

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 9, 2008

[Cite as *04/09/2008 Case Announcements*, 2008-Ohio-1635.]

MERIT DECISIONS WITH OPINIONS

2006-0295. State v. White, Slip Opinion No. 2008-Ohio-1623.

Summit App. No. 22591, 2005-Ohio-6990. Judgment reversed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Toole, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Colleen Mary O'Toole, J., of the Eleventh Appellate District, sitting for O'Connor, J.

2006-2139 and 2006-2250. State v. Colon, Slip Opinion No. 2008-Ohio-1624.

Cuyahoga App. No. 87499, 2006-Ohio-5335. Certified question answered in the negative and judgment reversed.

Moyer, C.J., and Pfeifer, O'Connor, and Wolff, JJ., concur.

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

William H. Wolff Jr., J., of the Second Appellate District, sitting for Cupp, J.

2006-2220 and 2006-2311. Nasal v. Dover, Slip Opinion No. 2008-Ohio-1592.

Miami App. No. 2006-CA-9, 169 Ohio App.3d 262, 2006-Ohio-5584. Certified question answered in the affirmative and judgment affirmed.

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

O'Donnell, J., dissents.

2007-0210. State ex rel. Gen. Motors Corp. v. Indus. Comm., Slip Opinion No. 2008-Ohio-1593.

Franklin App. No. 06AP-373, 2006-Ohio-6786. Judgment affirmed.

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

2007-0550. Dublin City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision, Slip Opinion No. 2008-Ohio-1588.

Board of Tax Appeals, No. 2005-B-638. Decision affirmed.

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

Pfeifer, J., concurs in judgment only.

2007-0595 and 2007-0651. State v. Cabrales, Slip Opinion No. 2008-Ohio-1625.

Hamilton App. No. C-050682, 2007-Ohio-857. Certified question answered in the affirmative and judgment affirmed.

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

Fain, J., concurs in judgment.

Mike Fain, J., of the Second Appellate District, sitting for Lanzinger, J.

2007-0615. Rhodes v. Hamilton Cty. Bd. of Revision, Slip Opinion No. 2008-Ohio-1595.

Board of Tax Appeals, No. 2005-M-1098. Decision affirmed.

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

Pfeifer, J., concurs in judgment only.

2007-0637 and 2007-0639. State v. Mutter, Slip Opinion No. 2008-Ohio-1591.

Montgomery App. No. 21374, 171 Ohio App.3d 563, 2007-Ohio-1052. Certified question answered in the affirmative and judgment affirmed.

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

O'Donnell, J., dissents.

2007-1839. State ex rel. White v. Billings, Slip Opinion No. 2008-Ohio-1590.

Clermont App. No. CA2006-09-072, 2007-Ohio-4356. Judgment reversed.

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

O'Donnell, J., dissents.

2007-1952. Disciplinary Counsel v. Sabol, Slip Opinion No. 2008-Ohio-1594.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-001. John Alfred Sabol, Attorney Registration No. 0019637, is suspended from the practice of law in Ohio for six months.

Moyer, C.J., and O'Connor, O'Donnell, and Lanzinger, JJ., concur.

Pfeifer, Lundberg Stratton, and Cupp, JJ., dissent and would stay the six-month suspension.

2007-2121. Franklin Cty. Pros. Atty. v. Walker, Slip Opinion No. 2008-Ohio-1589.

Franklin App. No. 07AP-165, 2007-Ohio-5095. Discretionary appeal accepted on Proposition of Law No. I and judgment reversed.

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

O'Donnell, J., dissents.

MERIT DECISIONS WITHOUT OPINIONS

2008-0028. State ex rel. Jackson v. Stuard.

In Mandamus and Procedendo. On answer of respondent. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

2008-0224. State ex rel. Davis v. Gaul.

In Mandamus. On respondents' motion to dismiss and relator's motion to strike motion to dismiss. Motion to dismiss granted. Motion to strike denied. Cause dismissed.

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

2008-0374. Moore v. Brunsman.

In Habeas Corpus. On petition for writ of habeas corpus of William J. Moore. Sua sponte, cause dismissed.

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

2008-0424. Miller v. Smith.

