

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

June 11, 2003

MERIT DECISIONS WITH OPINIONS

2001-1874. Covington v. Ohio Gen. Ins. Co., 2003-Ohio-2720.

Franklin App. No. 01AP-213. Judgment reversed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Slaby, Lundberg Stratton and O'Connor, JJ., concur.

Lynn C. Slaby, J., of the Ninth Appellate District, sitting for Cook, J.

2001-2154. Rancman v. Interim Settlement Funding Corp., 2003-Ohio-2721.

Summit App. No. 20523, 2001-Ohio-1669. Judgment affirmed.

Moyer, C.J., F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Resnick and Christley, JJ., concur separately.

Judith A. Christley, J., of the Eleventh Appellate District, sitting for Cook, J.

2002-0020 and 2002-0096. State v. Noser, 2003-Ohio-2767.

Lucas App. No. L-00-1154. Judgment affirmed on Proposition of Law No. I.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2002-0201. State v. Fisher, 2003-Ohio-2761.

Franklin App. No. 01AP-614, 2001-Ohio-8772. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Christley, Lundberg Stratton and O'Connor, JJ., concur.

Pfeifer, J., concurs in syllabus and judgment.
Judith A. Christley, J., of the Eleventh Appellate District, sitting for Cook, J.

2002-0767. State v. York, 2003-Ohio-2768.

Seneca App. No. 13-01-19, 2002-Ohio-1398. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2002-1013. E. Liverpool v. Columbiana Cty. Budget Comm., 2003-Ohio-2760.

Board of Tax Appeals, Nos. 00-T-21, 97-T-1516, 00-T-377, 97-T-1517, 98-T-1322 and 98-T-1323. Decision reversed and cause remanded.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Hoffman, Lundberg Stratton and O'Connor, JJ., concur.

William B. Hoffman, J., of the Fifth Appellate District, sitting for Cook, J.

2002-1093 and 2002-1220. State v. Smith, 2003-Ohio-2769.

Cuyahoga App. No. 79527. Judgment affirmed on Proposition of Law No. I. Propositions of Law Nos. II through VI dismissed as having been improvidently allowed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2002-1185 and 2002-1359. State v. Belfoure, 2003-Ohio-2763.

Cuyahoga App. No. 80159, 2002-Ohio-2959. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2002-1188. State v. Davis, 2003-Ohio-2770.

Cuyahoga App. No. 80364, 2002-Ohio-3104. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2002-1282. State v. Grimmett, 2003-Ohio-2771.

Franklin App. No. 01AP-1287, 2002-Ohio-3354. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2002-1582 and 2002-1645. State v. Smith, 2003-Ohio-2772.

Cuyahoga App. No. 80434, 2002-Ohio-4091. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2002-2033 and 2002-2086. State v. Wilson, 2003-Ohio-2762.

Lucas App. No. L-01-1196, 2002-Ohio-5920. Judgment affirmed on Proposition of Law No. I.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2003-0047 and 2003-0095. State v. Richards, 2003-Ohio-2764.

Cuyahoga App. No. 79350, 2002-Ohio-6623. Judgment affirmed on the certified issue.

Discretionary appeal dismissed as having been improvidently allowed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2003-0106. State v. Siferd, 2003-Ohio-2765.

Hancock App. No. 5-02-09, 2002-Ohio-6801. Judgment affirmed on Proposition of Law No. X.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2003-0242. State v. Crowley, 2003-Ohio-2766.

Franklin App. No. 02AP-235, 2002-Ohio-7027. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

MERIT DECISIONS WITHOUT OPINIONS

2003-0543. State ex rel. Yoder v. Ohio Adult Parole Auth.

In Mandamus. On answer of respondent. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

2003-0609. State ex rel. Martin v. Madison Correctional Inst., Business Admr.

In Mandamus. On answer of respondent, motion for summary judgment, and motion for summary judgment of Madison Correctional Institution Business Administrator.

On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

2003-0610. Lutz v. Markus.

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

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

2003-0624. State ex rel. Ahmed v. Sargus.

In Mandamus and Prohibition. On motion for summary judgment of Ohio Public Defender, motion to dismiss of Judge Jennifer Sargus, motion to dismiss of Clerk of Courts Marple, Kightliner, and Muir, and motion to dismiss of Frank Pierce and Michael Collyer. Motions to dismiss sustained. Cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

2003-0646. State ex rel. Parker v. Pokorny.

