

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

February 10, 2010

[Cite as *02/10/2010 Case Announcements, 2010-Ohio-354.*]

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## MERIT DECISIONS WITHOUT OPINIONS

**2009-2128. [State ex rel.] Evans v. Court of Appeals, Tenth Appellate Dist.**

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

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

**2009-2186. State ex rel. Winfrey v. Swift.**

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

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

Moyer, C.J., and O'Connor, J., dissent and would grant the writ in part.

**2009-2246. State ex rel. Arnold v. Adams.**

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

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

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

**2009-2275. State ex rel. Thomas v. Hendon.**

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

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

O'Donnell, J., dissents and would grant an alternative writ.

**2009-2317. Scott v. Welch.**

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

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

Lanzinger, J., dissents and would order a return on the writ.

**2009-2340. Martin v. Kelly.**

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

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

**2009-2349. State ex rel. Vaughn v. Cubbon.**

In Prohibition. On answer of respondent. On S.Ct.Prac.R. 10.5 determination, cause dismissed.

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

## **MOTION AND PROCEDURAL RULINGS**

**2009-2060. In re Application of Ormet Primary Aluminum Corp.**

Public Utilities Commission, No. 09-119-EL-AEC. On motion for admission pro hac vice of Clinton A. Vance, Douglas G. Bonner, Daniel D. Barnowski, and Emma F. Hand by Keith C. Nusbaum. Motion granted.

**2009-2166. State ex rel. Steffen v. Court of Appeals, First Appellate Dist.**

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration thereof,

It is ordered by the court, sua sponte, that 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. 10.6.

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; respondent 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 respondent's brief.

**2009-2274. State v. Tackett.**

Scioto App. No. 06CA3103, 2007-Ohio-6620. On motion for leave to file delayed appeal. Motion denied.

**2009-2286. State v. Jordan.**

Cuyahoga App. No. 91413, 2009-Ohio 4037. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2009-2287. State ex rel. Layshock v. Moorehead.**

Trumbull App. No. 2009-T-0076, 2009-Ohio-6039. On motion for stay of court of appeals' judgment. Motion denied.

**2009-2289. State v. Brown.**

Cuyahoga App. No. 90379, 2008-Ohio-3665. On motion for leave to file delayed appeal. Motion denied. Motion for transcript at state's expense denied as moot.

**2009-2299. State v. Cook.**

Lucas App. No. L-08-1301, 2009-Ohio-4917. On motion for leave to file delayed appeal. Motion granted.

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

**2009-2318. State v. Jones.**

Hamilton App. No. C-080518, 2009-Ohio-4190. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2009-2325. Pollis v. State.**

Trumbull App. No. 2008-T-0055, 2009-Ohio-5058. 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. Bodkye*, Huron App. No. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

**2009-2348. State v. Holliday.**

Delaware App. No. 2009CAA090074. On motion for leave to file delayed appeal. Motion denied.

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

**2010-0003. State ex rel. N. Canton v. Bd. of Commrs. of Stark Cty.**

Stark App. No. 2009-CA-00132, 2009-Ohio-6942. On motion for stay of court of appeals' judgment. Motion granted.

O'Donnell and Lanzinger, JJ., dissent.

**2010-0018. State v. Moore.**

Cuyahoga App. No. 93839. On motion for appeal bond. Motion denied.

**2010-0030. State v. Stephens.**

Cuyahoga App. No. 92430, 2009-Ohio-6305. On motion for stay of court of appeals' judgment pending appeal or, in the alternative, to set bond. Motion denied.

**2010-0044. Summit Tree & Landscaping v. Stow Contracting, L.L.C.**

Summit App. No. 24515, 2009-Ohio-5794. On motion to extend stay issued by Summit County Court of Common Pleas. Motion denied.

**APPEALS ACCEPTED FOR REVIEW**

**2009-1619. State v. Ross.**

Summit App. No. 21906, 2009-Ohio-3561.

