

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

March 24, 2004

---

### MERIT DECISIONS WITHOUT OPINIONS

**2002-1692. State ex rel. Moran v. Indus. Comm.**

Franklin App. No. 01AP-1446, 2002-Ohio-4307. 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.

**2003-2222. State ex rel. Martin v. Tenth Dist. Court of Appeals.**

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

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

Pfeifer, J., dissents and would grant an alternative writ.

**2003-2225. State ex rel. White v. Reed.**

In Mandamus. On motion to dismiss, motion to compel jurisdictional requisites of civil rights conspiracy, and motion to compel respondent to file civil conspiracy complaint. Motion to dismiss sustained. Cause dismissed. All other motions denied as moot.

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

**2004-0028. State ex rel. Williams v. Fitzsimmons.**

In Mandamus. On motion to dismiss of Judge Donna Congeni Serrat and Magistrate Kelly Larrick Serrat. Motion to dismiss sustained. Cause dismissed.

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

**2004-0081. State ex rel. Patterson v. Russo.**

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.

**2004-0097. In re Petition for Writ of Habeas Corpus of Pianowski.**

In Habeas Corpus. On petition for writ of habeas corpus of Ted. A. Pianowski. Sua sponte, cause dismissed.

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

**2004-0102. State ex rel. Mason v. Taft.**

In Mandamus. 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.

**2004-0143. State ex rel. Fatherly v. Ohio Adult Parole Auth.**

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.

**2004-0156. Thomson v. Money.**

In Habeas Corpus. On petition for writ of habeas corpus of Michael Thomson. Sua sponte, cause dismissed.

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

**2004-0161. State ex rel. Colthirst v. McGinty.**

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.

**2004-0179. State ex rel. Jones v. Slaby.**

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.

**2004-0205. Smith v. Ohio Dept. of Rehab. & Corr.**

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

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

Pfeifer, J., dissents and would grant an alternative writ.

**2004-0217. State ex rel. Harris v. Travis.**

In Mandamus. On motion of Judge Alan Travis to dismiss for failure to state a claim upon which relief can be granted and answer of respondent Todd R. Marti.

Motion to dismiss sustained. Cause dismissed.

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

**2004-0264. State ex rel. Carter v. Unruh.**

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.

**2004-0287. Young v. Tambi.**

In Habeas Corpus. On petition for writ of habeas corpus of Victor S. Young. Sua sponte, cause dismissed.

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

**2004-0314. Holt v. Warden, Franklin Cty. Pre-Release Ctr.**

In Habeas Corpus. On petition for writ of habeas corpus of Rev. Jerome Blair Freeman. 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

**1989-0846. State v. Lott.**

Cuyahoga App. No. 54537. On motion to set execution date. Motion granted.

**2001-1325. State ex rel. Shemo v. Mayfield Hts.**

In Mandamus. On motion for clarification or, in the alternative, for relief pursuant to Civ.R. 60(B). Motion denied.

Resnick and Pfeifer, JJ., dissent.

**2002-2130. State v. McKnight.**

Vinton C.P. No. 01CR7230. On motion to participate in and/or be present at oral argument. Motion denied.

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

On second motion to strike appellant's merit brief. Motion denied.

**2003-0568. Verizon N., Inc. v. Pub. Util. Comm.**

Public Utilities Commission, No. 00-127-TP-COI. On amicus curiae motion for leave to file under S.Ct.Prac.R. XI. Motion granted.

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

**2003-1447. Layne v. Progressive Preferred Ins. Co.**

Stark App. Nos. 2002CA00327 and 2002CA00335, 2003-Ohio-3575. On motion to dismiss appeal as moot. Motion denied.

Lundberg Stratton, J., dissents.

On motion for admission pro hac vice of Kevin K. Green and Frank J. Janecek Jr. by Steven P. Okey. Motion granted.

**2003-1717. State v. Class.**

Tuscarawas App. No. 03AP020015, 2003-Ohio-4536. On motion for declaratory judgment. Motion denied.

**2003-2193. Gilbert v. Summit Cty.**

Summit App. No. 21521, 2003-Ohio-6012. 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 filed December 11, 2003:

“Whether a civil litigant may obtain relevant materials from the opposing party via R.C. 149.43, rather than \*\*\* civil discovery, during the pendency of their case?”

