

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M. WEDNESDAY
September 18, 1996

MERIT DOCKET

95-2560. State ex rel. Lewis v. Collins.
In Mandamus. Writ denied and request for fees denied.
Moyer, C.J., F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.
Douglas and Resnick, JJ., would dismiss the cause.

96-1255. State ex rel. Licehammer v. Ferreri.
In Mandamus and Procedendo. On motion to dismiss or in the alternative for
summary judgment and on relator's motion for summary judgment. Sua sponte,
cause dismissed.
Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton,
JJ., concur.

96-1379. Speelman v. Wayne Mut. Ins. Co.
Montgomery County, No. 15342. On review of order certifying a conflict. The
court determines that no conflict exists within the meaning of S.Ct.Prac.R.
IV(2)(B). This cause is therefore dismissed.
Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton,
JJ., concur.

96-1470. Thorne v. GRE Ins. Group.
Cuyahoga County, No. 69390. On review of order certifying a conflict. The
court determines that no conflict exists within the meaning of S.Ct.Prac.R.
IV(2)(B). This cause is therefore dismissed.
Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton,
JJ., concur.

96-1472. Hustak v. Eighth Dist. Court of Appeals.
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause
dismissed.
Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton,
JJ., concur.

96-1510. State ex rel. Valentine v. Leonard.
In Mandamus. On answer of respondent. Answer treated as motion to dismiss.
Motion to dismiss sustained. Cause dismissed.
Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton,
JJ., concur.

96-1515. State ex rel. Shephard v. Ohio Adult Parole Auth.

In Mandamus. On answer of respondent. Answer treated as motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1516. Nuosci v. Weltman, Weinberg & Reiss Co.

In Quo Warranto. On motion to dismiss and on motion to strike and request for immediate hearing. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

Stratton, J., concurs, noting that relator has no standing.

96-1525. Nationwide Mut. Ins. Co. v. Wright.

Lorain County, No. 95CA006190. On review of order certifying a conflict.

The court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B). This cause is therefore dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1528. Smith v. Spicer.

In Mandamus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1613. Richland Cty. Bd. of Commrs. v. Bristow.

On complaint to invoke jurisdiction to remedy abuse in lesser courts by revoking respondent's in forma pauperis status. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1635. Smith v. Turner.

In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1646. Valentine v. Wingard.

In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1647. Walls v. P.W. Lewis Ctr., Clinton-Warren Bd. of Mental Health.

In Mandamus. On motion to dismiss by Clinton Memorial Hospital, motion to dismiss by Clinton-Warren Board of Mental Health, and motion to dismiss by P.W. Lewis Center. Motions to dismiss sustained. Cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1665. State ex rel. Mercer v. McAnich.

In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1668. State ex rel. Alford v. Seidner.

In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1683. Mobley v. State.

In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1714. State ex rel. Porter v. Summit Cty. Court of Common Pleas.

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

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1744. Jackson v. State.

In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1753. Victoria Mtge. Corp. v. Williams.

Cuyahoga County, No. 68012. On review of order certifying a conflict. The court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B). This cause is therefore dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

Stratton, J., dissents.

96-1754. Williams v. Lorain Cty. Court of Common Pleas.

In Prohibition. Sua sponte, cause dismissed.

Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

Moyer, C.J., dissents and would grant an alternative writ.

96-1945. State ex rel. Jerningham v. State.

In Mandamus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1971. State ex rel. Bouffard v. Edwards.

In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-1987. Jackson v. Wilkinson.

In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

96-2000. Simone v. Alexander.

In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton, JJ., concur.

DISMISSALS, SUA SPONTE, NO SUBSTANTIAL
CONSTITUTIONAL QUESTION AND DISCRETIONARY
APPEALS, IF APPLICABLE, NOT ALLOWED

96-518. McAndrews v. McAndrews.

Hamilton County, No. C-940684.

Stratton, J., not participating.

96-520. State v. Woo.
Stark County, No. 1995CA201.

96-544. Quill v. Richardson.
Montgomery County, No. 15194.

96-560. State v. Turner.
Scioto County, No. 94CA2265.

