

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

July 13, 2005

[Cite as *07/13/2005 Case Announcements*, 2005-Ohio-3490.]

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### MERIT DECISIONS WITH OPINIONS

**2004-0247 In re S.J., 2005-Ohio-3215.**

Cuyahoga App. No. 82106, 2003-Ohio-5071. Judgment reversed and cause remanded.

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

**2004-2077. Columbus Bar Assn. v. Torian, 2005-Ohio-3216.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 04-020. Mary Ann Torian, Attorney Registration No. 0043641, is indefinitely suspended from the practice of law in Ohio.

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

### MERIT DECISIONS WITHOUT OPINIONS

**2005-0544. State ex rel. Hattie Larlham Educational Serv., Inc. v. Zelman.**

In Mandamus. On motion to dismiss and motion of Crestwood Education Association for leave to intervene. Motion for leave to intervene granted. Motion to dismiss granted. Cause dismissed.

Moyer, C.J., Resnick, Lundberg Stratton, O'Connor and Lanzinger, JJ., concur.

Pfeifer and O'Donnell, JJ., dissent and would grant an alternative writ.

**2005-0658. New World Communications of Ohio, Inc. v. Wilkins.**

Board of Tax Appeals, Nos. 2003-A-1732 and 2003-A-1733. On motion to dismiss appeal. When an appeal is taken from a decision of the Board of Tax

Appeals to this court, the copy of the notice of appeal required to be filed with the Board of Tax Appeals pursuant to R.C. 5717.04 must be the same notice of appeal filed with this court. Since appellant failed to comply with this requirement, the motion to dismiss is granted. Cause dismissed.

Moyer, C.J., Resnick, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Pfeifer, J., dissents.

**2005-0795. State ex rel. Christian v. Sweeney.**

In Mandamus and Prohibition. On motions to dismiss and motion for stay. Motion for stay denied. Motions to dismiss granted. Cause dismissed.

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

**2005-0887. State ex rel. Dabney v. Ohio Dept. of Rehab. & Corr.**

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

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

**2005-1007. Snyder v. Bradshaw.**

In Habeas Corpus. On petition for writ of habeas corpus of Dale B. Snyder, Jr. Sua sponte, cause dismissed.

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

**MOTION AND PROCEDURAL RULINGS**

**1995-2572. State v. Williams.**

Summit App. No. 16418. On motion to set execution date and motion to defer the setting of an execution date. Motion to defer the setting of an execution date denied. Motion to set execution date granted. Execution to be carried out on October 25, 2005.

**1997-1497. State v. Ashworth.**

Licking C.P. No. 96CR356. On motion to set execution date. Motion granted. Execution to be carried out on September 27, 2005.

**2005-0813. State ex rel. Repository v. Nova Behavioral Health, Inc.**

In Mandamus. On answer of respondent. Sua sponte, alternative writ granted.

Resnick and Lundberg Stratton, JJ., dissent and would dismiss the cause.

**2005-0893. State v. Braddy.**

Cuyahoga App. No. 83462, 2004-Ohio 3128 and 2005-Ohio-282. On motion for leave to file delayed appeal. Motion denied.

**2005-0902. State v. Untied.**

Muskingum App. No. 00-CA-32. On motion for leave to file delayed appeal. Motion denied.

**2005-0935. State v. Marshall.**

Summit App. No. 21974, 2004-Ohio-5176. On motion for leave to file delayed appeal. Motion denied.

**2005-0951. State v. Moore.**

Montgomery App. No. 20919. On motion for leave to file delayed appeal. Motion denied.

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

**2005-0974. State v. Leugers.**

Allen App. No. 1-04-85. On motion for leave to file delayed appeal. Motion denied.

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

**2005-1047. State v. Upshaw.**

Clark App. No. 05CA35. On motion for stay. Motion denied.

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

**APPEALS ACCEPTED FOR REVIEW**

**2004-0795. Wood v. Ohio State Hwy. Patrol.**

Tuscarawas App. No. 2003 AP 09 0075, 156 Ohio App.3d 725, 2004-Ohio-1765. Discretionary appeal accepted; cause held for the decision in 2004-1063 and 2004-1065, *McCrone v. Bank One Corp.*, Stark App. No. 2003 CA 00092, 2004-Ohio-2538; and briefing schedule stayed.

