

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

August 2, 2006

[Cite as *08/02/2006 Case Announcements*, 2006-Ohio-3862.]

MERIT DECISIONS WITH OPINIONS

In re Ohio Criminal Sentencing Statutes Cases, 2006-Ohio-3663.

Dispositions of currently pending appeals based on the decision in *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470. See entry.

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

2003-1441. State v. Roberts, 2006-Ohio-3665.

Trumbull C.P. No. 01-CR-793. Judgment affirmed in part and vacated in part, and cause remanded.

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

2005-1033. Hull v. Columbia Gas of Ohio, 2006-Ohio-3666.

Lucas App. No. L-04-1149, 160 Ohio App.3d 695, 2005-Ohio-2089. Judgment reversed.

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

Pfeifer, J., dissents.

2005-1223. State ex rel. Estate of Hards v. Klammer, 2006-Ohio-3670.

Lake App. No. 2004-L-189, 2005-Ohio-2655. Judgment affirmed.

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

2005-1515. State v. Bates, 2006-Ohio-3667.

Cuyahoga App. No. 84654, 2005-Ohio-3411. Sua sponte, cause dismissed as having been improvidently accepted.

Moyer, C.J., Resnick, Pfeifer and Lanzinger, JJ., concur.

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

2005-1659. State v. Eash, 2006-Ohio-3668.

Champaign App. No. 03-CA-34, 2005-Ohio-3749. Sua sponte, cause dismissed as having been improvidently accepted.

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

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

2006-0394. Cincinnati Bar Assn. v. Hennekes, 2006-Ohio-3669.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 05-036. Jason R. Hennekes, Attorney Registration No. 0075744, is suspended from the practice of law in Ohio for two years.

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

MERIT DECISIONS WITHOUT OPINIONS

2006-0871. State ex rel. Griffin v. Shapiro.

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.

2006-0887. State ex rel. King v. Holbrook.

In Mandamus. On motion for summary judgment. 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.

2006-0929. Grundstein v. Carroll.

In Mandamus and Prohibition. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

Moyer, C.J., dissents and would grant an alternative writ.

2006-0932. State ex rel. Medlink Group, Inc. v. McDonnell.

In Mandamus. On motion for leave to intervene of Robert Barnes, administrator of the estate of Natalie Barnes, and respondent's motion to dismiss. Motion for leave to intervene granted. Motion to dismiss granted. Cause dismissed.

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

O'Donnell, J., not participating.

2006-0977. State ex rel. King v. Ohio Dept. of Taxation.

In Mandamus. On respondents' motions to dismiss and relator's motion for leave to amend complaint pursuant to S.Ct.Prac.R. VIII(7) and Civ.R. 15(A). Motion to dismiss granted. Motion for leave to amend denied as moot. Cause dismissed.

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

2006-0985. State ex rel. Ward v. Ohio Adult Parole Auth.

In Mandamus. On answer of respondent and relator's motion for leave to amend complaint pursuant to S.Ct.Prac.R. VIII(7) and Civ.R. 15(A). On S.Ct.Prac.R. X(5) determination, cause dismissed. Motion for leave to amend denied as moot.

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

2006-0995. Marshall v. Peterson.

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.

2006-1005. State ex rel. Griffin v. Pence.

In Mandamus. 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.

2006-1019. Lipford v. Corrigan.

In Prohibition. On amended verified complaint, answer of respondent Eddie Lewis, and motion to dismiss of Judge John E. Corrigan and Cuyahoga County Probate Court. Motion to dismiss granted. Cause dismissed.

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

2006-1026. State ex rel. Reed v. Court of Appeals, Seventh Appellate Dist.

In Procedendo. On complaint in procedendo. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Resnick, Pfeifer, Lundberg Stratton, O'Connor and Lanzinger, JJ., concur.
Moyer, C.J., and O'Donnell, J., dissent and would grant an alternative writ.

2006-1034. State ex rel. Martin v. Quilter.

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.

2006-1042. Grundstein v. Greene.

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.