96-561. Pisani v. Pisani.
Cuyahoga County, No. 67814 and 68044.

96-566. Crenshaw v. Ohio Bur. of Motor Vehicles.
Lucas County, No. L-96-054.
Resnick, J., not participating.

96-604. State v. Luna.
Huron County, No. H-96-004.
Resnick, J., not participating.

96-610. Cincinnati v. Gill.
Hamilton County, No. C-950394.
Stratton, J., dissents.

96-615. State v. Dicus.
Hardin County, No. 6-95-12.

96-625. State v. Guess.
Franklin County, No. 95APA08-1068.

96-630. Caldwell v. Caldwell.
Cuyahoga County, No. 67920.

96-820. State v. Lorraine.
Trumbull County, No. 95-T-5196.

96-825. Lakewood v. Acord.
Cuyahoga County, No. 68566.

96-839. Posey v. Cincinnati.
Hamilton County, No. C-950489.
Stratton, J., not participating.

96-849. State v. Russell.
Lake County, No. 95-L-135.

96-851. State v. Swint.
Stark County, No. CA9490A.

96-854. Kimar v. Miller.
Stark County, No. 1995CA00272.
Moyer, C.J., and Pfeifer, J., dissents.

96-856. Adelman Real Estate Co. v. Gabanic.
Geauga County, No. 95-G-1911.
Moyer, C.J., dissents.

96-867. State v. Fleming.
Cuyahoga County, No. 68928.

96-869. Parma v. Kline.
Cuyahoga County, Nos. 68998 and 68999.

96-877. State v. Walker.
Cuyahoga County, No. 68927.

96-881. Schaub v. State Hwy. Patrol.
Franklin County, No. 95APE08-1107.
Pfeifer and Cook, JJ., dissent.

96-883. Jackson v. State Street Bank & Trust Co.
Montgomery County, No. CA 15340.
Douglas, J., dissents.

96-885. State v. Smith.
Lawrence County, No. 94CA37.

96-886. State v. Lockett.
Summit County, No. 17523.

96-895. State v. King.
Summit County, No. 17749.

96-899. Jenkins v. Orient Correctional Inst.
Franklin County, No. 95API09-1199.
Stratton, J., dissents.

96-900. State v. McGriff.
Logan County, No. 8-94-16.
Moyer, C.J., and Pfeifer, J., dissent.

96-905. State v. Ott.
Ashland County, No. 95COA01131.

96-908. State v. Parks.
Clark County, No. 95CA50.

96-910. Pisani v. Pisani.
Cuyahoga County, No. 69522.

96-927. State v. Richmond.
Licking County, No. 95CA68.

96-936. State v. Mease.
Franklin County, No. 95APA05-614.

96-960. Smith v. Smith.
Summit County, No. 17462.

96-968. State v. Hackney.
Clermont County, No. CA95-12-088.

96-970. 425 L.P. v. Weston, Inc.
Cuyahoga County, Nos. 68386 and 68498.

96-983. State v. Clark.
Franklin County, No. 95APA11-1428.

96-988. In re Forfeiture of Ohio Dept. of Liquor Control Permit No. 2086647,
Owned by Derk, Inc.
Fairfield County, No. 95CA35.

96-994. State v. Bennett.
Cuyahoga County, No. 68687.

96-1012. State v. Jackson.
Wood County, No. WD95078.
Stratton, J., dissents.
Resnick, J., not participating.

96-1019. State v. Showalter.
Lorain County, No. 95CA006174.

96-1024. Symmes Twp. Bd. of Trustees v. Hamilton Cty. Bd. of Commrs.
Hamilton County, No. C-950480.
Moyer, C.J., Douglas and Stratton, JJ., dissent.

96-1036. State v. Wright.
Hamilton County, No. C-950249.
Stratton, J., not participating.

96-1044. State v. Neubauer.
Union County, No. 14-96-4.

96-1055. Johnson v. Turner.
Madison County, No. CA95-12-038.

96-1068. State v. Ray.
Hamilton County, No. C-950663.

96-1461. Speelman v. Wayne Mut. Ins. Co.
Montgomery County, No. 15342.

