

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

September 5, 2012

[Cite as *09/05/2012 Case Announcements*, 2012-Ohio-4021.]

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## MERIT DECISIONS WITH OPINIONS

**2011-0181. Rumpke Sanitary Landfill, Inc. v. Colerain Twp., Slip Opinion No. 2012-Ohio-3914.**

Hamilton App. No. C-090223. Judgment reversed and cause remanded.

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

**2011-2042. Disciplinary Counsel v. Ford, Slip Opinion No. 2012-Ohio-3915.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-061. George Cook Ford III, Attorney Registration No. 0011982, is suspended from the practice of law in Ohio for two years, with six months stayed on conditions.

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

**2011-2069. State ex rel. Byers v. Miami Cty. Sheriff's Office, Slip Opinion No. 2012-Ohio-3916.**

Miami App. No. 09-CA-42, 2011-Ohio-6125. Judgment affirmed.

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

**2012-0586. State ex rel. Bevins v. Johnson, Slip Opinion No. 2012-Ohio-3922.**

Madison County, No. CA2012-01-005. Judgment affirmed.

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

**2012-0601. Sullivan v. Bunting, Slip Opinion No. 2012-Ohio-3923.**

Marion App. No. 9-12-02. Judgment affirmed.

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

**MERIT DECISIONS WITHOUT OPINIONS**

**2012-0369. State ex rel. Dunlap v. Sarko.**

In Mandamus. On consideration of relator's motion to strike respondents' answer to relator's amended complaint, respondents' motion to remand the cause in order to consolidate, relator's motion to strike, and relator's motion for sanctions. Motions denied.

On S.Ct.Prac.R. 10.5 determination, alternative writ granted and a schedule for the presentation of evidence and briefs is issued. Respondents shall submit under seal with their evidence, the responsive records that they claim are privileged or otherwise exempt for an in camera review.

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

**2012-0727. State ex rel. Douglas v. Parrott.**

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.

**2012-0882. Baldwin v. United Nations Security Council.**

In Mandamus. On S.Ct.Prac.R. 10.5 determination, cause dismissed. All pending motions are denied.

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

**2012-0908. State ex rel. Hines v. Vivo.**

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.

**2012-0926. Greathouse v. Columbus.**

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.

**2012-0929. State ex rel. Kiley v. Rothgery.**

In Mandamus and 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.

**2012-0966. State ex rel. Banks v. Bradshaw.**

In Mandamus. On motions to dismiss. Motions to dismiss granted. Cause dismissed.

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

**2012-0983. State ex rel. Rowe v. Patterson.**

In Mandamus. On answer of respondents. 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.

**2012-0986. State ex rel. Colvin v. Huffman.**

In Prohibition. On motions to dismiss. Motions to dismiss granted. Cause dismissed.

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

**2012-0993. State ex rel. OTM Invests., Inc. v. Medina Cty. Court of Common Pleas.**

In Prohibition. On motions to dismiss. Motions to dismiss granted. Cause dismissed. Emergency judicial demand for injunction and temporary restraining order denied as moot.

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

**2012-1005. State ex rel. Academy of Senior Health Sciences, Inc. v. Colbert.**

In Mandamus. On S.Ct.Prac.R. 10.5 determination and consideration of respondent's initial motion to dismiss. Motion to dismiss granted. Cause dismissed. Because relator's "amended petition and complaint" was filed after respondent submitted a responsive pleading for purposes of S.Ct.Prac.R. 10.5, relator was precluded from filing its amended pleading without seeking leave to amend. *See State ex rel. Grendell v. Davidson*, 86 Ohio St.3d 629, 631, 716 N.E.2d 704 (1999). Therefore, the amended pleading and the filings relating to it are not properly before the court.

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

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

**2012-1072. Baldwin v. Hamilton Cty. Clerk of Court.**

In Mandamus. On motion to dismiss. Motion to dismiss granted. Cause dismissed. Relator's motion to take judicial notice, motion to amend complaint, motion to subpoena any and all records, and second motion to take judicial notice denied as moot.

