

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

May 24, 2006

[Cite as *05/24/2006 Case Announcements*, 2006-Ohio-2466.]

MERIT DECISIONS WITH OPINIONS

2004-1325 and 2004-1746. State v. Chandler, 2006-Ohio-2285.

Stark App. No. 2003CA00342, 2004-Ohio-3436, and No. 2003CA00403, 2004-Ohio-4764. Judgments affirmed.

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

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

2005-0899. State ex rel. Dobbins v. Indus. Comm., 2006-Ohio-2286.

Franklin App. No. 04AP-590, 2005-Ohio-1529. Judgment affirmed.

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

2005-1108. State ex rel. Avalon Precision Casting Co. v. Indus. Comm., 2006-Ohio-2287.

Franklin App. No. 04AP-558, 2005-Ohio-2297. Judgment affirmed.

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

2005-1915. Payne v. Jeffreys, 2006-Ohio-2288.

Marion App. No. 9-05-27. Judgment affirmed.

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

2005-2022. Dayton Bar Assn. v. Corbin, 2006-Ohio-2289.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 04-052. Gregory J. Corbin, Attorney Registration No. 0030426, is publicly reprimanded.

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

2005-2060. Columbus Bar Assn. v. Mills, 2006-Ohio-2290.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 04-074. Melanie Mills, Attorney Registration No. 0062207, is suspended from the practice of law in Ohio for one year, stayed on conditions.

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

Lundberg Stratton and O'Donnell, JJ., concur in part and dissent in part.

2005-2353. Fortson v. Bradshaw, 2006-Ohio-2291.

Richland App. No. 05-CA-98. Judgment affirmed.

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

O'Donnell, J., not participating.

2005-2395. Disciplinary Counsel v. Jacobs, 2006-Ohio-2292.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 05-055. Frank David Jacobs, Attorney Registration No. 0011310, is publicly reprimanded.

Resnick, Pfeifer, Lundberg Stratton and Lanzinger, JJ., concur.

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

MERIT DECISIONS WITHOUT OPINIONS

2006-0404. Miller v. Kovack.

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

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

2006-0511. State ex rel. Christman v. Smith & Coury.

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.

2006-0519. Langley v. Sherck.

In Procedendo. 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.

2006-0585. State ex rel. Cotton v. Carr.

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.

2006-0622. Evans v. Gowdown.

In Prohibition. 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.

2006-0681. Winters v. Wolfe.

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

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

2006-0682. Showalter v. Jeffreys.

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

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

2006-0683. Nesser v. Wolfe.

In Habeas Corpus. On petition for writ of habeas corpus of David A. Nesser Jr. Sua sponte, cause dismissed.

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

2006-0686. Hackney v. Wolfe.

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

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

2006-0696. Compton v. Jeffreys.

In Habeas Corpus. On petition for writ of habeas corpus of Jeremy G. Compton. Sua sponte, cause dismissed.

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

2006-0708. Nitz v. Wolfe.

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

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

2006-0717. Curtis v. Jeffreys.

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

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

2006-0720. Dyer v. Jeffreys.

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

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

2006-0723. Klein v. Wolfe.

In Habeas Corpus. On petition for writ of habeas corpus of Joshua N. Klein. Sua sponte, cause dismissed.

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

2006-0743. Rogers v. Jeffreys.

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

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

2006-0745. Wengerd v. Jeffreys.

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

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

2006-0762. Boutwell v. Jeffreys.

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

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

2006-0763. Davis v. Jeffreys.

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

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

MOTION AND PROCEDURAL RULINGS

2004-2122. State ex rel. White v. Preble Cty. Bd. of Commrs.

In Mandamus. On joint motion for issuance of an agreed writ of mandamus. Motion denied. Cause shall continue in mediation.

Lundberg Stratton, J., dissents and would grant the joint motion and issue the writ.

2005-2134. Preferred Capital, Inc. v. Power Eng. Group, Inc.