MOTION DOCKET

94-1230. State v. Lott.
Cuyahoga County, No. 54537. On motion to set execution date. Motion denied.
Cook and Stratton, JJ., dissent and would set a date.

95-341. State ex rel. Levin v. Schremp.
Lorain County, No. 93CA005760. On motion to collect costs. Motion granted.
Stratton, J., dissents.
Cook, J., not participating.

95-1535. Ardire v. Tracy.

Board of Tax Appeals, No. 94-K-347. On motion to strike portions of notice of appeal and appellant's merit brief. Motion granted.

95-2444. Cleveland Elec. Illum. Co. v. Pub. Util. Comm. Public Utilities Commission, No. 95-458-EL-UNC. On motion for leave of Cleveland to file motion for reconsideration and on motion for leave to file memorandum in support of Ohio Power Company's motion for reconsideration by AMP-Ohio, Inc. Motions denied.

Moyer, C.J., Resnick and F.E. Sweeney, JJ., dissent.

95-2497. Jones v. Hartranft.

Franklin County, No. 95APE02-139. On motion to strike. Motion granted.

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

On motion to supplement record. Motion denied.

Moyer, C.J., dissents and would grant the motion provided that the parties first agreed on what is part of the record.

Pfeifer, J., dissents.

96-38. Cleveland Elec. Illum. Co. v. Lake Cty. Bd. of Revision.

Board of Tax Appeals, No. 95-K-849. Sua sponte, cause consolidated with 96-39, Duquesne Light Co. v. Lake Cty. Bd. of Revision, Board of Tax Appeals, No. 95-K-848; 96-40, Toledo Edison Co. v. Lake Cty. Bd. of Revision, Board of Tax Appeals, No. 95-K-843; 96-41, Cleveland Elec. Illum. Co. v. Lake Cty. Bd. of Revision, Board of Tax Appeals, No. 95-K-842; and 96-43, Ohio Edison Co. v. Lake Cty. Bd. of Revision, Board of Tax Appeals, No. 95-K-840.

Cook, J., not participating.

96-210 and 96-387. State v. McGee.

Logan County, No. 8-94-38. On motion to participate in oral argument and memorandum opposing reversal for failure to file merit brief. Motion granted.

Moyer, C.J., F.E. Sweeney and Cook, JJ., dissent.

96-331. State v. Parsons.

Montgomery County, No. 14423. On motion to rule. Motion denied.

96-645. State v. Mangini.

Medina County, No. 2499-M. On motion to brief and argue. Motion denied.

Pfeifer, J., dissents.

96-1149. State v. Keith.

Crawford County, No. 3-94-14. On motion to withdraw as counsel. Motion denied.

Sua sponte, leave granted to file beyond time.

Pfeifer, J., dissents.

96-1307. State v. Green.

Cuyahoga County, No. 328917. On motion for stay of execution of death sentence pending appeal. Motion granted.

F.E. Sweeney and Cook, JJ., dissent.

96-1390. State v. Schlosser.

Montgomery County, Nos. 14968 and 14976. 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' Certificate of Conflict filed June 11, 1996, as follows:

"Having found that our judgment pronounced herein is in conflict with the judgment pronounced by the Court of Appeals for Preble County in State v. Haddix (1994), 93 Ohio App.3d 470 [638 N.E.2d 1096], and with the judgment pronounced by the Court of Appeals for Franklin County in State v. Rice (1995), 103 Ohio App.3d 388 [659 N.E.2d 826], with respect to a rule of law on which those cases were decided, the foregoing question is certified to the Supreme Court for final determination, pursuant to Section 2, Article IV, Ohio Constitution, and S.Ct.Prac.R. IV.

"'Is any culpable mental state required for a violation of R.C. 2923.32(A)(1) and, if so, what culpable mental state is required?'

"SO ORDERED."

Sua sponte, cause consolidated with 96-1389, infra.

96-1559. State v. Tracy.
Summit County, No. 17119. On motion for leave to file delayed appeal. Motion denied.

Resnick and Pfeifer, JJ., dissent.

96-1566. State v. Gonzalez.
Lorain County, No. 95CA006241. On motion for leave to file delayed appeal. Motion granted.

F.E. Sweeney, J., dissents.