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

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

2003-0722. Beckman v. Lazaroff.

In Habeas Corpus. On petition for writ of habeas corpus of Vincent H. Beckman IV. Sua sponte, cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

2003-0760. State ex rel. Reeder v. Bobby.

In Habeas Corpus. On petition for writ of habeas corpus of James E. Reeder. Sua sponte, cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

2003-0769. State ex rel. Roberts v. Martin.

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

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

2003-0770. State ex rel. Farah v. Dean.

In Habeas Corpus. On petition for writ of habeas corpus of Daniel R. Farah and motion of Judge Wyatt McKay to dismiss petition for writ of habeas corpus. Sua sponte, cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

2003-0834. State ex rel. Miller v. Zimmerly.

In Habeas Corpus. On petition for writ of habeas corpus of Freida M. Miller. Sua sponte, cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

MOTION AND PROCEDURAL RULINGS

1988-0351. State v. Cooley.

Summit App. No. CA12943. On motion to issue instanter this court's standard order in cases with pending execution date. Motion denied.

O'Connor, J., not participating.

1997-0737. State v. Coleman.

Clark C.P. No. 96CR0142. On second motion for stay of execution pending disposition of available state remedies. Second motion denied.

2002-1377. State v. Cunningham.

Allen C.P. No. CR20020010. On motion for supplemental briefing. Motion granted.

2002-2123. Kekic v. Royal & SunAlliance Ins. Co.

Cuyahoga App. No. 80693, 2002-Ohio-5563. Sua sponte, Proposition of Law No. I held for only the decision in 2002-0932, *Westfield Ins. Co. v. Galatis*, Summit App. No. 20784, 2002-Ohio-1502; and briefing schedule remains stayed.

O'Donnell, J., not participating.

2002-2141. Watkins v. The MetroHealth Sys.

Cuyahoga App. No. 80567, 2002-Ohio-5961. On motion to strike notice of appeal of Maudest Watkins by The MetroHealth System and motion to dismiss the appeal of Maudest Watkins by The MetroHealth System. Motions denied.

Lundberg Stratton, J., would also grant leave to file.

2003-0059. State ex rel. Rash v. Jackson.

Warren App. No. CA2002-09-100. Sua sponte, cause held for the decision in 2003-0392, *Pratts v. Hurley*, Ross App. No. 02CA2674, 2003-Ohio-864.

2003-0157. State ex rel. The Cincinnati Enquirer, Div. of Gannett Satellite Info. Network, Inc. v. Cissell.

Hamilton App. No. C-010763, 149 Ohio App.3d 350, 2002-Ohio-4803. Sua sponte, cause to be set for oral argument.

Pfeifer, J., dissents.

2003-0239. Mlecik v. Farmers Ins. of Columbus, Inc.

Cuyahoga App. No. 81110, 2002-Ohio-6222. Sua sponte, cause held for only the decision in 2002-0579, *Burkhart v. CNA Ins. Co.*, Stark App. No. 2001CA00265, 2002-Ohio-903; and briefing schedule stayed.

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

O'Donnell, J., not participating.

2003-0674. State v. Copeland-Jackson.

Ashland App. No. 02COA018, 2003-Ohio-1043. On motion for stay of the imposition and enforcement of post-release control and registration and notification. Motion denied.

O'Donnell, J., not participating.

2003-0714. State v. Robinson.

Cuyahoga App. No. 82306. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2003-0719. State v. Lentz.

Lucas App. No. L-01-1461, 2003-Ohio-1038. On motion for leave to file delayed appeal. Motion granted.

Resnick, F.E. Sweeney and O'Donnell, JJ., dissent.

2003-0723. State v. Rodriguez.

Marion App. No. 9-01-01, 2001-Ohio-2179. On motion for leave to file delayed appeal. Motion denied.

2003-0734. State v. Alexander.

Cuyahoga App. No. 81529, 2003-Ohio-760. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., Pfeifer and Lundberg Stratton, JJ., dissent.

2003-0751. State v. Stanishia.

Franklin App. No. 01AP-1298, 2002-Ohio-4762. On motion for leave to file delayed appeal. Motion denied.

2003-0756. State v. Adbullah.