Summit App. Nos. 22475, 22476, 22477, 22478, 22485, 22486, 22487, 22488, 22489, 22497, 22499, 22506 and 22513, 163 Ohio App.3d 522, 2005-Ohio-5113. On motion for admission pro hac vice of Geoffrey G. Why by Victoria Barto for amicus curiae Attorney General of Massachusetts. Motion granted.

2006-0614. In re Walters.

Fairfield App. Nos. 2005-CA-65 and 2005-CA-66, 2006-Ohio-631. 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' Judgment Entry filed March 9, 2006:

“Whether R.C. 3107.11 requires the parties listed in the statute be given notice of both the consent hearing and the best interest hearing.”

Resnick and O'Connor, JJ., dissent.

The conflict cases are *In re CMW*, Madison App. No. CA2004-09-031, 2004-Ohio-6935; *In re Adoption of Fenimore* (Jan. 28, 2000), Montgomery App. No. 17902; *In re Adoption of Kuhlman* (1994), Hamilton App. No. C-930688, 99 Ohio App.3d 44; *In re Adoption of Jordan* (1991), Preble App. No. CA90-08-016;

and *In re Adoption of Jorgensen* (1986), Hancock App. No. 5-85-3, 33 Ohio App.3d 207.

Sua sponte, cause consolidated with 2006-0613, *In re Walters*, Fairfield App. Nos. 2005-CA-65 and 2005-CA-66, 2006-Ohio-631.

2006-0658. State v. Luedeke.

Auglaize App. No. 2-05-43. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2006-0687. State v. Hawkins.

Hardin App. No. 6-05-13. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2006-0688. State v. Hawkins.

Hardin App. No. 6-05-11. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2006-0702. State v. Colston.

Clermont App. No. CA2004-11-099, 2005-Ohio-7031. On motion for leave to file delayed appeal. Motion denied.

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

2006-0724. State v. Lewis.

Summit App. No. 22534, 2006-Ohio-654. On motion for leave to file delayed appeal. Motion granted.

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

2006-0727. State v. Lohmeyer.

Lucas App. No. L-05-1059. On motion for leave to file delayed appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2005-0276. State v. Ayers.

Cuyahoga App. No. 86006, 2005-Ohio-6972. Discretionary appeal accepted; cause held for the decision in 2005-2336, *State v. Buehler*, Cuyahoga App. No. 85796, 2005-Ohio-5717; and briefing schedule stayed.

Resnick and Pfeifer, JJ., dissent.

2006-0279. Baughman v. State Farm Mut. Auto. Ins. Co.

Summit App. No. 22204, 2005-Ohio-6980.

Resnick and Pfeifer, JJ., dissent.

2006-0286. In re Thompkins.

Montgomery App. No. 20489, 2005-Ohio-7073.

Resnick and Pfeifer, JJ., dissent.

2006-0324. State v. Clevenger.

Trumbull App. No. 2004-T-0130, 2006-Ohio-128.

Resnick and Pfeifer, JJ., dissent.

O'Connor, J., not participating.

2006-0330. Froehlich v. Ohio Dept. of Mental Health.

Franklin App. No. 05AP-129, 2005-Ohio-7026.

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

2006-0417. Rodriguez v. Ohio Dept. of Job & Family Servs.

Cuyahoga App. Nos. 86111 and 86134, 2006-Ohio-97. Discretionary appeal accepted; cause held for the decision in 2006-0405, *Geretz v. Ohio Dept. of Job & Family Servs.*, Erie App. No. E-05-042, 2006-Ohio-321; and briefing schedule stayed.

2006-0613. In re Walters.

Fairfield App. Nos. 2005-CA-65 and 2005-CA-66, 2006-Ohio-631. Discretionary appeal accepted on Proposition of Law Nos. II and III and cause consolidated with 2006-0614, *In re Walters*, Fairfield App. Nos. 2005-CA-65 and 2005-CA-66, 2006-Ohio-631.

Pfeifer and Lundberg Stratton, JJ., would accept the appeal on all Propositions of Law.

O'Donnell, J., would accept the appeal on Proposition of Law No. II only.

Resnick and Lanzinger, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2005-2125. White v. Summit Cty.

Summit App. No. 22398, 2005-Ohio-5192.

