

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

July 14, 2004

MERIT DECISIONS WITH OPINIONS

2001-0835. State v. Hoffner, 2004-Ohio-3430.

Lucas App. No. L-95-181. Judgment affirmed.

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

Patricia A. Blackmon, J., of the Eighth Appellate District, sitting for Resnick, J.

2003-0408. State v. Jackson, 2004-Ohio-3206.

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

Resnick, F.E. Sweeney, Lundberg Stratton, O'Connor and Walsh, JJ., concur.

Moyer, C.J., and Pfeifer, J., concur in judgment only.

James E. Walsh, J., of the Twelfth Appellate District, sitting for O'Donnell, J.

2003-1175. State v. Mayfield, 2004-Ohio-3440.

Cuyahoga App. No. 81924, 2003-Ohio-2312. Sua sponte, cause dismissed as having been improvidently accepted.

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

Lundberg Stratton, J., concurs separately.

O'Donnell, J., dissents.

2003-1580. In re B.E., 2004-Ohio-3361.

Cuyahoga App. No. 81781, 2003-Ohio-3949. Judgment affirmed and cause remanded.

Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Donnell, JJ., concur.

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

2004-0060. Ohio State Bar Assn. v. Wolfson, 2004-Ohio-3480.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 03-025.

Richard Evan Wolfson, Attorney Registration No. 0041470, is indefinitely suspended from the practice of law with conditions.

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

Lundberg Stratton, J., concurs in part and dissents in part.

MERIT DECISIONS WITHOUT OPINIONS

2004-0099. State ex rel. Nestle USA – Prepared Foods Div., Inc. v. Indus. Comm.

In Mandamus. On answer of respondent by Industrial Commission of Ohio and motion to dismiss of Karen S. Chesnick. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

Resnick, J., not participating.

2004-0601. State ex rel. Ohio Coalition Against Gun Violence v. Alexander.

In Mandamus. On motion for leave to intervene of Ohio Attorney General Jim Petro, answer of intervening respondent Ohio Attorney General Jim Petro, answer of respondent Michael J. Navarre, Chief of Police, motion for judgment on pleadings of Michael J. Navarre, Chief of Police, answer of respondent Jim Karnes, Sheriff, motion to dismiss of Michael Matulavich, Chief of Police, motion to dismiss of Drew Alexander, Summit County Sheriff, answer of respondent James G. Jackson, Chief of Police, City of Columbus, motion to dismiss of respondent James G. Jackson, Chief of Police, City of Columbus, motion to dismiss of Ohio Attorney General Jim Petro, and motion to dismiss of James A. Telb, Lucas County Sheriff. Motion for leave to intervene granted and motions to dismiss sustained. Cause dismissed.

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

2004-0688. State ex rel. Martin v. Timmerman-Cooper.

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.

2004-0763. State ex rel. Turner v. Court of Appeals of Ohio, Eighth Appellate Dist.

In Mandamus. On motion for summary judgment and 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.

2004-0826. State ex rel. Putnam v. Ottawa Cty. Bd. of Elections.

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

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

O'Donnell, J., dissents and would grant an alternative writ.

2004-0827. Perry v. Money.

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

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

2004-0828. State ex rel. Citizens for Tax Repeal v. Blackwell.

In Mandamus. On answer of respondent and joint motion for issuance of expedited discovery and briefing schedule. Joint motion denied.

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.

2004-0841. State ex rel. Ford Motor Co. v. Mengel.

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.

2004-0849. State ex rel. Lake Cty. Humane Soc., Inc. v. Klammer.

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.

2004-0884. Williams v. Williams.

In Habeas Corpus. On petition for writ of habeas corpus of Charles L. Williams. 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

1999-0492. State v. Bates.

Cuyahoga App. No. 71920. On motion to seal all records relating to arrest. Motion denied.

O'Donnell, J., not participating.

2000-1001. State v. Scott.

Stark C.P. No. 1999CR1154. On application for reopening under S.Ct.Prac.R. XI(5). Application denied.

2001-1057. State v. Campbell.