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

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

2008-0432. In re James.

In Habeas Corpus. On petition for writ of habeas corpus of Paul Joseph James. Sua sponte, cause dismissed.

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

2008-0435. Seay v. Thomas.

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

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

2008-0438. Numbers v. Lamneck.

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

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

2008-0450. Derkson v. Brunsman.

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

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

MOTION AND PROCEDURAL RULINGS

2007-1829. Cesarespada v. Bandlow.

Cuyahoga App. No. 88835, 2007-Ohio-4062. On appellants' motion for compliance with Article IV(2)(C) of the Ohio Constitution and appellee's motion to strike appellants' motion. Appellants' motion denied. Appellee's motion denied as moot.

2008-0372. State v. Konkel.

Summit App. No. 23592, 2007-Ohio-6186. On motion for leave to file delayed appeal. Motion granted.

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

2008-0375. Mandelbaum v. Mandelbaum.

Montgomery App. No. 21817, 2007-Ohio-6138. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 6 of the court of appeals' Decision and Entry filed January 29, 2008:

“May a trial court modify spousal support under R.C. 3105.18 without finding that: (1) a substantial change in circumstances has occurred; and (2) the change was not contemplated at the time of the original decree?”

The conflict cases are *Kingsolver v. Kingsolver*, Summit App. No. 21773, 2004-Ohio-3844, *Buchal v. Buchal*, Lake App. No. 2005-L-095, 2006-Ohio-3879, and *Tsai v. Tien*, 162 Ohio App.3d 89, 2005-Ohio-3520, 832 N.E.2d 809.

Sua sponte, cause consolidated with 2007-2422, *Mandelbaum v. Mandelbaum*, Montgomery App. No. 21817, 2007-Ohio-6138.

2008-0381. State v. Cortez.

Lucas App. No. L-05-1112, 2007-Ohio-96. On motion for leave to file delayed appeal. Motion denied.

2008-0382. State v. Straugh.

Hamilton App. No. C-061024. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2008-0383. State v. Goens.

Butler App. No. CA2006-10-261, 2007-Ohio-1888. On motion for leave to file delayed appeal. Motion denied.

2008-0385. State v. Wilson.

Butler App. No. CA2006-09-218. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2008-0393. State v. Bell.

Mahoning App. No. 06-MA-82, 2007-Ohio-6924. On motion for leave to file delayed appeal. Motion granted.

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

2008-0401. In re T.R.

Montgomery App. No. 22291, 2007-Ohio-6593. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the

issue stated at page 1 of the court of appeals' Decision and Entry filed February 4, 2008:

“Does R.C. 2151.413(E) require a children services board to file an adoption plan with the court, prior to the court granting permanent custody of a minor child.”

O'Donnell, J., dissents.

The conflict cases are *In re McCutchen* (Mar. 8, 1991), Knox App. No. 90-CA-25, and *In re Cavender* (Mar. 9, 2001), Madison App. No. CA2000-06-37.

2008-0403. Safeco Ins. Co. of Am. v. Fed. Ins. Co.

Hamilton App. No. C-070074, 2007-Ohio-7068. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issues stated at page 2 of the court of appeals' Order filed February 13, 2008:

1. “When an insurance policy defines an ‘occurrence’ as an ‘accident’ that results in bodily injury, does an ‘occurrence’ include injuries that result from an intentional act when the insured seeking coverage are claimed to have been negligent in relation to that intention act?”

2. “When an insurance policy excludes an injury ‘which is expected or intended by [an or any] insured * * *’; injuries ‘arising out of an illegal act committed by or at the direction of an insured’; or ‘any injury caused by a violation of penal law or ordinance committed by or with the knowledge or consent of any insured,’ do the exclusions become ambiguous when read in conjunction with a ‘Severability of Insurance’ condition, in light of the announced expectation by policyholders that their negligence will be covered?”

Pfeifer, J., dissents.

The conflict cases are *Torres v. Gentry*, Ashland App. No. 06 COA 038, 2007-Ohio-4781 (as to the first issue), and *United Ohio Ins. Co. v. Metzger* (Feb. 8, 1999), Putnam App. No. 12-98-1 (as to the second issue).