F.E. Sweeney, J., dissents.

Resnick, J., not participating.

The conflict case is *State ex rel. Perrysburg Twp. v. Rossford*, 148 Ohio App.3d 72, 2002-Ohio-387, 772 N.E.2d 152.

Sua sponte, cause consolidated with 2003-2198, *Gilbert v. Summit Cty.*, Summit App. No. 21521, 2003-Ohio-6012.

**2004-0003. State v. Back.**

Butler App. No. CA2003-01-011, 2003-Ohio-5985. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2003-2182, *State v. Back*, Butler App. No. CA2003-01-011, 2003-Ohio-5985; cause held for the decision in 2003-1048 and 2003-1049, *State v. White*, Guernsey App. No. 02CA23, 2003-Ohio-2289; and briefing schedule stayed.

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

**2004-0052. Higbee Co. v. Cuyahoga Cty. Bd. of Revision.**

Board of Tax Appeals, Nos. 2002-T-2552, 2002-T-2569, and 2002-T-2571. On motion for admission pro hac vice of Thomas R. Wilhelmy by Todd W. Sleggs. Motion granted.

**2004-0054. State v. Humphrey.**

Clark App. No. 02CA0025, 2003-Ohio-2825. On motion for leave to file delayed appeal. Motion denied.

**2004-0055. State v. Hudson.**

Stark App. No. 2001CA00181, 2002-Ohio-2895. On motion for leave to file delayed appeal. Motion denied.

**2004-0072. State v. Barr.**

Hamilton App. No. C-020299. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2004-0078. State v. Reid.**

Montgomery App. No. 19729, 2003-Ohio-6079. On motion for leave to file delayed appeal. Motion granted.

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

**2004-0089. State v. Hunter.**

Cuyahoga App. No. 81006, 2003-Ohio-994. On motion for leave to file delayed appeal. Motion denied.

**2004-0111. State ex rel. R.T.G., Inc. v. Ohio Dept. of Natural Resources.**

In Mandamus. On answer of respondent and motion for judgment on pleadings. Sua sponte, alternative writ granted.

**2004-0122. Nickel v. Carter.**

Ottawa App. No. OT-02-035. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 3 of the court of appeals' Decision and Judgment Entry filed December 19, 2003:

“Is a ruling on a Civ.R. 35(A) motion for an independent psychological examination a final and appealable order?”

F.E. Sweeney, J., dissents.

The conflict cases are *Williamson v. Williamson* (Nov. 25, 1997), 10th Dist. No. 97APF05-629, 1998 WL 869568; *Shoff v. Shoff* (July 27, 1995), 10th Dist. No. 95APF01-8, 1995 WL 450249; and *In re Guardianship of Johnson* (1987), 35 Ohio App.3d 41, 43-44, 519 N.E.2d 655.

**2004-0128. State v. Goode.**

Montgomery App. No. 19273, 2003-Ohio-4323. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2004-0158. State v. Pugh.**

Cuyahoga App. No. 83358. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2004-0159. State v. Williams.**

Cuyahoga App. No. 82364, 2003-Ohio-6342. On motion for leave to file delayed appeal. Motion granted.

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

**2004-0212. State v. Maske.**

Stark App. No. 2002CA00336, 2003-Ohio-5767. On motion for leave to file delayed appeal. Motion denied.

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

**2004-0231. State v. Fairbanks.**

Lake App. No. 2001-L-062, 2003-Ohio-700. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

**2004-0235. State v. Holmes.**

Fulton App. No. F-02-022, 2003-Ohio-4092. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2004-0238. McCollam v. Am. & Foreign Ins. Co.**

Stark App. No. 2003CA00096, 2003-Ohio-6366. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 4 of the court of appeals' Journal Entry filed January 4, 2004:

“Whether an uninsured/underinsured motorist claimant, when making a claim based upon the death of a person, is barred from recovery under a personal auto policy when the policy requires that the claimant be 'legally entitled to recover' and the uninsured/underinsured motorists claim is first presented to the insurance company providing the uninsured/underinsured motorists coverage after the time, as set forth in the wrongful death statute, for filing a wrongful death claim against the tortfeasor has expired.”

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

The conflict case is *Hutchison v. Midwestern Indemn. Co.* (Mar. 2, 1989), Ross App. No. 1496, 1989 WL 19380.