Allen App. No. 1-02-91. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2003-0803. State v. Elliott.

Columbiana App. No. 01CO24, 2003-Ohio-1426. On motion for stay of court of appeals' judgment. Motion denied.

Resnick, J., dissents.

2003-0805. Adams v. Fink.

Ross App. No. 02CA2660, 2003-Ohio-1457. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2002-1956, *Tucker v. Wilson*, Clermont App. No. CA2002-01-002, 2002-Ohio-5142; and briefing schedule stayed.

2003-0810. State v. White.

Jefferson App. No. 01JE3. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2003-0812. State v. Sanders.

Cuyahoga App. No. 81450, 2003-Ohio-1163. On motion for stay of court of appeals' judgment. Motion granted.

F.E. Sweeney, Pfeifer and O'Donnell, JJ., dissent.

2003-0859. Koukios v. Michael Ganson, L.P.A.

Hamilton App. Nos. C-010659, C-010735 and C-0200091. On motion for stay of the First District Court of Appeals decision entered on April 2, 2003. Motion denied.

Lundberg Stratton, J., would grant upon the posting of a \$150,000 bond.

2003-0908. Luft v. Perry Cty. Lumber & Supply Co.

Franklin App. No. 02AP-559, 2003-Ohio-2305. On motion for stay of court of appeals' judgment. Motion denied.

Moyer, C.J., would grant upon the posting of a \$150,000 bond.

Lundberg Stratton, J., would grant upon the posting of a \$115,000 bond.

APPEALS ACCEPTED FOR REVIEW

2003-0350. State v. Reine.

Montgomery App. No. 19157, 2003-Ohio-50. Discretionary appeal allowed and cause consolidated with 2003-0351, *State v. Barksdale*, Montgomery App. No. 19294, 2003-Ohio-43.

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

Cook, J., not participating.

2003-0351. State v. Barksdale.

Montgomery App. No. 19294, 2003-Ohio-43. Discretionary appeal allowed and cause consolidated with 2003-0350, *State v. Reine*, Montgomery App. No. 19157, 2003-Ohio-50.

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

Cook, J., not participating.

2003-0353. Bergmeyer v. Auto Owners Ins. Co.

Stark App. No. 2002CA00228, 2003-Ohio-133. Discretionary appeal allowed and cause held for the decision in 2002-0610, *Geren v. Westfield Ins. Co.*, Lucas App. No. L-01-1398, 2002-Ohio-1230; briefing schedule stayed.

Resnick, J., dissents.

Cook, J., not participating.

2003-0408. State v. Jackson.

Cuyahoga App. Nos. 80937 and 81013, 2003-Ohio-158.

F.E. Sweeney, J., dissents.

Cook, J., not participating.

2003-0449. Kendrick v. Ford Motor Co.

Stark App. No. 2002CA00209, 2003-Ohio-264.

Resnick and Pfeifer, JJ., dissent.

Cook, J., not participating.

2003-0453. Hazuka v. Ford Motor Co.

Stark App. No. 2002CA00210, 2003-Ohio-258.

Resnick and Pfeifer, JJ., dissent.

Cook, J., not participating.

2003-0454. Wright v. Ford Motor Co.

Stark App. No. 2002CA00211, 2003-Ohio-265.

Resnick and Pfeifer, JJ., dissent.

Cook, J., not participating.

2003-0532. Pilo v. Liberty Mut. Fire Ins. Co.

Ashland App. No. 02COA038, 2003-Ohio-662. Discretionary appeal allowed and cause held for the decision in 2003-0302 and 2003-0362, *Taylor v. Kemper Ins. Co.*, Cuyahoga App. No. 81360, 2003-Ohio-177; briefing schedule stayed.

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

Cook, J., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

2002-1939. State v. Payne.

Harrison App. No. 01533CA, 2002-Ohio-5180.

2003-0077. State v. Franks.

Cuyahoga App. No. 80912, 2002-Ohio-6233.

O'Donnell, J., not participating.

2003-0348. State v. McDerment.

Lorain App. No. 02CA008117, 2003-Ohio-361.

2003-0367. Adams v. Am. Business Credit.

Summit App. No. 21408.

2003-0377. McNulty v. PLS Acquisition Corp.

Cuyahoga App. Nos. 79025, 79125 and 79195, 2002-Ohio-7220.

