

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

March 29, 2006

[Cite as *03/29/2006 Case Announcements*, 2006-Ohio-1329.]

MERIT DECISIONS WITH OPINIONS

2004-0214. Groob v. KeyBank, 2006-Ohio-1189.

Hamilton App. No. C-020191, 155 Ohio App.3d 510, 2003-Ohio-6915. Judgment reversed.

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

Farmer, Pfeifer and Lundberg Stratton, JJ, dissent.

Sheila G. Farmer, J., of the Fifth Appellate District, sitting for Resnick, J.

2004-1923. Bakies v. Perrysburg, 2006-Ohio-1190.

Wood App. Nos. WD-03-055 and WD-03-062, 2004-Ohio-5231. Judgment affirmed.

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

Lisa Sadler, J., of the Tenth Appellate District, sitting for Lanzinger, J.

2004-2031. In re C.R., 2006-Ohio-1191.

Cuyahoga App. No. 82891, 2004-Ohio-4465. Certified question answered.

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

Resnick, Pfeifer and Lundberg Stratton, JJ., dissent.

2004-2173. Campbell v. Ohio State Univ. Med. Ctr., 2006-Ohio-1192.

Franklin App. No. 04AP-96, 2004-Ohio-6072. Judgment affirmed.

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

Lanzinger, J. concurs separately.

Resnick and Pfeifer, JJ., dissent.

2005-0103. Lorince v. Universal Underwriters Ins. Co., 2006-Ohio-1193.

Cuyahoga App. No. 83711, 2004-Ohio-6287. Sua sponte, cause dismissed as having been improvidently accepted.

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

Pfeifer, J., dissents.

2005-1182. Disciplinary Counsel v. Wise, 2006-Ohio-1194.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 04-043. David Michael Wise, Attorney Registration No. 0037837, is indefinitely suspended from the practice of law in Ohio.

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

Pfeifer, O'Donnell and Lanzinger, JJ., dissent and would suspend respondent for 12 months, with six months stayed.

2005-1459. Dzina v. Celebrezze, 2006-Ohio-1195.

Cuyahoga App. No. 86043, 2005-Ohio-3127. Judgment affirmed.

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

Pfeifer, J., dissents.

2005-1531. Disciplinary Counsel v. Quatman, 2006-Ohio-1196.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 04-040. George Bernard Quatman, Attorney Registration No. 0008117, is suspended from the practice of law in Ohio for one year, stayed on conditions, and placed on probation for two years.

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

O'Donnell, J., concurs in judgment only.

Pfeifer, J., dissents and would suspend respondent from the practice of law for six months.

Moyer, C.J., not participating.

MERIT DECISIONS WITHOUT OPINIONS

2006-0038. State ex rel. Mahoning Cty. Bd. of Mental Retardation & Developmental Disabilities v. State Emp. Relations Bd.

In Mandamus. On motion to dismiss. Motion to dismiss granted because relator has an adequate remedy at law. Motion of Mahoning Edn. Assn. of Developmental Disabilities and OEA/NEA for leave to file an amicus curiae memorandum denied as moot. Cause dismissed.

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

2006-0055. State ex rel. Dierdorf v. Ohio Adult Parole Auth.

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.

2006-0136. State ex rel. Tatum v. Winkler.

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.

2006-0155. State ex rel. Insul Co., Inc. v. Hanna.

In Mandamus and Prohibition. On motion of respondent to dismiss and motion of asbestos claimants represented by Kelley & Ferraro, LLP for leave to intervene as respondents. Motion for leave to intervene granted. Motion to dismiss granted. Cause dismissed.

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

Lundberg Stratton and O'Donnell, JJ., concur but would grant an alternative writ as to the issue of extrapolation.

On motion for admission pro hac vice of Joni M. Mangino and George R. Farneth II by Meghan F. Wise. Motion granted.

2006-0202. Tarr v. Williams.

In Habeas Corpus. On petition for writ of habeas corpus of Kevin W. Tarr. Sua sponte, cause dismissed.

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

Lanzinger, J., not participating.

2006-0232. State ex rel. Fuller v. Williams.

