

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 24, 2013

[Cite as *04/24/2013 Case Announcements*, 2013-Ohio-1622.]

MERIT DECISIONS WITH OPINIONS

2011-1727. Cleveland Metro. Bar Assn. v. Pryatel, Slip Opinion No. 2013-Ohio-1537.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-023. Mark Robert Pryatel, Attorney Registration No. 0019678, is indefinitely suspended from the practice of law in the state of Ohio.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2012-0992. State ex rel. Luken v. Corp. for Findlay Market of Cincinnati, Slip Opinion No. 2013-Ohio-1532.

Hamilton App. No. C-100437, 2012-Ohio-2074. Judgment affirmed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

MERIT DECISIONS WITHOUT OPINIONS

2012-1941. State v. Stewart.

Franklin App. No. 11AP-787, 2012-Ohio-4500. On motion to consolidate with case No. 2013-0121, *State v. Stewart*, Franklin App. No. 11AP-787, 2012-Ohio-4500. Motion granted. Discretionary appeal accepted. The judgment of the court of appeals is reversed, and this cause is remanded for application of *State v. Howard*, 134 Ohio St.3d 467, 2012-Ohio-5738, 983 N.E.2d 341, and *State v. Brunning*, 134 Ohio St.3d 438, 2012-Ohio-5752, 983 N.E.2d 316.

O'Connor, C.J., and Lanzinger, Kennedy, French, and O'Neill, JJ., concur. Pfeifer and O'Donnell, JJ., dissent.

2013-0048. Gray v. Sage.

In Habeas Corpus. On petition for writ of habeas corpus of Bowdie L. Gray. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0089. Stevens v. Cuyahoga Cty. Pros. Atty.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0121. State v. Stewart.

Franklin App. No. 11AP-787, 2012-Ohio-4500. On motion to consolidate with case No. 2012-1941, *State v. Stewart*, Franklin App. No. 11AP-787, 2012-Ohio-4500. Motion granted. Discretionary appeal accepted. The judgment of the court of appeals is reversed, and this cause is remanded for application of *State v. Howard*, 134 Ohio St.3d 467, 2012-Ohio-5738, 983 N.E.2d 341, and *State v. Brunning*, 134 Ohio St.3d 438, 2012-Ohio-5752, 983 N.E.2d 316.

O'Connor, C.J., and Lanzinger, Kennedy, French, and O'Neill, JJ., concur.
Pfeifer, J., dissents.

O'Donnell, J., would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2012-0415 and 2012-0416, *State v. Forrest*, Franklin App. No. 11AP-291, 2012-Ohio-280.

2013-0159. State ex rel. Kinast v. Forchione.

In Mandamus and Prohibition. On motion to dismiss. Motion granted. Motion for protective order and motions to quash denied as moot. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, and French, JJ., concur.

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

2013-0175. Waulk v. Duffey.

In Habeas Corpus. On petition for writ of habeas corpus of Jack N. Waulk Sr. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0194. Mills v. McGookey.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0233. Marrero v. Miller.

In Habeas Corpus. On petition for writ of habeas corpus of Tito E. Marrero. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0239. State ex rel. Flanagan v. Lucas.

In Quo Warranto. On motion to strike of respondent. Motion denied. On motion for leave to amend complaint. Motion granted. Respondent shall respond to the amended complaint that is attached to the relator's motion for leave within 14 days of the date of this entry.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0271. Reeves v. Schneider.

In Mandamus. On motion for judgment on the pleadings. Motion granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0277. State ex rel. McIntyre v. McCarty.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0284. Stevens v. Nadel.

In Mandamus. On answer of respondent. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0295. State ex rel. Davet v. Sutula.

In Mandamus. On motion to dismiss. Motion granted. On motion for leave to intervene of NationsBanc Mortgage Corporation. Motion denied. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0296. State ex rel. Klayman v. Cuyahoga Cty. Court of Common Pleas.

In Mandamus. On motions to dismiss and motion to strike motions to dismiss. Motions to dismiss granted. Motion to strike motions to dismiss denied. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0301. Plassman v. Adult Parole Auth.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0303. State ex rel. Lacey v. Weaver.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0316. State ex rel. Harrison v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On answer of respondent with jury demand. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

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

2013-0346. State ex rel. Hummel v. Henson.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

MOTION AND PROCEDURAL RULINGS

2012-1272. ProgressOhio.org, Inc. v. JobsOhio.

