

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

January 18, 2012

[Cite as *01/18/2012 Case Announcements*, 2012-Ohio-136.]

MERIT DECISIONS WITHOUT OPINIONS

2011-1802. State ex rel. Shepherd v. Fifth Dist. Court of Appeals.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Motions for default judgment, to strike, for judgment on the pleadings, and for sanctions denied as moot. Cause dismissed.

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

2011-1814. O'Neal v. Ohio Dept. of Rehab. & Corr.

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

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

2011-1815. State ex rel. Brown v. Dinkelacker.

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

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

2011-1835. White v. Bryant.

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

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

2011-1836. White v. Travis.

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

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

2011-1844. Humr v. Portage Cty. Court of Appeals.

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

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

2011-1848. Rankin v. Fourth Dist. Court of Appeals.

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

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

2011-1854. Henderson v. Saffold.

This cause originated in this court on the filing of a complaint for a writ of conspiracy. On motions to dismiss. Motions to dismiss granted. Motion for leave to file the actual facts of the case at bar is denied as moot. Cause dismissed

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

It is further ordered by the court, sua sponte, that Paul S. Henderson is found to be a vexatious litigator under S.Ct. Prac. R. 14.5 (B). Accordingly, it is ordered by the court that Paul S. Henderson is prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. Any request for leave shall be submitted to the clerk of this court for the court's review.

O'Connor, C.J., and Pfeifer, Lundberg Stratton, Lanzinger, and McGee Brown, JJ., concur.

O'Donnell and Cupp, JJ., dissent.

2011-1883. State ex rel. Bristow v. Scioto Cty. Court of Appeals.

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

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

2011-1906. State ex rel. Otten v. Corbin.

In Prohibition. On motion of amicus curiae, Kevin Crooks, for leave to file a memorandum. Motion granted. On Sup.Ct.Prac.R. 10.5 determination, cause dismissed. Respondent has stayed the adoption case pending the resolution of the custody and visitation issues in the pending juvenile case.

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

2011-1937. Hackett v. Bradshaw.

In Habeas Corpus. On petition for writ of habeas corpus of Andrew D. Hackett. Sua sponte, cause dismissed.

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

2011-1945. State ex rel. Johnson v. Clayton City Council.

In Mandamus. On answers of respondents and motion for judgment on the pleadings. Motion granted. Cause dismissed.

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

2011-1974. El-Amin v. State.

In Habeas Corpus. On petition for writ of habeas corpus of Odraye El-Amin. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2010-1614. State ex rel. Ruscilli Constr. Co., Inc. v. Indus. Comm.

Franklin App. No. 09AP-1006, 2010-Ohio-4126. On motion to strike Proposition of Law No. 2 in the brief of appellee Ruscilli Construction Company, Inc. Motion granted.

2010-1770. State ex rel. McNea v. Indus. Comm.

Franklin App. No. 09AP-605, 2010-Ohio-4186. On request for oral argument. Request denied.

O'Donnell, J., dissents.

2011-0424. State v. Harris.

Champaign App. No. 2009-CA-36. On request to file transcript of appeal. Request denied.

2011-1465. DCWI-Franklin, L.L.C. v. Montgomery Cty. Bd. of Revision.

Board of Tax Appeals, No. 2010-A-256. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

Pfeifer and Lundberg Stratton, JJ., dissent.

2011-1687. State ex rel. Chatfield v. Flautt.

Perry App. No. 11-CA-6, 2011-Ohio-4659. On motion to dismiss. Motion to dismiss denied.

2011-1809. State v. Mapp.

Union App. No. 14-10-34, 2011-Ohio-4468. On motion to strike motion for delayed appeal. Motion denied. On motion to disregard motion to strike delayed appeal. Motion denied as moot.

O'Connor, CJ., dissents.

On motion for leave to file delayed appeal. Motion granted.

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

2011-1871. State v. Sullivan.

Fairfield App. No. 2010-CA-52, 2011-Ohio-4967. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2011-0033, *State v. Johnson*, Butler App. No. CA2009-12-307, 2010-Ohio-5808; cause consolidated with 2011-1870, *State v. Sullivan*, Fairfield App. No. 2010-CA-52, 2011-Ohio-4967; and briefing schedule stayed.

2011-1908. State v. Hall.

Cuyahoga App. No. 95983, 2011-Ohio-5155. On motion to stay court of appeals judgment pending appeal. Motion denied.

Lanzinger, Cupp, and McGee Brown, JJ., dissent.