2006-1059. Martin v. Eberlin.

In Habeas Corpus. On petition for writ of habeas corpus and motion for judgment on the pleadings of Tramaine E. Martin. 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.

2006-1077. Ice v. State.

In Habeas Corpus. On petition for writ of habeas corpus of Clarence L. Ice III. Sua sponte, cause dismissed.

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

2006-1079. Dye v. Wolfe.

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

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

2006-1169. Dewey v. Jeffreys.

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

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

2006-1182. Cade v. Eberlin.

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

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

2006-1191. Neely v. Kelly.

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

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

2006-1205. Everett v. Eberlin.

In Habeas Corpus. On petition for writ of habeas corpus of Damion Montclair Everett. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

1988-0717. State v. Tyler.

Cuyahoga App. No. 51696. On motion to set execution date. Motion denied.

1997-2204. State v. Baston.

Lucas App. No. L-95-087. On motion to set execution date. Motion denied.

2002-1604. State v. Jackson.

Allen C.P. No. CR2002-0011. On application for reopening under S.Ct.Prac.R. XI(6). Application denied.

2003-1325. State v. Hand.

Delaware C.P. No. 02CRI-08-366. On application for reopening under S.Ct.Prac.R. XI(6). Application denied.

O'Connor, J., not participating.

2005-2093. O'Nesti v. DeBartolo Realty Corp.

Mahoning App. No. 04 MA 170, 163 Ohio App.3d 609, 2005-Ohio-5056. On appellants' motion to strike a portion of appellees' second supplement to briefs, appellants' motion to strike appellees' merit brief, and appellants' motion to expedite consideration of appellants' motions to strike. Appellants' motions are denied.

O'Donnell and Lanzinger, JJ., would grant appellants' motion to strike a portion of appellees' second supplement.

2005-2444. AAP St. Marys Corp. v. Wilkins.

Board of Tax Appeals, Nos. 2003-M-1100 and 2003-M-1101. On joint motion to vacate the decision and order of the Board of Tax Appeals and to remand the cause to the Tax Commissioner. Motion granted.

2006-0168. State ex rel. Carr v. Akron.

In Mandamus. On answer of respondent. Alternative writ is granted and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. X: The parties shall file any evidence they intend to present within 20 days of the date of this entry, relators shall file their brief within ten days of the filing of the evidence, respondent shall file its brief within 20 days after the filing of relators' brief, and relators may file a reply brief within seven days after the filing of respondent's brief.

2006-0185. State v. Siler.

Ashland App. No. 02 COA 028, 164 Ohio App.3d 680, 2005-Ohio-6591. On motion to dismiss appeal as improvidently accepted. Motion denied.

2006-0789. State ex rel. Lanham v. Smith.

In Mandamus. On respondents' answer and motion for judgment on pleadings and relator's motions to strike answer of respondents, for judgment on the pleadings, and for sanctions for frivolous action. Relator's and respondents' motions are denied. Alternative writ is granted and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. X: The parties shall file any evidence they intend to present within 20 days of the date of this entry, relator shall file his brief within ten days of the filing of the evidence, respondents shall file their brief within 20 days after the filing of relator's brief, and relator may file a reply brief within seven days after the filing of respondents' brief.

2006-0988. State v. McIntosh.

Montgomery App. No. 21093, 2006-Ohio-1815. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2006-0151, *State v. Carswell*, Warren App. No. CA2005-04-047, 2005-Ohio-6547; cause consolidated with 2006-0987, *State v. McIntosh*, Montgomery App. No. 21093, 2006-Ohio-1815; and briefing schedule stayed.

2006-1024. State v. Phillips.

Montgomery App. No. 21128, 2006-Ohio-1607. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2006-0151, *State v. Carswell*, Warren App. No. CA2005-04-047, 2005-Ohio-6547; cause consolidated with 2006-0949, *State v. Phillips*, Montgomery App. No. 21128, 2006-Ohio-1607; and briefing schedule stayed.

2006-1043. State v. Medina.