Franklin C.P. No. 97CR042020. On motion to set execution date. Motion denied.

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

2003-0779. Case W. Res. Univ. v. Wilkins.

Board of Tax Appeals, No. 1999-L-417. On request for oral argument before the court. Request denied.

O'Donnell, J., dissents.

2003-1572. State ex rel. Howard v. Indus. Comm.

Franklin App. No. 97AP-860. On motion of Industrial Commission of Ohio for order to show cause why appellant should not be found in contempt. Motion granted.

2003-1992. State ex rel. Lawson v. Mondie Forge Co.

Franklin App. No. 03AP-157, 2003-Ohio-5347. On request for oral argument. Request denied.

O'Donnell, J., dissents.

2003-2059. Toledo v. Kim's Auto & Truck Serv., Inc.

Lucas App. No. L-02-1318, 2003-Ohio-5604. On motion for stay of property appropriation pending appeal to the United States Supreme Court. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2004-0027. State v. Walker.

Montgomery App. No. 17678. On motion for leave to file delayed appeal. Motion denied.

2004-0105. State ex rel. Leslie v. Ohio Hous. Fin. Agency.

Franklin App. No. 02AP-1147, 2003-Ohio-6560. On request for oral argument and request for oral argument of appellants and cross-appellees. Requests granted.

2004-0184. State v. Wilburn.

Cuyahoga App. No. 82573, 2003-Ohio-6495. On motion to dismiss appeal as improvidently allowed. Motion denied.

2004-0695. Akron v. Williams.

Summit App. No. 21306, 2003-Ohio-7197. On motion to strike, or in the alternative, to dismiss and memorandum in support, and on motion of appellant to strike motion to strike, or in the alternative, motion to dismiss. Motion to dismiss denied and other motions denied as moot.

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

2004-0738. Kish v. Akron.

Certified Question of State Law, Nos. 023631 and 023632. On review of preliminary memoranda pursuant to S.Ct.Prac.R. XVIII(6). The court will answer only question 1a:

“1a. What constitutes a ‘record’ as that term is used in Ohio Rev.Code § 149.351?

“1b. What constitutes a ‘violation’ as that term is used in Ohio Rev.Code § 149.351?

“1c. Are the damages provided for under Ohio Rev.Code § 149.351 punitive, liquidated, or compensatory in nature?

“2. Does Ohio Rev.Code § 2744.05(A) protect a political subdivision from an award of punitive damages even though the intentional tort (spoliation) that led to the award arguably had its genesis in a dispute over wages and hours?

“3. Similarly, does Ohio Rev.Code § 2744.05(C)(1) limit a damage award against a political subdivision to \$250,000 even though the intentional tort (spoliation) that led to the award arguably had its genesis in a dispute over wages and hours?

“4. Do nearly identical damage awards for claims of spoliation and destruction of public records, which have their genesis in the same transaction, constitute an impermissible double recovery?”

Moyer, C.J., would answer questions 1a, 1b, 1c, and 2.

Lundberg Stratton and O'Donnell, JJ., would answer all questions.

Resnick, Pfeifer and O'Connor, JJ., dissent.

2004-0829. State v. Waters.

Butler App. No. CA2002-11-266, 2003-Ohio-5871. On motion for leave to file delayed appeal. Motion denied.

2004-0831. State v. Simmons.

Montgomery App. No. 19609, 2004-Ohio-1174. On motion for leave to file delayed appeal. Motion granted.

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

2004-0840. State v. Harden.

Montgomery App. No. 19880, 2004-Ohio-664. On motion for leave to file delayed appeal. Motion denied.

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

2004-0851. Asset Acceptance LLC v. Mack.

Ashland App. No. 03COA055, 2004-Ohio-1282. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 2 of the court of appeals' judgment entry filed April 30, 2004:

“Whether a dormant judgment accrues interest while it is dormant.”

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

The conflict case is *Huntington Natl. Bank v. Battaglia* (Mar. 25, 1994), Portage App. Nos. 92-P-0100 and 92-P-0101, 1994 WL 102382.

