

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 23, 2008

[Cite as *04/23/2008 Case Announcements*, 2008-Ohio-1841.]

MERIT DECISIONS WITH OPINIONS

2007-0344. Cleveland Bar Assn. v. Mishler, Slip Opinion No. 2008-Ohio-1810.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 05-040. Howard V. Mishler, Attorney Registration No. 0007281, is suspended from the practice of law in Ohio for two years, with one year stayed on conditions, and probation imposed.

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

2007-0391. Columbus v. Kim, Slip Opinion No. 2008-Ohio-1817.

Franklin App. No. 05AP-1334, 2006-Ohio-6985. Certified question answered in the negative and judgment affirmed.

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

O'Donnell, J., concurs separately.

2007-0519. State v. Blackburn, Slip Opinion No. 2008-Ohio-1823.

Ashtabula App. No. 2006-A-0029, 2007-Ohio-1071. Judgment reversed and cause remanded.

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

Pfeifer and Lanzinger, JJ., dissent.

2007-1581. Cleveland Bar Assn. v. Mitchell, Slip Opinion No. 2008-Ohio-1822.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-007. Luann Mitchell, Attorney Registration No. 0007205, is suspended from the practice of law in Ohio for 18 months, with 12 months stayed on conditions, and probation imposed.

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

Lanzinger, J., concurs in judgment only.

2007-1734. State v. Silverman, Slip Opinion No. 2008-Ohio-1845.

Hamilton App. No. C-060515. Judgment affirmed.

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

2007-1939. Ohio State Bar Assn. v. Martin, Slip Opinion No. 2008-Ohio-1809.

On Final Report by the Board on the Unauthorized Practice of Law, No. UPL 06-01. Terry and Eva Martin, TELLR Corporation, We The People of Cincinnati, We The People USA, Inc., and IDLD, Inc., are enjoined from acts constituting the practice of law in Ohio, and civil penalty is imposed.

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

2007-1999. Dayton Bar Assn. v. Ellison, Slip Opinion No. 2008-Ohio-1808.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-005. Kathy Lee Ellison, Attorney Registration No. 0033808, is suspended from the practice of law in Ohio for 12 months, stayed with probation and conditions.

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

Cupp, J., dissents and would impose a six-month stayed suspension.

2007-2300. Akron Bar Assn. v. Finan, Slip Opinion No. 2008-Ohio-1807.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-063. Christine D. Finan, Attorney Registration No. 0055892, is publicly reprimanded.

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

MERIT DECISIONS WITHOUT OPINIONS

2008-0093. State ex rel. Digiacobbe v. Beasley.

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

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

Pfeifer, J., dissents and would grant an alternative writ.

2008-0227. State ex rel. Brown v. Bedford Mun. Court.

In Prohibition. On motion for stay of execution of eviction notice. Motion denied. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

2008-0275. State ex rel. Coulter v. Maier.

In Mandamus. On complaint in mandamus of Justin Coulter. On S.Ct.Prac.R. X(5) determination, cause dismissed. Request for attorney fees denied.

Pfeifer, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Moyer, C.J., and Lundberg Stratton, J., concur in dismissing the cause but would grant the request for attorney fees.

2008-0278. State ex rel. Collins v. Fuerst.

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

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

Pfeifer, J., dissents and would grant the writ.

2008-0349. State ex rel. Totten v. Collins.

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

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

2008-0361. State ex rel. Davis v. Williams.

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

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

2008-0362. State ex rel. Lucero v. Ringland.

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

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

2008-0364. State ex rel. Lucero v. Ringland.

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

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

2008-0408. State ex rel. Wohl v. Ambrose.

In Prohibition. On motion for leave to intervene of Michael A. Lingo, Gregory B. Williams, and William C. Glick and respondent's motion to dismiss. Motion to dismiss granted. Motion to intervene denied as moot. Cause dismissed.

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

O'Donnell, J., concurs in dismissing the cause but would grant the motion to intervene.

2008-0501. Ealy v. Vore.

In Habeas Corpus. On petition for expedited writ of habeas corpus of Larry E. Ealy. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2006-0919. Conley v. Smith.

Stark App. No. 2005CA00215, 2006-Ohio-1498. On motion to have Clayton B. Smith declared a vexatious litigator and motion to strike that motion. Motions denied.

Lundberg Stratton and O'Donnell, JJ., dissent and would grant the motion to declare Clayton B. Smith a vexatious litigator.