96-1597. State v. Davis.
Tuscarawas County, No. 93AP100076. On motion for leave to file delayed appeal. Motion denied.

96-1604. State v. Doan.
Hamilton County, No. C-940330. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., dissents and would refer this cause to Disciplinary Counsel for investigation.

Resnick and Pfeifer, JJ., dissent.

96-1612. State v. Miller.
Hamilton County, No. C-950677. On motion for leave to file delayed appeal. Motion granted.

Douglas and F.E. Sweeney, JJ., dissent.

96-1630. State ex rel. The Logan Daily News v. Jones.
In Mandamus. On answer of respondent. Sua sponte, alternative writ granted.

96-1638. State v. Bolden.
Butler County, No. CA95-04-075. On motion for leave to file delayed appeal. Motion denied.

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

96-1642. State v. Bogle.
Montgomery County, No. 14774. On motion for leave to file delayed appeal. Motion granted.

Douglas, F.E. Sweeney and Cook, JJ., dissent.

96-1684. State v. Billings.
Hamilton County, No. C-910660. On motion for leave to file delayed appeal. Motion denied.

96-1686. State v. Davis.
Montgomery County, Nos. 14748 and 15261. On motion for leave to file delayed appeal. Motion granted.

Douglas, F.E. Sweeney and Stratton, JJ., dissent.

96-1687. State v. Walker.
Franklin County, No. 95APA08-1010. On motion for leave to file delayed appeal. Motion granted.

Douglas and F.E. Sweeney, JJ., dissent.

96-1702. Jackson v. Brigner.
Montgomery County, No. 15719. On motion to clarify briefing schedule. Motion granted; pursuant to S.Ct.Prac.R. VI(2)(A), appellees' merit brief is not due until thirty days after appellant files her merit brief. Appellant's previously filed memorandum in support of jurisdiction shall not be treated as her merit brief.

Resnick, J., dissents.

96-1729. Painter v. State Auto. Ins. Co.
Franklin County, No. 95APE12-1558. On motion to expedite decision on jurisdiction. Motion denied.

Resnick, J., dissents.

Stratton, J., not participating.

96-1746. State v. Hutton.
Belmont County, No. 93-B-30. On motion for leave to file delayed appeal. Motion denied.

Resnick, J., dissents.

96-1757. State v. Nelson.
Licking County, No. 96CA30. On motion for leave to file delayed appeal. Motion denied.

Resnick and Stratton, JJ., dissent.

96-1758. State v. Billings.
Hamilton County, No. C-941025. On motion for leave to file delayed appeal. Motion denied.

96-1767. State v. VanSlyke.
Lucas County, No. L-94-353. On motion for leave to file delayed appeal. Motion denied.

96-1783. State v. Arndt.
Stark County, No. CA8893. On motion for leave to file delayed appeal. Motion denied.

Resnick, J., dissents.

96-1875. Consumers' Counsel v. Pub. Util. Comm.
Public Utilities Commission, Nos. 94-1964-EL-CSS, 95-1139-EL-COI, 94-1140-EL-COI, 95-299-EL-AIR and 95-300-EL-AIR. On motion for leave to intervene of the Cleveland Electric Illuminating Company and the Toledo Edison Company. Motion granted.

F.E. Sweeney, J., dissents.

96-1886. Toledo v. Pub. Util. Comm.

Public Utilities Commission, Nos. 95-1140-EL-COI and 95-299-EL-AIR. On motion for leave to intervene of the Cleveland Electric Illuminating Company and the Toledo Edison Company. Motion granted.

F.E. Sweeney, J., dissents.

96-1889. Kaptur v. Pub. Util. Comm.

Public Utilities Commission, Nos. 94-1964-EL-CSS, 95-1063-EL-AIS, 95-1139-EL-COI, 95-1140-EL-COI, 95-299-EL-AIR, 95-300-EL-AIR, 95-386-EL-AAM and 95-387-EL-AAM. On motion for leave to intervene of the Cleveland Electric Illuminating Company and the Toledo Edison Company. Motion granted.

F.E. Sweeney, J., dissents.

DISCRETIONARY APPEALS ALLOWED

96-834. State v. Jones.