In Habeas Corpus. On petition for writ of habeas corpus of William D. Fuller. Sua sponte, cause dismissed.

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

2006-0264. State ex rel. South v. Perkins.

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.

2006-0278. State ex rel. Sheppard v. Cleveland.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Motion for leave of amicus curiae Ohio Municipal League to file a memorandum urging dismissal on behalf of respondents dismissed as moot. Cause dismissed.

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

2006-0335. Fugett v. Jeffreys.

In Habeas Corpus. On petition for writ of habeas corpus of Donald Lee Fugett. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2004-0892. Fostoria v. Ohio Patrolmen's Benevolent Assn.

Seneca App. No. 13-03-26, 2004-Ohio-1945. On motion for show cause order and contempt hearing and motion to strike appellant's motion for show cause order and contempt hearing. Motion for show cause order granted. Motion to strike denied.

2005-1223. State ex rel. Hards v. Klammer.

Lake App. No. 2004-L-189, 2005-Ohio-2655. On motion to reinstate stay of probate proceedings and motion to expedite consideration of that motion. Motions denied.

2005-2277. Shay v. Shay.

Fulton App. No. F-05-008, 2005-Ohio-5874. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issues stated at page 14 of the court of appeals' Decision and Judgment Entry filed November 4, 2005:

"Does the Ohio Supreme Court's decision in *Wolfe v. Wolfe* (2000), 88 Ohio St.3d 246, and R.C. 3937.31(A), prevent an insurance company from amending the terms of its policy language, at the time of renewal, to increase the amount of uninsured and underinsured motorist coverage it provides, prior to the expiration of the two-year guarantee period discussed in R.C. 3937.31(A)?"

“Is it an unlawful retroactive application to allow Am.Sub.S.B. No. 267 to apply to the terms of a renewal policy, prior to the expiration of the two-year guarantee period discussed in R.C. 3937.31(A), to increase uninsured and underinsured motorist coverage?”

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

The conflict case is *Flowers v. Ohio Mut. Ins. Group*, Seneca App. No. 13-02-28, 2003-Ohio-441.

2006-0064. In re J.J.

Cuyahoga App. No. 86276, 2005-Ohio-6096. On motion for stay of court of appeals' judgment. Motion granted.

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

2006-0097. State v. Moctezuma.

Lucas App. No. L-04-1347, 2005-Ohio-5569. On motion for leave to file delayed appeal. Motion granted.

Resnick, J., dissents.

2006-0178. State v. Hancock.

Montgomery App. No. 19434, 2003-Ohio-2080 and 2005-Ohio-127. On motion for leave to file delayed appeal. Motion denied.

2006-0198. State v. Pahoundis.

Coshocton App. No. 05-CA-009, 2005-Ohio-6111. On motion for leave to file delayed appeal. Motion denied.

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

2006-0200. State v. Carter.

Butler App. No. CA2004-10-257. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2006-0228. State v. Markin.

Union App. No. 14-05-36. On motion for leave to file delayed appeal. Motion denied.

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

2006-0242. State v. Young.

Franklin App. No. 04AP-797, 2005-Ohio-5489. On motion for leave to file delayed appeal. Motion denied.

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

2006-0243. State v. Poole.

Cuyahoga App. No. 85277. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2006-0249. Mid-Am. Fire & Cas. Co. v. Heasley.

Lake App. No. 2004-L-115, 2005-Ohio-6072. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issues stated at page 5 of the court of appeals' Judgment Entry filed January 23, 2006:

“Whether an insurer may maintain a declaratory judgment action pursuant to R.C. 2721.01 et seq. to determine the rights of parties to an automobile accident under the terms and conditions of the contract for insurance even though the injured party is currently barred from seeking coverage because the authority supporting the insured party's claim for coverage was superseded by new authority.

“Whether a trial court's order dismissing a declaratory judgment complaint is an order reviewed under an abuse of discretion standard or a de novo review.”

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

Sua sponte, cause consolidated with 2005-2399, *Mid-Am. Fire & Cas. Co. v. Heasley*, Lake App. No. 2004-L-115, 2005-Ohio-6072.

The conflict case is *Indiana Ins. Co. v. Forsmark*, Lorain App. No. 04CA008520, 160 Ohio App.3d 277, 2005-Ohio-1635.