Pfeifer, J., dissents.

O'Connor, J., not participating.

**2009-1715. Geesaman v. St. Rita's Med. Ctr.**

Allen App. No. 1-08-65, 183 Ohio App.3d 555, 2009-Ohio-3931. Discretionary appeal of John Cox, D.O., accepted on Proposition of Law No. I.

Pfeifer, J., dissents.

Discretionary appeal of Lima Radiology Associates, Inc. not accepted.

Lundberg Stratton, J., dissents.

Motion to consolidate this case with 2009-2094, *Geesaman v. St. Rita's Med. Ctr.*, Allen App. No. 1-08-65, 183 Ohio App.3d 555, 2009-Ohio-3931, granted.

Pfeifer, Lanzinger, and Cupp, JJ., dissent.

**2009-1997. State v. Hodge.**

Hamilton App. No. C-080968.

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

**2009-1998. Ward v. Summa Health Sys.**

Summit App. No. 24567, 2009-Ohio-4859. Discretionary appeal of Robert Debski, M.D., accepted.

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

Discretionary appeal of Summa Health System not accepted.

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

**2009-2094. Geesaman v. St. Rita's Med. Ctr.**

Allen App. No. 1-08-65, 183 Ohio App.3d 555, 2009-Ohio-3931. Discretionary appeal of John Cox, D.O., accepted on Proposition of Law No. I. Motion to consolidate this case with 2009-1715, *Geesaman v. St. Rita's Med. Ctr.*, Allen App. No. 1-08-65, 183 Ohio App.3d 555, 2009-Ohio-3931, granted.

Pfeifer, Lanzinger, and Cupp, JJ., dissent.

Discretionary appeal of Lima Radiology Associates, Inc. not accepted.

Lundberg Stratton, O'Connor, and O'Donnell, JJ., dissent and would accept the appeal of Lima Radiology Associates, Inc. on Proposition of Law No. II.

**2009-2106. Summerville v. Forest Park.**

Hamilton App. No. C-090708.

Lundberg Stratton and O'Donnell, JJ., would also reverse the judgment of the court of appeals on the authority of *Hubbell v. Xenia*, 115 Ohio St.3d 77, 2007-Ohio-4839, 873 N.E.2d 878.

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

**2009-2108. Burbrink v. State.**

Hamilton App. No. C-081075, 2009-Ohio-5346. 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.

**2009-2110. State v. Poole.**

Ashtabula App. No. 2009-A-0010, 2009-Ohio-5634.

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

**2009-2113. Lohman v. State.**

Hamilton App. No. C-080957. Discretionary appeal accepted on Proposition of Law Nos. I, II, III, IV, 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.

Pfeifer and O'Donnell, JJ., would also accept the appeal on Proposition of Law No. V.

**2009-2114. Johnson v. State.**

Hamilton App. No. C-080997. Discretionary appeal accepted on Proposition of Law Nos. I, II, III, IV, 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.

Pfeifer and O'Donnell, JJ., would also accept the appeal on Proposition of Law No. V.

**2009-2131. State v. Chappell.**

Cuyahoga App. No. 92455, 2009-Ohio-5371.

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

**2009-2135. State v. Bundy.**

Montgomery App. Nos. 23063 and 23064, 2009-Ohio-5395. 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 schedule stayed.

Moyer, C.J., and Lanzinger, J., would also accept the appeal on Proposition of Law No. II without holding.

Pfeifer and Cupp, JJ., dissent.

**2009-2149. State v. Hall.**

Montgomery App. No. 22901, 2009-Ohio-6016. Discretionary appeal accepted; cause held for the decision in 2009-0825, *State v. Massien*, Summit App. No. 24369, 2009-Ohio-1521; and briefing schedule stayed.

**2009-2163. Roy v. State.**

Butler App. No. CA2009-02-067, 2009-Ohio-5808. Discretionary appeal accepted on Proposition of Law Nos. 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., and Lundberg Stratton, J., would also accept and hold the appeal on Proposition of Law No. II and accept Proposition of Law No. I without holding.