Franklin App. No. 05AP-664, 2006-Ohio-1648. On motion for leave to file delayed appeal. Motion granted.

Resnick and Lanzinger, JJ., dissent.

2006-1045. State v. Williams.

Montgomery App. No. 19963, 2005-Ohio-3172. On motion for leave to file delayed appeal. Motion denied.

2006-1055. State ex rel. Rashada v. Pianka.

Cuyahoga App. No. 87450, 2006-Ohio-2584. On motion for temporary restraining order. Motion denied.

2006-1068. State v. Jackson.

Butler App. No. CA2005-02-033, 2006-Ohio-1147. On motion for leave to file delayed appeal. Motion granted.

Resnick, J., dissents.

2006-1071. State v. Rodgers.

Franklin App. No. 05AP-446, 2006-Ohio-1528. On motion for leave to file delayed appeal. Motion denied.

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

2006-1091. State v. Wright.

Defiance App. No. 4-04-18. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2006-1122. State v. Ward.

Greene App. No. 2005-CA-75, 2006-Ohio-1407. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2006-0151, *State v. Carswell*, Warren App. No. CA2005-04-047, 2005-Ohio-6547; cause consolidated with 2006-0905, *State v. Ward*, Greene App. No. 2005-CA-75, 2006-Ohio-1407; and briefing schedule stayed.

2006-1134. State v. Williams.

Montgomery App. No. 20271, 2005-Ohio-1597. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2006-1140. State v. Yun.

Stark App. No. 2005-CA-00258, 2006-Ohio-1180. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2006-1153. State v. Parsons.

Montgomery App. No. 20476, 2005-Ohio-2017. On motion for leave to file delayed appeal. Motion denied.

2006-1164. State v. Srock.

Summit App. No. 22812, 2006-Ohio-251. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2006-1179. State v. Blythers.

Cuyahoga App. No. 87703. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2006-1267. Small's Sand & Gravel, Inc. v. Howard Twp. Bd. of Zoning Appeals.

Knox App. No. 05CA0021, 2006-Ohio-2451. On motion for stay of court of appeals' judgment. Motion denied.

Lundberg Stratton, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2006-0540. Zappitelli v. Miller.

Cuyahoga App. No. 85895, 2006-Ohio-279. Discretionary appeal accepted on Proposition of Law No. I.

Lanzinger, J., would also accept the appeal on all other Propositions of Law.

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

Discretionary cross-appeal not accepted.

2006-0690. Toledo v. Tellings.

Lucas App. No. L-04-1224, 2006-Ohio-975. Discretionary appeal accepted.

Pfeifer, J., dissents.

Motion to lift stay of execution of judgment denied.

2006-0766. Cleveland v. Voies.

Cuyahoga App. No. 86317, 2006-Ohio-815. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2006-0151, *State v. Carswell*, Warren App. No. CA2005-04-047, 2005-Ohio-6547; and briefing schedule stayed.

2006-0768. PNP, Inc. v. Ohio Dept. of Job & Family Servs.

Franklin App. No. 04AP-1294, 2006-Ohio-1159. Discretionary appeal accepted; cause held for the decision in 2006-0275, *Ohio Academy of Nursing Homes v. Ohio Dept. of Job & Family Servs.*, Franklin App. No. 05AP-562, 164 Ohio App.3d 808, 2005-Ohio-6888; and briefing schedule stayed.

Pfeifer, J., dissents.

Motion for stay of jurisdictional proceedings denied as moot.

2006-0785. Ohio Pyro, Inc. v. Ohio Dept. of Commerce.

Fayette App. Nos. CA2005-03-009 and CA2005-03-011, 2006-Ohio-1002.

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

O'Donnell, J., dissents.

Resnick, J., not participating.

2006-0799. State v. Huffman.

Hamilton App. No. C-050044, 165 Ohio App.3d 518, 2006-Ohio-1106. Discretionary appeal accepted on Proposition of Law Nos. I, II, and III; cause held for the decision in 2006-0105 and 2006-0216, *State v. Tooley*, Portage App. No. 2004-P-0064, 2005-Ohio-6709; and briefing schedule stayed.

