

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

November 9, 2005

[Cite as *11/09/2005 Case Announcements, 2005-Ohio-5859.*]

MERIT DECISIONS WITHOUT OPINIONS

2004-1875. State ex rel. Timken Co. v. Pence.

In Mandamus. On motion to set briefing schedule. On the authority of *State ex rel. Internatl. Paper v. Trucinski*, 106 Ohio St.3d 203, 2005-Ohio-4557, 833 N.E.2d 728, writ denied. Cause dismissed. Motion to set briefing schedule denied as moot.

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

O'Donnell, J., dissents and would set a briefing schedule.

2005-1597. State ex rel. Martin v. Hunt.

In Mandamus. On relator's motion for summary judgment and respondent's motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

2005-1600. State ex rel. Martin v. Hocking Corr. Facility.

In Mandamus. On relator's motion for summary judgment and respondent's motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

2005-1609. State ex rel. Bozsik v. Kimbler.

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

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

2005-1624. State ex rel. Stewart v. Kainrad.

In Mandamus. On motions to dismiss of Joseph R. Kainrad, Alan Petrov, Catherine Davis and Darlene E. White. Motions to dismiss granted. Cause dismissed.

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

2005-1650. Natl. Union Fire Ins. Co. of Pittsburgh v. Cavins.

On Order from the United States District Court for the Middle District of Alabama, Northern Division, Certified Question of State Law, No. 203CV878C. On preliminary memoranda pursuant to S.Ct.Prac.R. XVIII(6). The court declines to answer the certified question.

Resnick, O'Connor, O'Donnell and Lanzinger, JJ., concur.

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

On motion for admission pro hac vice of John W. Dodson by Jeffrey W. Krueger. Motion granted.

2005-1694. State ex rel. Martin v. Leisy.

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

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

2005-1783. State ex rel. Rumph v. Eberlin.

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

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

2005-1792. State ex rel. Williams v. Money.

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

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

2005-1793. State ex rel. Internatl. Union of Operating Engineers, Local 18 v. State Emp. Relations Bd.

In Prohibition. On motion for leave to intervene of Municipal Construction Operators' Labor Council, answer of intervening respondent Municipal

Construction Equipment Operators' Labor Council, and answer of respondent. Motion for leave to intervene granted. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

O'Donnell, J., dissents and would deny the motion to intervene and grant an alternative writ.

2005-1833. Hanson v. Eberlin.

In Habeas Corpus. On petition for writ of habeas corpus of John M. Hanson. Sua sponte, cause dismissed.

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

2005-1846. Taylor v. Wolfe.

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

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

MOTION AND PROCEDURAL RULINGS

2004-0394. State ex rel. Dispatch Printing Co. v. Johnson.

In Mandamus. On motion to release exhibit. Motion granted.

2004-0485. State v. Ketterer.

Butler C.P. No. CR-2003-03-0309. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Butler County. Upon consideration of appellant's motions for supplemental briefing and to enforce order to supplement the record,

IT IS ORDERED by the court that the motions be denied. Further, the court orders, sua sponte, that this court's previous order of July 5, 2005, be modified. In order to preserve the secrecy of grand jury proceedings, the Clerk of the Butler County Court of Common Pleas need not forward the grand jury transcript to this court.

2005-1384. State ex rel. Lakeview Local School Dist. Bd. of Edn. v. Trumbull Cty. Bd. of Commrs.

In Mandamus. On answer of respondent. Sua sponte, alternative writ granted.

2005-1649. State v. Scott.

Cuyahoga App. Nos. 84381, 84382, 84383, 84384 and 84389, 2005-Ohio-3690. On motion for leave to withdraw as counsel and motion for appointment of new counsel. Motions granted.

IT IS ORDERED by the court that Pierre H. Bergeron of Cincinnati, Ohio, is appointed to represent appellee Steven L. Scott on a pro bono basis. Appellee may file a response to the memorandum in support of jurisdiction within 30 days of the date of this entry.

2005-1672. Champlin v. Kraftmaid Cabinetry, Inc.

Trumbull App. No. 2004-T-0052, 2005-Ohio-3772. On motion for stay of lower court proceedings pending appeal. Motion denied.

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

2005-1749. State v. Freeman.

Cuyahoga App. No. 85137, 2005-Ohio-3480. On motion for leave to file delayed appeal. Motion granted.