Sua sponte, cause consolidated with 2004-0044, *McCollam v. Am. & Foreign Ins. Co.*, Stark App. No. 2003CA00096, 2003-Ohio-6366.

**2004-0275. State v. Lopez.**

Greene App. No. 99CA120, 2003-Ohio-3974. On motion for leave to file delayed appeal. Motion denied.

**2004-0281. State v. Johnson.**

Montgomery App. No. 19597, 2003-Ohio-6523. On motion for leave to file delayed appeal. Motion granted.

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

**2004-0291. State v. Miller.**

Lorain App. No. 03CA008259, 2003-Ohio-6580. On motion for leave to file delayed appeal. Motion granted.

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

**2004-0295. State v. Davis.**

Hamilton App. No. C-980155. On motion for leave to file delayed appeal. Motion denied.

**2004-0326. State v. Levitt.**

Stark App. No. 2002CA00307. On motion for leave to file delayed appeal. Motion denied.

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

**2004-0331. State v. Golden.**

Franklin App. No. 01AP-367, 2001-Ohio-8769. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2004-0376. In re Adoption of Doe.**

Franklin App. No. 03AP-917, 2004-Ohio-689. On motion for stay of court of appeals' decision. Motion denied.

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

**2004-0411. State v. Hardy.**

Cuyahoga App. No. 82620, 2004-Ohio-56. On motion for stay of court of appeals' judgment. Motion denied.

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

**APPEALS ACCEPTED FOR REVIEW**

**2003-1637. State v. Cooper.**

Crawford App. No. 3-02-02, 2003-Ohio-4236.

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

**2003-2079. Hollon v. Clary.**

Montgomery App. No. 19826, 2003-Ohio-5734. Discretionary appeal accepted and motion to strike memorandum in support of jurisdiction and motion to dismiss appeal denied as moot.

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

**2003-2102. Cincinnati Metro. Hous. Auth. v. Morgan.**

Hamilton App. No. C-030078, 155 Ohio App.3d 189, 2003-Ohio-5671.

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

**2003-2146. State v. Mason.**

Lucas App. Nos. L-02-1189 and L-02-1211, 2003-Ohio-5974. Discretionary appeal accepted; cause held for the decision in 2003-1048 and 2003-1049, *State v. White*, Guernsey App. No. 02CA23, 2003-Ohio-2289; and briefing schedule stayed.

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

**2003-2155. State v. Danison.**

Ashland App. No. 03COA021, 2003-Ohio-5924. Discretionary appeal accepted on Proposition of Law No. I.

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

**2003-2182. State v. Back.**

Butler App. No. CA2003-01-011, 2003-Ohio-5985. Discretionary appeal accepted on Proposition of Law No. III; cause consolidated with 2004-0003, *State v. Back*, Butler App. No. CA2003-01-011, 2003-Ohio-5985; causes held for the decision in 2003-1048 and 2003-1049, *State v. White*, Guernsey App. No. 02CA23, 2003-Ohio-2289; and briefing schedule stayed.

Moyer, C.J., Lundberg Stratton and O'Connor, JJ., concur but would also accept all other propositions of law.

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

**2003-2198. Gilbert v. Summit Cty.**

Summit App. No. 21521, 2003-Ohio-6012. Discretionary appeal accepted and cause consolidated with 2003-2193, *Gilbert v. Summit Cty.*, Summit App. No. 21521, 2003-Ohio-6012.

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

Resnick, J., not participating.

**2004-0044. McCollam v. Am. & Foreign Ins. Co.**

Stark App. No. 2003CA00096, 2003-Ohio-6366. Discretionary appeal accepted and cause consolidated with 2004-0238, *McCollam v. Am. & Foreign Ins. Co.*, Stark App. No. 2003CA00096, 2003-Ohio-6366.

O'Donnell, J., concurs and would also hold this cause for the decision in 2003-1730, *Ponser v. St. Paul Fire & Marine Ins. Co.*, Licking App. No. 2002CA00072, 2003-Ohio-4377.

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

## APPEALS NOT ACCEPTED FOR REVIEW

**2003-1612. Shirley v. Republic-Franklin Ins. Co.**

Stark App. No. 2002CA00247, 2003-Ohio-4039.