2006-0258. State v. Alexander.

Cuyahoga App. No. 85688, 2005-Ohio-5200. On motion for leave to file delayed appeal. Motion granted.

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

2006-0262. State v. Breininger.

Defiance App. No. 4-05-14, 2005-Ohio-4748. On motion for leave to file delayed appeal. Motion denied.

2006-0272. State v. Colston.

Clermont App. No. CA2004-11-099, 2005-Ohio-7031. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2005-1347, *State v. Buehner*, Cuyahoga App. No. 84985, 161 Ohio App.3d 546, 2005-Ohio-2828, and briefing schedule stayed.

2006-0284. State v. Hulittle.

Cuyahoga App. No. 87315. On motion for leave to file delayed appeal. Motion denied.

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

2006-0300. Dayton v. Huber.

Montgomery App. No. 20425, 2004-Ohio-7249. On motion for stay of court of appeals' judgment. Motion denied.

2006-0314. State v. Greenwood.

Montgomery App. No. 19820, 2004-Ohio-2737. On motion for leave to file delayed appeal. Motion denied.

2006-0324. State v. Clevenger.

Trumbull App. No. 2004-T-0130, 2006-Ohio-128. On motion for stay of court of appeals' judgment. Motion granted.

Pfeifer and Lundberg Stratton, JJ., dissent.

O'Connor, J., not participating.

2006-0332. State v. Adams.

Trumbull App. No. 2004-T-0053, 2005-Ohio-4332. On motion for leave to file delayed appeal. Motion denied.

2006-0343. State v. Williams.

Cuyahoga App. No. 85454, 2005-Ohio-4822. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2006-0345. State v. Sanders.

Portage App. No. 2004-P-0094, 2005-Ohio-4778. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., dissents.

2006-0346. State v. Thompson.

Jefferson App. No. 05 JE 16, 2005-Ohio-6792. On motion for leave to file delayed appeal. Motion granted.

Resnick and Lanzinger, JJ., dissent.

2006-0350. State v. Wright.

Allen App. No. 1-05-48. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2006-0354. State v. Costilla.

Greene App. No. 2005-CA-24, 2005-Ohio-6534. On motion for leave to file delayed appeal. Motion granted.

Resnick and O'Donnell, JJ., dissent.

2006-0399. State v. Mozena.

Hamilton App. No. C-050208, 2006-Ohio-717. On motion for stay of court of appeals' judgment. Motion denied.

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

2006-0403. Hutchins v. FedEx Ground Package Sys.

Summit App. No. 22838, 2005-Ohio-6985. On motion for stay of court of appeals' judgment. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2005-2299. Cleveland Mobile Radio Sales, Inc. v. Verizon Wireless.

Cuyahoga App. No. 85620, 2005-Ohio-5439. Discretionary appeal accepted. Sua sponte, cause consolidated with 2005-2302, *Discount Cellular, Inc. v. Ameritech Mobile Communications, Inc.*, Cuyahoga App. No. 85618, 2005-Ohio-5437.

Pfeifer, J., dissents.

Resnick, J., not participating.

2005-2302. Discount Cellular, Inc. v. Ameritech Mobile Communications, Inc.

Cuyahoga App. No. 85618, 2005-Ohio-5437. Discretionary appeal accepted. Sua sponte, cause consolidated with 2005-2299, *Cleveland Mobile Radio Sales, Inc. v. Verizon Wireless*, Cuyahoga App. No. 85620, 2005-Ohio-5439.

Pfeifer, J., dissents.

Resnick, J., not participating.

2005-2314. Norwood v. Burton.

Hamilton App. Nos. C-050065 and C-050070, 164 Ohio App.3d 136, 2005-Ohio-5720. Discretionary appeal accepted; cause held for the decisions in 2005-1210 and 2005-1211, *Norwood v. Horney*, Hamilton App. Nos. C-040683 and C-040783, 161 Ohio App.3d 316, 2005-Ohio-2448; and briefing schedule stayed.

On motion for admission pro hac vice of Dana Berliner, Scott Bullock, William H. Mellor, Robert W. Gall, and David Roland by Robert P. Malloy. Motion granted.