Resnick, O'Connor and O'Donnell, JJ., dissent.

2005-1750. State v. Beard.

Cuyahoga App. Nos. 84779 and 84780, 2005-Ohio-3417. On motion for leave to file delayed appeal. Motion granted.

Resnick, J., dissents.

2005-1756. State v. Lathan.

Lucas App. No. L-03-1028, 2003-Ohio-5195. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., dissents.

Lanzinger, J., not participating.

2005-1758. State v. Smith.

Stark App. No. 2004CA00316, 2005-Ohio-3292. On motion for leave to file delayed appeal. Motion denied.

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

2005-1763. State v. Herron.

Montgomery App. No. 19894, 2004-Ohio-773. On motion for leave to file delayed appeal. Motion denied.

2005-1764. State v. Farrah.

Franklin App. No. 01AP-968, 2002-Ohio-1918. On motion for leave to file delayed appeal. Motion denied.

2005-1769. State v. Gipson.

Allen App. No. 1-04-84, 2005-Ohio-3886. On motion for leave to file delayed appeal. Motion granted.

Resnick, J., dissents.

2005-1787. State v. McMannis.

Stark App. No. 2002CA00258, 2003-Ohio-1901. On motion for leave to file delayed appeal. Motion denied.

2005-1790. State v. West.

Washington App. No. 04CA37, 2005-Ohio-3485. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2005-1508, *State v. West*, Washington App. No. 04CA37, 2005-Ohio-3485, causes held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

2005-1825. State v. Askew.

Montgomery App. No. 20110, 2005-Ohio-4026. On motion for leave to file delayed appeal. Motion granted.

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

2005-1829. State v. Smith.

Medina App. No. 04CA0042-M, 2005-Ohio-1001. On motion for leave to file delayed appeal. Motion granted.

Resnick, O'Connor and O'Donnell, JJ., dissent.

2005-1838. State v. Falkenstein.

Cuyahoga App. No. 83316, 2004-Ohio-2561. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., dissents.

2005-1840. State v. Covington.

Hamilton App. No. C-040429. On motion for leave to file delayed appeal. Motion granted.

Resnick, J., dissents.

2005-1845. State v. Alexander.

Summit App. No. 22295, 2005-Ohio-2393. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2005-1848. State v. Tomlin.

Hamilton App. No. C-050511. On motion for leave to file delayed appeal. Motion granted.

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

2005-1878. Patio Enclosures, Inc. v. Four Seasons Marketing Corp.

Summit App. No. 22458, 2005-Ohio-4933. On motion for stay of court of appeals' judgment. Motion granted.

Pfeifer, J., dissents.

2005-1905. Richards v. Kerlakian.

Hamilton App. No. C-040825, 2005-Ohio-4414. On motion for stay of court of appeals' judgment. Motion denied.

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

2005-1910. State v. Olekshuk.

Ashtabula App. No. 2004-A-0030, 2005-Ohio-5275. On motion for stay of court of appeals' judgment. Motion granted.

Moyer, C.J., Pfeifer and O'Donnell, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2005-0855. State v. Lee.

Summit App. No. 22262, 2005-Ohio-996. Discretionary appeal accepted; cause held for the decision in 2005-0773, *State v. Stahl*, Summit App. No. 22261, 2005-Ohio-1137; and briefing schedule stayed.

2005-1319. State v. Paynter.

Muskingum App. No. CT2004-0015, 2005-Ohio-2911. Discretionary appeal accepted on Proposition of Law Nos. III and IV; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick and O'Connor, JJ., would also accept on Proposition of Law No. II.

Pfeifer, J., dissents.

2005-1345. State v. Morris.

Highland App. No. 04CA20, 2005-Ohio-2980. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

2005-1347. State v. Buehner.

Cuyahoga App. No. 84985, 161 Ohio App.3d 546, 2005-Ohio-2828.
Resnick, Pfeifer and O'Donnell, JJ., dissent.

2005-1353. State v. Atkins-Boozer.

Cuyahoga App. No. 84151, 2005-Ohio-2666. Discretionary appeal accepted on Proposition of Law No. III; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

2005-1366. State v. Jenkins.

Cuyahoga App. No. 84644, 2005-Ohio-2824. Discretionary appeal accepted on Proposition of Law No. III; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

2005-1393. State v. Kisseberth.