Pfeifer, J., dissents.

**2005-0046. State v. Wheeler.**

Washington App. No. 04CA1, 2004-Ohio-6598. Discretionary appeal accepted on Proposition of Law No. II; cause held for the decisions in 2004-1771, *State v.*

*Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.  
Resnick and Pfeifer, JJ., dissent.

**2005-0400. State v. Lather.**

Sandusky App. No. S-03-008, 2005-Ohio-668. Discretionary appeal accepted on Proposition of Law No. I.

Lundberg Stratton, J., would accept on all Propositions of Law.

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

**2005-0556. Seger v. For Women, Inc.**

Hamilton App. No. C-040317, 2005-Ohio-528.

Resnick and Pfeifer, JJ., dissent.

**2005-0585. State v. Straughn.**

Hamilton App. No. C-040093. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Moyer, C.J., would accept the appeal on Proposition of Law No. I only.

**2005-0613. State v. Carson.**

Hamilton App. No. C-040042, 2005-Ohio-902. Discretionary appeal accepted on Proposition of Law No. II; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick, J., dissents.

**2005-0614. State v. Bell.**

Hamilton App. No. C-040488. Discretionary appeal accepted on Proposition of Law No. II; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick, J., dissents.

**2005-0619. State v. Schaub.**

Lake App. No. 2003-L-091, 2005-Ohio-703. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick, J., dissents.

**2005-0622. State v. Battle.**

Franklin App. No. 03AP-1269, 2005-Ohio-707.

Resnick and Pfeifer, JJ., dissent.

**2005-0628. State v. Ashbrook.**

Stark App. No. 2004-CA-00109, 2005-Ohio-740. Discretionary appeal accepted on Proposition of Law No. III; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568; *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick and Pfeifer, JJ., dissent.

**2005-0633. State v. Billingsley.**

Putnam App. No. 11-04-21. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick and Lanzinger, JJ., dissent.

**2005-0637. State v. Cockroft.**

Franklin App. No. 04AP-608, 2005-Ohio-748. Discretionary appeal accepted on Proposition of Law No. II; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick, J., dissents.

**2005-0666. State v. Clifford.**

Paulding App. No. 11-04-06, 2005-Ohio-958. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

**2005-0709. State v. Le.**

Cuyahoga App. No. 84429, 2005-Ohio-881. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick, J., dissents.

**2005-0732. State v. Newsome.**

Ashtabula App. No. 2003-A-0069, 2005-Ohio-1104. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick, J., dissents.

**2005-0784. State v. Miller.**

Cuyahoga App. No. 84431, 2005-Ohio-771. Discretionary appeal accepted on Proposition of Law No. III; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Lundberg Stratton, J., dissents.

**2005-0789. State v. Scott.**

Cuyahoga App. No. 84844, 2005-Ohio-1192. Discretionary appeal accepted on Proposition of Law No. II; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick and Pfeifer, JJ., dissent.

**2005-0826. State v. Ward.**

Washington App. No. 04CA25, 2005-Ohio-1580. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick and Pfeifer, JJ., dissent.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2005-0111. State v. Fitzgerald.**

Lake App. No. 2003-L-084, 2004-Ohio-6173.

**2005-0474. State v. Otte.**

Cuyahoga App. No. 84455, 2005-Ohio-100.

**2005-0554. Ramacciato v. Argo-Tech Corp.**

Cuyahoga App. No. 84557, 2005-Ohio-506.

Pfeifer, J., dissents.

**2005-0567. Ford Motor Credit Co. v. Foster.**  
Cuyahoga App. No. 85623.

**2005-0571. Uhlmansiek v. Salvation Army.**  
Hamilton App. No. C-030819, 159 Ohio App.3d 623, 2005-Ohio-652.  
O'Donnell, J., dissents.