**2003-2046. In re Guardianship of Ahmed.**

Belmont App. No. 02BE56, 2003-Ohio-5463 and 2003-Ohio-6390.

**2003-2049. Campbell v. Westfield Ins. Co.**

Franklin App. No. 02AP-1369, 2003-Ohio-5448.

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

**2003-2056. Schaefferkoetter v. Schaefferkoetter.**

Greene App. Nos. 02CA97 and 02CA104, 2003-Ohio-5529.

Moyer, C.J., dissents.

**2003-2057. Weinsziehr v. Allstate Ins. Co.**

Franklin App. No. 03AP-96, 2003-Ohio-5450.

Resnick, J., dissents.

**2003-2058. Montgomery Cty. Bd. of Commrs. v. Hensley.**

Montgomery App. No. 19754, 2003-Ohio-5730.

Resnick and Lundberg Stratton, JJ., dissent.

**2003-2062. State v. Brown.**

Cuyahoga App. No. 83523.

**2003-2067. State v. DeMastry.**

Fairfield App. No. 02CA9, 2003-Ohio-5588.

**2003-2075. Tolliver v. McDonnell.**

Cuyahoga App. No. 82719, 2003-Ohio-5390.

**2003-2077. Ruble v. Kaufman.**

Cuyahoga App. No. 81378, 2003-Ohio-5375.

Resnick, J., dissents.

**2003-2085. Williamson v. Bechtel.**

Cuyahoga App. No. 82463, 2003-Ohio-5385.

**2003-2086. State v. Chambers.**

Butler App. No. CA2003-05-137, 2003-Ohio-5991.

**2003-2088. Gentile v. Indemn. Ins. Co. of N. Am.**

Stark App. No. 2003CA00035, 2003-Ohio-5647.

**2003-2089. State v. Charlton.**

Lorain App. No. 03CA008291.

**2003-2090. State v. Van Peck.**

Hamilton App. No. C-020182.

**2003-2095. State v. Moses.**

Richland App. No. 2001CA104, 2003-Ohio-5830.

**2003-2096. State v. Buck.**

Lorain App. No. 03CA008238, 2003-Ohio-5774.

**2003-2098. Rice v. Montgomery.**

Franklin App. No. 02AP-1261, 2003-Ohio-5577.

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

**2003-2100. State v. Hisle.**

Hamilton App. No. C-020740.

**2003-2104. State ex rel. Ormond v. Solon.**

Cuyahoga App. No. 82553, 2003-Ohio-5654.

**2003-2105. Taulbee v. Dunskey.**

Butler App. No. CA2003-03-059, 2003-Ohio-5988.

Pfeifer and O'Connor, JJ., dissent.

**2003-2106. State v. Siler.**

Ashland App. No. 02COA028, 2003-Ohio-5749.

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

**2003-2108. State v. Moorer.**

Geauga App. No. 2001-G-2353, 2003-Ohio-5698.

**2003-2110. State v. Stanberry.**

Lake App. No. 2002-L-028, 2003-Ohio-5700.

**2003-2114. Siwik v. Shaker Hts.**

Cuyahoga App. No. 82390.

F.E. Sweeney, J., dissents.

**2003-2115. Shadoan v. Summit Cty. Children Serv. Bd.**

Summit App. No. 21486, 2003-Ohio-5775.

F.E. Sweeney, J., dissents.

**2003-2117. State v. Summers.**

Ashtabula App. No. 2002-A-0074, 2003-Ohio-5866.

**2003-2121. State v. Gray.**

Hamilton App. No. C-030132, 2003-Ohio-5837.

O'Donnell, J., dissents.

**2003-2122. State v. Rudert.**

Henry App. No. 7-03-06.

**2003-2123. State v. Fetter.**

Wayne App. No. 03CA0012, 2003-Ohio-5778.

**2003-2126. Ruble v. Ream.**

Washington App. No. 03CA14, 2003-Ohio-5969.

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

**2003-2132. Ahmed v. McCort.**

Belmont App. No. 02BA8, 2004-Ohio-559.

**2003-2133. State v. Madsen.**

Cuyahoga App. No. 82399, 2003-Ohio-5822.

**2003-2135. In re Conservatorship of Ahmed.**

Belmont App. No. 03BE64.

**2003-2136. Eden v. Eden.**

Lorain App. No. 03CA008368.