Montgomery County, No. 15110.

Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

96-858. Eheman v. Ohio Bur. of Motor Vehicles.

Hamilton County, No. C-950127. Sua sponte, cause held for the decision in 96-718, Hughes v. Ohio Bur. of Motor Vehicles, Hamilton County, No. C-940825; briefing schedule stayed.

96-859. Lopez v. Ohio Bur. of Motor Vehicles.

Butler County, No. CA94-12-232. Sua sponte, cause held for the decision in 96-718, supra; briefing schedule stayed.

96-860. McKenzie v. Ohio Bur. of Motor Vehicles.

Clermont County, No. CA95-01-005. Sua sponte, cause held for the decision in 96-718, supra; briefing schedule stayed.

96-861. Worster v. Ohio Bur. of Motor Vehicles.

Clermont County, No. CA95-05-029. Sua sponte, cause held for the decision in 96-718, supra; briefing schedule stayed.

96-873. Thomas v. Cook Drilling Corp.

Washington County, No. 94CA58.

Pfeifer and Cook, JJ., dissent.

96-888. State v. Strohacker.

Lorain County, No. 95CA006139. Discretionary appeal allowed on Proposition of Law No. I only; sua sponte, cause held for the decision in 95-2440, Hilliard v. Elfrink, Franklin County, No. 95APC03-364; briefing schedule stayed.

Douglas, J., dissents.

96-907. First Bank of Marietta v. Mascrete, Inc.

Washington County, No. 95CA4.

F.E. Sweeney and Pfeifer, JJ., dissent.

96-1029. State v. Zachery.

Montgomery County, No. 15267.

F.E. Sweeney and Pfeifer, JJ., dissent.

96-1389. State v. Schlosser.

Montgomery County, Nos. 14968 and 14976.

Douglas, J., dissents.

96-1585. State v. Ashburn.
Hancock County, No. 5-96-11.
Douglas, Resnick and Stratton, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

96-646. Ross-Co Redi Mix Co. v. Steveco, Inc.
Pickaway County, No. 95CA3.

96-647. Horvath v. Nationwide Mut. Fire Ins. Co.
Franklin County, No. 95APE06-795.
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

96-675. Wiencek v. Atcole Co.
Seneca County, No. 13-95-23.
Cook, J., dissents.

96-808. State v. Normand.
Guernsey County, No. 91CA02.

96-819. Balboa Ins. Co. v. S.S.D. Distrib. Sys., Inc.
Butler County, No. CA95-09-152.

96-837. Patton v. Brooks.
Washington County, No. 95CA20.
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

96-841. State v. Meyer.
Hamilton County, No. C-950416, C-950417 and C-950418.
Stratton, J., not participating.

96-855. Slivenik v. Dukes.
Cuyahoga County, No. 68914.
Resnick and F.E. Sweeney, JJ., dissent.

96-857. State v. Mohler.
Lucas County, No. L-95-037.

96-865. In re Estate of Williams.
Stark County, No. 1995CA00130.
Stratton, J., dissents.

96-868. Wesley v. Northeast Ohio Regional Sewer Dist.
Cuyahoga County, No. 69008.

96-879. Casey v. Casey.
Cuyahoga County, No. 69027.
Moyer, C.J., and Stratton, J., dissent.

96-887. State v. Roberts.
Hamilton County, No. C-950277.
Stratton, J., dissents.

96-890. Morris v. Grubb.
Montgomery County, No. 15177.

96-892. Associated Paper Stock, Inc. v. Tracy.
Mahoning County, No. 95 C.A. 34.
Douglas and F.E. Sweeney, JJ., dissent.

96-894. Walker v. Walker.
Summit County, No. 17259.
Resnick, J., dissents.

96-897. Kohler v. Kohler.
Coshocton County, No. 95CA8.
Resnick, J., dissents.

96-903. Motz v. Erie Ins. Co.
Franklin County, No. 95APE09-1144.
F.E. Sweeney, J., dissents.

96-926. Lott v. Style Line Inc.
Franklin County, No. 95APE11-1481.
Moyer, C.J., and Douglas, J., dissent.

