

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 2, 2009

[Cite as *12/02/2009 Case Announcements*, 2009-Ohio-6210.]

MERIT DECISIONS WITH OPINIONS

2005-2364. State v. Perez, Slip Opinion No. 2009-Ohio-6179.

Clark C.P. No. 03-CR-1010. Judgment affirmed.

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

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

2009-1255. Disciplinary Counsel v. Bursey, Slip Opinion No. 2009-Ohio-6180.

On Certified Report by the Board of Commissioners on Grievances and Discipline, Nos. 08-053 and 08-054. Charles Edward Bursey II, Attorney Registration No. 0073962, is permanently disbarred from the practice of law in Ohio.

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

2009-1509. Geauga Cty. Bar Assn. v. Patterson, Slip Opinion No. 2009-Ohio-6166.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 09-018. David N. Patterson, Attorney Registration No. 0015280, is suspended from the practice of law in Ohio for 18 months, with six months stayed on condition.

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

MERIT DECISIONS WITHOUT OPINIONS

2009-1361. State ex rel. Brown v. Strickland.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Cause dismissed. Motion for admission pro hac vice of Jay Edelson by Timothy S. Rankin granted.

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

2009-1517. State ex rel. Brown v. Southeastern Corr. Inst.

In Mandamus. On relator's complaint in mandamus and motion for default judgment. On S.Ct.Prac.R. X(5) determination, cause dismissed. Motion for default judgment denied as moot.

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

2009-1667. State ex rel. Hall v. Court of Appeals, Eighth Appellate Dist.

In Procedendo. 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.

2009-1673. State ex rel. Carrier Concrete Cutting, L.L.C. v. Bessey.

In Prohibition. On answer of respondent. 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.

2009-1690. [State ex rel.] Newsome v. Allen.

In Prohibition. 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.

2009-1708. State ex rel. Lyles v. Warren.

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.

2009-1728. State ex rel. Brown v. Russo.

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.

2009-1744. State ex rel. Glenn v. Collins.

In Mandamus and Prohibition. 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.

2009-1793. State ex rel. Smith v. Court of Appeals, Ninth Appellate Dist.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Cause dismissed. Motion for leave to amend complaint denied as moot.

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

2009-1913. Thompson v. State.

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

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

MOTION AND PROCEDURAL RULINGS

2008-1464. State ex rel. Cambridge Home Health Care, Inc. v. Indus. Comm.

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

O'Donnell, J., dissents.

2009-0104. Pennsylvania Gen. Ins. Co. v. Park-Ohio Industries, Inc.

Cuyahoga App. No. 90619, 179 Ohio App.3d 385, 2008-Ohio-5991. On motion for admission pro hac vice of Philip R. Matthews and William J. Baron by Donald A. Lane. Motion granted.

2009-0755. State ex rel. Wickensimer v. Bartleson.

Lucas App. No. L-09-1049, 2009-Ohio-1477. On motion to assess costs to appellee. Motion denied.

2009-0756. Nursing Care Mgt. of Am., Inc. v. Ohio Civ. Rights Comm.

Licking App. No. 08CA0030, 181 Ohio App.3d 632, 2009-Ohio-1107. On motion for admission pro hac vice of Emily Schlesinger by Benjamin C. Mizer. Motion granted.

2009-1058. Sigler v. State.

Richland App. No. 08-CA-79, 2009-Ohio-2010. On motion for stay of court of appeals' judgment. Motion granted.

Cupp, J., dissents.

2009-1807. State v. Little.

Miami App. No. 2008 CA 18, 2009-Ohio-4403. On motion for leave to file delayed appeal. Motion granted.

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

2009-1823. State v. Razo.

Lorain App. No. 08CA009509, 2009-Ohio-3405. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2009-1832. Smallwood v. State.

Butler App. No. CA2009-02-057, 2009-Ohio-3682. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; cause consolidated with 2009-1525, *Smallwood v. State*, Butler App. No. CA2009-02-057, 2009-Ohio-3682; and briefing schedule stayed.

2009-1833. State v. Luna.

Butler App. No. CA2008-04-115, 2009-Ohio-3421. On motion for leave to file delayed appeal. Motion granted.

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

2009-1884. State v. Fields.

Summit App. No. 24330, 2009-Ohio-1053. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2009-1885. State v. Wilson.

Cuyahoga App. No. 91091, 182 Ohio App.3d 171, 2009-Ohio-1681. On motion for leave to file delayed appeal. Motion granted.

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

2009-1886. State v. Leasure.

Lucas App. No. L-07-1359, 2009-Ohio-986. On motion for leave to file delayed appeal. Motion denied.

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

2009-1888. State v. Stemm.

Union App. No. 14-08-44, 2009-Ohio-1655. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.

2009-1890. State v. Humphrey.