Resnick, Pfeifer and Lanzinger, JJ., would accept the appeal on all Propositions of Law.

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

2006-0843. J.F. v. D.B.

Summit App. No. 22709, 165 Ohio App.3d 791, 2006-Ohio-1175. Discretionary appeal accepted. Motion for admission pro hac vice of Joseph P. Martone by Douglas N. Godshall granted.

2006-0875. State v. Williams.

Allen App. No. 1-05-74, 2006-Ohio-1409.
Resnick and Pfeifer, JJ., dissent.

2006-0882. State v. Geeslin.

Mercer App. No. 10-05-06, 2006-Ohio-1261.
Resnick and Pfeifer, JJ., dissent.

2006-0899. State v. Lomax.

Hamilton App. No. C-040450, 2006-Ohio-1373.
Resnick and Pfeifer, JJ., dissent.

2006-0905. State v. Ward.

Greene App. No. 2005-CA-75, 2006-Ohio-1407. Discretionary appeal accepted; cause held for the decision in 2006-0151, *State v. Carswell*, Warren App. No. CA2005-04-047, 2005-Ohio-6547; cause consolidated with 2006-1122, *State v. Ward*, Greene App. No. 2005-CA-75, 2006-Ohio-1407; and briefing schedule stayed.

2006-0912. Preferred Capital, Inc. v. Wheaton Trenching, Inc.

Summit App. No. 22995, 2006-Ohio-1554. Discretionary appeal accepted; cause held for the decision in 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; and briefing schedule stayed.
Pfeifer, J., dissents.
Resnick, J., not participating.

2006-0927. Core Funding Group, LLC v. McDonald.

Lucas App. No. L-05-1291, 2006-Ohio-1625. Discretionary appeal accepted on Proposition of Law Nos. II and III.
Moyer, C.J., Pfeifer and O'Connor, JJ., would also accept the appeal on all other Propositions of Law.
Resnick, Lundberg Stratton and O'Donnell, JJ., dissent.

2006-0949. State v. Phillips.

Montgomery App. No. 21128, 2006-Ohio-1607. Discretionary appeal accepted; cause held for the decision in 2006-0151, *State v. Carswell*, Warren App. No. CA2005-04-047, 2005-Ohio-6547; cause consolidated with 2006-1024, *State v. Phillips*, Montgomery App. No. 21128, 2006-Ohio-1607; and briefing schedule stayed.

2006-0987. State v. McIntosh.

Montgomery App. No. 21093, 2006-Ohio-1815. Discretionary appeal accepted; cause held for the decision in 2006-0151, *State v. Carswell*, Warren App. No. CA2005-04-047, 2005-Ohio-6547; cause consolidated with 2006-0988, *State v. McIntosh*, Montgomery App. No. 21093, 2006-Ohio-1815; and briefing schedule stayed.

APPEALS NOT ACCEPTED FOR REVIEW

2006-0290. Jokic v. State Auto Mut. Ins. Co.

Lake App. No. 2004-L-135, 2005-Ohio-7044.

O'Donnell, J., not participating.

2006-0346. State v. Thompson.

Jefferson App. Nos. 05 JE 16 and 05 JE 17, 2005-Ohio-6792.

2006-0354. State v. Costilla.

Greene App. No. 2005-CA-24, 2005-Ohio-6534. Discretionary appeal not accepted. Motion to strike memorandum in support of jurisdiction denied as moot.

2006-0396. State v. Troglin.

Union App. No. 14-04-41, 2005-Ohio-6562.

2006-0515. State v. Poling.

Portage App. No. 2004-P-0044, 2006-Ohio-1008.

O'Donnell, J., dissents.

2006-0517. State v. Richard.

Cuyahoga App. No. 85918, 2005-Ohio-6969.

2006-0637. State v. Turner.

Franklin App. No. 04AP-1143, 2006-Ohio-761.

2006-0645. State v. Ice.

Columbiana App. No. 05 CO 72, 2006-Ohio-1470.

2006-0633. Home Builders Assn. of Dayton & Miami Valley v. Lebanon.

Warren App. Nos. CA2005-01-002 and CA2005-01-005, 2006-Ohio-595.

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

Peggy Bryant, J., of the Tenth Appellate District, sitting for Resnick, J.

2006-0721. State v. Linnik.

Madison App. No. CA2004-06-015, 2006-Ohio-880.

O'Connor, J., dissents.

2006-0741. Compliant Corp. v. Hutchins.

Cuyahoga App. No. 87822.

Resnick, J., dissents.

2006-0746. State v. Lugo.

Muskingum App. No. CT06-0003.

2006-0747. State v. Hawk.

Athens App. No. 06CA10.

2006-0752. State v. Foster.

Hamilton App. No. C-050378, 2006-Ohio-1567.

2006-0757. State v. Weaver.

Franklin App. No. 06AP-54.

2006-0758. State ex rel. Petro v. Gold.

Franklin App. No. 04AP-863, 2006-Ohio-943.

Lundberg Stratton, J., dissents.

2006-0760. State v. Muff.

Perry App. No. 05CA18, 2006-Ohio-1516.

2006-0765. Appointe v. Seecharan.

Cuyahoga App. No. 86408, 2006-Ohio-938.

2006-0771. State v. Pudelski.

Cuyahoga App. No. 85989, 2006-Ohio-811.

2006-0777. Ochletree v. Trumbull Mem. Hosp.

Trumbull App. No. 2005-T-0015, 2006-Ohio-1006.

Resnick, J., dissents.

2006-0782. State v. Donahue.

Wood App. No. WD-05-025, 2006-Ohio-1117.

Lanzinger, J., not participating.

2006-0790. Hartley v. Brown Publishing Co.

Madison App. No. CA2005-03-009, 2006-Ohio-999.

2006-0792. State v. Edwards.

Franklin App. No. 06AP-156.

2006-0793. Grundstein v. Ewolf's Corp.

Cuyahoga App. No. 86872, 2006-Ohio-1600.

O'Donnell, J., dissents.

2006-0794. State v. Webb.

Greene App. No. 2005 CA 52, 2006-Ohio-1113.

2006-0797. Fulton v. Firelands Community Hosp.

Erie App. No. E-05-031, 2006-Ohio-1119.

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

2006-0803. Haver v. Accountancy Bd. of Ohio.

Franklin App. No. 05AP-280, 2006-Ohio-1162.

Resnick and O'Donnell, JJ., dissent.

2006-0808. State v. Stafford.

Hamilton App. No. C-050286, 2006-Ohio-1105.

2006-0810. State v. Hernandez.

Franklin App. Nos. 05AP-112 and 05AP-113, 2006-Ohio-1207.

2006-0814. State v. Great Lakes Powersports, Inc.

Hancock App. No. 5-04-58, 2006-Ohio-1140.

Resnick, J., dissents.

O'Connor, J., not participating.

2006-0815. State v. Simpson.

Guernsey App. No. 06CA5.

2006-0818. State v. Maxey.

Cuyahoga App. No. 87857.

2006-0821. State v. Tanksley.

Franklin App. No. 06AP-24.

2006-0825. State v. Adams.

Mahoning App. No. 00 CA 211, 2006-Ohio-1761.

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

2006-0832. State v. Allen.

Hamilton App. No. C-060150.

2006-0834. State v. Adkins.

Greene App. No. 06-CA-26. Discretionary appeal not accepted. Motion to dismiss notice of appeal denied as moot.

2006-0835. State v. Long.

Hamilton App. No. C-040643.

2006-0836. State v. Warren.

Hamilton App. No. C-060203.

2006-0837. State v. Anderson.

Lucas App. No. L-03-1249.

2006-0844. Zlocki v. Akron Gen. Med Ctr.

Summit App. No. 22887, 2006-Ohio-1173.

O'Donnell, J., dissents.