**2005-0572. State ex rel. Campbell v. Fucito.**  
Hamilton App. No. C-040003.

**2005-0573. KeyBank, N.A. v. Malloy.**  
Stark App. No. 2004CA00149, 2005-Ohio-632.  
Resnick, J., not participating.

**2005-0580. Westlake v. O'Linn.**  
Cuyahoga App. No. 84020, 2005-Ohio-383.

**2005-0581. Kramer v. Nationwide Mut. Ins. Co.**  
Franklin App. No. 04AP-567.  
Pfeifer, J., dissents.

**2005-0584. State v. Miller.**  
Putnam App. No. 12-05-02.

**2005-0588. Arn v. McLean.**  
Greene App. No. 2004-CA-77, 159 Ohio App.3d 662, 2005-Ohio-654.  
Pfeifer, J., dissents.

**2005-0589. Paradise Homes, Inc. v. Limbacher.**  
Tuscarawas App. No. 2004-AP-0037, 2005-Ohio-745.

**2005-0599. Semenchuck v. MHSP, Inc.**  
Cuyahoga App. No. 84614, 2005-Ohio-111.

**2005-0600. State v. Chavers.**  
Wayne App. No. 04CA0022, 2005-Ohio-714.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law Nos. I and II and hold the cause for the decision in 2004-1279 and 2004-1696, *State v. Threatt*, Stark App. No. 2003CA00368, 2004-Ohio-3261.

**2005-0601. State v. Martin.**

Lake App. No. 2003-L-143, 2005-Ohio-688. Discretionary appeal and discretionary cross-appeal not accepted.

Lundberg Stratton and O'Connor, JJ., would accept the discretionary appeal.

**2005-0603. Coffman v. Stoll.**

Summit App. No. 22189, 2005-Ohio-711.

**2005-0604. Lapping v. HM Health Serv.**

Trumbull App. No. 2004-T-0011, 2005-Ohio-699.

**2005-0606. Kleve v. Thermo-Rite Mfg. Co.**

Summit App. No. 22205, 2005-Ohio-718.

Lundberg Stratton, J., dissents.

**2005-0608. Hemmelgarn v. Vagedes.**

Mercer App. No. 10-04-14, 2005-Ohio-673.

**2005-0617. Abels v. Ruf.**

Summit App. No. 22265, 2005-Ohio-719.

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

**2005-0618. State v. Torres.**

Seneca App. No. 13-04-41, 2005-Ohio-674.

O'Connor, J., dissents.

**2005-0626. State v. Platt.**

Franklin App. No. 03AP-1148, 2005-Ohio-705.

**2005-0627. Kimble Mixer Co. v. Hall.**

Tuscarawas App. No. 2003 AP 01 0003, 2005-Ohio-794.

Pfeifer, J., dissents.

**2005-0631. State v. McDonald.**

Erie App. No. E-04-009, 2005-Ohio-798.

Resnick, J., not participating.

**2005-0636. Brown v. FirstEnergy Corp.**

Summit App. No. 22123, 159 Ohio App.3d 696, 2005-Ohio-712.

Resnick, J., dissents.



**2005-0645. Taylor v. Blue Knights Motorcycle Club of Canton, Inc.**

Stark App. No. 2004CA00140, 2005-Ohio-858.

**2005-0648. State v. Allison.**

Stark App. No. 2004CA00279, 2005-Ohio-860.

**2005-0653. State v. Pillar.**

Cuyahoga App. No. 84566, 2005-Ohio-630.

**2005-0654. State v. Polk.**

Cuyahoga App. No. 84361, 2005-Ohio-774.

**2005-0659. Coblenz v. Peters.**

Trumbull App. No. 2004-T-0017, 2005-Ohio-1102.

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

**2005-0660. State v. Baker.**

Summit App. No. 22293, 2005-Ohio-991.

**2005-0662. State v. Thompson.**

Summit App. No. 22503.

**2005-0663. Durasin v. Jakmas Plumbing & Heating, Inc.**

Lorain App. No. 04CA008559, 2005-Ohio-867.

Pfeifer and Lanzinger, JJ., dissent.

**2005-0665. State v. Shifferly.**

Richland App. No. 04-CA-45, 2005-Ohio-1050.

O'Connor, J., dissents and would accept the appeal on Proposition of Law No. I.