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

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

**2009-2200. State v. Kenney.**

Franklin App. No. 09AP-231, 2009-Ohio-5584. 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.

Moyer, C.J., and Lundberg Stratton, J., would accept and hold the appeal on Proposition of Law No. I and accept the appeal on Proposition of Law No. II without holding.

Cupp, J., dissents.

**2009-2221. Cramer v. State.**

Warren App. No. CA2009-06-080. 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.

**2009-2355. In re Adoption of G.V.**

Lucas App. No. L-09-1160, 2009-Ohio-6338. Discretionary appeal accepted on Proposition of Law No. I.

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

O'Donnell, J., dissents.

Cause to be argued the same day as 2009-1757, *In re P.A.C.*, Hamilton App. No. C-081149, 2009-Ohio-4492.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2009-1634. State v. Moats.**

Cuyahoga App. No. 91646, 2009-Ohio-3063.

**2009-1947. In re B.S.**

Summit App. No. 24605, 2009-Ohio-4660.

**2009-1955. Hudson v. Guarantee Title & Trust Co.**

Franklin App. Nos. 08AP-1047 and 08AP-1048, 2009-Ohio-4835.

**2009-1956. Frazier v. Fairfield Med. Ctr.**

Fairfield App. No. 08CA90, 2009-Ohio-4869.

**2009-1984. Mynes v. Brooks.**

Scioto App. No. 08CA3211, 2009-Ohio-5017.

**2009-1996. State v. Olcese.**

Portage App. No. 2008-P-0094, 2009-Ohio-5057.

**2009-2000. Longino v. Radio One, Inc.**

Hamilton App. No. C-080905.

**2009-2005. Perry v. Biggs.**

Hamilton App. No. C-080960.

Pfeifer, J., dissents.

**2009-2007. Genoa Banking Co. v. Tucker.**

Wood App. No. WD-08-068, 2009-Ohio-4918.

Pfeifer and O'Donnell, JJ., dissent.

**2009-2011. State v. Voskoboynikov.**

Cuyahoga App. No. 92423, 2009-Ohio-4882.

**2009-2013. State v. Vaughn.**

Franklin App. Nos. 09AP-73 and 09AP-74, 2009-Ohio-4970.

**2009-2016. Saari v. Saari.**

Lorain App. No. 08CA009507, 2009-Ohio-4940.

**2009-2017. State v. Primous.**

Hamilton App. No. C-090290.

**2009-2018. State v. Burnett.**

Hamilton App. No. C-081265.

**2009-2021. Lillie v. Meachem.**

Allen App. No. 10-9-09, 2009-Ohio-4934.

Lundberg Stratton, J., dissents.

**2009-2023. State v. Pugh.**

Cuyahoga App. No. 92633, 2009-Ohio-4374.

**2009-2024. State v. Johnson.**

Columbiana App. No. 08 CO 33, 2009-Ohio-5512.

**2009-2036. Wilkerson v. Hartings.**

Hamilton App. No. C-081160, 2009-Ohio-4987.

**2009-2038. State ex rel. Grosso v. Boardman Local School Dist.**

Mahoning App. No. 08 MA 105, 2009-Ohio-5080.

O'Donnell and Lanzinger, JJ., dissent.

**2009-2042. State v. Cubic.**

Medina App. No. 09CA0005-M, 2009-Ohio-5051.

**2009-2043. State v. Braun.**

Cuyahoga App. No. 91131, 2009-Ohio-4875.

**2009-2046. State v. Ballard.**

Columbiana App. No. 08 CO 13, 2009-Ohio-5472.

Lanzinger, J., dissents.

**2009-2050. State v. Gagnon.**

Lucas App. No. L-08-1235, 2009-Ohio-5185.

**2009-2052. State v. Love.**

Lake App. No. 2009-L-040, 2009-Ohio-5216.

