, No. 2497-M.
- 96-606. *Akron v. Long*. Summit County, No. 17517.
- 96-607. *Akron v. Hatcher*. Summit County, No. 17516.
- 96-608. *Fairlawn v. Costas*. Summit County, No. 17518.
- 96-626. *State v. Whittis*. Montgomery County, No. 15270 (per *State v. Williams*,
 supra).
- 96-633. *State v. Spangler*. Madison County, No. CA95-10-035.
- 96-725. *Akron v. Thomas*. Summit County, No. 17451.
- 96-840. *State v. Kane*. Medina County, No. 2494-M.
- 96-891. *State v. Burke*. Wayne County, No. 95CA0082.
- 96-906. *State v. Walter*. Summit County, No. 17546.
- 96-1025. *State v. Travis*. Medina County, No. 2509-M.
- 96-1027. *State v. George*. Medina County, No. 2513-M.
- 96-1096. *Akron v. Smith*. Summit County, No. 17568.
- 96-1104. *State v. Cole*. Summit County, No. 17580.
- 96-1146. *State v. Young*. Ross County, No. 95CA2132.
- 96-1259. *State v. Parsons*. Clermont County, No. CA95-12-090.

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- 96-1289. *State v. Jackson*. Madison County, No. CA95-12-039.
- 96-1442. *State v. Campean*. Medina County, No. 2522-M.
- 96-1497. *State v. Mitton*. Medina County, No. 2530-M.
- 96-1529. *State v. Darst*. Athens County, No. 95 CA 1671 (per *Gustafson* and
 Williams).
- 96-1569. *State v. Beasley*. Preble County, No. CA96-02-001.
- 96-1590. *State v. Skinner*. Athens County, No. 96 CA 1715 (per *Gustafson* and
 Williams).
- 96-1616. *Akron v. Muncy*. Summit County, No. 17666.
- 96-1672. *State v. Fisher*. Medina County, No. 2502-M.
- 96-1678. *State v. Radcliffe*. Ross County, No. 95CA2150.
- 96-1701. *Tallmadge v. Rohm*. Summit County, No. 17581.
- 96-1734. *State v. Hooper*. Union County, No. 14-96-12.
- 96-1749. *State v. Mingle*. Medina County, No. 2487-M.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and
STRATTON, JJ., concur.