Montgomery App. No. 20500, 2005-Ohio-3059. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

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

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

2005-1399. Anderson v. Nationwide Mut. Fire Ins. Co.

Lucas App. No. L-04-1251, 2005-Ohio-3043. Discretionary appeal accepted on Proposition of Law No. I.

Moyer, C.J., O'Donnell and Lanzinger, JJ., would accept on all Propositions of Law.

Resnick and Pfeifer, JJ., dissent.

2005-1421. State v. Lett.

Cuyahoga App. Nos. 84707 and 84729, 161 Ohio App.3d 274, 2005-Ohio-2665. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

2005-1431. State v. Frazier.

Hancock App. No. 5-04-57, 2005-Ohio-3515. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

2005-1438. Cuyahoga Cty. Bd. of Commrs. v. State.

Cuyahoga App. No. 84305, 162 Ohio App.3d 6, 2005-Ohio-2821.
Resnick and Pfeifer, JJ., dissent.

2005-1449. State v. Hall.

Cuyahoga App. Nos. 84793 and 85364, 2005-Ohio-3421. Discretionary appeal accepted on Proposition of Law No. III; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

2005-1462. In re K.K.

Summit App. No. 22352, 2005-Ohio-3112. Discretionary appeal accepted on Proposition of Law No. II; cause held for the decision in 2004-2031, *In re C.R.*, Cuyahoga App. No. 82891, 2004-Ohio-4465; and briefing schedule stayed.
Pfeifer and O'Donnell, JJ., dissent.

2005-1476. State v. Perkins.

Cuyahoga App. No. 84037. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

2005-1477. State v. Cooper.

Cuyahoga App. No. 84645, 2005-Ohio-3424. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

2005-1508. State v. West.

Washington App. No. 04CA37, 2005-Ohio-3485. Discretionary appeal accepted; cause consolidated with 2005-1790, *State v. West*, Washington App. No. 04CA37, 2005-Ohio-3485; causes held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

2005-1558. State v. Dellinger.

Huron App. No. H-04-016, 2005-Ohio-663. Discretionary appeal accepted on Proposition of Law No. II; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

2005-1583. State v. Harris.

Hamilton App. No. C-040598. Discretionary appeal accepted on Proposition of Law Nos. II and III; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

APPEALS NOT ACCEPTED FOR REVIEW

2005-0692. State v. Grier.

Summit App. No. 22136, 2005-Ohio-716.
Pfeifer, J., dissents.

2005-0861. State v. Kremer.

Putnam App. No. 12-05-01.

2005-0862. State v. Kremer.

Paulding App. No. 11-05-01.

2005-0865. State v. Kremer.

Defiance App. No. 4-05-01.

2005-0883. State v. Quiles.

Cuyahoga App. No. 84293, 2005-Ohio-388.
Pfeifer and O'Donnell, JJ., dissent.

2005-1233. Kemp v. Kemp.

Coshocton App. No. 04CA011, 161 Ohio App.3d 671, 2005-Ohio-3120.

2005-1312. State v. Johnson.

Allen App. No. 1-05-29.

2005-1325. State v. Lawhorn.

Paulding App. No. 11-04-19, 2005-Ohio-2776.

2005-1326. State v. Lawhorn.

Paulding App. No. 11-04-20, 2005-Ohio-2776.

2005-1327. Hammoud v. Cleveland Clinic Found.

Cuyahoga App. No. 84979, 2005-Ohio-2617.

Pfeifer, J., dissents.

2005-1330. Callos Professional Emp., LLC v. Greco.

Mahoning App. No. 04-MA-95, 161 Ohio App.3d 531, 2005-Ohio-2940.

2005-1333. State v. Banna.

Cuyahoga App. Nos. 84901 and 84902, 2005-Ohio-2614.

2005-1335. State v. Michael.

Auglaize App. No. 2-05-07.

2005-1337. State v. Thomas.

Cuyahoga App. No. 85155, 2005-Ohio-2631.

2005-1339. State v. Young.

Knox App. No. 05CA14.

2005-1342. Smith v. Cooper.

Gallia App. No. 04CA12, 2005-Ohio-2979.

2005-1344. Canton v. Koury.

Stark App. No. 2004CA00043, 2005-Ohio-3193.

O'Connor, J., not participating.

2005-1350. Reno v. Concrete Coring, Inc.