**2003-2137. State v. Goins.**

Butler App. No. CA2003-08-203.

**2003-2141. State v. Carson.**

Greene App. No. 2002CA73, 2003-Ohio-5958.

**2003-2144. Bagnola v. Bagnola.**

Stark App. No. 2003CA00120, 2003-Ohio-5916.

**2003-2145. Lyon v. Stacho.**

Cuyahoga App. No. 82478, 2003-Ohio-5823.

**2003-2147. Dean v. Royal Ins. Co. of Am.**

Stark App. No. 2003CA00020, 2003-Ohio-5915.

**2003-2148. State v. Gray.**

Union App. No. 14-03-26.

Lundberg Stratton, J., dissents.

**2003-2150. State v. Holder.**

Geauga App. No. 2002-G-2469, 2003-Ohio-5860.

Pfeifer, J., dissents.

**2003-2152. State v. Johnson.**

Cuyahoga App. No. 82229, 2003-Ohio-5637.

**2003-2156. Floom v. Prudential Prop. & Cas. Ins. Co.**

Stark App. No. 2003CA00122, 2003-Ohio-5957.

**2003-2157. State v. Wright.**

Washington App. No. 00CA39, 2001-Ohio-2473.

O'Donnell, J., would accept on Proposition of Law No. I.

**2003-2163. State v. Wilson.**

Franklin App. No. 02AP-1350, 2003-Ohio-5892.

**2003-2164. Garg v. State Auto. Mut. Ins. Co.**

Miami App. No. 2003CA12, 2003-Ohio-5960.

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

**2003-2166. State v. Terzo.**

Butler App. No. CA2002-08-194, 2003-Ohio-5983.

**2003-2170. State v. Nasser.**

Franklin App. No. 02AP-1112, 2003-Ohio-5947.

Moyer, C.J., dissents and would accept on Proposition of Law Nos. II and III.

**2003-2174. State v. Greenleaf.**

Summit App. No. 21370, 2003-Ohio-5901.

**2003-2176. Dukes v. Hunter.**

Tuscarawas App. No. 2003AP040035, 2003-Ohio-6401.

**2003-2177. Heiser v. Nickoli.**

Huron App. No. H-03-023.

**2003-2178. State v. Davis.**

Lucas App. No. L-01-1387, 2003-Ohio-5977.

**2003-2179. State v. Patterson.**

Franklin App. No. 03AP-120, 2003-Ohio-5951.

**2003-2180. Smith v. Rambhatla.**

Cuyahoga App. No. 83439.

**2003-2184. State v. Hughes.**

Mahoning App. No. 02CA15, 2003-Ohio-6094.

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

**2003-2185. State v. Lofton.**

Cuyahoga App. No. 80901, 2002-Ohio-6328.

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

**2003-2186. Douglas Bigelow Chevrolet, Inc. v. Gen. Motors Corp.**

Franklin App. No. 02AP-1156, 2003-Ohio-5942.

F.E. Sweeney, J., dissents.

**2003-2187. Bay Village v. Russell.**

Cuyahoga App. No. 82779.

**2003-2188. State v. White.**

Hamilton App. No. C-020779.

**2003-2189. State v. Cureton.**

Medina App. Nos. 03CA0009M and 03CA0010M, 2003-Ohio-6010.

**2003-2190. State v. Bowling.**

Hamilton App. Nos. C-030304 and C-030324.

**2003-2194. State v. Cottrell.**

Cuyahoga App. No. 81356, 2003-Ohio-5806.

**2003-2195. State v. Wynder.**

Ashtabula App. No. 2001-A-0063, 2003-Ohio-5978.

**2003-2197. State v. Muntaser.**

Cuyahoga App. No. 81915, 2003-Ohio-5809.

**2003-2207. Taylor v. Orlando Baking Co.**

Cuyahoga App. No. 83054, 2003-Ohio-6165.

**2003-2210. Vesper Lake Assn. v. Wirz.**

Summit App. No. 21537, 2003-Ohio-6013.

O'Donnell, J., dissents.

**2003-2212. State v. Brown.**

Sandusky App. No. S-03-033.

**2003-2214. State v. Salter.**

Cuyahoga App. No. 82488, 2003-Ohio-5652.