Sua sponte, cause consolidated with 2008-0304, *Safeco Ins. Co. of Am. v. Fed. Ins. Co.*, Hamilton App. No. C-070074, 2007-Ohio-7068.

The motion to dismiss is denied.

2008-0419. State v. Person.

Hamilton App. No. C-060656, 174 Ohio App.3d 287, 2007-Ohio-6869. On motion for leave to file delayed appeal. Motion granted.

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

2008-0426. State v. Hill.

Muskingum App. No. CT07-23, 2007-Ohio-6763. On motion for leave to file delayed appeal. Motion granted.

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

2008-0428. State v. Clark.

Franklin App. Nos. 07AP-878 and 07AP-879. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2008-0429. State v. Sanchez.

Greene App. No. 06-CA-154, 2007-Ohio-6697. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 2 of the court of appeals' Decision and Entry filed February 6, 2008:

“Pursuant to [*State v.*] *Foster* [109 Ohio St.3d 1, 2006-Ohio-856], has R.C. 2929.14(D)(3)(b) been severed in its entirety, thereby precluding a trial court from imposing an additional sentence upon a person found to be a major drug offender? Alternatively, has the court's decision in *Foster* severed only the violative portion of R.C. 2929.14(D)(3)(b) that required the trial court to engage in judicial fact finding before imposing an add-on sentence?”

The conflict cases are *State v. Pena*, Franklin App. No. 06AP-688, 2007-Ohio-4516, and *State v. Foster*, Wood App. No. WD-06-013, 2007-Ohio-1524.

Sua sponte, cause consolidated with 2008-0215, *State v. Sanchez*, Greene App. No. 06-CA-154, 2007-Ohio-6697.

2008-0433. State v. Ramsey.

Lorain App. No. 06CA009074, 2007-Ohio-6687. On motion for leave to file delayed appeal. Motion denied.

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

2008-0436. State v. Lewis.

Greene App. No. 2006CA0119, 2007-Ohio-6607. On motion for leave to file delayed appeal. Motion denied.

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

2008-0448. State v. Ramos.

Geauga App. No. 2007-G-2773, 2007-Ohio-6934. On motion for leave to file delayed appeal. Motion granted.

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

2008-0496. State v. Harsh.

Butler App. No. CA2007-03-083. On first and second motions for emergency stay of the court of appeals' judgment. Motions denied.

2008-0557. Carrion v. Beightler.

In Habeas Corpus. On petition for writ of habeas corpus of Jose Antonio Carrion.

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

Respondent shall file a return of writ within 21 days of service of the petition and petitioner may file a response within ten days after the return is filed. Petitioner's physical presence before the court will not be required.

APPEALS ACCEPTED FOR REVIEW

2007-2373. State v. Boswell.

Cuyahoga App. Nos. 88292 and 88293, 2007-Ohio-5718.

O'Donnell and Lanzinger, JJ., would also hold the cause for the decision in 2007-0983 and 2007-1047, *State v. Clark*, Ashtabula App. No. 2006-A-0004, 2007-Ohio-1780.

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

2007-2422. Mandelbaum v. Mandelbaum.

Montgomery App. No. 21817, 2007-Ohio-6138. Discretionary appeal accepted and cause consolidated with 2008-0375, *Mandelbaum v. Mandelbaum*, Montgomery App. No. 21817, 2007-Ohio-6138.

2007-2443. State v. Pasqualone.

Ashtabula App. No. 2007-A-0005, 2007-Ohio-6725.

O'Connor, J., would accept the appeal and remand the cause for application of *State v. Crager*, 116 Ohio St.3d 369, 2007-Ohio-6840, 879 N.E.2d 745.

Pfeifer, J., dissents.

Cupp, J., not participating.

2008-0215. State v. Sanchez.

Greene App. No. 06-CA-154, 2007-Ohio-6697. Discretionary appeal accepted and cause consolidated with 2008-0429, *State v. Sanchez*, Greene App. No. 06-CA-154, 2007-Ohio-6697.

2008-0304. Safeco Ins. Co. of Am. v. Fed. Ins. Co.