Cuyahoga App. No. 89476, 2008-Ohio-685. On motion for leave to file delayed appeal. Motion denied.

2009-1893. State v. Calhoun.

Cuyahoga App. No. 91328, 2009-Ohio-2361. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.

2009-1901. State v. Armacost.

Clermont App. No. CA2008-03-025, 2009-Ohio-554. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2009-1902. State v. McDorman.

Auglaize App. No. 2-09-16. On motion for leave to file delayed appeal. Motion denied.

2009-1911. State v. Nicholson.

Cuyahoga App. No. 91652, 2009-Ohio-3592. On motion for leave to file delayed appeal. Motion granted.

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

2009-1944. Ellis v. Ellis.

Mahoning App. No. 08 MA 133, 2009-Ohio-4964. On motion to stay execution of court of appeals' judgment. Motion denied.

Lanzinger, J., dissents and would grant the motion subject to a \$55,000 bond.

2009-1959. Cincinnati v. Harrison.

Hamilton App. No. C-090702. On motion for expedited injunction pending appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2009-1498. McCostlin v. State.

Lake App. No. 2008-L-117, 2009-Ohio-4097. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

2009-1525. Smallwood v. State.

Butler App. No. CA2009-02-057, 2009-Ohio-3682. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042; 2008-Ohio-6387, cause consolidated with 2009-1832, *Smallwood v. State*, Butler App. No. CA2009-02-057, 2009-Ohio-3682; and briefing schedule stayed.

2009-1550. Welker v. State.

Richland App. No. 08-CA-262, 2009-Ohio-3632. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

2009-1559. Pickaway Cty. Skilled Gaming L.L.C. v. Cordray.

Franklin App. No. 08AP-1032, 2009-Ohio-3483. Discretionary appeal not accepted.

Lundberg Stratton and Lanzinger, JJ., dissent and would accept the appeal. Discretionary cross-appeal accepted on Proposition of Law No. II.

Lundberg Stratton, Lanzinger, and Cupp, JJ., would also accept the cross-appeal on Proposition of Law No. I.

Pfeifer, O'Connor, and O'Donnell, JJ., dissent and would not accept the cross-appeal.

2009-1572. State v. Henry.

Seneca App. No. 13-08-10, 2009-Ohio-3535.

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

2009-1580. State v. Hitchcock.

Lake App. No. 2008-L-032, 2009-Ohio-4447. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

2009-1581. Sears v. State.

Clermont App. No. CA2008-07-068, 2009-Ohio-3541. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

2009-1582. State v. Garner.

Lake App. No. 2008-L-087, 2009-Ohio-4448. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

2009-1585. Dunbar v. State.

Richland App. No. 2008CA0173, 2009-Ohio-3838. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

2009-1588. State v. Marks.

Ashtabula App. No. 2008-A-0048, 2009-Ohio-3790. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

2009-1589. In re J.M.

Pike App. No. 08CA782, 2009-Ohio-4574. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2008-1693, *State v. Arnold*, Franklin App. No. 07AP-789, 2008-Ohio-3471; and briefing schedule stayed.

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

2009-1602. Pettiford v. Aggarwal.

Montgomery App. No. 22736, 2009-Ohio-3642.

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

2009-1604. State v. Day.

Adams App. Nos. 08CA865 and 08CA866, 2009-Ohio-3755. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2008-2502,

State v. Bodyke, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing scheduled stayed.

2009-1622. State v. Aleshire.

Ross App. No. 09CA3093, 2009-Ohio-3921. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

2009-1623. State v. Gruszka.

Lorain App. No. 08CA009515, 2009-Ohio-3926. Discretionary appeal accepted; cause held for the decision in 2009-1086, *Gildersleeve v. State*, Cuyahoga App. Nos. 91515, 91516, 91517, 91518, 91519, 91521, 91522, 91523, 91524, 91525, 91526, 91527, 91528, 91529, 91530, 91531, and 91532, 2009-Ohio-2031; and briefing schedule stayed.

2009-1628. In re J.M.

Cuyahoga App. No. 91800, 2009-Ohio-2880. Discretionary appeal accepted on Proposition of Law Nos. II, III, IV, V, VI, and VII; cause held as to Proposition of Law Nos. II, III, and IV for the decision in 2008-1624, *In re Smith*, Allen App. No. 1-07-58, 2008-Ohio-3234, and held as to Proposition of Law Nos. V, VI, and VII for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Moyer, C.J., and Lanzinger, J., would also accept the appeal on Proposition of Law No. VIII and hold the cause for the decision in 2009-0189, *In re Adrian R.*, Licking App. No. 08CA17, 2008-Ohio-6581.

2009-1657. State v. Curd.

Lake App. No. 2008-L-048, 2009-Ohio-3814. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

2009-1661. State v. White.

Ashland App. Nos. 07-COA-037 and 07-COA-038, 2009-Ohio-3869.