2011-1936. State v. Murphy.

Cuyahoga App. No. 95705, 2011-Ohio-3686. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2011-1939. State v. Forbus.

Montgomery App. No. 24061, 2011-Ohio-4287. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, Cupp, and McGee Brown, JJ., dissent.

2011-1948. State v. Cross.

Montgomery App. No. 24439. On motion for leave to file delayed appeal. Motion denied.

2011-1953. State v. Chandler.

Franklin App. No. 10AP-972, 2011-Ohio-3485. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton and Cupp., JJ., dissent.

2011-1954. State v. Johnson.

Cuyahoga App. No. 91900, 2009-Ohio-4367. On motion for leave to file delayed appeal. Motion denied.

2011-1955. State v. Williams.

Hamilton App. No. C-081148, 2010-Ohio-893. On motion for leave to file delayed appeal. Motion denied.

2011-1962. State v. Wyatt.

Butler App. No. CA2010-07-171, 2011-Ohio-3427. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, Cupp, and McGee Brown, JJ., dissent.

2011-1968. State v. Cooper.

Cuyahoga App. No. 92911, 2010-Ohio-4106. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2011-1973. State v. Miller.

Huron App. No. H-10-011, 2011-Ohio-4281. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, Cupp, and McGee Brown, JJ., dissent.

2011-1980. State v. Fife.

Stark App. No. 2010CA00161, 2011-Ohio-1147. On motion for leave to file delayed appeal. Motion denied.

2011-1988. State v. Miller.

Cuyahoga App. No. 93585, 2010-Ohio-4004. On motion for leave to file delayed appeal. Motion denied.

2011-1991. State v. Anderson.

Cuyahoga App. No. 87828, 2007-Ohio-5068. On motion for leave to file delayed appeal. Motion denied.

2011-1998. State v. Phillips.

Lucas App. No. L-09-1149, 2010-Ohio-2577. On motion for leave to file delayed appeal. Motion denied.

2011-2001. State v. Bennett.

Cuyahoga App. No. 95654, 2011-Ohio-3387. On motion for leave to file delayed appeal. Motion denied.

2011-2007. State v. Bray.

Clark App. No. 2010 CA 14, 2011-Ohio-4660. On motion for leave to file delayed appeal. Motion granted.

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

2011-2011. State v. Yoder.

Stark App. No. 2011-CA-00027, 2011-Ohio-4975. On motion for leave to file delayed appeal. Motion granted.

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

2011-2015. State v. Turic.

Greene App. No. 2010 CA 35, 2011-Ohio-3869. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2011-2039. State v. McLaughlin.

Cuyahoga App. No. 93858, 2011-Ohio-1551. On motion for leave to file delayed appeal. Motion denied.

2011-2054. In re A.E.

Licking App. No. 10-CA-107, 2011-Ohio-4746. On motion to stay execution of the court of appeals' October 24, 2011 judgment entry assessing costs. Motion granted.

Pfeifer, J., dissent.

2011-2069. State ex rel. Byers v. Miami Cty. Sheriff's Office.

Miami App. No. 09-CA-42, 2011-Ohio-6125. On consideration of appellant's motion to stay appeal and for remand to the court of appeals for consideration of appellant's motion for relief from judgment, motions granted. The cause is remanded to the court of appeals to rule on appellant's motion for relief from judgment.

It is further ordered that proceedings in this cause, including the briefing, are stayed and that the parties shall notify this court upon the court of appeals' resolution of this case.

2011-2074. Innovative Technologies Corp. v. Advanced Mgt. Technology, Inc.

Montgomery App. No. 23819, 2011-Ohio-5544. On consideration of appellant's motion to stay enforcement of the judgment pending appeal, motion granted and bond continued.

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

2012-0019. Wilson v. Kasich.

This cause originated in this court upon the filing of a complaint invoking this court's original jurisdiction pursuant to Article XI, Section 13, of the Ohio Constitution.

It is ordered by the court, sua sponte, that respondents shall file responses, if any, to relators' motion for order protecting the court's jurisdiction and relators' motion for order for compliance with privilege log requirements no later than 4:00 p.m. on Thursday, January 19, 2012.

APPEALS ACCEPTED FOR REVIEW

2011-1553. State v. Grunden.

Cuyahoga App. No. 95909, 2011-Ohio-3687. Discretionary appeal accepted and cause held for the decision in 2011-1066, *State v. Brunning*, Cuyahoga App. No. 95376, 2011-Ohio-1936.