Hamilton App. No. C-070074, 2007-Ohio-7068. Discretionary appeal accepted on Proposition of Law Nos. I and II and cause consolidated with 2008-0403, *Safeco Ins. Co. of Am. v. Fed. Ins. Co.*, Hamilton App. No. C-070074, 2007-Ohio-7068.

Lundberg Stratton and Lanzinger, JJ., would also accept the appeal on Proposition of Law No. III.

Pfeifer, J., dissents.

2008-0391. State v. Clardy.

Hamilton App. No. C-060527, 2007-Ohio-4193. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2007-0325, *State v. Davis*, Hamilton App. No. C-040665, 2006-Ohio-3171; and briefing schedule stayed.

O'Connor, O'Donnell, and Lanzinger, JJ., would also accept the appeal on all other Propositions of Law.

Pfeifer and Cupp, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2007-2318. Haught v. Payne.

Clinton App. No. CA2007-08-034.

2007-2321. Telxon Corp. v. SmartMedia of Delaware, Inc.

Summit App. Nos. 22098 and 22099.

O'Donnell, J., not participating.

2007-2323. State v. Sorah.

Clermont App. No. CA2006-08-056, 2007-Ohio-5898.

Lundberg Stratton, J., dissents.

2007-2345. Chase Manhattan Mtge Corp. v. Smith.

Hamilton App. No. C-061069, 2007-Ohio-5874.

2007-2350. Nunn v. Cornyn.

Warren App. Nos. CA2006-08-098, CA2006-10-123, and CA2006-08-099, 2007-Ohio-5894. Discretionary appeal and cross-appeal not accepted.

2007-2351. Washington Mut. Bank v. Smith.

Cuyahoga App. No. 90507.

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

2007-2355. Hostottle v. Nationwide Mut. Ins. Co.

Cuyahoga App. No. 89036, 2007-Ohio-5857.
Pfeifer, J., dissents.

2007-2363. Hamilton v. Kirby.

Warren App. No. CA2006-06-071, 2007-Ohio-5901.

2007-2365. Lawrence Twp. Bd. of Twp. Trustees v. Canal Fulton.

Stark App. No. 2007-CA-00010, 2007-Ohio-6115.

2007-2368. State v. Mobley.

Fairfield App. No. 07-CA-26, 2007-Ohio-6101.

2007-2369. State v. Messer.

Clermont App. No. CA2006-10-084, 2007-Ohio-5899.

2007-2374. State v. Harris.

Cuyahoga App. No. 89559, 2007-Ohio-6080.

2007-2375. State v. Turner.

Cuyahoga App. No. 88958, 2007-Ohio-5732.

2007-2382. Shanton v. United Ohio Ins. Co.

Pike App. No. 07CA766, 2007-Ohio-6379.

Pfeifer, J., dissents.

2007-2385. State v. Evans.

Summit App. No. 23649, 2007-Ohio-5934.

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

2007-2392. State v. Lacey.

Richland App. No. 2006-CA-115, 2007-Ohio-6110.

2007-2393. Marks v. Swartz.

Trumbull App. No. 2007-T-0008, 2007-Ohio-6009.

Moyer, C.J., dissents.

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

2007-2394. Lias v. Beekman.

Franklin App. No. 06AP-1134, 2007-Ohio-5737. Discretionary appeal not accepted. Motion for new trial and hearing denied.

2007-2400. Turner v. Wooster Community Hosp.
Wayne App. No. 07CA0064.

2007-2401. Ohio Dept. of Taxation v. Diefenbaugh.
Lucas App. No. L-07-1056, 2007-Ohio-5996.

2007-2402. Landwehr v. Batavia.

Clermont App. No. CA2007-01-005, 173 Ohio App.3d 599, 2007-Ohio-6035.

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

Lundberg Stratton and Lanzinger, JJ., dissent.

2007-2403. State v. Baccus.

Lucas App. No. L-06-1310, 2007-Ohio-5991.

2007-2407. State v. Cortez.

Lucas App. No. L-07-1063, 2007-Ohio-6360.

2007-2411. State v. Magnusson.

Lake App. No. 2006-L-263, 2007-Ohio-6010.

2007-2413. Fickes v. Kirk.

Trumbull App. No. 2006-T-0094, 2007-Ohio-6011.