Resnick, J., not participating.

2005-2350. State v. Dillon.

Delaware App. No. 2005CAA02012, 2005-Ohio-5938.

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

2005-2388. State v. Sterling.

Ashtabula App. No. 2003-A-0135, 2005-Ohio-6081.

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

2005-2399. Mid-Am. Fire & Cas. Co. v. Heasley.

Lake App. No. 2004-L-115, 2005-Ohio-6072. Discretionary appeal accepted and cause consolidated with 2006-0249, *Mid-Am. Fire & Cas. Co. v. Heasley*, Lake App. No. 2004-L-115, 2005-Ohio-6072.

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

2005-2401. Ferrell v. Summa Health Sys.

Summit App. No. 22527, 2005-Ohio-5944. Discretionary appeal accepted; cause held for the decision in 2005-0998, *Robinson v. Bates*, Hamilton App. No. C-040063, 160 Ohio App.3d 668, 2005-Ohio-1879; and briefing schedule stayed.

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

APPEALS NOT ACCEPTED FOR REVIEW

2005-1848. State v. Tomlin.

Hamilton App. No. C-050511.

2005-1879. State v. Gordon.

Stark App. No. 2005CA00031, 2005-Ohio-3638.

2005-1906. Shropshire v. Progressive Ins. Co.

Montgomery App. No. 20550, 2005-Ohio-4533.

Pfeifer, J., dissents.

2005-2086. State v. Monroe.

Franklin App. No. 04AP-658, 2005-Ohio-5242.

2005-2255. State v. Kincer.

Clermont App. No. CA2004-06-048, 2005-Ohio-5626.

2005-2257. Frisch's Restaurant, Inc. v. Mabe.

Franklin App. No. 05AP-412, 2005-Ohio-5426.

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

2005-2259. Earhart Petroleum, Inc. v. Tiefenthaler.

Miami App. No. 05CA21.

2005-2260. State v. Foust.

Cuyahoga App. No. 83771, 2005-Ohio-5331.

2005-2267. State v. Smith.

Hamilton App. No. C-040348, 2005-Ohio-1325.

2005-2271. Salyer v. Mabe.

Champaign App. No. 2004 CA 32, 2005-Ohio-5587.

Pfeifer, J., dissents.

2005-2273. Arnold & Caruso, Ltd. v. Nyktas.

Lucas App. No. L-05-1011, 2005-Ohio-5566.

Resnick, J., not participating.

2005-2276. Huntington Natl. Bank v. D'Egidio.

Lorain App. No. 05CA008647, 2005-Ohio-5497.

2005-2282. Stemple v. Dunina.

Miami App. No. 04CA40, 2005-Ohio-5590.

2005-2284. State v. Bonnell.

Cuyahoga C.P. No. 223820.

Pfeifer, J., dissents.

2005-2286. State v. Loggins.

Hamilton App. No. C-050078.

2005-2289. State v. Converse.

Auglaize App. No. 2-05-20, 2005-Ohio-5752.

Lundberg Stratton, J., dissents.

2005-2290. Bagnola v. Bagnola.

Stark App. No. 2005CA00059, 2005-Ohio-5708.

O'Donnell, J., dissents.

2005-2298. Sutton v. Snyder.

Trumbull App. No. 2004-T-0064, 2005-Ohio-5603.

Lundberg Stratton, J., dissents.

2005-2304. State v. Parker.

Hamilton App. No. C-040701.

2005-2305. Gallagher v. McKeever.

Franklin App. Nos. 04AP-1273, 04AP-1274 and 04AP-1283, 2005-Ohio-5645.

2005-2307. State v. Cline.

Champaign App. No. 2002-CA-5, 164 Ohio App.3d 228, 2005-Ohio-5779.

Resnick and O'Donnell, JJ., dissent.

2005-2312. State v. Estill.

Hamilton App. No. C-040645.

Moyer, C.J., would accept the discretionary appeal on Proposition of Law No. V and reverse the judgment of the court of appeals on the authority of *State v. Foster*, ___ Ohio St.3d ___, 2006-Ohio-856, and remand the cause for resentencing.