**2009-2056. Columbus v. Memon.**

Franklin App. No. 09AP-38, 2009-Ohio-5124.

Moyer, C.J., and Lanzinger, J., dissent.

**2009-2061. Greer v. Natl. City Corp.**

Delaware App. No. 08 CAE 12 0076, 2009-Ohio-5172.

**2009-2064. State v. Edwards.**

Cuyahoga App. No. 91841, 2009-Ohio-4365.

**2009-2065. State v. Irwin.**

Columbiana App. No. 07-CO-22, 2009-Ohio-5271.

**2009-2066. State v. Dudley.**

Lake App. No. 2009-L-019, 2009-Ohio-5064.

**2009-2067. State v. Shepherd.**

Trumbull App. No. 2009-T-0009, 2009-Ohio-5760.

Lundberg Stratton and O'Donnell, JJ., dissent and would accept the appeal and hold the cause 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.

**2009-2069. State v. Shie.**

Cuyahoga App. No. 92819, 2009-Ohio-5567.

Lundberg Stratton, O'Donnell, and Cupp, JJ., dissent and would accept the appeal and hold the cause 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.

**2009-2071. State v. Krug.**

Lake App. No. 2009-L-038, 2009-Ohio-6232.

**2009-2074. Karnofel v. Girard Police Dept.**

Trumbull App. No. 2009-T-0045, 2009-Ohio-4446.

**2009-2076. State v. Glynn.**

Greene App. No. 2009 CA 3, 2009-Ohio-5401.

**2009-2077. State v. Turner.**

Montgomery App. No. 23217, 2009-Ohio-5524.

**2009-2079. State v. Mascorro.**

Lucas App. No. L-08-1355, 2009-Ohio-5196.

**2009-2082. State v. O'Neal.**

Muskingum App. No. 08-CA-42, 2009-Ohio-5290.

**2009-2083. Lisboa v. Lisboa.**

Cuyahoga App. No. 92321, 2009-Ohio-5228.

**2009-2084. State v. Williams.**

Lucas App. No. L-09-1244.

Pfeifer, J., dissents.

**2009-2085. Crable v. Ohio Civ. Serv. Emps. Assn.**

Summit App. No. 24634, 2009-Ohio-5152.

**2009-2091. G.A. v. G.L.**

Erie App. No. E-08-061, 2009-Ohio-5184.

Lundberg Stratton, J., dissents.

**2009-2092. State v. Mitchell.**

Muskingum App. No. CT2006-0090, 2009-Ohio-5251.

**2009-2097. State v. Minkner.**

Champaign App. No. 2009 CA 16, 2009-Ohio-5625.

**2009-2098. State v. Pressley.**

Muskingum App. No. CT2009-0018, 2009-Ohio-5483.

**2009-2103. Frey v. Frey.**

Hancock App. No. 5-09-11, 2009-Ohio-5275.

**2009-2105. State v. Ross.**

Cuyahoga App. No. 92289, 2009-Ohio-5366.

**2009-2107. State v. Norman.**

Ross App. Nos. 08CA3059 and 08CA3066, 2009-Ohio-5458.

**2009-2109. State v. Jackson.**

Cuyahoga App. No. 92365, 2009-Ohio-4995.

Pfeifer, J., dissents.

**2009-2111. State v. King.**

Montgomery App. No. 23215, 2009-Ohio-5530.

**2009-2112. State v. Walls.**

Cuyahoga App. No. 92280, 2009-Ohio-4985.

Moyer, C.J., and Cupp, J., dissent and would accept the appeal on Proposition of Law No. I and reverse the judgment of the court of appeals on the authority of *State v. Singleton*, \_\_\_ Ohio St.3d \_\_\_, 2009-Ohio-6434, \_\_\_ N.E.2d \_\_\_.

**2009-2115. Brole Ko Invest. Co. v. Fed. Equip. Co.**

Hamilton App. No. C-090061.

