

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 9, 2008

[Cite as *07/09/2008 Case Announcements*, 2008-Ohio-3369.]

MERIT DECISIONS WITH OPINIONS

2007-0140. Barnes v. Univ. Hosps. of Cleveland, Slip Opinion No. 2008-Ohio-3344.

Cuyahoga App. Nos. 87247, 87285, 87710, 87903, and 87946, 2006-Ohio-6266. Judgment affirmed in part and reversed in part, and cause remanded.

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

Pfeifer, J., concurs in part and dissents in part.

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

2007-0376. Hageman v. Southwest Gen. Health Ctr., Slip Opinion No. 2008-Ohio-3343.

Cuyahoga App. No. 87826, 2006-Ohio-6765. Judgment affirmed and cause remanded.

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

O'Connor and Cupp, JJ., concur in the syllabus and judgment.

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

2007-1184. State v. Baker, Slip Opinion No. 2008-Ohio-3330.

Summit App. No. 23713. Certified question answered, judgment reversed, and cause remanded.

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

O'Donnell, J., concurs separately.

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

2007-2361. Cuyahoga Cty. Bar Assn. v. Nance, Slip Opinion No. 2008-Ohio-3333.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-025. Donald Nance, Attorney Registration No. 0034086, is suspended from the practice of law in Ohio for six months, stayed on conditions.

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

Moyer, C.J., dissents.

2008-0107. Cincinnati Bar Assn. v. Lawson, Slip Opinion No. 2008-Ohio-3340.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-010. Kenneth L. Lawson, Attorney Registration No. 0042468, is indefinitely suspended from the practice of law in Ohio.

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

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

MERIT DECISIONS WITHOUT OPINIONS

2007-1909. State ex rel. Exel, Inc. v. Indus. Comm.

In Mandamus. On respondents' answers, relator's request for oral argument, and respondent Industrial Commission's motion to dismiss because of mootness. Motion to dismiss granted. Request for oral argument denied as moot. Cause dismissed.

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

2008-0557. Carrion v. Beightler.

In Habeas Corpus. On return of writ and respondent's motion to dismiss petition for writ of habeas corpus as moot. Motion to dismiss granted. Cause dismissed.

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

2008-0675. State ex rel. Middle Earth 617 Vine St., L.L.C. v. Ohio Dept. of Dev.

In Mandamus. On respondents' answers and respondent Ohio Department of Development's motion for judgment on the pleadings. Motion for judgment on the pleadings granted. Cause dismissed.

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

Pfeifer and Lundberg Stratton, JJ., dissent and would grant an alternative writ.

2008-0745. State ex rel. Johnson v. Russo.

In Mandamus. On respondents' motions to dismiss. Motions to dismiss granted. Cause dismissed.

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

O'Connor, J., not participating.

2008-1015. Robinson v. Sutula.

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

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

2008-1028. Riley v. Smith.

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

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

2008-1057. Williams v. Smith.

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

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

MOTION AND PROCEDURAL RULINGS

2005-0192. State v. Mundt.

Noble C.P. No. CRI204-2002CR. On application for reopening under S.Ct.Prac.R. XI(6). Application denied.

2007-1694. State ex rel. Toledo Blade Co. v. Seneca Cty. Bd. of Commrs.

In Mandamus. On request for oral argument. Request granted.

2007-1832. Roe v. Planned Parenthood Southwest Ohio Region.

Hamilton App. No. C-060557, 173 Ohio App.3d 414, 2007-Ohio-4318. On motion for admission pro hac vice of Mailee R. Smith by Joel J. Kirkpatrick. Motion granted.

O'Connor, J., not participating.

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

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relators' motions for show-cause contempt order and for sanctions,

The court finds that respondents are in contempt of the court's writ.

It is ordered that respondents immediately comply with the writ by paying the city's construction-equipment operators and master mechanics the difference between the prevailing-wage rates set forth in the Construction Employers Association Building Agreement between the International Union of Operating Engineers, Local 18 and its branches, and the Construction Employers Association and the lower rates that they have been paid for the period beginning April 11, 2007 and through the February 20, 2008 date of the writ, plus postjudgment interest from the date of the writ.