Pfeifer and O'Donnell, JJ., dissent.

2011-1634. Branch v. Cleveland Clinic Found.

Cuyahoga App. No. 95475, 2011-Ohio-3975.

O'Connor, C.J., Pfeifer and McGee Brown, JJ., dissent.

2011-1708. Smith v. Landfair.

Summit App. No. 25371, 194 Ohio App.3d 468, 2011-Ohio-3043. Discretionary appeal accepted on Proposition of Law No. IV.

Lundberg Stratton and O'Donnell, JJ., would accept the appeal on all Propositions of Law.

Pfeifer, Cupp, and McGee Brown, JJ., dissent.

2011-1733. State v. Chandler.

Stark App. No. 2010-CA-00295, 2011-Ohio-4387. Discretionary appeal accepted and cause held for the decision in 2011-1501, *State v. Billiter*, Stark App. No. 2010CA00292, 2011-Ohio-2230.

Pfeifer and O'Donnell, JJ., dissent.

2011-1740. Lang v. Dir. of Ohio Dept. of Job & Family Servs.

Seneca App. Nos. 13-10-33, 13-10-34, and 13-10-35, 2011-Ohio-4327.

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

2011-1870. State v. Sullivan.

Fairfield App. No. 2010-CA-52, 2011-Ohio-4967. Discretionary appeal accepted; cause held for the decision in 2011-0033, *State v. Johnson*, Butler App. No. CA2009-12-307, 2010-Ohio-5808; cause consolidated with 2011-1871, *State v. Sullivan*, Fairfield App. No. 2010-CA-52, 2011-Ohio-4967; and briefing schedule stayed.

APPEALS NOT ACCEPTED FOR REVIEW

2011-1245. State v. Banks.

Franklin App. Nos. 10AP-1065, 10AP-1066, and 10AP-1067, 2011-Ohio-2749.

2011-1313. State v. Haas.

Franklin App. No. 10AP-35, 2011-Ohio-2676.

2011-1451. State v. Rodgers.

Hancock App. No. 5-10-35, 2011-Ohio-3003.

2011-1534. Cotton v. Anderson.

Lorain App. No. 10CA009830, 2011-Ohio-3885.

2011-1619. State v. McGlothin.

Hamilton App. No. C-100727.

2011-1620. State v. Dawson.

Mahoning App. No. 09 MA 209, 2011-Ohio-2773.

2011-1625. Schnetz v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 10AP-959, 2011-Ohio-3927.

Pfeifer, J., dissents.

2011-1632. Miller v. Painters Supply & Equip. Co.

Cuyahoga App. No. 95614, 2011-Ohio-3976.

O'Connor, C.J., and Lundberg Stratton, J., dissent.

2011-1635. Peters v. Rock-Tenn Co.

Delaware App. No. 10CAE040030, 2011-Ohio-3949.

Pfeifer, J., dissents.

2011-1637. Bridgmon v. State.

Allen App. No. 1-10-80.

O'Donnell, J., dissents.

2011-1640. State v. Wilson.

Montgomery App. No. 23734, 2011-Ohio-4195.

Lundberg Stratton, J., dissents.

2011-1641. State v. Shadoan.

Adams App. No. 10CA904, 2011-Ohio-4400.

2011-1648. State v. Lewis.

Summit App. No. 25661, 2011-Ohio-4069.

2011-1649. State v. Blandin.

Allen App. No. 1-11-23.

2011-1652. Hart v. Alamo Rent A Car.

Cuyahoga App. No. 95900, 2011-Ohio-4099.

O'Donnell and Lanzinger, JJ., dissent.

2011-1659. Arbino v. Eternal Press.

Hamilton App. No. C-110485.

2011-1660. Fry Bros. Heating & Air Conditioning Co., Inc. v. Directory Assistants, Inc.

Lucas App. No. L-11-1124.

O'Connor, C.J., dissents.

2011-1665. State v. Tucker.

Cuyahoga App. No. 95556, 2011-Ohio-4092. Discretionary appeal and cross-appeal not accepted.

O'Connor, C.J., and Cupp, J., dissent and would accept the discretionary appeal.

2011-1668. State v. Williams.

Cuyahoga App. No. 96244, 2011-Ohio-4126.

2011-1669. State v. Smith.

Franklin App. No. 10AP-338, 2011-Ohio-3786.

2011-1688. State v. Gordon.