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

**2012-1083. State ex rel. Duncan v. DeWeese.**

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.

**2012-1120. State ex rel. Bandy v. Villanueva.**

In Mandamus. On motions to dismiss. Motions to dismiss granted. Cause dismissed. Motion for leave to amend cover page of complaint is denied as moot.

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

**2012-1128. State ex rel. Mason v. Russo.**

In Prohibition. On motions for leave to file amicus curiae memorandum. Motions granted. On motions to dismiss. Motions granted. Cause dismissed.

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

**2012-1263. State ex rel. Stainbrook v. Putnam Cty. Bd. of Elections.**

In Mandamus. Relators' request for ancillary injunctive relief, including a temporary restraining order, is denied.

On S.Ct.Prac.R. 10.5 determination and consideration of respondent's 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**

**2007-1741. State v. Lang.**

Stark C.P. No. 2006CR1824A. On application for reopening under S.Ct.Prac.R. 11.6. Motion denied.

**2007-2021. State v. Hunter.**

Hamilton C.P. No. B0600596. On application for reopening under S.Ct.Prac.R. 11.6. Motion denied.

O'Donnell, J., dissents.

**2010-0659. State v. Estrada-Lopez.**

Butler App. No. CA2008-12-291, 2010-Ohio-732. Motion to reinstate briefing schedule and motion to amend merit brief denied. Motion to dismiss as improvidently accepted granted. Cause dismissed.

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

**2011-0163. Acordia of Ohio, L.L.C. v. Fishel.**

Hamilton App. No. C-100071, 2010-Ohio-6235. On motion for oral argument. Motion denied.

**2011-1931. State v. Sayles.**

Butler App. Nos. CA2011-01-005 and CA2011-01-006. On motion to clarify court order/decision. Motion granted. The May 10, 2012 order is vacated, and this cause is remanded to the court of appeals for application of *United States v. Jones*, \_\_\_ U.S. \_\_\_, 132 S.Ct. 945, 181 L.Ed.2d 911 (2012).

**2012-0051. State v. Copsy.**

Huron App. No. H-11-007, 2011-Ohio-6188. On motion to correct and certify the record and motion for leave to ask questions of constitutional law. Motions denied.

**2012-0362. Tutolo v. Young.**

Lake App. No. 2010-L-118, 2012-Ohio-121. On motion for relief from judgment. Motion denied.

**2012-0477. Columbus City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2011-K-2855. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

Pfeifer, J., dissents.

**2012-0547. Pemberton v. Carter.**

On motion for instanter injunctive relief and request for jurisdiction. Motions denied.

**2012-0976. In re Fuel Adjustment Clauses for Columbus S. Power Co.**

Public Utilities Commission, Nos. 09-872-EL-FAC and 09-873-EL-FAC. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

**2012-0987. Pesci v. Ganshiemer.**

Ashtabula App. No. 2011-A-0049, 2012-Ohio-123. On motion for stay. Motion denied.

**2012-1035. State ex rel. Muhammad v. State.**

Franklin App. No. 11AP-892, 2012-Ohio-2220. On motion for an order to stop payment. Motion denied.

**2012-1050. State v. Strong.**

Hamilton App. Nos. C-100484 and C-100486, 2011-Ohio-4947. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, Lundberg Stratton, and McGee Brown, JJ., dissent.

**2012-1055. State v. Alexander.**

Franklin App. No. 11AP-752, 2012-Ohio-1077. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2012-1062. State v. Cundiff.**

Montgomery App. No. 24171, 2011-Ohio-3414. On motion for leave to file delayed appeal. Motion denied.

**2012-1069. State v. Ikharo.**

Franklin App. No. 10AP-967, 2011-Ohio-2746. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2012-1079. State v. Clark.**

Cuyahoga App. No. 96768, 2012-Ohio-2058. On motion for bail. Motion denied.