96-955. Pittenger v. Richland Cty. Commrs.
Richland County, No. 95CA322.
Moyer, C.J., dissents.

96-967. State v. Hill.
Licking County, No. 95CA93.

96-979. Cleveland Hts. v. Brewer.
Cuyahoga County, No. 69223.

96-999. Primmer v. Vrable.
Franklin County, No. 95APE07-936. (Appeal by Green Tree Pharmacy; second appeal
by Allan K. Vrable and Vrable Health Care Services.)

96-1059. State v. Hayes.
Lorain County, No. 95CA006254.
Moyer, C.J., and Stratton, J., dissent.

96-1112. Ashworth v. Lincoln Natl. Life Ins. Co.
Franklin County, No. 95APE09-1181.
Pfeifer, J., dissents.

96-1123. Hovatter v. Spilker.
Huron County, No. H-95-055.
Moyer, C.J., dissents.
Resnick, J., not participating.

96-1189. Victoria Mtge. Corp. v. Williams.
Cuyahoga County, No. 68012.
Pfeifer and Stratton, JJ., dissent.

96-1527. State v. Thomas.
Cuyahoga County, No. 67446.

96-1594. State v. Garcia.
Cuyahoga County, No. 67858.

96-1634. State v. Freeman.
Cuyahoga County, No. 68320.

96-1650. Nationwide Mut. Ins. Co. v. Wright.
Lorain County, No. 95CA006190.
Douglas, J., dissents.

96-1688. State v. Russo.
Hamilton County, No. C-941052.

96-1708. State v. Smith.
Cuyahoga County, No. 68643.

RECONSIDERATION DOCKET

94-1688. State ex rel. Ewart v. Indus. Comm.
Franklin County, No. 93APD07-936. Reported at 76 Ohio St.3d 139, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

95-611. State ex rel. OTR v. Columbus.
Franklin County, No. 94APE05-761. Reported at 76 Ohio St.3d 203, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.
Moyer, C.J., and Cook, J., dissent.

95-1556. State v. Davis.
Cuyahoga County, No. 64270. Reported at 76 Ohio St.3d 107, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.

96-594. Ferrone v. Medina Cty. Bd. of Revision.
Medina County, No. 95CA2498M. Reported at 76 Ohio St.3d 1420, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

96-634. Reckart v. Nationwide Mut. Fire Ins. Co.
Franklin County, No. 95APE08-1085. Reported at 76 Ohio St.3d 1424, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.
Moyer, C.J., Cook and Stratton, JJ., dissent.

96-661. State v. Sabo.
Athens County, No. 1273. Reported at 76 Ohio St.3d 71, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.

96-674. Lawson v. Nationwide Ins. Co.
Franklin County, No. 95APE09-1203. Reported at 76 Ohio St.3d 1424, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.
Stratton, J., not participating.

96-690. Kehoe v. Pline.
Cuyahoga County, No. 69182. Reported at 76 Ohio St.3d 1433, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.
Stratton, J., not participating.

96-706. Womelsdorf v. Reichert.

Hamilton County, No. C-950224. Reported at 76 Ohio St.3d 1433, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

96-737. Plazzo v. Nationwide Mut. Ins. Co.
Summit County, No. 17022. Reported at 76 Ohio St.3d 1433, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.
Resnick and F.E. Sweeney, JJ., dissent.
Cook, J., not participating.

96-763. Kidd v. Cubby Drilling.
Stark County, No. 1995CA00317. Reported at 76 Ohio St.3d 1437, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.
Cook and Stratton, JJ., dissent.

96-769. Corradi v. Emmco Corp.
Cuyahoga County, No. 67407. Reported at 76 Ohio St.3d 1434, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.

96-793. State v. Brookbank.
Knox County, No. 96CA000005. Reported at 76 Ohio St.3d 1434, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

96-812. Michigan Millers Ins. Co. v. Anspach.
Montgomery County, No. 15211. Reported at 76 Ohio St.3d 1438, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.
Moyer, C.J., Cook and Stratton, JJ., dissent.

96-875. Sexton v. Kidder Peabody & Co.
Cuyahoga County, No. 69093. Reported at 76 Ohio St.3d 1435, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.