Montgomery App. No. 20650, 2005-Ohio-3062.

2005-1352. Abon, Ltd. v. Transcontinental Ins. Co.

Richland App. No. 2004CA0029, 2005-Ohio-3052.

2005-1360. State v. Kittle.

Athens App. No. 04CA41, 2005-Ohio-3198.

2005-1365. Poulton v. Am. Economy Ins. Co.

Stark App. Nos. 2004CA00226 and 2004CA00228, 2005-Ohio-3123.

Pfeifer and O'Connor, JJ., dissent.

Moyer, C.J., dissents and would accept the discretionary appeal and hold the cause for the decision in 2005-0078 and 2005-0457, *Sheaffer v. Westfield Ins. Co.*, Holmes App. No. 03CA006, 2004-Ohio-6755.

2005-1368. State v. Church.

Morgan App. Nos. CA03-007 and CA04-010, 161 Ohio App.3d 589, 2005-Ohio-2984.

Moyer, C.J., Lundberg Stratton and O'Donnell, JJ., dissent.

2005-1371. Coventry v. Ghee.

Licking App. No. 2004CA85.

2005-1373. State ex rel. Midlam v. Greenville City School Dist. Bd. of Edn.

Darke App. No. 1648, 161 Ohio App.3d 696, 2005-Ohio-3061.

Lanzinger, J., dissents.

2005-1374. Whiteside v. Johnson Controls, Inc.

Butler App. No. CA2004-10-266.

Lundberg Stratton, J., dissents.

2005-1375. Signer v. Signer.

Cuyahoga App. No. 86512. Discretionary appeal not accepted. Motion for stay denied as moot.

2005-1376. Layne v. Jenison.

Stark App. No. 2004CA00236, 2005-Ohio-2988.

O'Donnell, J., dissents.

2005-1377. Dieble v. Auto Owners Ins. Co.

Stark App. No. 2004CA00339, 2005-Ohio-2991.

2005-1381. Knipp v. Lawrence Cty. Bd. of Commrs.

Lawrence App. No. 04CA34, 2005-Ohio-3103.

2005-1382. Non-Employees of Chateau Estates Resident Assn. v. Chateau Estates, Ltd.

Clark App. Nos. 2005-CA-02, 2005-CA-33 and 2005-CA-5, 162 Ohio App.3d 453, 2005-Ohio-3739.

O'Donnell, J., dissents.

2005-1385. State v. McGee.

Lorain App. No. 04CA008600, 2005-Ohio-2815.

2005-1387. S.B. Carts, Inc. v. Put-In-Bay.

Ottawa App. No. OT-04-039, 161 Ohio App.3d 691, 2005-Ohio-3065.

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

2005-1389. State v. Nawash.

Cuyahoga App. No. 85032, 2005-Ohio-3012.

O'Donnell, J., dissents.

2005-1392. State v. Ward.

Hamilton App. No. C-040379, 2005-Ohio-3036.

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

2005-1394. State v. Broadnax.

Hamilton App. No. C-040375, 2005-Ohio-3035.

2005-1395. State v. Smittle.

Ross App. No. 05CA2827, 2005-Ohio-3577.

2005-1396. State v. McDonald.

Ross App. No. 04CA2806, 2005-Ohio-3503.

2005-1397. LeMay v. Seckler.

Ottawa App. No. OT-04-032, 2005-Ohio-3068.

2005-1398. Wahab Janitorial Serv. v. P.M. Group Mgt.

Hamilton App. No. C-040660, 161 Ohio App.3d 632, 2005-Ohio-3037.

2005-1402. Harwood v. Pappas & Assoc., Inc.

Cuyahoga App. No. 84761, 2005-Ohio-2442.

2005-1403. Avanesyan v. King.

Summit App. No. 22325, 2005-Ohio-2966.

Pfeifer, J., dissents.

2005-1404. State v. Tarver.

Stark App. No. 2005-CA-00019, 2005-Ohio-3119.

2005-1406. Estate of Haas v. Grange Mut. Cas. Co.

Hamilton App. No. C-040742, 161 Ohio App.3d 623, 2005-Ohio-3031.

Pfeifer, J., dissents.

2005-1407. Horning v. Ohio Dept. of Job & Family Serv.

Tuscarawas App. No. 2004 AP 11 0069, 2005-Ohio-3249.

Resnick and Pfeifer, JJ., dissent.