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

**2012-1093. State v. Marcum.**

Columbiana App. No. 10 CO 17, 2011-Ohio-6140. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2012-1096. State v. Jillson.**

Hamilton App. No. C-110430, 2012-Ohio-1034. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

**2012-1114. State v. Ybarra.**

Putnam App. No. 12-11-12. On motion for leave to file delayed appeal. Motion denied.

**2012-1118. Studer v. Studer.**

Crawford App. No. 3-11-04, 2012-Ohio-2838. On motion to strike and to vacate stay order. Motion denied.

**2012-1125. Bank of New York Mellon v. Ackerman.**

Montgomery App. No. 24390, 2012-Ohio-956. On motion for stay. Motion denied.

**2012-1130. State v. Speakman.**

Fayette App. No. CA2010-06-013, 2011-Ohio-3430. On motion for leave to file delayed appeal. Motion denied.

**2012-1132. HSBC Mtge. Servs., Inc. v. Ballard.**

Butler App. No. CA2011-05-088, 2012-Ohio-2251. On motion for stay. Motion denied.

**2012-1137. State v. Harris.**

Cuyahoga App. No. 96887, 2011-Ohio-6762. On motion for leave to file delayed appeal. Motion denied.

**2012-1144. State v. Cvijetinovic.**

Cuyahoga App. No. 98232. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

**2012-1177. State v. McDonald.**

Lawrence App. No. 11CA1, 2012-Ohio-1528. On review of an order certifying a conflict. The court determines that a conflict exists. The parties are to brief the following issue stated at page two of the court of appeals' judgment entry of June 13, 2012, but rephrased by the court as follows:

“Is the inclusion of the ‘substantial risk of serious physical harm to persons or property’ language from R.C. 2921.331(C)(5)(a)(ii) sufficient to sustain a third-degree-felony conviction for a violation of R.C. 2921.331(B) when the verdict fails to set forth the degree of the offense and also fails to reference or include language from R.C. 2921.331(B)?”

Pfeifer and O'Donnell, JJ., dissent.

The conflict case is *State v. Schwable*, Henry App. No. 7-09-03, 2009-Ohio-6523.

**2012-1179. State v. Brown.**

Montgomery App. No. 24541, 2012-Ohio-1848. On motion for leave to file delayed appeal. Motion granted.

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

**2012-1188. State v. Miller.**

Hamilton App. No. C-070691, 2008-Ohio-5899. On motion for leave to file delayed appeal. Motion denied.

**2012-1189. State v. Lovett.**

Hamilton App. Nos. C-100147 and C-100148. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.



**2012-1216. State v. Boykin.**

Summit App. Nos. 25752 and 25845, 2012-Ohio-1381. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page two of the court of appeals' entry filed July 5, 2012:

“Whether a pardon conclusively entitles the recipient to have her pardoned convictions sealed?”

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

The conflict case is *State v. Cope*, 111 Ohio App.3d 309, 676 N.E.2d 141 (1996).

Sua sponte, cause consolidated with Supreme Court case No. 2012-0808, *State v. Boykin*.

**2012-1218. State v. Rucker.**

Summit App. No. 26212, 2012-Ohio-2176. On review of an order certifying a conflict. Sua sponte, cause held for the decision in 2011-1664, *State v. Moore*, Cuyahoga App. Nos. 96111 and 96112, 2011-Ohio-4246; cause consolidated with 2012-1097, *State v. Rucker*; and briefing schedule stayed.

Pfeifer, J., dissents.

**2012-1253. State ex rel. Caskey v. Gano.**

Greene App. No. 12CA0036. On motion for stay of execution. Motion denied.

**APPEALS ACCEPTED FOR REVIEW**

**2012-0808. State v. Boykin.**

Summit App. Nos. 25752 and 25845, 2012-Ohio-1381. Discretionary appeal accepted and cause consolidated with 2012-1216, *State v. Boykin*.

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

Pfeifer, J., dissents.

**2012-0819. In re Application of Pariag.**

Franklin App. No. 11AP-569, 2012-Ohio-1376.

Pfeifer and Lanzinger, JJ., dissent.