Lanzinger and Cupp, JJ., dissent.

2009-1691. State v. Vernon.

Lake App. No. 2008-L-066, 2009-Ohio-3937. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Pfeifer, J., dissents.

2009-1699. Ahmed v. State.

Richland App. No. 2008 CA 0165, 2009-Ohio-3989. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

2009-1700. Douse v. State.

Richland App. No. 2008 CA 324, 2009-Ohio-3997. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

2009-1725. Mundt v. State.

Richland App. No. 2008CA0263, 2009-Ohio-4056. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

2009-1737. Taylor v. State.

Richland App. No. 2008CA0161, 2009-Ohio-4141. Discretionary appeal accepted on Proposition of Law Nos. I, II, III, IV, V, and VI; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Moyer, C.J., would also accept the appeal on Proposition of Law No. VIII.

2009-1738. Ball v. State.

Lake App. No. 2008-L-053, 2009-Ohio-4099. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

APPEALS NOT ACCEPTED FOR REVIEW

2008-0665. State v. Keith.

Crawford App. No. 3-07-08, 176 Ohio App.3d 260, 2008-Ohio-741.

2009-0105. State v. Keith.

Crawford App. No. 3-08-15, 2008-Ohio-6187.

2009-1174. State v. Miller.

Hamilton App. No. C-080342.

2009-1410. Damron v. CSX Transp., Inc.

Montgomery App. No. 23025, 2009-Ohio-3638.

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

2009-1478. Law Offices of James P. Connors v. Cohn.

Franklin App. No. 08AP-1031, 2009-Ohio-3228.

2009-1492. State v. Mathis.

Cuyahoga App. No. 91830, 2009-Ohio-3289.

2009-1495. Hughley v. Saunders.

Fairfield App. No. 09 CA 29.

2009-1508. Univ. Commons Assoc., Ltd. Partnership v. Commercial One Asset Mgt., Inc.

Cuyahoga App. No. 91973, 2009-Ohio-3061.

2009-1512. Lewis v. Harding.

Cuyahoga App. No. 92397, 182 Ohio App.3d 588, 2009-Ohio-3071.

2009-1519. State v. Sauer.

Hamilton App. No. C-080736.

2009-1528. Montgomery v. Tenneco Automotive Operating, Inc.

Erie App. No. E-08-076, 2009-Ohio-3394.

2009-1536. State v. Stewart.

Seneca App. No. 13-08-18, 2009-Ohio-3411.

2009-1537. State v. Brakeall.

Fayette App. Nos. CA2008-06-022 and CA2008-06-023, 2009-Ohio-3542.

2009-1539. Baker Motors, Inc. v. Baker Motors Towing, Inc.

Cuyahoga App. No. 92049, 2009-Ohio-3294.

2009-1562. Smith v. Martin.

Franklin App. No. 08AP-692, 2009-Ohio-3440.

2009-1569. State v. Blaylock.

Montgomery App. No. 22761, 2009-Ohio-3514.

2009-1571. Reinbolt v. Kern.

Wood App. No. WD-08-043, 2009-Ohio-3492.

2009-1575. Elliott v. Smead Mfg. Co.

Hocking App. No. 08CA13/08AP13, 2009-Ohio-3754.

2009-1584. State v. Williams.

Montgomery App. No. 22858, 2009-Ohio-3635.

2009-1591. State v. Majid.

Cuyahoga App. No. 90491, 182 Ohio App.3d 730, 2009-Ohio-3075.
O'Donnell, J., dissents.

2009-1593. Meeker v. Akron Health Dept.

Summit App. No. 24539, 2009-Ohio-3560.

2009-1596. Oberhauser v. Ryan.

Butler App. No. CA2008-11-266, 2009-Ohio-3680.
Pfeifer and O'Donnell, JJ., dissent.

2009-1599. Davis v. Squire, Sanders & Dempsey, L.L.P.

Hamilton App. No. C-080774, 2009-Ohio-3613.
Pfeifer, J., dissents.

2009-1600. State v. Cutts.

Stark App. No. 2008CA00079, 2009-Ohio-3563.

2009-1601. Schottenstein, Zox & Dunn, L.P.A. v. C.J. Mahan Constr. Co., L.L.C.

Franklin App. No. 08AP-851, 2009-Ohio-3616.

2009-1605. State v. Gillispie.

Montgomery App. Nos. 22877 and 22912, 2009-Ohio-3640.
Pfeifer and O'Donnell, JJ., dissent.

2009-1608. In re K.A.G.-M.

Warren App. No. CA2009-01-003.

2009-1609. State v. Pustelnik.

Cuyahoga App. No. 91779, 2009-Ohio-3458.

O'Donnell, J., dissents.

2009-1611. State v. Barnes.

Clermont App. No. CA2008-10-090, 2009-Ohio-3684.