2006-0068. Harpster v. Advanced Elastomer Sys., L.P.

Summit App. No. 22684, 2005-Ohio-6919.

Resnick, J., dissents.

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

2006-0252. Gilson v. Thomas.

Cuyahoga App. No. 86150, 2005-Ohio-6725.

2006-0259. State v. Kitchen.

Cuyahoga App. No. 87289.

2006-0265. State v. Kirkwood.

Lucas App. Nos. L-05-1194 and L-05-1195, 2006-Ohio-27.

2006-0281. Hudspath v. Cafaro Co.

Ashtabula App. No. 2004-A-0073, 2005-Ohio-6911.

Resnick and Lundberg Stratton, JJ., dissent.

2006-0287. Grooms v. Crawford.

Brown App. Nos. CA2005-05-008 and CA2005-05-009, 2005-Ohio-7028.

Pfeifer, J., dissents.

2006-0292. Fiffick v. Showe Mgt.

Portage App. No. 2005-P-0011, 2005-Ohio-7057.

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

2006-0293. N. Canton v. Canton.

Stark App. No. 2005-CA-00123, 2005-Ohio-6953.

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

2006-0296. Weller v. Weller.

Geauga App. No. 2004-G-2599, 2005-Ohio-6892.

2006-0299. Lubrizol Corp. v. Michael Lichtenberg & Sons Constr., Inc.

Lake App. No. 2004-L-179, 2005-Ohio-7050.

Lundberg Stratton, J., dissents.

2006-0300. Dayton v. Huber.

Montgomery App. No. 20425, 2004-Ohio-7249.

2006-0312. Harris v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 05AP-537, 2005-Ohio-6887.

2006-0315. Sweet v. Abbott Foods, Inc.

Franklin App. No. 04AP-1145, 2005-Ohio-6880.

Pfeifer, J., dissents.

2006-0316. State v. Peck.

Franklin App. Nos. 04AP-1170 and 05AP-57.

2006-0322. Dzambasow v. Abakumov.

Cuyahoga App. No. 86021, 2005-Ohio-6719.

O'Donnell, J., dissents.

2006-0326. State v. Smith.

Clark App. No. 2004-CA-10, 2005-Ohio-7071.

2006-0329. Higgins v. Huntsman.

Summit App. No. 22564, 2005-Ohio-6920.

Resnick, J., dissents.

2006-0331. Doe v. Mt. Carmel Health Sys.

Franklin App. No. 05AP-435, 2005-Ohio-6966.

Lundberg Stratton and Lanzinger, JJ., dissent.

2006-0338. Midwestern Indemn. Co. v. Kurlemann Builders, Inc.

Warren App. No. CA2005-05-056.

Pfeifer, J., dissents.

2006-0339. In re J.B.

Butler App. No. CA2004-09-226, 2005-Ohio-7029.

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

2006-0340. Assn. for Hosps. & Health Sys. v. Ohio Dept. of Job & Family Servs.

Franklin App. Nos. 04AP-762 and 04AP-763, 2006-Ohio-67.

Pfeifer and Lundberg Stratton, JJ., dissent.

2006-0344. State v. Cal.

Ottawa App. No. OT-05-005, 2006-Ohio-120.

2006-0347. State v. Wilson.

Clinton App. No. CA2005-11-026.

2006-0349. Symons v. Miller.

Perry App. No. 05-CA-7, 2006-Ohio-137.

Lundberg Stratton, J., dissents.

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

2006-0351. State v. Cunningham.

Allen App. No. 1-05-88.

2006-0352. State v. Cunningham.

Allen App. No. 1-05-89.

2006-0353. State v. Beaver.

Marion App. No. 9-05-41.

2006-0358. Brunn v. Motorists Mut. Ins. Co.

Richland App. No. 2005 CA 0022, 2006-Ohio-33.

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

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

2006-0359. State v. Esparza.

Defiance App. No. 4-05-46.

2006-0360. State v. Muff.

Perry App. No. 05CA11, 2006-Ohio-57.

2006-0361. State v. Esparza.

Defiance App. No. 4-05-45.