2003-0476. Gable v. Gates Mills.

Cuyahoga App. No. 80469, 151 Ohio App.3d 480, 2003-Ohio-399.

Discretionary appeal denied.

Lundberg Stratton, J., would allow on Proposition of Law No. I.

Moyer, C.J., and O'Connor, J., would allow.

Discretionary cross-appeal denied.

O'Connor, J., dissents.

2003-0491. Covington v. Lucia.

Franklin App. No. 02AP-51, 2003-Ohio-346.

2003-0498. State v. Roberts.

Summit App. No. 21169, 2003-Ohio-363.

2003-0499. Moraine v. Lewis.

Montgomery App. No. 19402, 2003-Ohio-460.

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

2003-0501. Smith v. Bethel Twp. Bd. of Trustees.

Miami App. No. 2002CA32.

Lundberg Stratton, J., dissents.

2003-0503. State v. Sherrard.

Lorain App. No. 02CA008065, 2003-Ohio-365.

Moyer, C.J., and O'Donnell, J., dissent.

2003-0505. Smiddy v. Kinko's, Inc.

Hamilton App. No. C-020222, 2003-Ohio-446.

2003-0506. State v. Lugli.

Erie App. No. E-01-032, 2003-Ohio-479.

2003-0507. State v. Walls.

Lucas App. No. L-01-1492, 2003-Ohio-493.

Resnick, J., not participating.

2003-0512. State v. Lemaster.

Pickaway App. No. 02CA20.

2003-0515. State v. White.

Stark App. No. 2002CA00154, 2003-Ohio-520.

2003-0521. Flowers v. Ohio Mut. Ins. Group.

Seneca App. No. 13-02-28, 2003-Ohio-441.

Moyer, C.J., and O'Donnell, J., dissent.

2003-0526. State v. Edwards.

Lucas App. No. L-00-1161, 2003-Ohio-571.

2003-0527. State v. Castillo-Gonzalez.

Marion App. No. 9-02-71.

2003-0529. State v. McKay.

Ashtabula App. No. 2001-A-0008, 2002-Ohio-3960.

2003-0534. State v. Troyer.

Wayne App. No. 02CA0022, 2003-Ohio-536.

Moyer, C.J., dissents.

2003-0536. State v. Farley.

Franklin App. No. 96AP-1247.

2003-0537. State v. Chavis.

Franklin App. Nos. 01AP-1456 and 01AP-1466, 2003-Ohio-512.

2003-0538. Baltz v. Richards.

Cuyahoga App. No. 81300, 2003-Ohio-560.

2003-0539. Manalo v. Lumberman's Mut. Cas. Co.

Montgomery App. No. 19391, 2003-Ohio-613. Discretionary appeal and cross-appeal denied.

Moyer, C.J., dissents, would allow, and would hold this cause for the decision in 2003-0932, *Westfield Ins. Co. v. Galatis*, Summit App. No. 20784, 2002-Ohio-1502.

F.E. Sweeney and O'Donnell, JJ., dissent and would allow.

2003-0540. State v. Finney.

Summit App. No. 21180, 2003-Ohio-529.

2003-0541. Cuyahoga Falls v. James.

Summit App. No. 21119, 2003-Ohio-531.

2003-0542. Siatis v. Shaw.

Montgomery App. No. 19207, 2003-Ohio-616.

2003-0544. Colombo Ent., Inc. v. Convenient Food Mart, Inc.

Cuyahoga App. Nos. 80634, 80719, 80925, 81074, 81075 and 81076, 2003-Ohio-154.

O'Donnell, J., not participating.

2003-0545. State v. Hughes.

Cuyahoga App. No. 81019, 2003-Ohio-166.

2003-0547. State v. Egolf.

Lake App. No. 2001-L-113, 2003-Ohio-601.

2003-0548. In re Name Change of M.D.P.

Medina App. Nos. 02CA0029M, 02CA0030M and 02CA0031M, 2003-Ohio-533.

2003-0551. State v. Hornack.

Cuyahoga App. No. 81021, 2003-Ohio-426.

2003-0553. State v. Thompson.

Crawford App. Nos. 3-02-32 and 3-02-33, 2003-Ohio-521.