**2012-0843. State v. Foster.**

Montgomery App. No. 24637, 2012-Ohio-1431. Discretionary appeal accepted; cause held for the decision in 2011-2126, *State v. Howard*; and briefing schedule stayed.

Pfeifer, J., dissents.

**2012-0897. Bank of New York v. Blanton.**

Clermont App. No. CA2011-03-019, 2012-Ohio-1597. Discretionary appeal accepted; cause held for the decision in 2011-1201 and 2011-1362, *Fed. Home Loan Mtge. Corp. v. Schwartzwald*; and briefing schedule stayed.

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

**2012-0915. In re C.T.**

Cuyahoga App. No. 97278, 2012-Ohio-1644. Discretionary appeal accepted; cause held on Proposition of Law No. I for the decision in 2011-2094, *State v. Williams*; cause held on Proposition of Law No. II for the decision in 2012-0098, *State v. Sutton*; and briefing schedule stayed.

Pfeifer, O'Donnell, and McGee Brown, JJ., dissent.

**2012-1097. State v. Rucker.**

Summit App. No. 26212, 2012-Ohio-2176. Discretionary appeal accepted; cause held for the decision in 2011-1664, *State v. Moore*; cause consolidated with 2012-1218, *State v. Rucker*; and briefing schedule stayed.

Pfeifer, J., dissents.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2010-1706. State v. Bethel.**

Franklin App. No. 09AP924, 2010-Ohio-3837. Discretionary appeal not accepted. Motion for stay denied.

**2011-1630. State v. Hill.**

Hamilton App. No. C-100554, 2011-Ohio-3920.

Pfeifer, J., dissents.

**2012-0301. Vanderbilt Mtge. & Fin., Inc. v. Lloyd.**

Holmes App. No. 10 CA 24, 2011-Ohio-4615.

**2012-0421. State v. Johnson.**

Cuyahoga App. No. 97584.

**2012-0526. State v. Whipple.**

Hamilton App. No. C-100700.

**2012-0548. State v. Cardamone.**

Cuyahoga App. No. 96876, 2012-Ohio-270.

**2012-0582. State v. Hall.**

Cuyahoga App. No. 96680, 2012-Ohio-266.  
O'Connor, C.J., and Pfeifer, J., dissent.

**2012-0799. In re Guardianships of I.T.A.**

Belmont App. Nos. 11 BE 27 and 11 BE 29, 2012-Ohio-1689.

**2012-0801. Summit at St. Andrews Home Owners Assn. v. Kollar.**

Mahoning App. No. 11 MA 49, 2012-Ohio-1696. Discretionary appeal not accepted. Motion for strike denied.

**2012-0810. Collette v. Baxter.**

Summit App. No. 25821, 2012-Ohio-1333.  
O'Donnell, J., dissents.

**2012-0812. State v. Miller.**

Lorain App. No. 10CA009922, 2012-Ohio-1263.

**2012-0814. State v. Anderson.**

Morrow App. No. 2011CA0006, 2012-Ohio-1491.

**2012-0818. State v. Blankenburg.**

Butler App. No. CA2010-03-063, 2012-Ohio-1289.

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

**2012-0821. State v. Franklin.**

Geauga App. No. 2010-G-2979, 2012-Ohio-1267.  
O'Donnell, J., dissents.

**2012-0822. State v. Blanda.**

Butler App. No. CA2010-03-050, 2011-Ohio-411.

**2012-0823. Garvey v. Vermilion.**

Lorain App. No. 10CA009873, 2012-Ohio-1258.

**2012-0824. Burden v. Ohio Dept. of Job & Family Servs.**

Franklin App. No. 11AP-832, 2012-Ohio-1552.

**2012-0825. Jones v. Lucas Cty. Sheriff's Med. Dept.**

Lucas App. No. L-11-1196, 2012-Ohio-1398.

**2012-0828. State v. Gilliam.**

Clark App. No. 09CA0075, 2012-Ohio-834.

**2012-0832. Kravetz v. Streetsboro Bd. of Edn.**

Portage App. No. 2011-P-0025, 2012-Ohio-1455.