It is further ordered that relators be awarded attorney fees related to their motions. Relators' counsel is directed to submit a bill and documentation in support of the award, in accordance with the guidelines set forth in Rule 1.5 of the Ohio Rules of Professional Conduct, within ten days of this entry. Respondents may file objections to relators' bill and documentation within ten days of the filing of the bill and documentation, and relators may file a reply to respondents' objections, if any, within five days of the filing of the objections.

2008-0367. Duke Energy Ohio, Inc. v. Pub. Util. Comm.

Public Utilities Commission, Nos. 03-93-EL-ATA, 03-2079-EL-AAM, 03-2081-EL-AAM, and 03-2080-EL-ATA. On motion for stay of execution of the order of the Public Utilities Commission on remand. Motion denied.

2008-0858. State v. Derov.

Mahoning App. No. 07 MA 71, 2008-Ohio-1672. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 2 of the court of appeals' Journal Entry filed April 29, 2008:

"Whether the results of a portable breath test are admissible to establish probable cause to arrest a suspect for a drunk driving offense."

Lanzinger, J., dissents.

The conflict case is *State v. Gunther*, Pickaway App. No. 04CA25, 2005-Ohio-3492.

Sua sponte, cause consolidated with 2008-0853, *State v. Derov*, Mahoning App. No. 07 MA 71, 2008-Ohio-1672.

2008-0911. State v. Williams.

Summit App. No. 23176, 2007-Ohio-622. On motion for leave to file delayed appeal. Motion denied.

2008-0912. State v. Wheat.

Stark App. No. 2007 CA 00165, 2008-Ohio-671. On motion for leave to file delayed appeal. Motion granted.

O'Connor, J., dissents.

2008-0937. State v. Strickland.

Trumbull App. No. 2006-T-0104, 2008-Ohio-731. On motion for leave to file delayed appeal. Motion denied. Motion to strike the notice of appeal and the motion for delayed appeal denied as moot.

Pfeifer and Lundberg Stratton, JJ., dissent.

2008-0949. State v. Marker.

Portage App. No. 2006-P-0014, 2007-Ohio-3379. On motion for leave to file delayed appeal. Motion denied.

2008-0973. State v. Peck.

Scioto App. No. 08CA3214. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2008-0988. State v. Starks.

Summit App. No. 23622, 2008-Ohio-408. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2008-0989. State v. Kuhl.

Ottawa App. No. OT-07-032, 2008-Ohio-1641. On motion for stay of court of appeals' decision. Motion denied.

Moyer, C.J., dissents.

2008-0994. State v. Amburgey.

Clermont App. No. CA2005-01-007, 2006-Ohio-1000. On motion for leave to file delayed appeal. Motion denied.

2008-0998. State v. Bridgewater.

Franklin App. No. 07AP-535, 2008-Ohio-466. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2008-1005. State v. Joseph.

Allen App. No. 1-07-50, 2008-Ohio-1138. 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' Journal Entry filed April 22, 2008:

“May a trial court impose court costs pursuant to R.C. 2947.23 in its sentencing entry, when it did not impose those costs in open court at the sentencing hearing?”

Cupp, J., not participating.

The conflict cases are *State v. Peacock*, Lake App. No. 2002-L-115, 2003-Ohio-6772, *State v. Smoot*, Franklin App. No. 05AP-104, 2005-Ohio-5326, and *State v. Triplett*, Cuyahoga App. No. 87788, 2007-Ohio-75.

Sua sponte, cause consolidated with 2008-0711, *State v. Joseph*, Allen App. No. 1-07-50, 2008-Ohio-1138.

2008-1013. State v. Wilson.

Allen App. No. 1-06-105. On motion for leave to file delayed appeal. Motion denied.

2008-1014. State v. Warren.

Lucas App. No. L-07-1057, 2008-Ohio-970. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2008-1037. In re H.F.