Franklin App. No. 11AP-1136, 2012-Ohio-2655. On motion to withdraw Victoria E. Ullmann as counsel for ProgressOhio.org, Inc. in order to be made a party/appellant in this action. Motion granted in part. The withdrawal of counsel is granted and the request to be made a party is denied.

On motion to require counsel for the 1851 Center to file proof of compliance with rules of conduct for the bar regarding improper contact with a represented party and conflict of interest or withdraw from the case. Motion denied.

Motion to strike Victoria E. Ullmann's motion to withdraw and motion to dismiss and strike Victoria E. Ullmann's motion to require counsel for the 1851 Center to file proof of compliance with rules of conduct for the bar are denied as moot.

O'Donnell, J., not participating.

2012-1732. Snype v. Cost.

Portage App. No. 2012-P-0001, 2012-Ohio-3892. On demand for the court to show cause. Demand denied.

2012-1905. State ex rel. Shumaker v. Nichols.

Madison App. No. CA2011-10-015. On motion for oral argument. Motion denied. Pfeifer, J., dissents.

2013-0091. FirstMerit Bank, N.A. v. Inks.

Summit App. Nos. 25980 and 26182, 2012-Ohio-5155. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 6 of the court of appeals' entry filed December 19, 2012:

“Whether Section 1335.05 of the Ohio Revised Code prohibits a party from raising as a defense that the parties to a contract involving an interest in land orally agreed to modify the terms of their agreement.”

Pfeifer and French, JJ., dissent.

The conflict case is *Nicolazakes v. Deryk Babrield Tangeman Irrevocable Trust*, 10th Dist. No. 00AP-7, 2000 WL 1877521 (Dec. 26, 2000).

Sua sponte, cause consolidated with 2013-0203, *FirstMerit Bank, N.A. v. Inks*, Summit App. No. 26182, 2012-Ohio-5155.

2013-0213. Corbett v. Beneficial Ohio, Inc.

Certified Question of State Law, United States District Court, Southern District of Ohio, Western Division, Case No. 3:11-CV-339. On review of preliminary memoranda pursuant to S.Ct.Prac.R. 9.05. The court will answer the following questions:

“(1) Does Ohio recognize a freestanding claim of ‘wrongful attempted foreclosure’; and (2) if so, what are the elements of such a claim, and what are the damages available?”

Petitioner shall file its merit brief within 40 days and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.04 and S.Ct.Prac.R. 9.07.

2013-0298. State v. Baker.

Montgomery App. No. 23933, 2011-Ohio-1820. On motion for delayed appeal. Motion denied.

2013-0302. State v. Crites.

Trumbull App. No. 2012-T-0065, 2012-Ohio-5127. On motion for delayed appeal. Motion denied.

Kennedy, J., dissents.

2013-0314. State v. Nowlin.

Muskingum App. No. CT2012-0015, 2012-Ohio-4923. On motion for delayed appeal. Motion denied.

O’Neill, J., dissents.

2013-0318. State v. Midlam.

Greene App. No. 2012 CA 25, 2012-Ohio-5539. On motion for delayed appeal. Motion denied.

Lanzinger and O’Neill, JJ., dissent.

2013-0322. State v. Stapleton.

Scioto App. No. 12CA3477, 2012-Ohio-4964. On motion for delayed appeal. Motion denied.

2013-0327. State v. Petti.

Lake App. No. 2012-L-045, 2012-Ohio-6130. On motion for delayed appeal. Motion granted.

O’Connor, C.J., and O’Donnell and Kennedy, JJ., dissent.

2013-0330. State v. Gomez.

Cuyahoga App. No. 99275. On motion for delayed appeal. Motion denied.
O'Donnell and Lanzinger, JJ., dissent.

2013-0332. State v. Johnson.

Butler App. No. CA2011-11-212. 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' entry filed February 21, 2013:

“[W]hether, pursuant to R.C. 2951.03, newly-appointed appellate counsel is entitled to obtain a copy of the defendant's presentence investigation report.”

O'Donnell, J., dissents.

The conflict case is *State v. Jordan*, 4th Dist. No. 03CA2878 (Nov. 17, 2003).

2013-0337. State v. Pate.

Cuyahoga App. No. 90313, 2008-Ohio-5736. On motion for delayed appeal. Motion denied.