2006-0366. State v. Morgan.

Shelby App. No. 17-05-26, 2006-Ohio-145. Discretionary appeal not accepted. Motion to stay consideration of the jurisdictional question denied.

2006-0368. Schutte v. Mooney.

Montgomery App. No. 20888, 165 Ohio App.3d 56, 2006-Ohio-44.
O'Donnell, J., dissents.

2006-0377. Wolford v. Sanchez.

Lorain App. No. 05CA008674, 2005-Ohio-6992.
Resnick and O'Donnell, JJ., dissent.

2006-0380. State v. Osbourne.

Seneca App. No. 13-05-22, 2006-Ohio-48.

2006-0388. Farmers Ins. of Columbus, Inc. v. Lister.

Fairfield App. No. 2005-CA-29, 2006-Ohio-142.

2006-0389. Toledo v. Bernard Ross Family Ltd. Partnership.

Lucas App. Nos. L-04-1334 and L-05-1032, 2006-Ohio-117.
Pfeifer, J., dissents.

2006-0398. Natl. Check Bur., Inc. v. Woodgeard.

Fairfield App. No. 05-CA-23, 2006-Ohio-140.

2006-0400. Heider v. Unknown Heirs of Brenoe.

Wood App. Nos. WD-05-012 and WD-05-020, 2006-Ohio-122.

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

Summit App. No. 22838, 2005-Ohio-6985. Discretionary appeal not accepted.
Motion to strike appellant's memorandum in support of jurisdiction denied as moot.

2006-0406. State v. Simms.

Cuyahoga App. No. 85433, 2006-Ohio-22.

2006-0410. State v. Knowles.

Franklin App. No. 05AP-1312.

2006-0412. Dodd v. Keybank.

Cuyahoga App. No. 85949, 2006-Ohio-93.
Pfeifer, J., dissents.
Resnick, J., not participating.

2006-0415. State v. LaCroix.

Guernsey App. No. 05CA48.

2006-0419. State v. King.

Stark App. No. 2006CA00011.

2006-0431. State v. Haynes.

Franklin App. No. 01AP-430, 2002-Ohio-4389.

2006-0435. State v. Galluzzo.

Champaign App. No. 2004 CA 25, 2006-Ohio-309.

2006-0439. State v. Connors-Camp.

Montgomery App. No. 20850, 2006-Ohio-409.

2006-0440. State v. Becker.

Clermont App. No. CA2005-06-050, 2006-Ohio-148.

2006-0452. State v. King.

Muskingum App. No. CT05-0017, 2006-Ohio-226.

2006-0458. State v. Hunter.

Cuyahoga App. No. 86048, 2006-Ohio-20.

2006-0465. Chirico v. Home Depot.

Franklin App. No. 05AP-217, 2006-Ohio-291.

2006-0468. State v. Johnson.

Franklin App. No. 05AP-12, 2006-Ohio-209.

2006-0472. State v. Bradley.

Ashtabula App. No. 2003-A-0102, 2006-Ohio-196.

2006-0473. State v. Hicks.

Cuyahoga App. No. 86334, 2006-Ohio-798.

2006-0479. State v. Yeager.

Summit App. No. 21510, 2004-Ohio-2368 and 2005-Ohio-4932.

2006-0486. State v. Bullock.

Clermont App. No. CA2005-04-031, 2006-Ohio-598.

2006-0509. State v. Shirey.

Summit App. No. 22583, 2006-Ohio-256.

Lundberg Stratton, J., dissents.

2006-0529. State v. Corns.

Stark App. No. 2005CA00133, 2006-Ohio-399.

2006-0531. State v. Scheck.

Medina App. No. 05CA0033-M, 2006-Ohio-647.

2006-0535. State v. Terry.

Hamilton App. No. C-040261, 2005-Ohio-4140.

2006-0545. State v. Smith.

Stark App. No. 2005CA00155, 2006-Ohio-509.

2006-0603. State v. Trent.

Stark App. No. 2004CA00360, 2005-Ohio-5793.

RECONSIDERATION OF PRIOR DECISIONS

2004-0214. Groob v. KeyBank.