2004-0855. State v. Nolde.

Defiance App. No. 4-03-14. On motion for leave to file delayed appeal. Motion denied.

2004-0856. State v. Kelly.

Cuyahoga App. No. 83366, 2004-Ohio-1787. On motion for stay of court of appeals' judgment. Motion denied.

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

2004-0862. State v. Ware.

Hamilton App. No. C-020183. On motion for leave to file delayed appeal. Motion denied.

2004-0879. State v. Nerghes.

Medina App. No. 03CA0049-M, 2004-Ohio-1235. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2004-0896. State v. Shadoan.

Adams App. No. 03CA764, 2004-Ohio-1756. On motion for leave to file delayed appeal. Motion granted.

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

2004-0901. State v. Reddens.

Montgomery App. No. 19667, 2003-Ohio-5412. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2004-0912. State v. Hilton.

Summit App. No. 21624, 2004-Ohio-1418. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2004-0914. Ritchie's Food Distributors, Inc. v. Refrigerated Constr. Serv., Inc.

Pike App. No. 03CA713, 2004-Ohio-2261. On motion for stay of court of appeals' judgment. Motion denied.

Resnick, J., dissents.

2004-0920. State v. Thompson.

Adams App. No. 03CA766, 2004-Ohio-2413. On motion for stay of court of appeals' judgment pending appeal. Motion denied.

Resnick and O'Connor, JJ., dissent.

2004-0974. Pepper Pike v. Dantzig.

Cuyahoga App. No. 83425, 2004-Ohio-2562. On motion for stay of court of appeals' judgment. Motion denied.

Moyer, C.J., F.E. Sweeney and O'Connor, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2004-0574. Henderson v. Lawyers Title Ins. Co.

Cuyahoga App. No. 82654, 2004-Ohio-744.

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

2004-0604. State v. Farris.

Wayne App. No. 03CA0022, 2004-Ohio-826. Discretionary appeal accepted.

Moyer, C.J., concurs but would remand this cause to the court of appeals to apply *Missouri v. Seibert* (2004), ___ U.S. ___, 124 S.Ct. 2601, ___ L.Ed.2d ___, 2004 WL 1431864.

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

2004-0737. Galland v. Meridia Health Sys., Inc.

Summit App. No. 21763, 2004-Ohio-1416.

O'Donnell, J., concurs and would reverse per *Heiner v. Moretuzzo* (1995), 73 Ohio St.3d 80, 652 N.E.2d 664.

Pfeifer, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2004-0009. State v. Green.

Montgomery App. No. 19224, 2003-Ohio-5744.

2004-0078. State v. Reid.

Montgomery App. No. 19729, 2003-Ohio-6079.

2004-0159. State v. Williams.

Cuyahoga App. No. 82364, 2003-Ohio-6342.

2004-0401. State v. Hooks.

Montgomery App. No. 20157.

2004-0437. Coolidge v. Riegle.

Hancock App. No. 5-02-59, 2004-Ohio-347. Discretionary appeal not accepted.
Moyer, C.J., F.E. Sweeney and Lundberg Stratton, JJ., dissent.
Discretionary cross-appeal not accepted.
F.E. Sweeney and Lundberg Stratton, JJ., dissent.

2004-0501. State v. Boyd.

Cuyahoga App. Nos. 82921, 82922 and 82923, 2004-Ohio-368.

2004-0516. State v. Smith.

Hamilton App. No. C-030357.

2004-0520. State v. Morales.

Cuyahoga App. No. 82407, 2004-Ohio-364.
O'Connor, J., dissents.

2004-0521. Harris v. Ambrozic.

Stark App. Nos. 2003CA00204 and 2003CA00230, 2004-Ohio-619.

2004-0532. Hughley v. Pickaway Correctional Inst.

Franklin App. No. 03AP-1124.

2004-0534. Roll v. Edwards.

Ross App. Nos. 03CA2694 and 03CA2714, 156 Ohio App.3d 227, 2004-Ohio-767.
Moyer, C.J., and Pfeifer, J., dissent.