2007-1358. Zajc v. Hycomp, Inc.

Cuyahoga App. No. 88421, 172 Ohio App.3d 117, 2007-Ohio-2637. On appellee's motion for leave to voluntarily dismiss his claims against appellants. Motion granted.

Pfeifer, Lanzinger, and Cupp, JJ., would remand the cause to the trial court for dismissal of the claims with prejudice.

2007-1408. Cassarlie v. Shell Oil Co.

Cuyahoga App. No. 88361, 2007-Ohio-2633. On motion for admission pro hac vice of Thomas R. Phillips and David M. Rodi by Thomas R. Lucchesi. Motion granted.

2007-2289. State ex rel. Lorain v. Stewart.

In Mandamus. On motions for leave to intervene and answers of Oster Construction, Inc., Bevat Investments, L.L.C., K. Hovnanian Oster Homes, L.L.C., and Affected Property Owners and respondent's motion to dismiss. Motions to intervene are denied. Motion to dismiss is denied.

Sua sponte, an 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 a brief within ten days of the filing of the evidence; respondent shall file a brief within 20 days after the filing of relators' brief; and relators may file a reply brief within seven days after filing of respondent's brief.

Moyer, C.J., would grant the motions to intervene.

Lundberg Stratton, J., dissents and would grant the motion to dismiss.

2007-2438. State ex rel. Couch v. Trimble Local School Dist. Bd. of Edn.

In Mandamus. On answer of respondent. Sua sponte, an 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 a brief within ten days of the filing of the evidence; respondents shall file a brief within 20 days after the filing of relator's brief; and relator may file a reply brief within seven days after filing of respondents' brief.

2008-0452. State v. Zweifel.

Union App. No. 14-06-58. On motion for leave to file delayed appeal. Motion denied for want of four votes.

Moyer, C.J., and Pfeifer and Lundberg Stratton, JJ., would grant the motion.

O'Connor, O'Donnell, and Lanzinger, JJ., would deny the motion.

Cupp, J., not participating.

2008-0465. State v. Reuschling.

Ashtabula App. No. 2007-A-0006, 2007-Ohio-6726. On motion for leave to file delayed appeal. Motion denied.

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

2008-0470. State v. Anzures.

Delaware App. No. 06CAA070047, 2007-Ohio-4817. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2008-0474. State v. Donaldson.

Cuyahoga App. No. 90438. On motion for leave to file delayed appeal. Motion denied.

Cupp, J., dissents.

2008-0479. State v. McCoy.

Licking App. No. 05-CA-29, 2006-Ohio-56. On motion for leave to file delayed appeal. Motion denied.

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

2008-0480. State v. King.

Summit App. No. 23980. On motion for leave to file delayed appeal. Motion denied.

O'Donnell and Cupp, JJ., dissent.

2008-0486. State v. Keeling.

Hamilton App. No. C-010610, 2002-Ohio-3299. On motion for leave to file delayed appeal. Motion denied.

2008-0497. State v. Castleberry.

Summit App. No. 23644, 2007-Ohio-5803. On motion for leave to file delayed appeal. Motion denied.

2008-0503. State v. Woodward.

Cuyahoga App. No. 86415. On motion for leave to file delayed appeal. Motion denied.

2008-0505. State ex rel. Mowen v. Mowen.

Warren App. No. CA2007-10-119. On motion of Clermont County Department of Job and Family Services for leave to intervene as appellee and appellant's motion

to strike the motion for leave to intervene. Motion for leave to intervene granted. Motion to strike denied.

2008-0508. State v. Cameron.

Lake App. No. 2007-L-004, 2007-Ohio-6935. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton and Cupp, JJ., dissent.

2008-0519. Ruf v. Ruf.

Summit App. No. 23813, 2008-Ohio-663. On motion for stay of court of appeals' judgment. Motion granted subject to the bond already posted with the court of appeals.

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

2008-0524. State v. Harris.

Franklin App. No. 07AP-137, 2008-Ohio-27. On motion for leave to file delayed appeal. Motion granted.

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

2008-0549. Pelzl v. Greene Cty. Combined Health Dist.

Greene App. No. 07-CA-05. On motion for immediate stay of court of appeals' judgment. Motion denied.

2008-0578. State v. Pepka.

Lake App. No. 2008-L-016. On motion to stay execution of sentence pending appeal. Motion denied.

2008-0631. State v. Davis.