O'Donnell, J., dissents.

**2012-0834. State v. Halley.**

Gallia App. No. 10CA13, 2012-Ohio-1625.

**2012-0835. State v. McMillan.**

Hamilton App. No. C-110379.

**2012-0837. State v. Allsup.**

Hardin App. No. 6-11-09.

**2012-0840. State v. Lothes.**

Medina App. Nos. 11CA0015-M, 11CA0016-M, and 11CA0017-M, 2012-Ohio-1388.

**2012-0841. State v. Grad.**

Medina App. No. 10CA0003-M, 2012-Ohio-1385.

**2012-0842. Cleveland v. St. Elizabeth Health Ctr.**

Mahoning App. No. 10-MA-151, 2012-Ohio-1472.

**2012-0846. State v. Diggle.**

Auglaize App. No. 2-11-19, 2012-Ohio-1583.

**2012-0848. State v. Perry.**

Lucas App. Nos. L-11-1126 and L-11-1127, 2012-Ohio-1566.

**2012-0849. State v. Washington.**

Lorain App. No. 11CA010042, 2012-Ohio-1391.

**2012-0850. State v. Eal.**

Franklin App. No. 11AP-460, 2012-Ohio-1373.

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

**2012-0851. Sipp v. Hines.**

Mahoning App. No. 11 MA 90.

**2012-0862. State v. Nichols.**

Adams App. No. 11CA912, 2012-Ohio-1608.

**2012-0870. Gracotech, Inc. v. Perez.**

Cuyahoga App. No. 96913, 2012-Ohio-700.

**2012-0871. State v. Chopak.**

Cuyahoga App. No. 96947, 2012-Ohio-1537.

Lanzinger, J., dissents.

**2012-0872. State v. Graham.**

Guernsey App. No. 11 CA 15, 2012-Ohio-1600.

**2012-0875. Jones v. Walker Mfg. Co.**

Cuyahoga App. No. 97301, 2012-Ohio-1546.

Pfeifer, J., dissents.

**2012-0884. State v. Santiago.**

Franklin App. No. 11AP-841, 2012-Ohio-1763.

**2012-0888. Dague v. Dague.**

Lake App. No. 2011-L-076, 2012-Ohio-1582.

**2012-0892. State v. Lenard.**

Cuyahoga App. No. 96975, 2012-Ohio-1636.

**2012-0894. State v. Wilson.**

Montgomery App. Nos. 24461, 24496, and 24501, 2012-Ohio-1660.

**2012-0896. State v. LaCavera.**

Cuyahoga App. No. 96242, 2012-Ohio-800.

O'Donnell, J., dissents.

**2012-0899. Helfrich v. Madison.**

Licking App. No. 2011 CA 26, 2012-Ohio-551.

O'Donnell, J., dissents.

**2012-0901. State v. Ross.**

Summit App. No. 26350.

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

**2012-0903. Bailey v. Topline Restaurants, Inc.**

Franklin App. No. 11AP-359, 2012-Ohio-1759.

Pfeifer, J., dissents.

**2012-0910. State v. Jude.**

Lake App. No. 2011-L-095, 2012-Ohio-1887.

**2012-0911. Davis v. Evans.**

Franklin App. No. 11AP-888, 2012-Ohio-1664.

**2012-0914. State v. Castellini.**

Hamilton App. Nos. C-110445 and C-110446, 2012-Ohio-1603.

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

**2012-0916. Barberton v. Easley.**

Summit App. No. 25517.

**2012-0917. State v. Kelly.**

Portage App. No. 2010-P-0049.

**2012-0920. State v. Burnett.**

Hamilton App. No. C-110565, 2012-Ohio-1631.

O'Donnell, J., dissents.

**2012-0931. State v. Henderson.**

Cuyahoga App. No. 95655, 2012-Ohio-1040.

**2012-0933. State v. Stewart.**

Franklin App. No. 11AP-848, 2012-Ohio-1815.