Hamilton App. No. C-020191, 155 Ohio App.3d 510, 2003-Ohio-6915. Reported at 108 Ohio St.3d 348, 2006-Ohio-1189, 843 N.E.2d 170. On motion for reconsideration. Motion denied.

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

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

2004-2031. In re C.R.

Cuyahoga App. No. 82891, 2004-Ohio-4465. Reported at 108 Ohio St.3d 369, 2006-Ohio-1191, 843 N.E.2d 1188. On motion for reconsideration and motion to strike motion for reconsideration. Motion for reconsideration denied.

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

Motion to strike denied as moot.

2005-0103. Lorince v. Universal Underwriters.

Cuyahoga App. No. 83711, 2004-Ohio-6287. Reported at 108 Ohio St.3d 1217, 2006-Ohio-1193, 843 N.E.2d 1212. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2005-1182. Disciplinary Counsel v. Wise.

Board of Commissioners on Grievances and Discipline, No. 04-043. Reported at 108 Ohio St.3d 381, 2006-Ohio-1194, 843 N.E.2d 1198. On motion for reconsideration. Motion denied.

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

2005-2282. Stemple v. Dunina.

Miami App. No. 04CA40, 2005-Ohio-5590. Reported at 108 Ohio St.3d 1510, 2006-Ohio-1329, 844 N.E.2d 855. On motion for reconsideration. Motion denied.

2005-2307. State v. Cline.

Champaign App. No. 2002-CA-5, 164 Ohio App.3d 228, 2005-Ohio-5779. Reported at 108 Ohio St.3d 1510, 2006-1329, 844 N.E.2d 855. On motion for reconsideration. Motion denied.

Resnick and O'Donnell, JJ., dissent.

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

Hardin App. No. 6-04-04, 2005-Ohio-5758. Reported at 108 Ohio St.3d 1511, 2006-Ohio-1329, 844 N.E.2d 856. On motion for reconsideration. Motion denied.

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

2005-2363. Shay v. Shay.

Fulton App. No. F-05-008, 2005-Ohio-5874. Reported at 108 Ohio St.3d 1511, 2006-Ohio-1329, 844 N.E.2d 856. On motion for reconsideration. Motion denied.

Moyer, C.J., dissents.

2005-2366. State v. Artiaga.

Lucas App. No. L-04-1376, 2005-Ohio-6000. Reported at 108 Ohio St.3d 1512, 2006-Ohio-1329, 844 N.E.2d 856. On motion for reconsideration. Motion denied.

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

Defiance App. No. 4-05-07, 164 Ohio App.3d 311, 2005-Ohio-5887. Reported at 108 Ohio St.3d 1512, 2006-Ohio-1329, 844 N.E.2d 856. On motion for reconsideration and motion to strike motion for reconsideration. Motion to strike denied. Motion for reconsideration granted to the following extent:

The discretionary appeal is accepted; the cause is held for the decision in 2006-0405, *Geretz v. Ohio Dept. of Job & Family Servs.*, Erie App. No. E-05-042, 2006-Ohio-321; and the briefing schedule is stayed.

2006-0027. Karnofel v. Girard Police Dept.

Trumbull App. No. 2004-T-0145, 2005-Ohio-6154. Reported at 108 Ohio St.3d 1512, 2006-Ohio-1329, 844 N.E.2d 857. On motion for reconsideration. Motion denied.

2006-0219. Hutchins v. FedEx Ground Package Sys.

Summit App. No. 22551, 2005-Ohio-6738. Reported at 108 Ohio St.3d 1504, 2006-Ohio-1389, 844 N.E.2d 851. On motion for reconsideration. Motion denied.

2006-0232. Fuller v. Williams.

In Habeas Corpus. Reported at 108 Ohio St.3d 1505, 2006-Ohio-1329, 844 N.E.2d 852. On motion for reconsideration. Motion denied.

2006-0335. Fugett v. Jeffreys.

In Habeas Corpus. Reported at 108 Ohio St.3d 1506, 2006-Ohio-1329, 844 N.E.2d 852. On motion for reconsideration. Motion denied.