Franklin App. No. 10AP-1174, 2011-Ohio-4208.

2011-1689. State v. Turner.

Allen App. No. 1-11-01, 2011-Ohio-4348.

2011-1692. State v. Parra.

Cuyahoga App. No. 95619, 2011-Ohio-3977. Discretionary appeal and cross-appeal not accepted.

Cupp, J., dissents and would accept Proposition of Law No. I of the discretionary appeal.

O'Donnell, J., dissents and would accept the discretionary appeal and cross-appeal.

2011-1695. Contreraz v. Bettsville.

Seneca App. No. 13-10-48, 2011-Ohio-4178.

Cupp, J., dissents and would accept Proposition of Law No. I and hold the cause for the decision in 2011-1588, *Hawsman v. Cuyahoga Falls*, Summit App. No. 25582, 2011-Ohio-3795.

Pfeifer, J., dissents and would accept the discretionary appeal.

2011-1696. State v. Avery.

Union App. No. 14-10-35, 2011-Ohio-4182.

O'Connor, C.J., and Lanzinger, J., would accept the appeal on Proposition of Law No. I and remand the case for application of *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958 N.E.2d 142.

2011-1697. State v. Overton.

Franklin App. No. 09AP-858, 2011-Ohio-4204.

2011-1698. State v. Robertson.

Medina App. No. 10CA0030-M, 2011-Ohio-4300.

2011-1699. State v. Rye.

Summit App. No. 25572, 2011-Ohio-4224.

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

2011-1700. Cleveland v. Cleveland Assn. of Rescue Emps.

Cuyahoga App. No. 96325, 2011-Ohio-4263.

O'Donnell, J., dissents.

2011-1701. Hyde v. Sherwin-Williams Co.

Cuyahoga App. No. 95687, 2011-Ohio-4234.

O'Donnell, J., dissents.

2011-1702. Blice v. Andrasek.

Summit App. No. 25979.

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

2011-1703. Culgan v. Miller.

Medina App. No. 10CA0036-M, 2011-Ohio-4298.

2011-1704. State v. Russell.

Franklin App. No. 11AP-108, 2011-Ohio-4519.

2011-1705. State v. Griffin.

Franklin App. No. 10AP-902, 2011-Ohio-4250.

2011-1707. State v. Payton.

Stark App. No. 2010CA00276, 2011-Ohio-4386.

2011-1709. State v. Maggard.

Hamilton App. No. C-100788, 2011-Ohio-4233.

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

2011-1710. Liggins v. White.

Cuyahoga App. No. 96167, 2011-Ohio-4417.

Pfeifer, J., dissents.

2011-1712. Cleveland v. Cord.

Cuyahoga App. No. 96312, 2011-Ohio-4262.

Pfeifer, J., dissents.

O'Donnell, J., not participating.

2011-1715. State v. Pillow.

Greene App. No. 2010-CA-71, 2011-Ohio-4294.

2011-1717. State v. Ferguson.

Clark App. No. 08CA0050, 2011-Ohio-4285.

2011-1718. Singer v. Davids.

Fairfield App. No. 10-CA-55, 2011-Ohio-4434.

2011-1719. Ohio Bur. of Workers' Comp. v. Salkin.

Cuyahoga App. No. 96173, 2011-Ohio-4260.

O'Donnell, J., dissents.

2011-1723. State v. Pryor.

Fairfield App. No. 11-CA-12, 2011-Ohio-4383.

O'Connor, C.J., dissents and would accept the appeal and hold the cause for the decision in 2011-0202, *State v. Qualls*, Meigs App. No. 10CA8, 2010-Ohio-5316.

2011-1729. State v. Shaw.

Montgomery App. No. 24263, 2011-Ohio-4723.

2011-1730. State v. Griffeth.

Richland App. No. 10-CA-115, 2011-Ohio-4426.

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

2011-1731. Middleton v. Luna's Restaurant & Deli, L.L.C.

Stark App. No. 2011 CA 00004, 2011-Ohio-4388.

2011-1734. Touhey v. Ed's Tree & Turf, L.L.C.

Madison App. No. CA2010-11-026, 194 Ohio App.3d 800, 2011-Ohio-3432.

2011-1741. Miller v. Miller.

Medina App. No. 10CA0034-M, 2011-Ohio-4299.

2011-1742. Natale v. Everflow E., Inc.

Trumbull App. No. 2010-T-0088, 2011-Ohio-4304.

2011-1744. McClain v. Shaker Hts.