Clark App. No. 07-CA-100, 2008-Ohio-753. On motion for stay of execution of proceedings. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2007-2389. State v. Thompson.

Fairfield App. No. 2007-CA-00006, 2007-Ohio-6098.

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

Pfeifer and O'Donnell, JJ., dissent.

2008-0085. State v. Carter.

Lucas App. No. L-07-1088, 2007-Ohio-6359. Discretionary appeal accepted; cause held for the decision in 2007-1427, *State v. Ferguson*, Cuyahoga App. No. 88450, 2007-Ohio-2777; and briefing schedule stayed.

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

2008-0109. State v. Moore.

Lake App. No. 2007-L-055, 2007-Ohio-6409. Discretionary appeal accepted; cause held for the decision in 2007-1703, *State v. Kalish*, Lake App. No. 2006-L-093, 2007-Ohio-3850; and briefing schedule stayed.

2008-0454. State v. Fikes.

Hamilton App. No. C-060581, 2007-Ohio-5870. Discretionary appeal accepted; cause held for the decision in 2007-0325, *State v. Davis*, Hamilton App. No. C-040665, 2006-Ohio-3171; and briefing schedule stayed.

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

APPEALS NOT ACCEPTED FOR REVIEW

2007-1396. State v. Elwell.

Lorain App. No. 06CA008923, 2007-Ohio-3122.

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

2007-1907. State v. Clardy.

Hamilton App. No. C-060527, 2007-Ohio-4193.

2007-2056. State v. Pryor.

Fairfield App. No. 07 CA 25, 2007-Ohio-4427.

2007-2098. State v. Sellers.

Cuyahoga App. No. 88535, 173 Ohio App.3d 60, 2007-Ohio-4681.

Lundberg Stratton, J., dissents.

2007-2338. In re 1994 BMW 7401.

Hamilton App. No. C-070085, 2007-Ohio-5876.

2007-2341. State v. Smith.

Montgomery App. No. 21885, 2007-Ohio-6354.

2007-2349. State v. Danzeisen.

Montgomery App. No. 21888, 2007-Ohio-6350.

2007-2356. State v. Conrad.

Cuyahoga App. No. 88934, 2007-Ohio-5717.

2007-2366. State v. Luke.

Allen App. No. 1-06-103, 2007-Ohio-5906.

2007-2379. State v. Evans.

Montgomery App. No. 22413.

2007-2388. In re Jones.

Hamilton App. No. C-060873, 2007-Ohio-5973.

O'Connor and Cupp, JJ., dissent.

2007-2396. State v. Williamson.

Hamilton App. No. C-061050.

2007-2414. State v. Priest.

Cuyahoga App. No. 89178, 2007-Ohio-5958.

2007-2418. State v. Forney.

Miami App. No. 2007CA31.

2008-0008. Glick v. McClintock.

Wayne App. No. 07CA0079.

O'Donnell, J., dissents.

2008-0009. Briel v. Dollar Gen. Store.

Ashtabula App. No. 2007-A-0016, 2007-Ohio-6164.

O'Connor, J., dissents.

2008-0010. Glick v. McClintock.

Wayne App. No. 07CA0079.

2008-0011. Anderson v. Maines Paper & Food Serv., Inc.

Cuyahoga App. No. 89187, 2007-Ohio-6073.

Lundberg Stratton, J., dissents.

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

2008-0013. State v. White.

Cuyahoga App. No. 89085, 2007-Ohio-5951.

2008-0017. State v. Baker.

Stark App. No. 2006CA00079, 2007-Ohio-6476.

2008-0019. First Fed. Bank of Ohio v. Angelini.

Crawford App. No. 3-07-04, 2007-Ohio-6153.

2008-0021. Gloekler v. Allstate Ins. Co.

Ashtabula App. No. 2007-A-0040, 2007-Ohio-6163.

Lundberg Stratton and Lanzinger, JJ., dissent.

2008-0023. Feckner v. Donley's, Inc.

Cuyahoga App. No. 88926, 2007-Ohio-5335.

Lundberg Stratton, J., dissents.

2008-0025. Stauber v. McGrath.

Fairfield App. Nos. 2006-CA-71 and 2006-CA-72, 2007-Ohio-6296.

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

2008-0026. State ex rel. Howard v. Educational Serv. Ctr.

Lorain App. No. 07CA009096, 2007-Ohio-6145.

2008-0027. State v. Halder.