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

**2009-2119. Franklin v. Massillon Homes II, L.L.C.**

Stark App. No. 08-CA-288, 2009-Ohio-5487.

**2009-2121. State v. Hughley.**

Cuyahoga App. Nos. 92588 and 93070, 2009-Ohio-5824. Discretionary appeal not accepted. Motions for stay of lower court decisions pending appeal, for appeal bond, and to compel court of appeals to rule on appellant's amended assignment of error denied as moot.

**2009-2123. State v. O'Hara.**

Hamilton App. No. C-090102.

**2009-2126. State v. Dickie.**

Licking App. No. 2009-CA-00029, 2009-Ohio-5443.

**2009-2130. State v. Brownlee.**

Greene App. No. 2008-CA-105, 2009-Ohio-5396.

Lundberg Stratton, J., dissents and would accept the appeal and hold the cause for the decision in 2008-2502, *State v. Bodyke*, H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387.

**2009-2138. In re A.T.**

Summit App. No. 24911.

**2009-2143. State v. Lee.**

Stark App. No. 2009CA00097, 2009-Ohio-5488.

**2009-2144. George v. Ohio Bur. of Workers' Comp.**

Stark App. No. 2009CA00146, 2009-Ohio-5787.

**2009-2145. State v. Tribble.**

Mahoning App. No. 09 MA 141.

**2009-2146. Campolieti v. Cleveland.**

Cuyahoga App. No. 92238, 2009-Ohio-5224.

Lundberg Stratton, J., dissents.

**2009-2147. State v. Reynolds.**

Montgomery App. No. 23163, 2009-Ohio-5532.

**2009-2148. Battaglia v. Conrail.**

Lucas App. No. L-08-1332, 2009-Ohio-5505.

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

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

**2009-2153. State v. Wright.**

Hamilton App. No. C-080437, 2009-Ohio-5474.

Pfeifer, J., dissents and would accept the appeal and hold the cause for the decision in 2009-1481, *State v. Johnson*, Hamilton App. Nos. C-080156 and C-080158, 2009-Ohio-2568.

**2009-2154. State v. Smith.**

Butler App. No. CA2008-03-064, 2009-Ohio-5517.

**2009-2156. Horizons Computer Training & Employability Ctr., L.L.C. v. Glover-Grant.**

Lucas App. No. L-08-1400, 2009-Ohio-5508.

**2009-2158. State v. Green.**

Greene App. No. 2007 CA 2, 2009-Ohio-5529.

**2009-2160. State v. Barkley.**

Franklin App. No. 09AP-223, 2009-Ohio-5549.

**2009-2162. State v. Rice.**

Medina App. No. 08CA0054-M, 2009-Ohio-5419.

**2009-2182. State v. Garrett.**

Cuyahoga App. No. 92349, 2009-Ohio-5363.

**2009-2185. State v. Fisk.**

Summit App. No. 24622, 2009-Ohio-4657.

**2009-2187. State v. Arios.**

Cuyahoga App. No. 91506, 2009-Ohio-5814.

**2009-2188. Jon Harmon Ents. Ltd. v. Kinsey.**

Tuscarawas App. No. 2008 AP 12 0074, 2009-Ohio-5655.

**2009-2198. Rhodes v. Ohio Counselor, Social Worker & Marriage & Family Therapist Bd.**

Muskingum App. No. CT2009-0011, 2009-Ohio-5666.

**2009-2199. State v. Harrington.**

Hamilton App. Nos. C-080547 and C-080548, 2009-Ohio-5576.

**2009-2204. State v. Williams.**

Summit App. No. 24990.

**2009-2212. State v. Hall.**

Franklin App. No. 09AP-302, 2009-Ohio-5712.

**2009-2215. State v. Davis.**

Franklin App. No. 08AP-443, 2009-Ohio-1375.

**2009-2224. State v. Smith.**

Hamilton App. No. C-081056.