2005-2315. Am. Logistics Group, Inc. v. Weinpert.

Cuyahoga App. No. 85041, 2005-Ohio-4809.

O'Donnell and Lanzinger, JJ., dissent.

2005-2317. State v. Morefield.

Franklin App. No. 05AP-938.

2005-2319. Champaign Landmark, Inc. v. Robinson.

Champaign App. Nos. 2004-CA-29 and 2004-CA-30, 2005-Ohio-5778.

Pfeifer, J., dissents.

2005-2321. State v. Shells.

Montgomery App. No. 20802, 2005-Ohio-5787.

Moyer, C.J., would accept the discretionary appeal on Proposition of Law No. V and reverse the judgment of the court of appeals on the authority of *State v. Foster*, ___Ohio St.3d___, 2006-Ohio-856, and remand the cause for resentencing.

2005-2325. State v. Campbell.

Hamilton App. No. C-050852.

2005-2327. Fortuna v. Ohio State Univ. Hosp.

Franklin App. No. 04AP-832, 164 Ohio App.3d 263, 2005-Ohio-5647.

Pfeifer, J., dissents.

2005-2328. Jelinek v. Abbott Laboratories.

Franklin App. No. 03AP-614, 2005-Ohio-5696.

Pfeifer, J., dissents.

Resnick, J., not participating.

2005-2329. State v. Rice.

Hamilton App. No. C-050816.

2005-2330. Harris v. Harris.

Cuyahoga App. No. 87063.

2005-2331. State v. Schilling.

Tuscarawas App. No. 2005AP-04-0029. Discretionary appeal not accepted. Motions to obtain records, to set aside sentence, for post-conviction relief, and for expert assistance denied as moot.

2005-2337. Grady v. Charles Kalinsky, D.D.S., Inc.

Cuyahoga App. No. 86240, 2005-Ohio-5550.

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

2005-2343. Provident Bank v. Adriatic, Inc.

Clermont App. No. CA2004-12-108, 2005-Ohio-5774.

2005-2345. State v. Opalach.

Cuyahoga App. No. 85540, 2005-Ohio-5563.

2005-2346. State ex rel. Groffre Investments v. Nimishillen Twp. Trustees.

Stark App. No. 2005 CA 00048, 2005-Ohio-5821.

Moyer, C.J., dissents.

2005-2349. Natl. Lime & Stone Co. v. Blanchard Twp.

Hardin App. No. 6-04-04, 2005-Ohio-5758.

Pfeifer and Lundberg Stratton, JJ., dissent.

2005-2351. Yavitch & Palmer Co., L.P.A. v. U.S. Four, Inc.

Franklin App. No. 05AP-294, 2005-Ohio-5800.

2005-2354. State v. Jordan.

Muskingum App. No. CT2003-0029, 2005-Ohio-6064.

2005-2355. Harris v. Wilkinson.

Franklin App. No. 05AP-442, 2005-Ohio-6104.

2005-2360. State v. Myers.

Perry App. No. 01-CA-5, 2002-Ohio-253.

2005-2362. Dever v. Casbeer.

Hamilton App. No. C-050106, 2005-Ohio-5860.

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

2005-2363. Shay v. Shay.

Fulton App. No. F-05-008, 2005-Ohio-5874.

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

2005-2365. Harris v. McPherson.

Lorain App. No. 05CA008698.

2005-2366. State v. Artiaga.

Lucas App. No. L-04-1376, 2005-Ohio-6000.

2005-2372. Brown v. Ohio Dept. of Job & Family Servs.

Defiance App. No. 4-05-07, 164 Ohio App.3d 311, 2005-Ohio-5887.

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

2005-2376. State v. McDaniel.

Lorain App. No. 05CA008690, 2005-Ohio-5809.

2005-2377. State v. Bradford.

Summit App. No. 22441, 2005-Ohio-5804.

2005-2379. Snitzky v. Wilson.

Trumbull App. No. 2005-T-0102, 2005-Ohio-5869.

2005-2380. Hutchison v. Lehigh.

Tuscarawas App. No. 2005AP20013, 2005-Ohio-6215.

2005-2381. State v. Messer.