Cuyahoga App. No. 96175, 2011-Ohio-4418.

O'Donnell, J., dissents.

2011-1745. DCR Mtge. IV Sub I, L.L.C. v. Hines Invests., L.L.C.

Fairfield App. No. 11-CA-24, 2011-Ohio-5091.

2011-1749. Bowker v. Bowker.

Delaware App. No. 10CAF110085, 2011-Ohio-4524.

2011-1751. State v. Turner.

Ashland App. No. 11-COA-006, 2011-Ohio-4522.

2011-1752. State v. Fair.

Montgomery App. No. 24388, 2011-Ohio-4454.

O'Donnell, J., dissents.

2011-1756. Southworth v. N. Trust Secs., Inc.

Cuyahoga App. No. 95763, 2011-Ohio-3467.

O'Donnell, J., dissents.

2011-1766. State v. Pettyjohn.

Lorain App. Nos. 10CA009777 and 10CA009894, 2011-Ohio-4461.

2011-1770. State v. Everette.

Montgomery App. No. 23585, 2011-Ohio-4663.

2011-1775. State ex rel. Cushion v. Massillon.

Stark App. No. 2010CA00199, 2011-Ohio-4749.

2011-1777. State v. Williams.

Lucas App. No. L-11-1128.

O'Donnell, J., dissents.

2011-1781. State v. Barclay.

Summit App. No. 25646, 2011-Ohio-4770.

2011-1785. State v. Bolan.

Cuyahoga App. No. 95807, 2011-Ohio-4501.

2011-1787. Columbus v. Kiner.

Franklin App. No. 11AP-21, 2011-Ohio-4479.

2011-1791. State v. Allison.

Stark App. No. 2011CA00134.

2011-1794. State v. Washington.

Cuyahoga App. No. 95774, 2011-Ohio-4500.

O'Donnell, J., dissents.

2011-1796. State v. Carter.

Lucas App. No. L-11-1017, 2011-Ohio-4688.

Cupp, J., dissents and would accept the appeal and hold the cause for the decision in 2011-0202, *State v. Qualls*, Meigs App. No. 10CA8, 2010-Ohio-5316.

2011-1804. State v. Gamble.

Hamilton App. No. C-090876.

2011-1805. Parkview Fed. Sav. Bank v. Grimm.

Cuyahoga App. No. 93899, 2010-Ohio-5005.

2011-1811. State v. Alford.

Cuyahoga App. No. 95946, 2011-Ohio-4811.

2011-1845. State v. Perkins.

Montgomery App. No. 24397, 2011-Ohio-5070.

2011-1853. State v. Carpenter.

Cuyahoga App. No. 94709, 2011-Ohio-4807.

2011-1864. State v. Sims.

Cuyahoga App. No. 95979, 2011-Ohio-4819.

2011-1872. State v. Wulff.

Cuyahoga App. No. 94087, 2011-Ohio-5146.

2011-1903. State v. Hubbard.

Summit App. No. 25141, 2011-Ohio-2770.

2011-1928. State v. Shinholster.

Summit App. No. 25328, 2011-Ohio-2244.

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

2011-1940. State v. Bennett.

Stark App. No. 2010CA00200, 2011-Ohio-2236.

2011-1986. State v. Chapman.

Sandusky App. No. S-10-001, 2011-Ohio-5419.

RECONSIDERATION OF PRIOR DECISIONS

2009-0224. In re L.F.

Stark App. No. 2007-CA-00333, 2008-Ohio-669. Reported at 130 Ohio St.3d 253, 2011-Ohio-5349, 957 N.E.2d 288. On motion for reconsideration. Motion denied.

O'Connor, C.J., and Lanzinger and McGee Brown, JJ., dissent.

2010-1975. State v. Lampkin.

Lucas App. No. L-09-1270, 2010-Ohio-4934. Reported at 130 Ohio St.3d 270, 2011-Ohio-5715, 957 N.E.2d 770. On motion for reconsideration. Motion denied.

2010-2021. Disciplinary Counsel v. Squire.

Reported at __ Ohio St.3d __, 2011-Ohio-5578, __ N.E.2d __. On motion for reconsideration. Motion denied.

Melody J. Stewart, J., of the Eighth Appellate District, sitting for McGee Brown, J.

2011-0441. State ex rel. Kingsley v. State Emp. Relations Bd.