2004-0561. State v. Kenney.

Cuyahoga App. No. 80653, 2004-Ohio-972.

2004-0570. State v. Betts.

Pickaway App. No. 02CA26, 2004-Ohio-818.

2004-0571. State v. Elizondo.

Lucas App. Nos. L-02-1398 and L-02-1399, 2004-Ohio-909.

2004-0573. Westminster Fin. Cos., Inc. v. Briarcliff Capital Corp.

Montgomery App. No. 20037, 156 Ohio App.3d 266, 2004-Ohio-782.
Moyer, C.J., and Pfeifer, J., dissent.

2004-0577. Murray v. Knight-Ridder, Inc.

Belmont App. No. 02BE45, 2004-Ohio-821. Discretionary appeal not accepted and motion for admission pro hac vice of Richard E. Lieberman, Esq., and Christy E. Phanathavong, Esq., denied as moot.

2004-0578. Educational Serv. Institute, Inc. v. Gallia-Vinton Educational Serv. Ctr.

Gallia App. No. 03CA6, 2004-Ohio-874.
Resnick and O'Connor, JJ., dissent.

2004-0581. Blake Homes, Ltd. v. FirstEnergy Corp.

Lucas App. No. L-03-1109, 2004-Ohio-887.

2004-0582. State v. Saxton.

Marion App. No. 9-03-43, 2004-Ohio-811. Discretionary appeal not accepted and motion for stay of consideration of the jurisdictional question denied as moot.

2004-0587. Jones v. A-Best Products Co.

Cuyahoga App. No. 81792, 2003-Ohio-6612.
Lundberg Stratton, J., dissents.

2004-0588. State v. Medsker.

Allen App. No. 1-03-42, 2004-Ohio-808.

2004-0591. State v. Perez.

Licking App. No. 04CA3.

2004-0592. State v. Sawyer.

Cuyahoga App. No. 84003.

2004-0595. Akron v. Holmes.

Summit App. No. 21590, 2004-Ohio-832.

2004-0596. Jones v. J & L Specialty Steel, Inc.

Stark App. No. 2003CA00245.
Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

2004-0597. Para-Chem Southern, Inc. v. Natl. Union Fire Ins. Co. of Pittsburgh, PA.

Summit App. Nos. 21502 and 21503, 2004-Ohio-834.
Moyer, C.J., Lundberg Stratton and O'Connor, JJ., dissent.

2004-0600. State v. Hicks.

Lucas App. No. L-02-1119, 2004-Ohio-891.

2004-0605. Rony, Inc. v. Goodyear Tire & Rubber Co.

Summit App. No. 21608, 2004-Ohio-835.

2004-0608. State v. Jordan.

Muskingum App. No. CT20030029, 2004-Ohio-1211.

2004-0609. Vos v. Washingtonville.

Columbiana App. No. 03CO20, 2004-Ohio-1388.

2004-0611. State v. Miley.

Cuyahoga App. No. 83152, 2004-Ohio-641.

2004-0613. State v. Raymer.

Hamilton App. No. C-040062.

2004-0616. State v. Ille.

Guernsey App. No. 02CA14, 2004-Ohio-981.

2004-0620. State v. Cramer.

Stark App. No. 21647.

Pfeifer, J., dissents.

2004-0621. State v. Schenk.

Erie App. No. E-04-014.

2004-0623. Isaak v. Trumbull S. & L. Co.

Trumbull App. No. 2002-T-0140, 2004-Ohio-1148.

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

2004-0624. State v. Robinson.

Cuyahoga App. No. 82801, 2004-Ohio-740.

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

2004-0625. Slentz v. Cortland Sav. & Banking Co.

Trumbull App. No. 2002-T-0139, 2004-Ohio-1147.

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

2004-0627. McDonagh v. Cortland Sav. & Banking Co.

Trumbull App. No. 2002-T-0138, 2004-Ohio-1146.

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

2004-0629. State v. Gaggi.

Cuyahoga App. No. 81587.