2007-2415. State v. Silverman.

Franklin App. Nos. 06AP-1278, 06AP-1279, and 06AP-1280, 2007-Ohio-6498.

2007-2416. State v. Hubbard.

Butler App. No. CA2006-09-216, 2007-Ohio-6029.

2007-2417. State v. Harris.

Cuyahoga App. No. 90618.

2007-2421. Cyphers v. Balzer.

Montgomery App. No. 22182, 2007-Ohio-6133.

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

2007-2423. Kallergis v. Quality Mold, Inc.

Summit App. Nos. 23651 and 23736, 2007-Ohio-6047.

Lundberg Stratton, J., dissents.

2007-2428. Masek v. Marroulis.

Trumbull App. No. 2007-T-0034, 2007-Ohio-6159.

2007-2430. Chromik v. Kaiser Permanente.

Cuyahoga App. No. 89088, 2007-Ohio-5856.

Pfeifer, J., dissents.

O'Donnell, J., dissents and would accept the appeal and hold the cause for the decision in 2007-1529, *Fletcher v. Univ. Hosps. of Cleveland*, Cuyahoga App. No. 88573, 172 Ohio App.3d 153, 2007-Ohio-2778.

2007-2432. State v. McShepard.

Lorain App. No. 07CA009118, 2007-Ohio-6006.

2007-2434. State v. Slagle.

Montgomery App. No. 22364.

2007-2435. State ex rel. Ridge Club v. Amberley Village.

Hamilton App. No. C-070012, 2007-Ohio-6089.

Lundberg Stratton, J., dissents.

2007-2436. Cooper v. Meijer Stores Ltd. Partnership.

Franklin App. No. 07AP-201, 2007-Ohio-6086.

2007-2437. State v. Foster.

Franklin App. No. 07AP-419, 2007-Ohio-6279.

2007-2439. State v. Aguilar.

Defiance App. No. 4-07-15, 2007-Ohio-6017.

2007-2444. Basie v. Mt. Sinai Med. Ctr.

Cuyahoga App. No. 89852, 2007-Ohio-6060.

Cupp, J., dissents.

2007-2445. State v. Constable.

Clermont App. No. CA2006-12-107, 2007-Ohio-6570.

2007-2446. State v. Marshall.

Lawrence App. No. 06CA23, 2007-Ohio-6298.

2007-2447. State v. Belcher.

Cuyahoga App. No. 89254, 2007-Ohio-6317.

2007-2448. Rose v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 07AP-472, 173 Ohio App.3d 767, 2007-Ohio-6184.
Discretionary appeal not accepted. Motion for stay of jurisdictional consideration denied.

2007-2449. State v. Haynes

Franklin App. No. 07AP-508, 2007-Ohio-6540.

2007-2451. State v. Blacker.

Guernsey App. No. 07 CA 3, 2007-Ohio-6103.

2007-2452. State v. Caudill.

Ashland App. No. 06 COA 42, 2007-Ohio-6175.

Lundberg Stratton, J., dissents.

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

2007-2453. Shooter v. Perella.

Lucas App. No. L-07-1066, 2007-Ohio-6122.

2007-2458. State v. Reynolds.

Richland App. No. 06CA101, 2007-Ohio-6473.

2008-0001. Marshall v. Colonial Ins. Co. of California.

Trumbull App. No. 2007-T-0013, 2007-Ohio-6248.

O'Donnell, J., dissents.

2008-0003. State v. Copeland.

Butler App. No. CA2007-02-039, 2007-Ohio-6168.

2008-0004. State v. Leach.

Hamilton App. No. C-070136.

2008-0006. State ex rel. Dann v. Norton Environmental Co.

Wayne App. No. 07CA0009, 2007-Ohio-6148.
O'Donnell, J., dissents.

2008-0018. Graceworks Lutheran Servs. v. Hamilton.

Butler App. Nos. CA2007-01-015 and CA2007-01-030, 2007-Ohio-6167.
Pfeifer, J., dissents.

2008-0042. State v. Snow.

Hamilton App. No. C-060963, 2007-Ohio-6338.

2008-0049. State v. Rigsbee.