Moyer, C.J., dissents, would allow, and would hold this cause for the decision in 2002-0351, *State v. Comer*, Lucas App. No. L-99-1296, 2002-Ohio-233.

2003-0554. State ex rel. Becker v. Ohio Dept. of Rehab. & Corr.
Franklin App. No. 02AP-779.

2003-0556. Sullins v. Univ. Hosp. of Cleveland.
Cuyahoga App. No. 80444, 2003-Ohio-398.
Resnick, J., dissents.
O'Donnell, J., not participating.

2003-0557. State v. Colbert.
Cuyahoga App. No. 80361, 2002-Ohio-6315.

2003-0558. Scaglione v. Kraftmaid Cabinetry, Inc.
Geauga App. No. 2001-G-2364, 2002-Ohio-6917.
Lundberg Stratton and O'Donnell, JJ., dissent.

2003-0564. State v. Gray.
Cuyahoga App. No. 81474, 2003-Ohio-436. Discretionary appeal and cross-appeal denied.
Lundberg Stratton, J., dissents.

2003-0569. Costin v. Consol. Ceramic Products, Inc.
Cuyahoga App. No. 81611, 2003-Ohio-437.
Moyer, C.J., Lundberg Stratton and O'Donnell, JJ., dissent.

2003-0571. Wallace v. Masten.
Hocking App. No. 02CA13, 2003-Ohio-1081. Discretionary appeal and cross-appeal denied.

2003-0572. Hoang v. E*Trade Group, Inc.
Cuyahoga App. No. 81425, 151 Ohio App.3d 363, 2003-Ohio-301. On motion for admission pro hac vice of Francis S. Chlapowski and Nicole M. Hunn by Mark J. Valponi. Motion denied as moot.

2003-0574. Renter v. Anthony.
Cuyahoga App. No. 81233, 2003-Ohio-431.
Moyer, C.J., and F.E. Sweeney, J., dissent.

2003-0575. Polk v. Robinson.

Lake App. No. 2001-L-119, 2003-Ohio-604.

2003-0577. Kanieski v. Sears, Roebuck & Co.

Cuyahoga App. No. 80833, 2003-Ohio-421.

2003-0580. Prakash v. Copley Twp.

Summit App. No. 21057, 2003-Ohio-642.

Pfeifer, J., dissents.

2003-0581. Robert's Auto Ctr., Inc. v. Helmick.

Summit App. No. 21073, 2003-Ohio-640.

O'Donnell, J., dissents.

2003-0582. State v. Murray.

Coshocton App. No. 02CA18.

2003-0584. State v. Tobert.

Hamilton App. No. C-010700, 2003-Ohio-675.

2003-0585. State v. Garrett.

Cuyahoga App. No. 80172, 2003-Ohio-274.

2003-0589. State v. Kitzler.

Wyandot App. No. 16-02-06, 2002-Ohio-5253.

2003-0590. State v. Ferguson.

Franklin App. No. 02AP-660, 2003-Ohio-665.

2003-0592. State v. Satta.

Marion App. No. 9-01-38, 2002-Ohio-5049.

2003-0596. DiBlasi v. Vicic.

Summit App. No. 21219.

2003-0598. Shesler v. Consol. Rail Corp.

Cuyahoga App. No. 80950, 151 Ohio App.3d 462, 2003-Ohio-320.

Lundberg Stratton, J., would allow on Proposition of Law No. I.

O'Donnell, J., not participating.

2003-0601. State v. Buhrman.

Montgomery App. No. 19535, 2003-Ohio-1552.

2003-0605. Kassouf v. Pantona.

Cuyahoga App. No. 80597, 2003-Ohio-553.

F.E. Sweeney, J., dissents.

2003-0607. State v. Mejia.

Hamilton App. No. C-000225. On motion for stay of proceedings pending outcome of 2002-0351, *State v. Comer*, Lucas App. No. L-99-1296, 2002-Ohio-233. Motion denied.

2003-0608. State v. Varner.

Summit App. No. 21056, 2003-Ohio-719.

2003-0612. Weiskopf Industries, Inc. v. Weiss.

Cuyahoga App. No. 82211.

2003-0614. State v. Garn.

Richland App. No. 02CA45, 2003-Ohio-820.

2003-0618. Hapner v. Tuesday Morning, Inc.

Montgomery App. No. 19395, 2003-Ohio-781.