2004-0631. Ohio Pub. Emp. Retirement Sys. v. Coursen.

Lorain App. No. 03CA008310, 156 Ohio App.3d 403, 2004-Ohio-1229.

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

2004-0633. State v. Wiley.

Franklin App. No. 03AP-340, 2004-Ohio-1008.

2004-0634. State v. Anderson.

Washington App. No. 03CA3, 2004-Ohio-1033.

2004-0638. Nationwide Ins. Co. v. Phelps.

Columbiana App. No. 03CO23, 2004-Ohio-1200.

2004-0639. Lin v. Brad Sugars Action Internatl., Inc.

Summit App. No. 21607.

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

2004-0642. McCartney v. Universal Elec. Power Corp.

Summit App. Nos. 21643 and 21644, 2004-Ohio-959.

2004-0663. Grenga v. Ohio Edison Co.

Mahoning App. No. 03MA41, 2004-Ohio-822. Discretionary appeal not accepted.

Pfeifer, J., dissents.

On motion to dismiss. Motion to dismiss denied as moot.

Moyer, C.J., would grant the motion to dismiss.

2004-0666. Finkovich v. State Auto. Ins. Cos.

Cuyahoga App. No. 83125, 2004-Ohio-1123.

Resnick and O'Donnell, JJ., dissent.

2004-0667. State v. Brown.

Geauga App. No. 2003-G-2504, 2004-Ohio-1843.

2004-0670. Singh v. Franklin Cty. Bd. of Revision.

Franklin App. No. 03AP-795, 2004-Ohio-1139.

2004-0673. Milton v. Williamsburg Twp. Bd. of Zoning Appeals.

Clermont App. No. CA2003-04-030, 2004-Ohio-1367.

2004-0677. Lewis v. Fairview Hosp.

Cuyahoga App. No. 83081, 156 Ohio App.3d 387, 2004-Ohio-1108.

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

2004-0681. State v. Humphrey.

Clark App. No. 02CA0025, 2003-Ohio-2825.

2004-0683. State v. Hughes.

Mahoning App. No. 02CA15, 2004-Ohio-1195.

Moyer, C.J., dissents.

2004-0684. State v. Hess.

Jefferson App. No. 02JE36, 2004-Ohio-1197.

Moyer, C.J., dissents.

2004-0689. State v. King.

Stark App. No. 2003CA00274.

2004-0697. Schumacher v. Amalgamated Leasing, Inc.

Hancock App. No. 5-03-29, 156 Ohio App.3d 393, 2004-Ohio-1203.

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

2004-0699. Rutenschroer v. Cincinnati.

Hamilton App. No. C-030575.

2004-0704. State v. Carter.

Summit App. No. 21792, 2004-Ohio-1590.

2004-0709. The Travel Trunk v. Russell.

Stark App. No. 2003CA00294, 2004-Ohio-1288.

2004-0712. Whittington v. Abel.

Licking App. No. 03CA69, 2004-Ohio-2090.

2004-0714. State v. Stalnaker.

Summit App. No. 21731, 2004-Ohio-1236.

2004-0715. Bank of New York v. Barclay.

Franklin App. No. 03AP-844, 2004-Ohio-1217.

2004-0717. State v. Brown.

Franklin App. No. 03AP-331, 2004-Ohio-1219.

2004-0719. Asset Acceptance LLC v. Mack.

Ashland App. No. 03COA055, 2004-Ohio-1282.

Moyer, C.J., Lundberg Stratton and O'Donnell, JJ., dissent.

2004-0727. State v. Abshear.

Clark App. No. 03CA0012, 2004-Ohio-1322.

2004-0758. State v. Warren.

Athens App. No. 02CA29, 2003-Ohio-1196.

2004-0775. State v. Pfeifer.

Crawford App. No. 3-03-19.

Moyer, C.J., dissents, would accept, and would hold for the decision in 2004-0141, *Morgan v. Eads*, Certified Question of State Law, No. 199CV528.

2004-0804. State v. Young.

Cuyahoga App. No. 78058.

O'Donnell, J., not participating.