**2012-0938. State v. Heidrick.**

Cuyahoga App. No. 96822, 2012-Ohio-1739.

**2012-0945. State v. Miller.**

Lawrence App. No. 11CA14, 2012-Ohio-1922.

**2012-0950. State v. Allen.**

Hamilton App. No. C-110493.

**2012-0956. State v. Hart.**

Brown App. No. CA2011-03-008, 2012-Ohio-1896.

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

**2012-0959. State v. Thompson.**

Montgomery App. No. 24794, 2012-Ohio-1778.

**2012-0971. State v. Wright.**

Muskingum App. No. CT2011-0046, 2012-Ohio-1809.

**2012-0972. State v. Delawder.**

Scioto App. No. 10CA3344, 2012-Ohio-1923.

**2012-0979. State v. Hatton.**

Pickaway App. No. 11CA21, 2012-Ohio-2019.

**2012-0980. State v. Williams.**

Cuyahoga App. No. 96813, 2012-Ohio-1830.

**2012-0985. State v. Allen.**

Cuyahoga App. No. 97014, 2012-Ohio-1831.

**2012-0990. State v. Macon.**

Cuyahoga App. No. 96618, 2012-Ohio-1828.

McGee Brown, J., dissents.

**2012-0995. State v. Myers.**

Summit App. No. 25737, 2012-Ohio-1820.

**2012-0997. State v. Sanders.**  
Cuyahoga App. No. 97120, 2012-Ohio-1540.

**2012-1007. State v. Draughon.**  
Franklin App. Nos. 11AP-703 and 11AP-995, 2012-Ohio-1917.

**2012-1014. State v. Logan.**  
Cuyahoga App. No. 97022, 2012-Ohio-1944.

**2012-1025. State v. Aqu-Simmons.**  
Cuyahoga App. No. 98327.  
O'Donnell, J., not participating.

**2012-1038. State v. Dew.**  
Mahoning App. No. 08 MA 62, 2012-Ohio-434.

**2012-1047. State v. Martin.**  
Franklin App. No. 10AP-295.

**2012-1056. State v. Bennett.**  
Brown App. No. CA2011-06-012, 2012-Ohio-2145.

**2012-1061. State v. Gould.**  
Lucas App. No. L-08-1383, 2010-Ohio-3437.  
Lundberg Stratton and Lanzinger, JJ., dissent.

**2012-1063. State v. Gilcreast.**  
Summit App. No. 26428.  
O'Connor, C.J., not participating.

**2012-1064. State v. Holnapy.**  
Lake App. No. 2010-L-072, 2011-Ohio-2995.

**2012-1068. State v. Berry.**  
Franklin App. No. 10AP-1187, 2011-Ohio-6452.

**2012-1077. State v. Werber.**  
Cuyahoga App. No. 97797, 2012-Ohio-2516.



**2012-1122. In re K.N.**

Hamilton App. No. C-120111, 2012-Ohio-2189.

**2012-1157. In re T.S.**

Tuscarawas App. No. 11AP110046, 2012-Ohio-2401. Discretionary appeal not accepted. Motion for stay denied.

**2012-1171. In re B.J.**

Stark App. No. 2011-CA-00277, 2012-Ohio-1913.

**2012-1254. In re J.T.F.**

Greene App. No. 12-CA-03, 2012-Ohio-2105.  
Pfeifer, J., dissents.

**RECONSIDERATION OF PRIOR DECISIONS**

**2011-1097 and 2011-1120. Luri v. Republic Servs., Inc.**

Cuyahoga App. No. 94908, 193 Ohio App.3d 682, 2011-Ohio-2389. Reported at 132 Ohio St.3d 316, 2012-Ohio-2914, 971 N.E.2d 944. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

**2012-0131. State ex rel. Lanham v. Bubp.**

In Mandamus. Reported at 132 Ohio St.3d 1420, 2012-Ohio-2729, 969 N.E.2d 268. On motion for reconsideration. Motion denied.