Cuyahoga App. No. 87974, 2007-Ohio-5940.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law Nos. I and II.

2008-0032. State v. Holin.

Lake App. No. 2007-L-028, 174 Ohio App.3d 1, 2007-Ohio-6255.

2008-0040. Collett v. Steigerwald.

Montgomery App. No. 22028, 2007-Ohio-6261.

2008-0047. Gen. Motors Acceptance Corp. v. Mercure.

Cuyahoga App. No. 88963, 2007-Ohio-5708.

Pfeifer, J., dissents.

2008-0053. Abdallah v. Doctor’s Assoc., Inc.
Cuyahoga App. No. 89157, 2007-Ohio-6065.

2008-0058. In re Scheeff.
Cuyahoga App. No. 89846, 2007-Ohio-6081.
Pfeifer and Cupp, JJ., dissent.

2008-0060. State v. Goodman.
Trumbull App. No. 2006-T-0130, 2007-Ohio-6252.

2008-0069. Crawford v. FirstMerit Mtge. Corp.
Cuyahoga App. No. 89193, 2007-Ohio-6074. Discretionary appeal not accepted.
Motions for admission pro hac vice of Arend J. Abel, Vess A. Miller, and Richard E. Shevitz by Mark Schlachet granted.

2008-0070. State v. Cameron.
Cuyahoga App. No. 89165, 2007-Ohio-6066.

2008-0071. State v. Redwine.
Brown App. No. CA2006-08-011, 2007-Ohio-6413.

2008-0072. Allstate Ins. Co. v. Dolman.
Lucas App. No. L-07-1113, 2007-Ohio-6361.
Pfeifer, J., dissents.
Cupp, J., dissents and would accept the appeal and hold the cause for the decision in 2008-0304 and 2008-0403, *Safeco Ins. Co. of Am. v. Fed. Ins. Co.*, Hamilton App. No. C-070074, 2007-Ohio-7068.

2008-0074. State v. Miller.
Wood App. No. WD-06-086, 2007-Ohio-6364.
Moyer, C.J., and Lundberg Stratton, J., dissent.

2008-0075. Faith v. Scuba.
Geauga App. No. 2007-G-2767, 2007-Ohio-6563.

2008-0081. State v. Bock.
Franklin App. No. 07AP-119, 2007-Ohio-6276.
Lundberg Stratton and Lanzinger, JJ., dissent.

2008-0084. State v. Skinner.

Ross App. No. 06CA2931, 2007-Ohio-6320.

2008-0094. State v. Orris.

Franklin App. No. 07AP-390, 2007-Ohio-6499.

2008-0099. Watson v. Ford Motor Co.

Erie App. No. E-06-074, 2007-Ohio-6374.

Pfeifer, J., dissents.

2008-0101. State v. Nickelson.

Wood App. No. WD-06-023, 2007-Ohio-6367.

2008-0102. State v. Wood.

Franklin App. Nos. 07AP-162 and 07AP-163, 2007-Ohio-6380.

Pfeifer, J., dissents.

2008-0104. State v. McCuller.

Cuyahoga App. No. 89834, 2007-Ohio-6301.

2008-0105. State v. Gabe.

Cuyahoga App. No. 89258, 2007-Ohio-6319.

2008-0106. State v. Thompson.

Cuyahoga App. No. 89435, 2007-Ohio-6818.

2008-0110. In re Estate of Schumann.

Montgomery App. No. 22327.

2008-0114. State v. Bishop.

Cuyahoga App. No. 89184, 2007-Ohio-6197.

2008-0116. State v. Phillips.

Cuyahoga App. No. 89045, 2007-Ohio-6063.

2008-0118. State v. Hatfield.

Franklin App. No. 07AP-245.

2008-0125. State v. Ridenour.

Montgomery App. No. 22474.

2008-0135. State v. Sherrills.

Cuyahoga App. No. 89830, 2007-Ohio-6989.

2008-0136. Meadowbrook Care Ctr. v. Ohio Dept. of Job & Family Servs.

Franklin App. No. 06AP-871, 2007-Ohio-6534.

2008-0138. State v. Crosky.

Franklin App. No. 06AP-816, 2007-Ohio-6533.

2008-0161. State v. Keith.

Lorain App. Nos. 07CA009263, 07CA009267, 07CA009268, 07CA009269, 07CA009270, 07CA009271, and 07CA009272.