2013-0338. State v. Dudley.

Cuyahoga App. No. 94972, 2012-Ohio-5059. On motion for delayed appeal. Motion denied.

2013-0341. Pruitt v. Cook.

In Habeas Corpus. On petition for writ of habeas corpus of Kenneth Pruitt. Sua sponte, the writ is allowed. Allowing the writ means only that a return is ordered. *See Reed v. Kinkela*, 84 Ohio St.3d 1427, 702 N.E.2d 903 (1998); *Hernandez v. Kelly*, 107 Ohio St.3d 1430, 2005-Ohio-6400, 838 N.E.2d 670.

It is further ordered that respondent shall file a return of writ within 21 days of service of the petition, and petitioner may file a response within 10 days after the return is filed. Petitioner's physical presence before the court is not required.

O'Connor, C.J., and Pfeifer and Lanzinger, JJ., dissent and would deny the writ.

2013-0345. State v. Rodriguez-Baron.

Mahoning App. No. 12 MA 44, 2012-Ohio-5360. On motion for delayed appeal. Motion denied.

2013-0354. State v. Jones.

Wayne App. No. 12CA0024, 2012-Ohio-6150. On motion for delayed appeal. Motion denied.

Pfeifer and O’Neill, JJ., dissent.

2013-0370. State v. Avery.

Union App. No. 14-10-35, 2011-Ohio-4182. On motion for delayed appeal. Motion denied.

2013-0372. State v. Kinstle.

Allen App. No. 1-12-60. On motion for delayed appeal. Motion denied.

2013-0383. State v. Harris.

Montgomery App. No. 22992. On motion for delayed appeal. Motion denied.

2013-0393. State v. Cumberledge.

Lake App. No. 2010-L-142, 2012-Ohio-3012. On motion for delayed appeal. Motion denied.

2013-0396. State v. Linkous.

Licking App. No. 08CA51, 2009-Ohio-1896. On motion for delayed appeal. Motion denied.

2013-0453. U.S. Bank v. Downey.

Cuyahoga App. No. 98598, 2013-Ohio-494. On motion for stay of the court of appeals’ judgment. Motion denied.

Kennedy and O’Neill, JJ., dissent and would grant the motion for stay and require a bond.

2013-0504. State v. Brown.

Lake App. No. 2012-L-007, 2013-Ohio-1099. On motion for stay of the court of appeals’ judgment. Motion granted.

APPEALS ACCEPTED FOR REVIEW

2013-0092. State v. Cefalo.

Lake App. No. 2011-L-163, 2012-Ohio-5594. Discretionary appeal accepted and cause held for the decision in 2012-2136, *State v. Taylor*, Summit App. No. 26279, 2012-Ohio-5403.

Pfeifer and O’Donnell, JJ., dissent.

2013-0095. State v. Manocchio.

Cuyahoga App. No. 98473, 2012-Ohio-5720.

Pfeifer, J., dissents.

2013-0103. Ohio Neighborhood Fin., Inc. v. Scott.

Lorain App. No. 11CA01010030, 2012-Ohio-5566.

Pfeifer and Lanzinger, JJ., dissent.

2013-0118. Jarvis v. First Resolution Invest. Corp.

Summit App. No. 26042, 2012-Ohio-5653.

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

O'Donnell, J., would accept the appeal on Proposition of Law Nos. II and IV only and hold the cause for the decision in 2011-0908, *Anderson v. Barclays Capital Real Estate*, U.S. Northern District of Ohio, Western Division, Case No. 309CV02335JGC.

French, J., would accept the appeal on Proposition of Law Nos. I, II, and III only.

Lanzinger, J., dissents.

2013-0167. State v. Bonnell.

Delaware App. No. 12CAA030022, 2012-Ohio-5150.

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

2013-0203. FirstMerit Bank, N.A. v. Inks.

Summit App. No. 26182, 2012-Ohio-5155. Discretionary appeal accepted; cause consolidated with 2013-0091, *FirstMerit Bank, N.A. v. Inks*, Summit App. No. 26182, 2012-Ohio-5155.

Pfeifer, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2012-1777. State v. Debartolo.

Cuyahoga App. No. 97453, 2012-Ohio-3449.

O'Donnell, J., dissents.

2013-0033. State v. Stone.