2003-0621. State v. Cantrell.

Franklin App. No. 02AP-716, 2003-Ohio-752.

2003-0625. Pelc v. Hartford Fire Ins. Co.

Stark App. No. 2002CA00142, 2003-Ohio-764.

2003-0662. Montague v. Oakwood Club, Inc.

Cuyahoga App. No. 81370, 2003-Ohio-876.

Pfeifer, J., dissents.

2003-0668. State v. Fannin.

Cuyahoga App. No. 79991, 2002-Ohio-6312.

2003-0677. State v. Davis.

Richland App. No. 01CA67, 2002-Ohio-2502.

2003-0685. State v. Thompson.

Jefferson App. No. 97JE40, 2003-Ohio-1607.

2003-0688. State v. Hitt.

Summit App. No. 15414.

2003-0695. State v. Crooks.

Hamilton App. No. C-020395, 2003-Ohio-1546.

RECONSIDERATION OF PRIOR DECISIONS

2002-0658. Ellwood Engineered Castings Co. v. Zaino.

Board of Tax Appeals, No. 00-P-391. Reported at 98 Ohio St.3d 424, 2003-Ohio-1812, 786 N.E.2d 458. On motion for reconsideration. Motion denied.

O'Donnell, J., not participating.

2003-0128. State v. Neal.

Champaign App. Nos. 2000CA16 and 2000CA18, 2002-Ohio-6786. Reported at 98 Ohio St.3d 1538, 2003-Ohio-1946, 786 N.E.2d 901. On motion for reconsideration. Motion denied.

O'Connor, J., would allow on Proposition of Law No. I.

Pfeifer, J., would allow.

O'Donnell, J., not participating.

2003-0141. Aluminum Smelting & Refining Co., Inc. v. Denmark Twp. Bd. of Zoning Appeals.

Ashtabula App. No. 2001-A-0050, 2002-Ohio-6690. Reported at 98 Ohio St.3d 1538, 2003-Ohio-1946, 786 N.E.2d 901. On motion for reconsideration. Motion denied.

Moyer, C.J., and O'Connor, J., dissent.

O'Donnell, J., not participating.

2003-0152. Gardner v. Ohio Veterinary Med. Licensing Bd.

Clinton App. No. CA2002-05-025, 2002-Ohio-6681. Reported at 98 Ohio St.3d 1538, 2003-Ohio-1946, 786 N.E.2d 901. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

O'Connor and O'Donnell, JJ., not participating.

2003-0167. Kanjuka v. MetroHealth Med. Ctr.

Cuyahoga App. No. 79995, 151 Ohio App.3d 183, 2002-Ohio-6803. Reported at 98 Ohio St.3d 1539, 2003-Ohio-1946, 786 N.E.2d 901. On motion for reconsideration. Motion denied.

O'Donnell, J., not participating.

2003-0236. Kerwood v. Cincinnati Ins. Co.

Franklin App. No. 02AP-575, 2002-Ohio-7024. Reported at 98 Ohio St.3d 1540, 2003-Ohio-1946, 786 N.E.2d 902. On motion for reconsideration. The motion fails for want of four votes on the following vote:

Moyer, C.J., Lundberg Stratton and O'Connor, JJ., vote to deny.

Resnick, F.E. Sweeney and Pfeifer, JJ., vote to grant.

O'Donnell, J., not participating.

2003-0282. Royder v. State Med. Bd. of Ohio.

Franklin App. No. 01AP-1365, 2002-Ohio-7192. Reported at 98 Ohio St.3d 1540, 2003-Ohio-1946, 786 N.E.2d 902. On motion for reconsideration. Motion denied.

O'Donnell, J., not participating.

2003-0339. Whittington v. Licking Cty. Coalition for Housing.

Licking App. No. 02CA00108, 2003-Ohio-261. Reported at 98 Ohio St.3d 1541, 2003-Ohio-1946, 786 N.E.2d 902. On amended motion for reconsideration. Amended motion denied.

O'Donnell, J., not participating.

2003-0412. State ex rel. Sturgill v. Cosgrove.

In Mandamus and Prohibition. Reported at 98 Ohio St.3d 1534, 2003-Ohio-1946, 786 N.E.2d 898. On motion for reconsideration. Motion denied.

O'Donnell, J., not participating.