

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

October 5, 2005

[Cite as *10/05/2005 Case Announcements*, 2005-Ohio-5146.]

MERIT DECISIONS WITH OPINIONS

2003-2168. Berea City School Dist. Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision, 2005-Ohio-4979.

Board of Tax Appeals, Nos. 2003-J-143, 2003-J-144, and 2003-J-1150. Decision reversed and cause remanded.

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

Moyer, C.J., and Pfeifer, J., concur in judgment only.

2004-0261. Sandusky Dock Corp. v. Jones, 2005-Ohio-4982.

Franklin App. No. 03AP-98, 2003-Ohio-7027. Judgment affirmed.

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

2004-0304. Johnson v. Microsoft Corp., 2005-Ohio-4985.

Hamilton App. No. C-020564, 155 Ohio App.3d 626, 2003-Ohio-7153. Judgment affirmed.

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

Moyer, C.J., and Bryant, J., dissent.

Peggy Bryant, J., of the Tenth Appellate District, sitting for Pfeifer, J.

2004-0594. Athens Cty. Aud. v. Wilkins, 2005-Ohio-4986.

Board of Tax Appeals, No. 2002-A-1152. Decision affirmed.

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

2005-0289. Columbus Bar Assn. v. Watson, 2005-Ohio-4983.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 04-045. James E. L. Watson, Attorney Registration No. 0039585, is suspended from the practice of law in Ohio for six months, stayed on conditions.

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

2005-0350. Columbus Bar Assn. v. Albrecht, 2005-Ohio-4984.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 04-036. Geoffrey E. Albrecht, Attorney Registration No. 0029648, is suspended from the practice of law in Ohio for one year, stayed on conditions.

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

MERIT DECISIONS WITHOUT OPINIONS

2005-1328. State ex rel. Ealy v. Cannon.

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.

2005-1442. State ex rel. Martin v. Woodard.

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

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

2005-1453. State ex rel. Morgan v. Schmitt.

In Prohibition. 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.

2005-1458. State ex rel. James v. Nichols.

In Prohibition. On motion to dismiss of respondent Judge Robert D. Nichols and answer and motion for judgment on pleadings of respondent Madison County Court of Common Pleas. Motion to dismiss and motion for judgment on pleadings granted. Cause dismissed.

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

2005-1493. State ex rel. Olson v. Franklin Cty. Court of Common Pleas.

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

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

2005-1539. State ex rel. Waters v. Court of Appeals, Twelfth Appellate Dist.

In Mandamus and Procedendo. 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.

MOTION AND PROCEDURAL RULINGS

1988-1079. State v. Hicks.

Hamilton App. No. C-860173. On motion to set execution date. Motion granted. Execution to be carried out on November 29, 2005.

O'Donnell, J., dissents.

2002-2032. State v. Brinkley.

Lucas C.P. No. CR00-2826. On application for reopening under S.Ct.Prac.R. XI(6). Application denied.

Lanzinger, J., not participating.

2004-1896. State ex rel. Apcompower, Inc. v. Indus. Comm.

Franklin App. No. 03AP-718, 2004-Ohio-5257. On request for oral argument. Request denied.

2005-0293. Glidden Co. v. Lumbermens Mut. Cas. Co.

Cuyahoga App. No. 81782, 2004-Ohio-6922. On motion for admission pro hac vice of Cort Malone by Drew A. Carson. Motion granted.

2005-0489. State v. Were.

Hamilton App. No. C-030485, 2005-Ohio-376. On appellee's motion to remand to the court of appeals and appellant's motions to establish the date for the filing of appellant's post-conviction petition and to vacate the judgment of the court of appeals and remand the case to that court for further consideration. