

IN RE CRIMINAL SENTENCING CASES.

[Cite as *In re Criminal Sentencing Cases*, 116 Ohio St.3d 31, 2007-Ohio-5551.]

Criminal law — Sentencing— Disposition of cases accepted and held for the decision in State v. Payne.

(Submitted October 9, 2007 — Decided October 24, 2007.)

{¶ 1} The following dispositions of currently pending appeals are hereby entered based on our decision in *State v. Payne*, 114 Ohio St.3d 502, 2007-Ohio-4642, 873 N.E.2d 306.

I

{¶ 2} The judgments of the courts of appeals in the following cases are affirmed. If propositions of law are noted, the discretionary appeal was accepted only on those propositions of law:

{¶ 3} 2006-1541. *State v. Tribett*, Franklin App. No. 04AP-828, 2006-Ohio-3437. Proposition of Law No. III.

{¶ 4} 2006-1581. *State v. Thacker*, Franklin App. No. 05AP-834, 2006-Ohio-3449. Affirmed on Proposition of Law Nos. I and II. As to Proposition of Law No. III, the cause is dismissed as having been improvidently accepted.

{¶ 5} 2006-1687, *State v. Silverman*, Franklin App. Nos. 05AP-837, 05AP-838, and 05AP-839, 2006-Ohio-3826. Proposition of Law No. I.

{¶ 6} 2006-1831, *State v. Curtis*, Franklin App. No. 05AP-795, 2006-Ohio-4230. Proposition of Law No. II.

{¶ 7} 2006-2071, *State v. Bartley*, Franklin App. No. 06AP-159, 2006-Ohio-4989.

SUPREME COURT OF OHIO

{¶ 8} 2006-2101, *State v. Jordan*, Franklin App. No. 05AP-1330, 2006-Ohio-5208. Proposition of Law No. III.

{¶ 9} 2007-0020. *State v. Anderson*, Franklin App. No. 06AP-174, 2006-Ohio-6152. Affirmed on Proposition of Law No. I. As to Proposition of Law No. III, the cause is dismissed as having been improvidently accepted.

{¶ 10} 2007-0078, *State v. Peeks*, Franklin App. No. 05AP-1370, 2006-Ohio-6256.

{¶ 11} 2007-0092, *State v. Coleman*, Lorain App. No. 06CA008877, 2006-Ohio-6329.

{¶ 12} 2007-0167, *State v. McClaskey*, Franklin App. No. 05AP-882, 2006-Ohio-6646. Proposition of Law No. I.

{¶ 13} 2007-0469, *State v. Mansfield*, Medina App. No. 06CA0022-M, 2007-Ohio-333. Proposition of Law No. I.

{¶ 14} 2007-0664, *State v. Ragland*, Franklin App. No. 04AP-829, 2007-Ohio-836. Proposition of Law No. I.

II

{¶ 15} The discretionary appeal is accepted in the following case on Proposition of Law No. III, and the judgment of the court of appeals is affirmed:

{¶ 16} 2007-1107. *State v. Exum*, Franklin App. No. 05AP-894, 2007-Ohio-2648.

III

{¶ 17} The certified questions are answered in the affirmative in the following cases, and the judgments of the courts of appeals are affirmed. If propositions of law are noted, the consolidated discretionary appeal was accepted only on those propositions of law:

{¶ 18} 2006-1601 and 2006-1793. *State v. Newman*, Summit App. No. 23038, 2006-Ohio-4082. Proposition of Law No. II.

{¶ 19} 2006-1675. *State v. Davis*, Franklin App. No. 05AP-538, 2006-Ohio-3707.

{¶ 20} 2006-1898 and 2006-2116. *State v. Daniel*, Franklin App. Nos. 05AP-564 and 05AP-683, 2006-Ohio-4627. Proposition of Law Nos. II and III.

{¶ 21} 2006-2035 and 2006-2036. *State v. Lindsey*, Franklin App. Nos. 06AP-189, 06AP-190, and 06AP-191, 2006-Ohio-5203.

{¶ 22} 2006-2041 and 2006-2124. *State v. Ratliff*, Franklin App. No. 06AP-84, 2006-Ohio-5785.

{¶ 23} 2006-2042 and 2006-2070. *State v. Dennis*, Franklin App. No. 05AP-1290, 2006-Ohio-5777. Proposition of Law No. I.

{¶ 24} 2006-2360 and 2006-2362. *State v. Myers*, Wayne App. No. 06CA0003, 2006-Ohio-5958. Proposition of Law No. I.

IV

{¶ 25} The discretionary appeal in the following case is dismissed as having been improvidently accepted:

{¶ 26} 2007-0508, *State v. Bailey*, Medina App. No. 06CA0040-M, 2007-Ohio-455.

V

{¶ 27} The certified question is answered in the negative in the following case, the judgment of the court of appeals is reversed, and the cause is remanded to the court of appeals for further proceedings consistent with *State v. Payne*:

{¶ 28} 2007-0666, *State v. Gabriel*, 170 Ohio App.3d 393, 2007-Ohio-794, 867 N.E.2d 474.

MOYER, C.J., and LUNDBERG STRATTON, O'CONNOR, O'DONNELL, LANZINGER, and CUPP, JJ., concur.

PFEIFER, J., dissents.