Cuyahoga App. Nos. 90299 and 90300, 2008-Ohio-1627. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 3 of the court of appeals' Journal Entry filed May 9, 2008:

“Whether App.R. 4(B)(5) provides an exception to App.R. 4(A) and authorizes an appeal of an adjudication order, determining abuse, neglect, or dependency, alternatively thirty days after the court renders a final order on all issues in the case, including final disposition as to parental rights.”

Pfeifer and O'Donnell, JJ., dissent.

The conflict cases are *In re P.N.M.*, Adams App. Nos. 07CA841 and 07CA842, 2007-Ohio-4976, and *In re C.G.*, Preble App. Nos. CA2007-03-005 and CA2007-03-006, 2007-Ohio-4361.

Sua sponte, cause consolidated with 2008-1036, *In re H.F.*, Cuyahoga App. Nos. 90299 and 90300, 2008-Ohio-1627.

2008-1076. State v. Dunbar.

Cuyahoga App. No. 89896, 2008-Ohio-2033. On motion for stay of court of appeals' judgment. Motion denied.

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

2008-1151. Murray Energy Corp. v. Pepper Pike.

Cuyahoga App. No. 90420, 2008-Ohio-2818. On motion for immediate stay. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2008-0574. New 52 Project, Inc. v. Proctor.

Franklin App. No. 07AP-487, 2008-Ohio-465.

Pfeifer, J., dissents.

2008-0582. State v. Silverman.

Montgomery App. No. 22097, 2008-Ohio-618.

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

Pfeifer and O'Donnell, JJ., dissent.

2008-0598. Med. Mut. of Ohio v. Schlotterer.

Cuyahoga App. No. 89388, 2008-Ohio-49.

Moyer, C.J., would accept the appeal on Proposition of Law No. I only.

2008-0627. State v. Nicholas.

Butler App. No. CA2006-10-260, 2008-Ohio-628. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2007-1703, *State v. Kalish*, Lake App. No. 2006-L-093, 2007-Ohio-3850; and briefing schedule stayed.

Pfeifer and Lundberg Stratton, JJ., dissent.

2008-0708. Corrigan v. Illuminating Co.

Cuyahoga App. No. 89402, 175 Ohio App.3d 360, 2008-Ohio-684.

O'Connor, J., would hold the cause as to Proposition of Law No. II for the decision in 2007-0452, *Allstate Ins. Co. v. Cleveland Elec. Illuminating Co.*, Cuyahoga App. No. 87781, 2007-Ohio-157.

Pfeifer and O'Donnell, JJ., dissent.

2008-0711. State v. Joseph.

Allen App. No. 1-07-50, 2008-Ohio-1138. Discretionary appeal accepted on Proposition of Law No. I and cause consolidated with 2008-1005, *State v. Joseph*, Allen App. No. 1-07-50, 2008-Ohio-1138.

Lundberg Stratton and O'Donnell, JJ., would also accept the appeal on Proposition of Law No. II.

Pfeifer, J., dissents.

Cupp, J., not participating.

2008-0724. State v. McCown.

Cuyahoga App. No. 89542, 2008-Ohio-690. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2007-1427, *State v. Ferguson*, Cuyahoga App. No. 88450, 2007-Ohio-2777; and briefing schedule stayed.

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

2008-0780. Sheet Metal Workers' Internatl. Assn., Local Union No. 33 v. Gene's Refrig., Heating & Air Conditioning, Inc.

Medina App. No. 06CA0104-M, 2008-Ohio-1005.

Cupp, J., would accept the appeal on Proposition of Law No. II only.

Pfeifer and Lanzinger, JJ., dissent.

2008-0853. State v. Derov.

Mahoning App. No. 07 MA 71, 2008-Ohio-1672. Discretionary appeal accepted and cause consolidated with 2008-0858, *State v. Derov*, Mahoning App. No. 07 MA 71, 2008-Ohio-1672.

Moyer, C.J., and Cupp, J., would accept the appeal on Proposition of Law No. II only.

Lanzinger, J., dissents.

2008-1036. In re H.F.