Lundberg Stratton, J., dissents and would accept the appeal and remand the cause for determination as to appellant's claim of ineffective assistance of counsel.

2008-0162. State v. Davis.

Montgomery App. No. 21904, 2007-Ohio-6680.

2008-0167. State v. Moncrief.

Cuyahoga App. No. 89788, 2007-Ohio-6328.

2008-0171. State v. Brown.

Summit App. No. 23996.

2008-0175. State v. Gandy.

Hamilton App. No. C-070152.

2008-0176. State v. Willfong.

Hamilton App. No. C-070113.

O'Donnell and Lanzinger, JJ., dissent and would accept the appeal and hold the cause for the decision in 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747.

2008-0179. State v. McCarroll.

Cuyahoga App. No. 89280, 2007-Ohio-6322.

Lanzinger and Cupp, JJ., dissent and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2007-1703, *State v. Kalish*, Lake App. No. 2006-L-093, 2007-Ohio-3850.

2008-0185. State v. Kravochuck.

Cuyahoga App. No. 89294, 2007-Ohio-6323.

2008-0189. State v. Rox.

Cuyahoga App. No. 89244, 2007-Ohio-6315.
O'Donnell, J., dissents.

2008-0193. Sanders v. Stover.

Cuyahoga App. No. 89241, 2007-Ohio-6202.
Pfeifer, J., dissents.

2008-0194. State v. Evans.

Hamilton App. No. C-060392.

2008-0197. Richardson v. Richardson.

Franklin App. No. 07AP-287, 2007-Ohio-6642.
O'Donnell, J., dissents.

2008-0206. State v. Haverland.

Hamilton App. No. C-070059.

2008-0207. State v. Mitchell.

Cuyahoga App. No. 88977, 2007-Ohio-6190.

2008-0225. State v. Pederi.

Hamilton App. No. C-070002.

2008-0267. State v. Smith.

Hamilton App. No. C-061085.

2008-0288. State v. Eichhorn.

Morrow App. No. 02-CA-953.

2008-0338. State v. Thomas.

Wood App. No. WD-06-014, 2007-Ohio-3466.

2008-0373. State v. Kendrick.

Montgomery App. No. 21790, 2007-Ohio-6136.

2008-0386. State v. Duncan.

Clark App. No. 2006 CA 109, 2007-Ohio-4079.

2008-0475. State v. Holloman.

Franklin App. No. 06AP-01, 2007-Ohio-840.

2008-0515. In re N.W.

Franklin App. Nos. 07AP-590 and 07AP-591, 2008-Ohio-297.

2008-0552. In re J.E.

Summit App. No. 23865, 2008-Ohio-412.

RECONSIDERATION OF PRIOR DECISIONS

2006-1913. Borkowski v. Abood.

Lucas App. No. L-05-1425, 169 Ohio App.3d 31, 2006-Ohio-4913. Reported at ___ Ohio St.3d ___, 2008-Ohio-857, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

2007-2004. State v. Fisher.

Stark App. No. 2006CA00338, 2007-Ohio-4820. Reported at 117 Ohio St.3d 1405, 2008-Ohio-565, 881 N.E.2d 273. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2007-2007. State v. Anello.

Stark App. No. 2006CA00340, 2007-Ohio-4822. Reported at 117 Ohio St.3d 1405, 2008-Ohio-565, 881 N.E.2d 274. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2007-2059. Cotton v. Oberdier.

Franklin App. No. 07AP-639. Reported at 117 Ohio St.3d 1406, 2008-Ohio-565, 881 N.E.2d 274. On motion for reconsideration. Motion denied.

2007-2112. State v. Morris.

Pickaway App. No. 06CA28, 2007-Ohio-5291. Reported at 117 Ohio St.3d 1407, 2008-Ohio-565, 881 N.E.2d 275. On motion for reconsideration. Motion denied.

Lundberg Stratton and Lanzinger, JJ., dissent.

2007-2117. State v. Smith.

Summit App. No. 23542, 2007-Ohio-5119. Reported at 117 Ohio St.3d 1407, 2008-Ohio-565, 881 N.E.2d 275. On motion for reconsideration. Motion denied.
O'Connor, J., not participating.

2007-2227. State ex rel. Mun. Constr. Equip. Operators' Labor Council v. Cleveland.

In Mandamus. Reported at 117 Ohio St.3d 1403, 2008-Ohio-565, 881 N.E.2d 272. On motion for reconsideration. Motion denied.