Franklin App. No. 09AP-1085, 2011-Ohio-428. Reported at 130 Ohio St.3d 333, 2011-Ohio-5519, 958 N.E.2d 169. On motion for reconsideration. Motion denied.

2011-0827. State v. Billingsley.

Portage App. Nos. 2010P0030 and 2010P0031, 2011-Ohio-1859. Reported at __ Ohio St.3d __, 2011-Ohio-5980, 957 N.E.2d 327. On motion for reconsideration. Motion granted. Appellant shall file his merit brief within 10 days of the date of this entry. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 6.1-6.4.

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

2011-1133. State v. El-Amin.

Lucas App. No. L-10-1356, 2011-Ohio-2570. Reported at 130 Ohio St.3d 273, 2011-Ohio-5718, 957 N.E.2d 772. On motion for reconsideration. Motion denied.

2011-1237. Arnholt v. Carlisle.

Licking App. No. 10 CA 91, 2011-Ohio-2948. Reported at 130 Ohio St.3d 1417, 2011-Ohio-5605, 956 N.E.2d 309. On motion for reconsideration. Motion denied.

McGee Brown, JJ., dissents.

2011-1252. Sapienza v. Material Eng. & Technical Support Servs. Corp.

Delaware App. No. 10CAE110092, 2011-Ohio-3559. Reported at 130 Ohio St.3d 1437, 2011-Ohio-5883, 957 N.E.2d 299. On motion for reconsideration. Motion denied.

Lanzinger and McGee Brown JJ., dissent.

2011-1271. State v. Ingles.

Hamilton App. No. C-100297, 2011-Ohio-2901. Reported at 130 Ohio St.3d 1418, 2011-Ohio-5605, 956 N.E.2d 309. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2011-1289. Holtkamp v. Knox & Richland Cty. Joint Bd. of Commrs.

Richland App. No. 10 CA 122, 2011-Ohio-2986. Reported at 130 Ohio St.3d 1437, 2011-Ohio-5883, 957 N.E.2d 299. On motion for reconsideration. Motion denied.

2011-1298. Buschard v. State.

Hamilton App. No. C-110349. Reported at 130 Ohio St.3d 1437, 2011-Ohio-5883, 957 N.E.2d 299. On motion for reconsideration. Motion denied.

2011-1308. Lamb v. Lamb.

Montgomery App. Nos. 24076 and 23538, 2011-Ohio-2970. Reported at 130 Ohio St.3d 1437, 2011-Ohio-5883, 957 N.E.2d 300. On motion for reconsideration. Motion denied.

Lundberg Stratton, Cupp, and McGee Brown, JJ., would grant the motion for reconsideration, accept the appeal, and hold the cause for the decision in 2011-1172, *Miller v. Miller*, Delaware App. No. 10 CF 09-0074, 2011-Ohio-2649.

2011-1358. State v. Isaacs.

Summit App. No. 25301, 2011-Ohio-3194. Reported at 130 Ohio St.3d 1419, 2011-Ohio-5605, 956 N.E.2d 310. On motion for reconsideration. Motion denied.

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

2011-1376. State v. McCann.

Lawrence App. No. 10CA12, 2011-Ohio-3339. Reported at 130 Ohio St.3d 1439, 2011-Ohio-5883, 957 N.E.2d 300. On motion for reconsideration. Motion denied.

2011-1377. Melvin v. Ohio State Univ. Med. Ctr.

Franklin App. No. 10AP-975, 2011-Ohio-3317. Reported at 130 Ohio St.3d 1439, 2011-Ohio-5883, 957 N.E.2d 300. On motion for reconsideration. Motion denied.

McGee Brown, J., not participating.

2011-1480. State v. Carnail.

Cuyahoga App. No. 95580, 2011-Ohio-3464. Reported at 130 Ohio St.3d 1440, 2011-Ohio-5883, 957 N.E.2d 301. On motion for reconsideration. Motion denied.

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

2011-1561. State ex rel. Norris v. Milligan.

In Habeas Corpus. Reported at 130 Ohio St.3d 1414, 2011-Ohio-5605, 956 N.E.2d 307. On motion for reconsideration. Motion denied.

2011-1839. Schafer v. Soderberg & Schafer, C.P.A.s, L.L.C.

Ottawa App. No. OT-10-009, 2011-Ohio-4687. Reported at __ Ohio St.3d __, 2011-Ohio-6193, 957 N.E.2d 1172. On motion for reconsideration. Motion denied.

Lundberg Stratton and McGee Brown, JJ., dissent.