**2004-0017. State v. Lyons.**

Ashtabula App. No. 2001-A-0056, 2003-Ohio-3494.

**2004-0025. Fonseca v. Fetter.**

Lucas App. No. L-03-1064, 2003-Ohio-6204.

Pfeifer, J., dissents.

**2004-0045. State v. Holcomb.**

Summit App. No. 21637, 2003-Ohio-6322.

**2004-0051. State v. Young.**

Montgomery App. No. 19472, 2003-Ohio-2205.

**2004-0058. Fisher v. Natl. Fire Ins. Co. of Hartford.**

Franklin App. No. 02AP-1424, 2003-Ohio-6353.

Pfeifer, J., dissents.

**2004-0071. State v. Reid.**

Montgomery App. No. 19352, 2003-Ohio-4087.

**2004-0083. State v. Hand.**

Stark App. No. 2002CA00303.

**2004-0088. First Natl. Bank of Southwestern Ohio v. O & O Mfg., Inc.**

Warren App. No. CA2003-02-013.

**2004-0090. State v. Gibson.**

Washington App. No. 01CA19, 2002-Ohio-5232.

**2004-0139. State v. Garrett.**

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

**2004-0319. In re King.**

Lake App. No. 2003-L-101, 2004-Ohio-386.

**RECONSIDERATION OF PRIOR DECISIONS**

**2002-0148. State ex rel. Devore Roofing & Painting v. Indus. Comm.**

Franklin App. No. 01AP-69. Reported at 101 Ohio St.3d 66, 2004-Ohio-23, 801 N.E.2d 435. On motion for reconsideration. Motion denied.

**2002-1314. Santos v. Ohio Bur. of Workers' Comp.**

Cuyahoga App. No. 80353, 2002-Ohio-2731. Reported at 101 Ohio St.3d 74, 2004-Ohio-28, 801 N.E.2d 441. On motion for partial reconsideration of Administrator, Bureau of Workers' Compensation. Motion denied.

Lundberg Stratton, J., dissents.

**2003-1449. State v. Lyons.**

Ashtabula App. No. 2001-A-0056, 2003-Ohio-3494. Reported at 101 Ohio St.3d 94, 2004-Ohio-27, 801 N.E.2d 458. On motion for reconsideration. Motion denied.

**2003-1791. Sain v. Roo.**

Franklin App. No. 02AP-448, 2003-Ohio-626. Reported at 101 Ohio St.3d 1421, 2004-Ohio-123, 802 N.E.2d 153. On motion for reconsideration. Motion denied.

**2003-1845. Simpson v. Lakewood.**

Cuyahoga App. No. 82624, 2003-Ohio-4953. Reported at 101 Ohio St.3d 1421, 2004-Ohio-123, 802 N.E.2d 153. On motion for reconsideration. Motion denied.

**2003-1870. Sheaffer v. Westfield Ins. Co.**

Holmes App. No. 02CA14, 2003-Ohio-4810. Reported at 101 Ohio St.3d 1421, 2004-Ohio-123, 802 N.E.2d 153. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

**2003-1926. State v. Satta.**

Marion App. No. 9-03-50. Reported at 101 Ohio St.3d 1423, 2004-Ohio-123, 802 N.E.2d 154. On motion for reconsideration. Motion denied.

Moyer, C.J., dissents.

O'Connor, J., dissents, would accept the discretionary appeal, and would hold this cause for the decision in 2003-1048 and 2003-1049, *State v. White*, Guernsey App. No. 02CA23, 2003-Ohio-2289.

**2003-1939. State ex rel. Ahmed v. Judges of Court of Appeals, Seventh Appellate Dist.**

In Prohibition. Reported at 101 Ohio St.3d 1417, 2004-Ohio-123, 802 N.E.2d 150. On motion for reconsideration and request for finding of fact/conclusions of law. Motion and request denied.

**2003-2073. State ex rel. Williams v. Croft.**

In Mandamus. Reported at 101 Ohio St.3d 1418, 2004-Ohio-123, 802 N.E.2d 151. On motion for reconsideration. Motion denied.

**2003-2120. State ex rel. Vasi v. Wiseman.**

In Habeas Corpus. Reported at 101 Ohio St.3d 1418, 2004-Ohio-123, 802 N.E.2d 151. On motion for reconsideration. Motion denied.

-----