2009-1612. Howard v. Kirkpatrick.

Fayette App. No. CA2008-11-040, 2009-Ohio-3686.

Pfeifer and Lundberg Stratton, JJ., dissent.

2009-1614. State v. Hatton.

Pickaway App. No. 97CA34.

Lanzinger, J., dissents and would accept the appeal and hold the cause for the decision in 2008-2047, *State v. Palmer*, Hamilton App. No. C-010583, 178 Ohio App.3d 192, 2008-Ohio-4604.

2009-1621. State v. Christinger.

Cuyahoga App. No. 91984, 2009-Ohio-3610.

2009-1625. State v. Irish.

Ashtabula App. No. 2008-A-0051, 2009-Ohio-3791.

O'Donnell, J., dissents.

2009-1627. Stark Commons, Ltd. v. Landry's Seafood House – Ohio, Inc.

Stark App. No. 2008CA00206, 2009-Ohio-3847.

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

2009-1646. State v. Smith.

Hamilton App. No. C-080126, 2009-Ohio-3727.

Lundberg Stratton, O'Connor, and O'Donnell, JJ., dissent and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2009-1481, *State v. Johnson*, Hamilton App. Nos. C-080156 and C-080158, 2009-Ohio-2568.

2009-1652. State v. Newell.

Erie App. No. E-08-067, 2009-Ohio-3810.

2009-1656. State v. Frankenbery.

Licking App. No. 08-CA-131, 2009-Ohio-3853.

2009-1658. Foreman v. Ragheb.

Lucas App. No. L-08-1415, 2009-Ohio-3912.

2009-1659. State v. Poissant.

Fairfield App. No. 08 CA 7, 2009-Ohio-4235.

2009-1662. State v. Kendrick.

Hamilton App. No. C-080509, 2009-Ohio-3876.

2009-1674. Will v. Rokus.

Clark App. No. 08CA0113, 2009-Ohio-3948.

O'Connor, J., dissents.

2009-1680. State v. Hatton.

Pickaway App. No. 97CA34.

2009-1684. Cincinnati v. Hill.

Hamilton App. No. C-080758.

2009-1693. State v. Foster.

Hamilton App. No. C-080929. Discretionary appeal not accepted.

Lanzinger, J., dissents.

Motion to certify conflict denied.

2009-1696. State v. Evans.

Hamilton App. Nos. C-080680, C-080681, C-080682, and C-080683.

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

Lundberg Stratton, J., dissents.

2009-1698. State v. Miley.

Richland App. Nos. 09CA39 and 09CA40, 2009-Ohio-4011.

2009-1717. State v. Jobe.

Lucas App. No. L-07-1413, 2009-Ohio-4066.

2009-1741. State v. Henderson.
Stark App. No. 2008 CA 00245, 2009-Ohio-4157.

2009-1751. State v. Rutherford.
Butler App. No. CA2007-11-271.

2009-1756. Stewart v. R.A. Eberts Co., Inc.
Jackson App. No. 08CA10, 2009-Ohio-4418.

2009-1760. State v. Kent.
Cuyahoga App. No. 90795, 2009-Ohio-3889.

2009-1776. R. Thomas Perry, D.D.S. v. Ohio State Dental Bd.
Montgomery App. No. 22857, 2009-Ohio-4329.

2009-1785. State v. Chasteen.
Butler App. No. CA2007-12-308.

2009-1786. State v. Ellis.
Cuyahoga App. No. 90844, 2009-Ohio-4359.

2009-1788. State v. Orr.
Cuyahoga App. No. 92005, 2009-Ohio-4038.

2009-1861. In re T.T.
Summit App. No. 24727, 2009-Ohio-4513.

2009-1865. In re S.S.
Licking App. No. 2009CA0040, 2009-Ohio-4520.

RECONSIDERATION OF PRIOR DECISIONS

2007-2295. State v. Hoover.
Union App. No. 14-07-11, 173 Ohio App.3d 487, 2007-Ohio-5773. Reported at ___ Ohio St.3d ___, 2009-Ohio-4993, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

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

2009-0025. State ex rel. Cordray v. Marshall.

Scioto App. No. 05CA3004, 2008-Ohio-6341. Reported at 123 Ohio St.3d 229, 2009-Ohio-4986, 915 N.E.2d 633. On motion for reconsideration. Motion denied.

2009-0898. Howard v. Lawton.

Franklin App. No. 08AP-548, 2009-Ohio-639. Reported at 123 Ohio St.3d 1406, 2009-Ohio-5031, 914 N.E.2d 204. On motion for reconsideration. Motion denied.

2009-1586. Lathan v. Duffey.

In Habeas Corpus. Reported at 123 Ohio St.3d 1420, 2009-Ohio-5340, 914 N.E.2d 1061. On motion for reconsideration. Motion denied.