**2005-0671. Wine v. Wine.**

Delaware App. No. 04 CA F 10 068.

O'Donnell, J., dissents.

**2005-0672. Fowler v. Howarth & Sons Remodeling.**

Fairfield App. No. 05CA12.

**2005-0676. In re Miller.**

Franklin App. No. 04AP-783, 2005-Ohio-897.  
Pfeifer and O'Connor, JJ., dissent.

**2005-0680. Morrow v. Middletown.**

Butler App. No. CA2004-06-122.

**2005-0681. State v. Copley.**

Franklin App. No. 04AP-511, 2005-Ohio-896.

**2005-0683. State v. Jackson.**

Franklin App. No. 05AP-121.

**2005-0684. State v. Krcal.**

Cuyahoga App. No. 80061, 2002-Ohio-3634.

**2005-0685. State v. Perdue.**

Richland App. No. 04-CA-46, 2005-Ohio-1051.

**2005-0703. State v. Smith.**

Franklin App. No. 04AP-326.

**2005-0704. State v. Steele.**

Butler App. No. CA2003-11-276, 2005-Ohio-943.

**2005-0705. Haga v. Albex Aluminum, Inc.**

Stark App. No. 2003CA00312, 2005-Ohio-1509.

**2005-0711. El-Mahdy v. Mahoning Natl. Bank.**

Mahoning App. No. 04 MA 41, 2005-Ohio-1341.

**2005-0712. State v. Thacker.**

Lawrence App. No. 04CA12, 2005-Ohio-1057.

**2005-0720. State v. Thacker.**

Lawrence App. No. 04CA18, 2005-Ohio-1227.

**2005-0727. State v. Jones.**

Summit App. No. 22530.

Lundberg Stratton, J., dissents and would accept the appeal and hold the cause for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No.

83720, 2004-Ohio-4485, and 2005-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209.

**2005-0729. State v. Martin.**

Montgomery App. No. 20610, 2005-Ohio-1369.

**2005-0742. Hausser & Taylor, LLP v. Accelerated Sys. Integration, Inc.**

Cuyahoga App. No. 84748, 2005-Ohio-1017.

**2005-0747. Sinclair v. Graham.**

Wyandot App. No. 16-04-12, 2005-Ohio-1096.

Pfeifer, J., dissents.

**2005-0757. State v. Sprenz.**

Summit App. No. 22433, 2005-Ohio-1491.

O'Connor, J., not participating.

**2005-0759. State v. Hicks.**

Butler App. No. CA2004-07-170, 2005-Ohio-1237.

**2005-0764. State v. Franklin.**

Montgomery App. No. 20716, 2005-Ohio-1361.

**2005-0770. State v. Kimbrough.**

Cuyahoga App. No. 84863, 2005-Ohio-1320.

O'Donnell, J., not participating.

**2005-0774. State v. Robinson.**

Hamilton App. No. C-040161.

**2005-0775. State v. Morris.**

Summit App. No. 22089, 2005-Ohio-1136.

**2005-0778. Wall v. Planet Ford, Inc.**

Montgomery App. No. 20501, 159 Ohio App.3d 840, 2005-Ohio-1207.

**2005-0794. State v. Jones.**

Summit App. No. 22231, 2005-Ohio-1275.

**2005-0801. State v. Barkley.**

Summit App. No. 22351, 2005-Ohio-1268.

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law No. II and hold the cause for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2005-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209.

**2005-0807. State v. Johnson.**

Wyandot App. No. 16-03-09, 2004-Ohio-1513.

**2005-0808. State v. Dwertman.**

Franklin App. No. 04AP-375, 2005-Ohio-1159.

**2005-0820. State v. Floyd.**

Montgomery App. No. 20647, 2005-Ohio-1573.

**2005-0845. State v. Hicks.**

Cuyahoga App. No. 83981, 2004-Ohio-5223 and 2005-Ohio-1842.

**2005-0863. State v. Stillman.**

Delaware App. No. 04CA07052, 2004-Ohio-6974.