Lisa L. Sadler, J., of the Tenth Appellate District, sitting for O'Donnell, J.  
Michael T. Hall, J., of the Second Appellate District, sitting for Cupp, J.

**2012-0176. State ex rel. Sizemore v. Ohio Veterinary Med. Licensing Bd.**

Franklin App. No. 11AP-298, 2012-Ohio-63. Reported at 132 Ohio St.3d 296, 2012-Ohio-2725, 971 N.E.2d 926. On motion for reconsideration. Motion denied.

**2012-0417. Romig v. Baker Hi-Way Express, Inc.**

Tuscarawas App. No. 2011AP-02-0008, 2012-Ohio-321. Reported at 132 Ohio St.3d 1409, 2012-Ohio-2454, 968 N.E.2d 491. On motion for reconsideration. Motion fails for want of four votes.

O'Connor, C.J., and Lundberg Stratton and O'Donnell, JJ., would grant the motion.

Pfeifer, Lanzinger, and McGee Brown, JJ., would deny the motion.

Cupp, J., not participating.

**2012-0537. Mays v. Carl L. Mays Trust.**

Huron App. No. H-11-004, 2012-Ohio-618. Reported at 132 Ohio St.3d 1423, 2012-Ohio-2729, 969 N.E.2d 271. On motion for reconsideration. Motion denied.

**2012-0542. State v. Dorsey.**

Licking App. No. 11 CA 39, 2012-Ohio-611. Reported at 132 Ohio St.3d 1424, 2012-Ohio-2729, 969 N.E.2d 271. On motion for reconsideration. Motion denied.  
Pfeifer, and O'Donnell, JJ., dissent.

**2012-0581. Grenga v. Youngstown State Univ.**

Franklin App. No. 11AP-165, 2011-Ohio-5621. Reported at 132 Ohio St.3d 1411, 2012-Ohio-2454, 968 N.E.2d 492. On motion for reconsideration. Motion denied.

**2012-0598. Mota v. Gruszczynski.**

Cuyahoga App. No. 97089, 2012-Ohio-275. Reported at 132 Ohio St.3d 1462, 2012-Ohio-3054, 969 N.E.2d 1230. On motion for reconsideration. Motion denied.

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

**2012-0609. State ex rel. Mansfield Motorsports Speedway, L.L.C. v. Dropsey.**

Richland App. No. 11CA65, 2012-Ohio-968. Reported at 132 Ohio St.3d 1462, 2012-Ohio-3054, 969 N.E.2d 1230. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

**2012-0610. State v. Waite.**

Cuyahoga App. No. 96954, 2012-Ohio-489. Reported at 132 Ohio St.3d 1462, 2012-Ohio-3054, 969 N.E.2d 1230. On motion for reconsideration. Motion denied.

**2012-0619. Meadows v. Air Craft Wheels, L.L.C.**

Cuyahoga App. No. 96782, 2012-Ohio-269. Reported at 132 Ohio St.3d 1462, 2012-Ohio-3054, 969 N.E.2d 1231. On motion for reconsideration. Motion denied.

**2012-0652. Gordon v. Gen. Motors Corp.**

Trumbull App. No. 2010-T-0121, 2012-Ohio-863. Reported at 132 Ohio St.3d 1463, 2012-Ohio-3054, 969 N.E.2d 1231. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

**2012-0701. State v. Hess.**

Montgomery App. No. 24453, 2012-Ohio-961. Reported at 132 Ohio St.3d 1425, 2012-Ohio-2729, 969 N.E.2d 272. On motion for reconsideration. Motion denied.

**2012-0721. In re D.A.**

Lucas App. No. L-11-1197, 2012-Ohio-1104. Reported at 132 Ohio St.3d 1412, 2012-Ohio-2454, 968 N.E.2d 493. On motion for reconsideration. Motion denied.

**2012-0753. State v. Tran.**

Franklin App. No. 11AP-146, 2012-Ohio-1072. Reported at 132 Ohio St.3d 1464, 2012-Ohio-3054, 969 N.E.2d 1231. On motion for reconsideration. Motion denied.