Cuyahoga App. Nos. 90299 and 90300, 2008-Ohio-1627. Discretionary appeal accepted and cause consolidated with 2008-1037, *In re H.F.*, Cuyahoga App. Nos. 90299 and 90300, 2008-Ohio-1627.

Pfeifer, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2007-2242. State v. Matthews.

Hamilton App. Nos. C-060669 and C-060692, 2007-Ohio-4881. Discretionary appeal not accepted. Motion for subpoena duces tecum and motion in limine denied as moot.

2007-2347. State v. Lipscomb.

Cuyahoga App. No. 88831, 2007-Ohio-5945. Discretionary appeal and cross-appeal not accepted.

Cupp, J., dissents and would accept the appeal.

2008-0144. State v. Peterson.

Mahoning App. No. 06 MA 70, 2007-Ohio-6917.

2008-0163. State v. Curry.

Cuyahoga App. No. 89075, 2007-Ohio-5721.

2008-0201. State v. Smith.

Hamilton App. No. C-061041.

2008-0290. State v. Frazer.

Cuyahoga App. No. 89097, 2007-Ohio-5954.

2008-0313. State v. Rosemond.

Hamilton App. No. C-060578, 2007-Ohio-6333.

2008-0348. State v. Leonard.

Hamilton App. No. C-061025.

2008-0426. State v. Hill.

Muskingum App. No. CT07-23, 2007-Ohio-6763. Discretionary appeal not accepted. Motion to strike memorandum in response denied as moot.

2008-0448. State v. Ramos.

Geauga App. No. 2007-G-2773, 2007-Ohio-6934.

2008-0499. Moore v. Moore.

Ottawa App. Nos. OT-06-005, OT-06-009, and OT-06-013, 175 Ohio App.3d 1, 2008-Ohio-255.

O'Connor, J., dissents and would accept the appeal of John Robert Moore IV on Proposition of Law No. V.

O'Donnell, J., dissents and would accept the appeal of John Robert Moore III.

Lanzinger, J., dissents and would accept the appeal of John Robert Moore III and the appeal of John Robert Moore IV on Proposition of Law Nos. I, II, and V.

2008-0519. Ruf v. Ruf.

Summit App. No. 23813, 2008-Ohio-663.

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law Nos. I and II.

2008-0530. Finn v. Great N. Ins. Co.

Summit App. No. 23830, 2008-Ohio-302. Discretionary appeal and cross-appeal not accepted.

2008-0547. Tillimon v. Stubleski.

Williams App. No. WM-07-009, 2008-Ohio-369.

2008-0550. Cunningham v. Cunningham.

Cuyahoga App. No. 90153, 2008-Ohio-218.

2008-0551. State v. Tucker.

Stark App. No. 2007CA00306, 2008-Ohio-1067.

2008-0562. Avon Lake Mun. Util. Dept. v. Pfizenmayer.

Lorain App. No. 07CA009174, 2008-Ohio-344.

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

2008-0563. Shawnee Assoc., L.P. v. Shawnee Hills.

Delaware App. No. 07CAE050022, 2008-Ohio-461.

O'Donnell, J., dissents.

2008-0565. Harold v. Nationwide Mut. Ins. Co.

Warren App. No. CA2007-01-013, 2008-Ohio-347.

2008-0566. State v. Baucom.

Highland App. No. 06CA33, 2008-Ohio-562.

2008-0567. State v. Bashlor.

Lorain App. Nos. 07CA009199 and 07CA009209, 2008-Ohio-997.

2008-0569. Hubbell v. Xenia.

Greene App. No. 2005CA0099, 175 Ohio App.3d 99, 2008-Ohio-490.
Lundberg Stratton, J., dissents.

2008-0571. State v. Brown.

Pike App. No. 07CA757, 2008-Ohio-665.

2008-0579. State v. Rubel.

Henry App. No. 7-07-08, 2008-Ohio-1137.

2008-0581. Brooklyn v. Muniz.

Cuyahoga App. No. 88538, 2008-Ohio-54.