2004-0843. In re Caine.

Licking App. No. 03CA115, 2004-Ohio-2326.

2004-0863. State v. Gilcreast.

Summit App. No. 21533, 2003-Ohio-7177.

RECONSIDERATION OF PRIOR DECISIONS

2003-1228. In re Application of Bagne.

Reported at 102 Ohio St.3d 182, 2004-Ohio-2070, 808 N.E.2d 372. On motion for reconsideration. Motion denied.

2003-2232. Spears v. Deweese.

Richland App. No. 03CA112. Reported at 102 Ohio St.3d 202, 2004-Ohio-2364, 808 N.E.2d 389. On motion for reconsideration. Motion denied.

2004-0160. State v. Harris.

Lorain App. No. 03CA008305, 2003-Ohio-7180. Reported at 102 Ohio St.3d 1445, 2004-Ohio-2263, 808 N.E.2d 397. On motion for reconsideration. Motion denied.

2004-0173. Grenga v. Bank One N.A.

Mahoning App. No. 03MA195. Reported at 102 Ohio St.3d 1458, 2004-Ohio-2569, 809 N.E.2d 32. On motion for reconsideration. Motion denied.

2004-0206. State v. Monk.

Knox App. No. 03CA12, 2003-Ohio-6799. Reported at 102 Ohio St.3d 1446, 2004-Ohio-2263, 808 N.E.2d 398. On motion for reconsideration. Motion denied.
Pfeifer, J., dissents.

2004-0218. Carper v. Snodgrass.

Lucas App. No. L-03-1065, 2003-Ohio-6975. Reported at 102 Ohio St.3d 1447, 2004-Ohio-2263, 808 N.E.2d 398. On motion for reconsideration. Motion denied.
F.E. Sweeney, J., dissents.

2004-0233. Collins v. Natl. City Bank.

Montgomery App. No. 19884, 2003-Ohio-6893. Reported at 102 Ohio St.3d 1447, 2004-Ohio-2263, 808 N.E.2d 398. On motion for reconsideration. Motion denied.
Pfeifer, J., dissents.

2004-0256. State v. Pishok.

Seneca App. No. 13-03-43, 2003-Ohio-7118. Reported at 102 Ohio St.3d 1448, 2004-Ohio-2263, 808 N.E.2d 398. On motion for reconsideration. Motion denied.

2004-0274. Gruenstein v. Tallarigo.

Hamilton App. No. C-030011. Reported at 102 Ohio St.3d 1458, 2004-Ohio-2569, 809 N.E.2d 32. On motion for reconsideration. Motion denied.

2004-0292. State v. Grays.

Cuyahoga App. No. 82410, 2003-Ohio-6889. Reported at 102 Ohio St.3d 1459, 2004-Ohio-2569, 809 N.E.2d 32. On motion for reconsideration. Motion denied.

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

2004-0316. State v. Elersic.

Geauga App. Nos. 2001-G-2335 and 2003-G-2512, 2003-Ohio-7218. Reported at 102 Ohio St.3d 1459, 2004-Ohio-2569, 809 N.E.2d 33. On motion for reconsideration. Motion denied.

2004-0391. Jelic v. Ohio Bur. of Unemp. Comp.

Cuyahoga App. No. 82285, 2004-Ohio-46. Reported at 102 Ohio St.3d 1461, 2004-Ohio-2569, 809 N.E.2d 34. On motion for reconsideration. Motion denied.

2004-0427. State ex rel. Harris v. Coble.

In Mandamus. Reported at 102 Ohio St.3d 1443, 2004-Ohio-2263, 808 N.E.2d 395. On motion for reconsideration. Motion denied.

2004-0466. In re Kimbrough.

Cuyahoga App. No. 83992. Reported at 102 Ohio St.3d 1449, 2004-Ohio-2263, 808 N.E.2d 399. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2004-0517. Young v. Thomas.

In Prohibition. Reported at 102 Ohio St.3d 1456, 2004-Ohio-2569, 809 N.E.2d 30. On motion for reconsideration. Motion denied.