Licking App. No. 2005-CA-00035, 2005-Ohio-5941.

2005-2397. State v. Waldron.

Cuyahoga App. No. 85735, 2005-Ohio-5693.

2005-2400. State v. Beamer.

Tuscarawas App. No. 2004AP120075, 2005-Ohio-6069.

2005-2405. Eulrich v. Weaver Brothers, Inc.

Logan App. No. 8-04-35, 2005-Ohio-5891.

O'Connor and O'Donnell, JJ., dissent.

2005-2414. Wooten v. CSX Ry.

Miami App. No. 2005 CA 4, 164 Ohio App.3d 428, 2005-Ohio-6252.

Pfeifer and O'Donnell, JJ., dissent.

2005-2415. State v. Adams.

Warren App. No. CA2005-06-075.

2005-2434. Horsfall v. Woodard.

Tuscarawas App. No. 2005AP020009, 2005-Ohio-6214.

2005-2441. State v. Williams.

Cuyahoga App. No. 85893, 2005-Ohio-6020.

2006-0006. State v. Taylor.

Athens App. No. 04CA32, 2005-Ohio-3721.

2006-0012. State v. Manning.

Cuyahoga App. No. 87244.

2006-0027. Karnofel v. Girard Police Dept.

Trumbull App. No. 2004-T-0145, 2005-Ohio-6154.

2006-0030. State v. Dye.

Franklin App. No. 02AP-649, 2003-Ohio-629.

2006-0044. State v. Roberts.

Hamilton App. No. C-040547, 2005-Ohio-6391.

2006-0100. State v. Nesser.

Licking App. No. 02 CA 103, 2005-Ohio-4313.

RECONSIDERATION OF PRIOR DECISIONS

2003-0565. State v. Newton.

Richland C.P. 02-CR-48H. Reported at 108 Ohio St.3d 13, 2006-Ohio-81, 840 N.E.2d 593. On motion for reconsideration. Motion denied.

2003-1325. State v. Hand.

Delaware C.P. No. 02CRI-08-366. Reported at 107 Ohio St.3d 378, 2006-Ohio-18, 840 N.E.2d 151. On motion for reconsideration. Motion denied.

Arlene Singer, J., of the Sixth Appellate District, sitting for O'Connor, J.

2003-2099. State v. Hancock.

Warren C.P. No. 00CR19073. Reported at 108 Ohio St.3d 57, 2006-Ohio-160, 840 N.E.2d 1032. On motion for reconsideration. Motion denied.

2004-1465. State ex rel. Loyd v. Lovelady.

Cuyahoga App. No. 83090, 2004-Ohio-3617. Reported at 108 Ohio St.3d 86, 2006-Ohio-161, 840 N.E.2d 1062. On motion for reconsideration. Motion denied.

2005-1751. State v. Johnson.

Cuyahoga App. No. 85416, 2005-Ohio-3724. Reported at 108 Ohio St.3d 1414, 2006-Ohio-179, 841 N.E.2d 318. On motion for reconsideration. Motion denied.

2005-1761. Summit Cty. Fiscal Officer v. Elizabeth Williams Group Home, Inc.

Summit App. No. 22126. Reported at 108 Ohio St.3d 1414, 2006-Ohio-179, 841 N.E.2d 319. On motion for reconsideration. Motion denied.

2005-1940. Boyd v. Hariani.

Summit App. No. 22500, 2005-Ohio-4536. Reported at 108 Ohio St.3d 1417, 2006-Ohio-179, 841 N.E.2d 320. On motion for reconsideration. Motion denied.

2005-2155. State v. Banks.

Ashtabula App. No. 2003-A-0118, 2005-Ohio-5286. Reported at 108 Ohio St.3d 1440, 2006-Ohio-421, 842 N.E.2d 65. On motion for reconsideration. Motion denied.

Resnick, J., dissents.

2005-2279. In re T.W.

Cuyahoga App. No. 85845, 2005-Ohio-5446. Reported at 108 Ohio St.3d 1418, 2006-Ohio-179, 841 N.E.2d 321. On motion for reconsideration. Motion denied.

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

Lundberg Stratton, J., dissents and would grant the motion as to Proposition of Law No. I.