Champaign App. No. 06-CA-41, 174 Ohio App.3d 12, 2007-Ohio-6267.

2008-0055. State v. Sprowls.

Lake App. No. 2007-L-049, 2007-Ohio-6408.

2008-0062. State v. Traore.

Hamilton App. No. C-060802, 2007-Ohio-6334.

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

2008-0063. Arrow Uniform Rental, LP v. Longazel.

Cuyahoga App. No. 90599.

O'Connor, J., dissents and would accept the appeal and hold the cause for the decision in 2007-1345, *Pattison v. W.W. Grainger, Inc.*, Cuyahoga App. No. 88556, 2007-Ohio-3081.

2008-0078. State v. Sage.

Montgomery App. No. 22078, 2007-Ohio-6353.

Moyer, C.J., dissents.

2008-0083. State v. Keeton.

Richland App. No. 2007-CA-13, 2007-Ohio-6342.

Moyer, C.J., dissents and would accept the appeal on Proposition of Law No. IV.

2008-0086. State v. Walker.

Hamilton App. No. C-060910, 2007-Ohio-6337.

2008-0087. State v. Rutan.

Franklin App. No. 07AP-626, 2007-Ohio-6507.

2008-0088. Fugett v. Colman.

Marion App. No. 9-07-32.

2008-0089. State v. Tompkins.

Hamilton App. No. C-060975.

2008-0092. Kuchmar v. Nationwide Mut. Ins. Co.

Hamilton App. No. C-060886.

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

2008-0097. State v. Braun.

Washington App. No. 07CA15, 2007-Ohio-6443.

2008-0100. State v. Wilson.

Hamilton App. No. C-061000, 2007-Ohio-6339.

O'Donnell and Cupp, JJ., dissent.

2008-0113. State v. Broadnax.

Montgomery App. No. 21844, 2007-Ohio-6584.

O'Donnell, J., dissents.

2008-0123. State v. Moton.

Richland App. No. 2006 CA 0081, 2007-Ohio-6796.

2008-0148. State v. Hamilton.

Butler App. No. CA2007-03-084.

2008-0178. State v. Damron.

Ross App. No. 06CA2903, 2007-Ohio-1187.

2008-0297. State v. Taylor.

Hamilton App. No. C-070026, 2007-Ohio-7066.

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

2008-0333. State v. Vinson.

Cuyahoga App. Nos. 87056, 87058, and 87060, 2006-Ohio-3971 and 2008-Ohio-137.

2008-0378. State v. Townsend.

Cuyahoga App. No. 88065, 2007-Ohio-2370 and 2007-Ohio-6638.

Lanzinger, J., dissents and would accept the appeal and hold the cause for the decision in 2007-0325, *State v. Davis*, Hamilton App. No. C-040665, 2006-Ohio-3171.

2008-0384. Dantzig v. Biron.

Highland App. No. 07CA1, 2008-Ohio-209.

RECONSIDERATION OF PRIOR DECISIONS

2007-1945. State v. Pina.

Hancock App. No. 5-06-55, 2007-Ohio-4486. Reported at 116 Ohio St.3d 1507, 2008-Ohio-381, 880 N.E.2d 483. On motion for reconsideration. Motion denied.

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

Cupp, J., not participating.

2007-1948. Djukic v. Turner.

Cuyahoga App. No. 88849, 2007-Ohio-4433. Reported at 116 Ohio St.3d 1507, 2008-Ohio-381, 880 N.E.2d 483. On motion for reconsideration. Motion denied.

2007-2115. State v. Isaac.

Ashland App. No. 06 COA 44, 2007-Ohio-5134. Reported at 116 Ohio St.3d 1509, 2008-Ohio-381, 880 N.E.2d 484. On motion for reconsideration. Motion denied.

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

2007-2212. State ex rel. Martin v. Chief Inspector.

In Mandamus. Reported at 116 Ohio St.3d 1504, 2008-Ohio-381, 880 N.E.2d 481. On motion for reconsideration. Motion denied.

2007-2387. State v. Christian.

Cuyahoga App. No. 79789. Reported at 116 Ohio St.3d 1505, 2008-Ohio-381, 880 N.E.2d 481. On motion for reconsideration. Motion denied.