2006-0848. State v. McCarley.

Summit App. No. 22562, 2006-Ohio-1176.

2006-0849. Nosal v. Fairlawn Corporate Ctr. Ltd.

Summit App. No. 23118.

O'Connor, J., not participating.

2006-0851. State v. Warren.

Hamilton App. No. C-060201.

2006-0852. Mowery v. Columbus.

Franklin App. No. 05AP-266, 2006-Ohio-1153.

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

2006-0855. Coleman v. Korrekt Plumbing, Inc.

Montgomery App. No. 21355, 2006-Ohio-1579.

2006-0856. Allison v. Pike Community Hosp.

Pike App. No. 05CA734, 2006-Ohio-1390.

Resnick, J., dissents.

2006-0857. Shaheen v. Snyder.

Tuscarawas App. No. 2005AP090070, 2006-Ohio-1492.

2006-0858. Cincinnati v. Scheer & Scheer Dev.

Hamilton App. No. C-050336, 2006-Ohio-1221.

2006-0859. Indiana Ins. Co. v. Murphy.

Allen App. No. 1-05-40, 165 Ohio App.3d 812, 2006-Ohio-1264. Discretionary appeal not accepted. Motion to dismiss appeal denied as moot.

O'Connor and O'Donnell, JJ., dissent and would accept the appeal.

2006-0860. In re J.M.

Cuyahoga App. No. 85546, 2006-Ohio-1203.

O'Connor, J., dissents.

2006-0864. Reighard v. Cleveland Elec. Illuminating.

Mahoning App. No. 05 MA 120, 2006-Ohio-1283, and 2006-Ohio-2814.

2006-0867. In re 1995 Mercedes C280.

Hamilton App. No. C-050433, 2006-Ohio-1565.

2006-0870. Barr v. Harrison Cty. Common Pleas Court.

Franklin App. No. 05AP-760, 2006-Ohio-1348.

2006-0872. Wilson v. Akron City Council.

Summit App. No. 22793, 2006-Ohio-1483.

2006-0873. State v. Riley.

Darke App. No. 05CA1677.

2006-0874. State v. Frock.

Clark App. No. 2004 CA 76, 2006-Ohio-1254.

2006-0877. Rossi v. Visnich.

Trumbull App. No. 2005-T-0039, 2006-Ohio-1266.

O'Connor, J., not participating.

2006-0879. State v. Johnson.

Lucas App. No. L-04-1221, 2006-Ohio-1406.

2006-0883. Holbrook v. Marblehead.

Ottawa App. No. OT-05-033, 2006-Ohio-1397.

O'Donnell, J., dissents.

2006-0885. Northern v. Med. Mut. of Ohio.

Cuyahoga App. No. 86527, 2006-Ohio-1075.

2006-0886. Clinton Elec. & Plumbing Supply, Inc. v. Airline Professionals Assn., Teamsters Local 1224.

Clinton App. No. CA2005-08-016, 2006-Ohio-1274.

Lundberg Stratton, J., dissents.

2006-0888. State v. Morris.

Franklin App. No. 05AP-841, 2006-Ohio-1652.

2006-0889. State v. Cooper.

Franklin App. No. 06AP-150.

2006-0893. Clarke v. Bd. of Cty. Commrs. of Warren Cty.

Warren App. No. CA2005-04-048, 2006-Ohio-1271.

Pfeifer and Lundberg Stratton, JJ., dissent.

2006-0894. State v. Dudukovich.

Lorain App. No. 05CA008729, 2006-Ohio-1309.

2006-0895. State v. Robbins.

Hamilton App. No. C-040715.

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

2006-0897. State v. Green.

Sandusky App. No. S-05-019, 2006-Ohio-1622.

2006-0898. Wayne Mut. Ins. Co. v. Bradley.

Stark App. No. 2005CA00200, 2006-Ohio-1517.

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

2006-0900. State v. Guess.

Franklin App. No. 06AP-151. Discretionary appeal not accepted. On motion to find Bo Guess to be a vexatious litigator. Motion for vexatious litigator finding is granted, and the court hereby finds Bo Guess to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B).