2005-1409. State v. Gaines.

Hamilton App. No. C-040123.

2005-1410. State v. Banks.

Hamilton App. Nos. C-040437 and C-040503, 2005-Ohio-3069.

2005-1415. Capeheart v. O'Brien.

Hamilton App. No. C-040223, 2005-Ohio-3033.

2005-1417. State v. Wilhelm.

Knox App. Nos. 04 CA 000016 and 04 CA 000017, 2005-Ohio-3250.

O'Donnell, J., dissents.

2005-1420. Adams v. Van Wert Cty. Hosp.

Van Wert App. No. 15-05-01, 2005-Ohio-3078. Discretionary appeal not accepted.

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

Motion to consolidate denied as moot.

2005-1422. State v. Campbell.

Ashtabula App. No. 2003-A-0056, 2005-Ohio-3091.

2005-1424. State v. Young.

Erie App. No. E-04-013, 2005-Ohio-3369.

2005-1429. Winters v. Hart.

Ottawa App. No. OT-04-052, 162 Ohio App.3d 15, 2005-Ohio-3367.

O'Connor, J., dissents.

2005-1441. State v. Pumerano.

Cuyahoga App. No. 85146, 2005-Ohio-2833.

Moyer, C.J., dissents.

2005-1456. Hillis v. Humphrey.

Perry App. No. 05CA6, 2005-Ohio-3459.

2005-1460. State v. Kennedy.

Cuyahoga App. No. 85086, 161 Ohio App.3d 127, 2005-Ohio-2461.

2005-1465. State v. Garrett.

Richland App. No. 03-CA-49, 2004-Ohio-2231.

2005-1466. State v. Staab.

Lorain App. No. 04CA008612, 2005-Ohio-3323.

2005-1475. State v. Llanderal-Raya.

Medina App. No. 04CA0079-M, 2005-Ohio-3306.

2005-1484. Lake Cty. Treasurer v. Parcels of Land Encumbered with Tax Liens.

Lake App. No. 2004-L-046, 2005-Ohio-3260.

2005-1490. Johnson v. Ferguson-Ramos.

Franklin App. No. 04AP-1180, 2005-Ohio-3280.

2005-1510. Pavlich v. Pavlich.

Summit App. No. 22357, 2005-Ohio-3305.

Lundberg Stratton, J., dissents.

2005-1520. State v. Banks.

Cuyahoga App. No. 85079, 2005-Ohio-3433.

2005-1521. State v. Baddley.

Summit App. No. 22790.

2005-1528. State v. Woods.

Cuyahoga App. No. 84993, 2005-Ohio-3425.

2005-1559. State v. Jones.

Butler App. No. CA200506136, 2005-Ohio-4192. Discretionary appeal not accepted. The court determines that the issues raised on appeal are moot.

Lundberg Stratton, J., dissents.

Resnick, J., not participating.

2005-1579. State v. Payne.

Franklin App. Nos. 02AP-723 and 02AP-725, 2003-Ohio-4891.

2005-1580. State v. Glavic.

Lake App. No. 2001-L-177, 2003-Ohio-6961.

2005-1655. State v. Vlahopoulos.

Cuyahoga App. No. 82035, 154 Ohio App.3d 450, 2003-Ohio-5070 and 2005-Ohio-4287.

O'Donnell, J., not participating.

2005-1721. State v. Bostick.

Cuyahoga App. No. 82933, 2004-Ohio-1902 and 2005-Ohio-4003.

2005-1864. In re Adoption of Geis.

Harrison App. No. 05 HA 574, 2005-Ohio-4378. Discretionary appeal not accepted.

Pfeifer, J., dissents.

On motion for admission pro hac vice of Gerald Wallace by Michael R. Voorhees. Motion granted.

2005-1884. In re Moon.

Hamilton App. No. C-050280.

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

RECONSIDERATION OF PRIOR DECISIONS

2005-0978. State v. Wallace.

Cuyahoga App. No. 84808, 160 Ohio App.3d 528, 2005-Ohio-1746. Reported at 106 Ohio St.3d 1509, 2005-Ohio-4605, 833 N.E.2d 1250. On motion for reconsideration. Motion denied.

2005-1616. State ex rel. N. Main St. Coalition v. Webb.

In Mandamus. Reported at 106 Ohio St.3d 437, 2005-Ohio-5009, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.