Ashland App. No. 12-COA-021, 2012-Ohio-5488.

2013-0034. State v. Williams.

Cuyahoga App. No. 99227.

2013-0047. State v. Wolff.

Mahoning App. No. 10-MA-184, 2012-Ohio-5575.

2013-0049. State v. O’Neal.

Medina App. No. 12CA0032-M, 2012-Ohio-5564.

2013-0053. State ex rel. DeWine v. Ashworth.

Lawrence App. No. 11CA16, 2012-Ohio-5632.

O’Donnell and O’Neill, JJ., dissent.

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

2013-0054. In re J.D.

Montgomery App. No. 25129, 2012-Ohio-5537.

2013-0055. Chivaho Credit Union v. McGuire.

Ross App. No. 12CA3307, 2012-Ohio-5878.

O’Connor, C.J., dissents.

2013-0059. King v. Bethlehem Baptist Church Bd. of Trustees.

Hamilton App. No. C-110793. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O’Donnell, J., dissents.

2013-0062. Fackelman v. Micronix.

Cuyahoga App. No. 98320, 2012-Ohio-5513.

O’Neill, J., dissents.

2013-0064. Torress v. Getzinger.

Columbiana App. No. 11 CO 18, 2012-Ohio-5613.

O’Donnell, J., dissents.

2013-0065. Waikem v. Cleveland Clinic Found.

Stark App. No. 2011 CA 00234, 2012-Ohio-5620.

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

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

O'Neill, J., not participating.

2013-0068. State v. Demirci.

Lake App. No. 2011-L-142, 2012-Ohio-5593.

2013-0071. State v. Woodley.

Allen App. No. 1-12-13.

2013-0074. State v. Cowan.

Cuyahoga App. No. 97877, 2012-Ohio-5723.

2013-0078. State v. Boyle.

Portage App. No. 2012-P-0003, 2012-Ohio-5581.

O'Donnell, J., dissents.

2013-0079. State v. Whitt.

Coshocton App. No. 12-CA-6.

2013-0081. State v. Wangler.

Allen App. No. 1-11-18, 2012-Ohio-4878.

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

2013-0088. State v. Erkins.

Hamilton App. No. C-110675, 2012-Ohio-5372.

2013-0094. Aronhalt v. Castle.

Franklin App. No. 12AP-196, 2012-Ohio-5666.

French, J., not participating.

2013-0097. State v. Rodriguez.

Lucas App. No. L-11-1147, 2012-Ohio-5803.

2013-0098. State v. Woods.

Cuyahoga App. No. 98054, 2012-Ohio-5509.

2013-0099. E. Cleveland v. Goolsby.

Cuyahoga App. No. 98220, 2012-Ohio-5742.

2013-0105. Berea City School Dist. Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision.

Cuyahoga App. No. 98286, 2012-Ohio-4605.

Pfeifer, J., dissents.

2013-0107. Long v. State.

Cuyahoga App. No. 98348, 2012-Ohio-5724.

O'Neill, J., dissents.

2013-0110. State v. Ryan.

Cuyahoga App. No. 98101, 2012-Ohio-5732.

2013-0112. Cleveland v. Cleveland Police Patrolmen's Assn.

Cuyahoga App. No. 98259, 2012-Ohio-5746.

O'Neill, J., dissents.

2013-0113. Elam v. Cuyahoga Cty. Dept. of Emp. & Family Servs.

Cuyahoga App. No. 98323, 2012-Ohio-5076.

2013-0114. Perkins v. Falke & Dunphy, L.L.C.

Montgomery App. No. 25162, 2012-Ohio-5799.

2013-0119. DuBose v. Cincinnati Pub. Schools.

Hamilton App. No. C-120188. Discretionary appeal not accepted. Request for relief denied as moot.

2013-0125. Country Club S. Homeowners Assn., Inc. v. Warren Country Club Villas Condominium Unit Owners Assn., Inc.

Trumbull App. No. 2012-T-0001, 2012-Ohio-5835.

O'Donnell, J., dissents.

2013-0128. CitiMortgage, Inc. v. Patterson.

Cuyahoga App. No. 98360, 2012-Ohio-5894.

O'Neill, J., dissents.

2013-0129. State v. Lauharn.

Miami App. No. 2012-CA-9, 2012-Ohio-6185.

2013-0131. State v. Ojile.