IT IS FURTHER ORDERED by the court that Bo Guess is prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. Any request for leave shall be submitted to the Clerk of this court for the court's review.

2006-0901. State v. Kudukis.

Cuyahoga App. No. 87748.

Pfeifer, J., dissents.

2006-0902. State v. McElfresh.

Muskingum App. No. CT06-0011.

2006-0903. Dawson v. Blockbuster, Inc.

Cuyahoga App. No. 86451, 2006-Ohio-1240.

Moyer, C.J., dissents.

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

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. II.

2006-0904. State v. Dickey.

Summit App. No. 23172.

2006-0907. Aircraft Braking Sys. Corp. v. Ohio Civ. Rights Comm.

Summit App. No. 22841, 2006-Ohio-1304.

2006-0908. State v. Johnson.

Summit App. No. 22688, 2006-Ohio-1313.

2006-0909. Henney v. Shelby City School Dist.

Richland App. No. 2005 CA 0064, 2006-Ohio-1382.

Lundberg Stratton, J., dissents.

2006-0917. State v. Martinez.

Cuyahoga App. Nos. 85523, 85524, and 86468, 2006-Ohio-1331.

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

2006-0922. State v. Melhado.

Franklin App. No. 05AP-272, 2006-Ohio-641. Discretionary appeal not accepted.

Motion to dismiss appeal denied as moot.

2006-0924. State v. Arafat.

Cuyahoga App. No. 85847, 2006-Ohio-1722.

2006-0944. State v. Brooks.

Lorain App. No. 05CA008786, 2006-Ohio-1485.

2006-0955. State v. Gale.

Franklin App. No. 05AP-708, 2006-Ohio-1523.

2006-0959. State v. Parks.

Cuyahoga App. No. 86312, 2006-Ohio-1352.

2006-0964. Storer v. Sharp.

Cuyahoga App. No. 86525, 2006-Ohio-1577.

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

2006-0965. State v. Potts.

Richland App. No. 05-CA-82, 2006-Ohio-2100.

2006-0970. State v. Harris.

Montgomery App. No. 19796, 2004-Ohio-3570.

2006-0984. Levin v. Dickerson.

Cuyahoga App. No. 86248, 2006-Ohio-1337.

2006-0993. First Natl. Bank of Southwestern Ohio v. Doellman.

Butler App. No. CA2005-05-127, 2006-Ohio-1663.

2006-0994. State v. Watkins.

Hamilton App. No. C-050335.

2006-1001. State v. Randlett.

Franklin App. Nos. 03AP-385, 03AP-386, 03AP-387, and 03AP-388, 2003-Ohio-6934.

2006-1057. In re Craig.

Tuscarawas App. Nos. 2005 AP 11 0076, 2005 AP 11 0079, and 2005 AP 11 0083, 2006-Ohio-2027.

2006-1132. In re Johnathon A.

Lucas App. Nos. L-05-1314 and L-05-1315, 2006-Ohio-2115.

2006-1193. In re Lopez.

Wyandot App. Nos. 16-05-10, 16-05-12, 16-05-13, and 16-05-14, 2006-Ohio-2251.

Pfeifer, J., dissents.

RECONSIDERATION OF PRIOR DECISIONS

2004-1325. State v. Chandler.

Stark App. No. 2003CA00342, 157 Ohio App.3d 672, 2004-Ohio-3436. Reported at 109 Ohio St.3d 223, 2006-Ohio-2285, 846 N.E.2d 1234. On motion for reconsideration. Motion denied.

Resnick and Lundberg Stratton, JJ., dissent.

2004-1746. State v. Bledsoe.

Stark App. No. 2003CA00403, 2004-Ohio-4764. Reported at 109 Ohio St.3d 223, 2006-Ohio-2285, 846 N.E.2d 1234. On motion for reconsideration. Motion denied.

Resnick and Lundberg Stratton, JJ., dissent.