2008-0583. State v. Jones.

Hamilton App. No. C-080054.

2008-0585. State v. Nance.

Cuyahoga App. No. 89394, 2008-Ohio-445.

2008-0590. State v. McDonald.

Franklin App. No. 07AP-998.

2008-0593. State v. Glass.

Cuyahoga App. No. 89485, 2008-Ohio-450.

2008-0595. Nunn v. Spring Village Apts.

Warren App. No. CA2007-07-090.

2008-0596. State v. Miller.

Lorain App. No. 06CA009064, 2008-Ohio-508.

2008-0599. State v. Doss.

Cuyahoga App. No. 88443, 2008-Ohio-449.
O'Connor, J., dissents.

2008-0600. Johnson v. Patel.

Tuscarawas App. No. 2006 AP 10 0058, 2008-Ohio-596.
Pfeifer, J., dissents.

2008-0601. State v. Sacco.

Stark App. No. 2007CA00096, 2008-Ohio-637.

2008-0603. State v. Casey.

Stark App. No. 2007 CA 00251, 2008-Ohio-560.

2008-0605. State v. Reed.

Cuyahoga App. No. 89137, 2008-Ohio-312.

2008-0606. State v. Williams.

Hamilton App. No. C-061076.

2008-0607. State v. Skiles.

Lucas App. No. L-07-1239, 2008-Ohio-597.

2008-0608. State v. Sikola.

Richland App. No. 06CA72, 2008-Ohio-843.

2008-0609. State v. Perkins.

Hamilton App. No. C-080074.

2008-0610. State v. Montgomery.

Cuyahoga App. No. 83914, 2008-Ohio-443.

2008-0611. State v. Ayers.

Hamilton App. No. C-070146.

2008-0612. Goble v. Brunswick.

Medina App. No. 07CA0125-M.

2008-0613. State v. Woodson.

Stark App. No. 2007-CA-00151, 2008-Ohio-670.

2008-0614. Raboin v. Auto-Owners Ins. Co.

Erie App. No. E-07-026, 2008-Ohio-605.

O'Connor, J., dissents.

2008-0615. State v. Mansfield.

Hamilton App. No. C-070264.

2008-0617. State v. DeBoard.
Coshocton App. No. 07CA20.

2008-0624. State v. Barringer.
Portage App. No. 2007-P-0002, 2008-Ohio-729.

2008-0625. State v. White.
Hamilton App. No. C-070035.

2008-0628. State v. Roper.
Summit App. No. 23454, 2008-Ohio-1053.

2008-0629. State v. Sullivan.
Franklin App. No. 07AP-247, 2008-Ohio-391.

2008-0632. State v. Miller.
Stark App. No. 2007CA00123.
O'Donnell, J., dissents.

2008-0635. Bluford v. Wells Fargo Financial Ohio 1, Inc.
Cuyahoga App. No. 89491, 2008-Ohio-686.
O'Connor, J., dissents and would accept the appeal on Proposition of Law Nos. I, II, and III.
O'Donnell, J., dissents.

2008-0640. In re Guardianship of Hards.
Lake App. Nos. 2006-L-158 and 2007-L-012, 175 Ohio App.3d 168, 2008-Ohio-630. Discretionary appeal not accepted. Motion to strike denied as moot.

2008-0642. Grimm v. Grimm.
Cuyahoga App. No. 90269, 2008-Ohio-324.

2008-0645. State v. Craddock.
Cuyahoga App. No. 89484, 2008-Ohio-448.
Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law Nos. I and II.
O'Donnell, J., dissents.

2008-0649. State v. White.
Summit App. No. 23522, 175 Ohio App.3d 302, 2008-Ohio-657.

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

2008-0650. State v. Allen.

Franklin App. No. 07AP-473, 2008-Ohio-700.

2008-0652. Sesto v. Perduk.

Summit App. No. 23797, 2008-Ohio-664.

Pfeifer, J., dissents.

2008-0657. State v. Dent.

Summit App. No. 23855, 2008-Ohio-660.