## **RECONSIDERATION OF PRIOR DECISIONS**

**2004-0403. Young v. Cincinnati Ins. Co.**

Cuyahoga App. No. 82395, 2004-Ohio-54. Reported at 105 Ohio St.3d 1252, 2005-Ohio-1941, 826 N.E.2d 309. On motion for reconsideration. Motion denied.

Lundberg Stratton and Lanzinger, JJ., dissent.

**2004-1837. State ex rel. Bunting v. Haas.**

Stark App. No. 2004CA00328. Reported at 105 Ohio St.3d 381, 2005-Ohio-2161, 826 N.E.2d 840. On motion for reconsideration. Motion denied.

**2004-1875. State ex rel. Timken Co. v. Pence.**

In Mandamus. Reported at 105 Ohio St.3d 1541, 2005-Ohio-2188, 827 N.E.2d 325. On motion for reconsideration. Motion granted; cause held for the decision in 2004-1941, *State ex rel. Internatl. Paper v. Indus. Comm.*, Franklin App. No. 03AP-963, 2004-Ohio-5520; and briefing schedule stayed.

Resnick and Pfeifer, JJ., dissent.

**2005-0064. State v. Goins.**

Butler App. No. CA2004-01-004. Reported at 105 Ohio St.3d 1561, 2005-Ohio-2481, 828 N.E.2d 116. On motion for reconsideration. Motion denied.

**2005-0154. Sherrills v. Ohio Adult Parole Auth.**

Cuyahoga App. No. 84522, 2004-Ohio-6916. Reported at 105 Ohio St.3d 1544, 2005-Ohio-2188, 827 N.E.2d 327. On motion for reconsideration. Motion denied.

**2005-0185. State v. Chewning.**

Clermont App. No. CA2004-01-002, 2004-Ohio-6661. Reported at 105 Ohio St.3d 1544, 2005-Ohio-2188, 827 N.E.2d 327. On motion for reconsideration. Motion granted; discretionary appeal accepted on Proposition of Law No. III; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

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

**2005-0219. Reveria Tavern, Inc. v. Summit Cty. Bd. of Elections.**

Summit App. No. 21893, 2004-Ohio-6733. Reported at 105 Ohio St.3d 1544, 2005-Ohio-2188, 827 N.E.2d 327. On motion for reconsideration. Motion denied.

**2005-0224. Asset Acceptance L.L.C. v. Stancik.**

Cuyahoga App. No. 84491, 2004-Ohio-6912. Reported at 105 Ohio St.3d 1545, 2005-Ohio-2188, 827 N.E.2d 327. On motion for reconsideration. Motion denied.

**2005-0297. State v. Galloway.**

Lucas App. No. L-05-1024. Reported at 105 Ohio St.3d 1562, 2005-Ohio-2447, 828 N.E.2d 117. On motion for reconsideration. Motion denied.

**2005-0305. Ohio Assn. of Pub. School Emp. v. School Emp. Retirement Sys. Bd.**

Franklin App. No. 04AP-136, 2004-Ohio-7101. Reported at 105 Ohio St.3d 1562, 2005-Ohio-2447, 828 N.E.2d 117. On motion for reconsideration. Motion denied.

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

**2005-0383. Aycox v. Columbus Bd. of Edn.**

Franklin App. No. 03AP-1285, 2005-Ohio-69. Reported at 105 Ohio St.3d 1563, 2005-Ohio-2447, 828 N.E.2d 118. On motion for reconsideration. Motion denied.

**2005-0455. Stewart v. Stewart.**

Portage App. Nos. 2003-P-0094 and 2003-P-0122, 2005-Ohio-346. Reported at 105 Ohio St.3d 1564, 2005-Ohio-2447, 828 N.E.2d 118. On motion for reconsideration. Motion denied.

**2005-0471. State v. Bunting.**

Stark App. No. 2004CA00259, 2005-Ohio-497. Reported at 105 Ohio St.3d 1564, 2005-Ohio-2447, 828 N.E.2d 118. On motion for reconsideration. Motion denied.

**2005-0597. State v. Stillman.**

Delaware App. No. 04CAA07052, 2004-Ohio-6974. Reported at 105 Ohio St.3d 1558, 2005-Ohio-2447, 828 N.E.2d 115. On motion for reconsideration. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.