2005-0702 and 2005-0734. Doe v. Archdiocese of Cincinnati.

Shelby App. No. 17-04-10, 2005-Ohio-960. Reported at 109 Ohio St.3d 491, 2006-Ohio-2625, 849 N.E.2d 268. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

Beth Whitmore, J., of the Ninth Appellate District, sitting for Resnick, J.

Judith L. French, J., of the Tenth Appellate District, sitting for Lanzinger, J.

2005-1108. State ex rel. Avalon Precision Casting v. Indus. Comm.

Franklin App. No. 04AP-558, 2005-Ohio-2297. Reported at 109 Ohio St.3d 237, 2006-Ohio-2287, 846 N.E.2d 1245. On motion for reconsideration. Motion denied.

2006-0094. Cleveland Bar Assn. v. Helfgott.

Board of Commissioners on Grievances and Discipline, No. 03-065. Reported at 109 Ohio St.3d 360, 2006-Ohio-2579, 847 N.E.2d 1212. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

2006-0293. N. Canton v. Canton.

Stark App. No. 2005-CA-00123, 2005-Ohio-6953. Reported at 109 Ohio St.3d 1480, 2006-Ohio-2466, 847 N.E.2d 1225. On motion for reconsideration. Motion granted. Discretionary appeal accepted.

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

2006-0300. Dayton v. Huber.

Montgomery App. No. 20425, 2004-Ohio-7249. Reported at 109 Ohio St.3d 1480, 2006-Ohio-2466, 847 N.E.2d 1225. On motion for reconsideration. Motion denied.

2006-0337. State v. Harris.

Hamilton App. No. C-040483, 2005-Ohio-6995. Reported at 109 Ohio St.3d 509, 2006-Ohio-2721, 849 N.E.2d 284. On motion for reconsideration. Motion denied.

2006-0339. In re J.B..

Butler App. No. CA2004-09-226, 2005-Ohio-7029. Reported at 109 Ohio St.3d 1481, 2006-Ohio-2466, 847 N.E.2d 1226. On motion for reconsideration. Motion denied.

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

2006-0420. Curtis v. Ohio Adult Parole Auth.

Franklin App. No. 04AP-1214, 2005-Ohio-4781, and 2006-Ohio-15. Reported at 109 Ohio St.3d 1495, 2006-Ohio-2762, 848 N.E.2d 858. On motion for reconsideration. Motion denied.

2006-0483. Anderson v. Sherwood Food Distrib.

Cuyahoga App. No. 86164, 2006-Ohio-101. Reported at 109 Ohio St.3d 1496, 2006-Ohio-2762, 848 N.E.2d 858. On motion for reconsideration. Motion denied. Resnick, J., dissents.

2006-0513. Kasapis v. High Point Furniture Co., Inc.

Summit App. Nos. 22758 and 22762, 2006-Ohio-255. Reported at 109 Ohio St.3d 1496, 2006-Ohio-2762, 848 N.E.2d 858. On motion for reconsideration. Motion denied.

2006-0542. State v. Whaley.

Trumbull App. No. 2005-T-0118, 2006-Ohio-490. Reported at 109 Ohio St.3d 1496, 2006-Ohio-2762, 848 N.E.2d 859. On motion for reconsideration. Motion denied. Motion to strike motion for reconsideration denied as moot.

2006-0665. Citifinancial, Inc. v. Lynch.

Lorain App. No. 06CA008862. Reported at 109 Ohio St.3d 1497, 2006-Ohio-2762, 848 N.E.2d 859. On motion for reconsideration. Motion denied.

2006-0727. State v. Lohmeyer.

Lucas App. No. L-05-1059. Reported at 109 Ohio St.3d 1479, 2006-Ohio-2466, 847 N.E.2d 1225. On motion for reconsideration. Motion denied.

2006-0845. State ex rel. Dunning v. Kimbler.

In Prohibition. Reported at 109 Ohio St.3d 1491, 2006-Ohio-2762, 848 N.E.2d 855. On motion for reconsideration. Motion denied.