Hamilton App. Nos. C-110677 and C-110678, 2012-Ohio-6015.

2013-0133. State v. Jones.

Williams App. No. WM-12-001, 2012-Ohio-6060.

2013-0134. State v. Gill.

Hamilton App. No. C-120142.

2013-0135. State v. Reynolds.

Fairfield App. No. 12 CA 7, 2012-Ohio-5956.

French and O'Neill, JJ., dissent.

2013-0142. Deutsche Bank Natl. Trust Co. v. Germano.

Portage App. No. 2012-P-0024, 2012-Ohio-5833.

2013-0143. State ex rel. Dinardo v. Chester Twp.

Geauga App. No. 2012-G-3063, 2012-Ohio-5828.

O'Donnell, J., dissents.

2013-0144. State v. Jones.

Licking App. No. 12CA0061, 2012-Ohio-5672.

2013-0146. US Bank Natl. Assn. v. Sherwood.

Hamilton App. No. C-120356.

2013-0147. Flagstar Bank, FSB v. Cintron.

Montgomery App. No. 25110, 2012-Ohio-5914.

Lanzinger and O'Neill, JJ., dissent.

2013-0155. Andrews v. Nationwide Mut. Ins. Co.

Cuyahoga App. No. 97891, 2012-Ohio-4935.

Pfeifer, J., dissents.

2013-0161. State v. Arnold.

Medina App. No. 12CA0043-M, 2012-Ohio-5809.

2013-0162. McCarthy v. Sterling Chems., Inc.

Hamilton App. Nos. C-110805 and C-110856, 2012-Ohio-5211.

Pfeifer and O'Neill, JJ., dissent.

2013-0166. State v. King.

Cuyahoga App. No. 97683, 2012-Ohio-4398.

Pfeifer, Lanzinger, and O’Neill, JJ., dissent.

2013-0173. State v. Literal.

Scioto App. No. 12CA3479, 2012-Ohio-6298.

2013-0176. State v. DiBiase.

Lake App. No. 2011-L-124, 2012-Ohio-6125. Discretionary appeal not accepted.
Motion for stay denied as moot.

2013-0177. State v. Reed.

Erie App. No. E-11-049, 2012-Ohio-5983.

2013-0179. State v. Mayberry.

Stark App. No. 2012CA00233.

2013-0180. State v. Jones.

Licking App. No. 12CA0054, 2012-Ohio-6262.

2013-0181. State v. Parrott.

Warren App. No. CA2012-11-116.

2013-0182. State v. Crenshaw.

Lake App. No. 2011-L-166, 2012-Ohio-5928.

2013-0183. State v. Lavarnia.

Clark App. No. 12-CA-84. Discretionary appeal not accepted. Motion to investigate denied as moot.

2013-0184. Wells Fargo Bank, NA v. Freed.

Hancock App. No. 5-12-01, 2012-Ohio-5941.

2013-0206. State v. Walker.

Summit App. No. 26319, 2012-Ohio-6001.

2013-0210. State v. Kasler.

Fairfield App. No. 11-CA-59, 2012-Ohio-6073.

2013-0214. State v. Driggins.

Cuyahoga App. No. 98073, 2012-Ohio-5287.

2013-0215. State v. Blashaw.

Cuyahoga App. No. 98719, 2012-Ohio-6011.

2013-0218. Nageotte v. Boston Mills Brandywine Ski Resort.

Summit App. No. 26563, 2012-Ohio-6102.

O'Donnell, J., dissents.

2013-0243. State v. Hutzler.

Summit App. No. 26484, 2012-Ohio-6107.

2013-0252. State v. Rice.

Lucas App. No. L-12-1127, 2012-Ohio-6250.

2013-0267. State v. Fountain.

Franklin App. No. 12AP-843.

2013-0272. State v. Manis.

Butler App. No. CA2011-03-059, 2012-Ohio-3753.

2013-0299. State v. Gilcreast.

Summit App. No. 26311, 2013-Ohio-249.

O'Connor, C.J., not participating.

2013-0305. State v. Guy.

Sandusky App. No. S-11-034, 2013-Ohio-7.

2013-0319. State v. Stringer.

Hamilton App. No. C-110075.

O'Neill, J., dissents.

RECONSIDERATION OF PRIOR DECISIONS

2010-1282. State v. Stojetz.