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law Nos. I and II and hold the cause for the decision in 2008-0429, *State v. Sanchez*, Greene App. No. 06-CA-154, 2007-Ohio-6697.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2008-0429, *State v. Sanchez*.

2008-0676. State v. Fields.

Cuyahoga App. No. 89520, 2008-Ohio-575.

2008-0677. State v. Bivens.

Franklin App. No. 07AP-1044.

2008-0678. State v. Macalla.

Cuyahoga App. No. 88825, 2008-Ohio-569.

O'Connor, J., dissents and would accept the appeal and hold the cause for the decision in 2007-2389, *State v. Thompson*, Fairfield App. No. 2007-CA-00006, 2007-Ohio-6098.

2008-0681. State v. Mosley.

Franklin App. No. 07AP-860, 2008-Ohio-951.

2008-0686. State v. Doyle.

Hamilton App. No. C-070267.

2008-0688. State v. Bragg.

Cuyahoga App. No. 89237, 2008-Ohio-683.

2008-0692. State v. Pannell.

Cuyahoga App. No. 89352, 2008-Ohio-956.

2008-0694. State v. Wright.

Clermont App. Nos. CA2007-03-037 and CA2007-03-038.

2008-0705. State v. Mills.

Erie App. No. E-07-001, 2007-Ohio-5888.

2008-0714. State v. Anderson.

Summit App. No. 23197, 2007-Ohio-147.

2008-0715. State v. Irons.

Lake App. No. 2007-L-107, 2008-Ohio-831.

2008-0718. State v. Smith.

Cuyahoga App. No. 89540, 2008-Ohio-689.

2008-0722. State v. Johnson.

Lucas App. No. L-07-1338, 2008-Ohio-1298.

2008-0725. State v. Travis.

Scioto App. No. 06CA3098, 2008-Ohio-1042.

2008-0726. Brownstone Developers II, L.L.C. v. Jivan Properties, L.L.C.

Stark App. No. 2007-CA-00160, 2008-Ohio-883.

2008-0733. State v. Kapsouris.

Mahoning App. No. 07 MA 101, 2008-Ohio-1534.

2008-0735. State v. Findley.

Mahoning App. No. 07 MA 53, 2008-Ohio-1549.

Pfeifer and Lundberg Stratton, JJ., dissent.

2008-0738. State v. Norris.

Monroe App. No. 06 MO 5, 2007-Ohio-6915.

2008-0744. State v. Cochrane.

Franklin App. No. 07AP-674, 2008-Ohio-942.

Pfeifer and Lundberg Stratton, JJ., dissent.

2008-0746. State v. Collins.

Cuyahoga App. No. 89529, 2008-Ohio-578.

Moyer, C.J., dissents.

2008-0747. PFC Lamont Hill Mem. Army-Navy Garrison 2003, Inc. v. Ohio Liquor Control Comm.

Franklin App. No. 07AP-701, 2008-Ohio-943.

2008-0752. State v. Marshall.

Hamilton App. Nos. C-060751, C-060752, and C-060753, 175 Ohio St.3d 488, 2008-Ohio-955.

2008-0753. State v. Jones.

Stark App. Nos. 2007-CA-00041 and 2007-CA-00077, 2008-Ohio-1068.

2008-0769. State v. McKinney.

Franklin App. No. 07AP-868, 2008-Ohio-1281.

2008-0770. State v. Fikes.

Hamilton App. No. C-080234.

2008-0781. State v. Goins.

Mahoning App. No. 06-MA-131, 2008-Ohio-1170.

Pfeifer, J., dissents.

2008-0786. Swanson v. Boy Scouts of Am.

Vinton App. No. 07CA633, 2008-Ohio-1692.

Cupp, J., not participating.

2008-0787. State v. Williams.

Mahoning App. No. 07 MA 57, 2008-Ohio-2267.

2008-0795. State v. Clark.

Mahoning App. No. 07-MA-87, 2008-Ohio-1179.

2008-0802. State v. Saleem.

Hamilton App. No. C-060258.