**2009-2228. State v. Brooks.**

Cuyahoga App. No. 92389, 2009-Ohio-5559.

**2009-2230. State v. Yates.**

Cuyahoga App. No. 93947.

**2009-2234. Musleve v. Musleve.**

Stark App. No. 2009CA00014, 2009-Ohio-5789.

**2009-2247. State v. Hurt.**

Scioto App. No. 07CA3176, 2009-Ohio-5811.

Lundberg Stratton, J., dissents.

**2009-2252. State v. Davis.**

Richland App. No. 2009CA0023, 2009-Ohio-5888.

**2009-2257. State v. Molen.**

Montgomery App. No. 21941. Discretionary appeal not accepted. Motion to strike letter from the Ohio Public Defender from appellant's memorandum in support of jurisdiction denied as moot.

**2009-2276. State v. Garcia.**  
Butler App. No. CA2009-04-118.

**2009-2288. State v. Johnson.**  
Franklin App. No. 08AP-652.

**2009-2319. State v. Dixon.**  
Franklin App. No. 09AP-473, 2009-Ohio-6057.

## RECONSIDERATION OF PRIOR DECISIONS

**2008-1781. State v. Smith.**  
Greene App. No. 07-CA-47, 2008-Ohio-3717. Reported at \_\_\_ Ohio St.3d \_\_\_, 2009-Ohio-6426, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
O'Donnell and Cupp, JJ., dissent.

**2009-1672. In re Haggard.**  
Auglaize App. No. 2-08-20, 2009-Ohio-3821. Reported at 123 Ohio St.3d 1523, 2009-Ohio-6487, 918 N.E.2d 526. On motion for reconsideration. Motion denied.  
Moyer, C.J., and Pfeifer, J., dissent.

**2009-1683. Bryant v. Scooter Store.**  
Lucas App. No. L-08-1262, 2009-Ohio-3910. Reported at 123 Ohio St.3d 1523, 2009-Ohio-6487, 918 N.E.2d 526. On motion for reconsideration. Motion denied.  
O'Donnell, J., dissents.

**2009-1727. State v. Zaslov.**  
Cuyahoga App. No. 91736, 2009-Ohio-3734. Reported at 123 Ohio St.3d 1524, 2009-Ohio-6487, 918 N.E.2d 526. On motion for reconsideration. Motion denied.  
Lundberg Stratton, J., dissents and would grant the motion and accept the appeal.  
O'Connor, J., dissents and would grant the motion and accept the appeal on Proposition of Law Nos. I and II.  
Cupp, J., not participating.

**2009-1735. Engel v. Univ. of Toledo College of Medicine.**  
Franklin App. No. 09AP-53, 2009-Ohio-3957. Reported at 123 Ohio St.3d 1524, 2009-Ohio-6487, 918 N.E.2d 526. On motion for reconsideration. Motion granted and discretionary appeal accepted.  
O'Connor, J., dissents.

**2009-1743. Huntsman v. State Bd. of Edn.**

Stark App. No. 2008CA00220, 2009-Ohio-4282. Reported at 123 Ohio St.3d 1524, 2009-Ohio-6487, 918 N.E.2d 526. On motion for reconsideration. Motion denied.

**2009-1789. Langan v. Clancy.**

In Mandamus. Reported at 123 Ohio St.3d 1521, 2009-Ohio-6487, 918 N.E.2d 524. On motion for reconsideration. Motion denied.

**2009-1845. State v. Kasunick.**

Lake App. No. 2008-L-056, 2009-Ohio-4449. Reported at 123 Ohio St.3d 1525, 2009-Ohio-6487, 918 N.E.2d 526. On motion for reconsideration. Motion granted to the following extent: Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

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

**2009-1848. Campbell v. Bowersock.**

Allen App. No. 1-09-39, 2009-Ohio-1833. Reported at 123 Ohio St.3d 1525, 2009-Ohio-6487, 918 N.E.2d 526. On motion for reconsideration. Motion denied.