Madison App. No. CA2009-06-013, 2010-Ohio-2544. Reported at ___ Ohio St.3d ___, 2013-Ohio-158, 981 N.E.2d 884. On motion for reconsideration. Motion denied.

2012-0203. State ex rel. Lanham v. DeWine.

In Mandamus. Reported at ___ Ohio St.3d ___, 2013-Ohio-199, 985 N.E.2d 467. On motion for reconsideration. Motion denied.

Lisa Leanne Sadler, J., of the Tenth Appellate District, sitting for O'Donnell, J.

2012-1618. State v. Simes.

Montgomery App. No. 24645, 2012-Ohio-3592. Reported at ___ Ohio St.3d ___, 2013-Ohio-347, 982 N.E.2d 727. On motion for reconsideration. Motion denied.

2012-1733. Yates v. Barilla.

Lorain App. No. 11CA010055, 2012-Ohio-3876. Reported at ___ Ohio St.3d ___, 2013-Ohio-347, 982 N.E.2d 728. On motion for reconsideration. Motion denied.

2012-1805. In re J.M.

Wyandot App. No. 16-12-01, 2012-Ohio-4109. Reported at 134 Ohio St.3d 1451, 2013-Ohio-347, 982 N.E.2d 729. On motion for reconsideration. Motion denied.

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

2012-1810. State v. Burns.

Lucas App. Nos. L-11-1192 and L-11-1198, 2012-Ohio-4191. Reported at ___ Ohio St.3d ___, 2013-Ohio-553, 983 N.E.2d 367. On motion for reconsideration. Motion denied.

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

2012-1811. Mancz v. McHenry.

Montgomery App. No. 24728, 2012-Ohio-3285. Reported at ___ Ohio St.3d ___, 2013-Ohio-347, 982 N.E.2d 729. On motion for reconsideration. Motion denied. Motion to strike memo opposing motion for reconsideration denied as moot.

2012-1815. State v. Nagel.

Williams App. No. WM-12-005. Reported at ___ Ohio St.3d ___, 2013-Ohio-347, 982 N.E.2d 729. On motion for reconsideration. Motion denied.

2012-1852. Jones v. Cochran.

Lawrence App. No. 12CA14. Reported at 134 Ohio St.3d 1468, 2013-Ohio-553, 983 N.E.2d 368. On motion for reconsideration. Motion denied.

2012-1856. State v. Ragle.

Summit App. No. 25706, 2012-Ohio-4253. Reported at ___ Ohio St.3d ___, 2013-Ohio-553, 983 N.E.2d 368. On motion for reconsideration. Motion denied.

2012-1896. State v. Knox.

Cuyahoga App. No. 98027, 2012-Ohio-3821. Reported at ___ Ohio St.3d ___, 2013-Ohio-553, 983 N.E.2d 368. On motion for reconsideration. Motion denied.

O'Connor, C.J., and O'Donnell and Kennedy, JJ., dissent and would grant the motion as to Proposition of Law No. I.

2012-1914. Brooks Capital Servs., L.L.C. v. 5151 Trabue Ltd.

Franklin App. No. 12AP-30, 2012-Ohio-4539. Reported at ___ Ohio St.3d ___, 2013-Ohio-553, 983 N.E.2d 369. On motion for reconsideration. Motion denied.

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

2012-1934. Internatl. Bhd. of Elec. Workers, Loc. Union No. 575 v. Settle-Muter Elec., Ltd.

Fayette App. No. CA2012-02-003, 2012-Ohio-4524. Reported at ___ Ohio St.3d ___, 2013-Ohio-553, 983 N.E.2d 369. On motion for reconsideration. Motion denied. Motion for stay denied as moot.

Lanzinger and O'Neill, JJ., dissent and would grant the motion for reconsideration as to Proposition of Law Nos. I and II.

2012-1982. State v. Parker.

Cuyahoga App. No. 97841, 2012-Ohio-4741. Reported at ___ Ohio St.3d ___, 2013-Ohio-553, 983 N.E.2d 370. On motion for reconsideration. Motion denied.

O'Connor, C.J., and Pfeifer and O'Neill, JJ., dissent.

2012-2085. In re O.W.

Stark App. No. 2010-CA-00180. Reported at 134 Ohio St.3d 1453, 2013-Ohio-347, 982 N.E.2d 730. On motion for reconsideration. Motion denied.