2008-0803. State v. Arcuri.

Cuyahoga App. No. 84435, 2008-Ohio-1083.

2008-0807. State v. Niepsuj.

Summit App. No. 23929, 2008-Ohio-1050.

2008-0831. State v. Breedlove.

Mahoning App. No. 05 MA 110, 2008-Ohio-1550.

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

2008-0832. State v. Kennedy.

Mahoning App. No. 07 MA 9, 2008-Ohio-1538.

2008-0835. State v. Lashley.

Stark App. No. 2004CA00246, 2006-Ohio-1921.

2008-0837. State v. Bork.

Lucas App. No. L-07-1080, 2008-Ohio-1556.

2008-0838. State v. Fields.

Butler App. No. CA2007-08-185.

Pfeifer, J., dissents.

2008-0860. State v. Montgomery.

Montgomery App. Nos. 22091 and 22092, 2008-Ohio-1684.

2008-0869. In re S.J.K.

Summit App. No. 22721, 2008-Ohio-1223.

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

O'Connor, J., not participating.

2008-0882. State v. Tisdale.

Columbiana App. No. 06 CO 29, 2007-Ohio-6918.

2008-0902. State v. Beltowski.

Lake App. No. 2006-L-032, 2007-Ohio-3372.

2008-0929. In re J.W.

Franklin App. No. 07AP-791, 2008-Ohio-1423.

2008-0984. State v. Starks.

Lucas App. No. L-08-1023.

2008-0985. State v. Ford.

Cuyahoga App. Nos. 88946 and 88947, 2007-Ohio-5722.

2008-0995. In re Adoption of C.M.H.

Hocking App. No. 07CA23, 2008-Ohio-1694.

2008-1018. In re G.N.

Clermont App. No. CA2007-12-119, 2008-Ohio-1796.

Lanzinger, J., dissents.

RECONSIDERATION OF PRIOR DECISIONS

2007-0035 and 2007-0112. Turner v. Ohio Bell Tel. Co.

Cuyahoga App. No. 87541, 2006-Ohio-6168. Reported at 118 Ohio St.3d 215, 2008-Ohio-2010, 887 N.E.2d 1158. On motions for reconsideration. Motions denied.

Pfeifer and O'Donnell, JJ., dissent.

2007-0152. Cristino v. Ohio Bur. of Workers' Comp.

Cuyahoga App. No. 87567, 2006-Ohio-5921. Reported at 118 Ohio St.3d 151, 2008-Ohio-2013, 886 N.E.2d 857. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2007-2390. Prater v. Dashkovsky.

Franklin App. No. 07AP-389, 2007-Ohio-6785. Reported at 118 Ohio St.3d 1408, 2008-Ohio-2340, 886 N.E.2d 871. On motion for reconsideration. Motion denied.

2008-0139. Gilchrist v. Gonsor.

Cuyahoga App. No. 88609, 2007-Ohio-3903. Reported at 117 Ohio St.3d 1498, 2008-Ohio-2028, 885 N.E.2d 955. On motion for reconsideration. Motion denied.

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

2008-0154. State v. Clark.

Athens App. No. 07CA9, 2007-Ohio-6621. Reported at 117 Ohio St.3d 1498, 2008-Ohio-2028, 885 N.E.2d 955. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

2008-0195. Goldberg v. Mittman.

Franklin App. No. 07AP-304, 2007-Ohio-6599. Reported at 117 Ohio St.3d 1499, 2008-Ohio-2028, 885 N.E.2d 956. On motion for reconsideration. Motion denied.

2008-0234. State v. Carroll.

Clermont App. No. CA2007-02-030, 2007-Ohio-7075. Reported at 117 Ohio St.3d 1500, 2008-Ohio-2028, 885 N.E.2d 956. On motion for reconsideration. Motion denied.

2008-0439. State v. Parker.

Cuyahoga App. No. 82687, 2008-Ohio-215. Reported at 117 Ohio St.3d 1500, 2008-Ohio-2028, 885 N.E.2d 956. On motion for reconsideration. Motion denied.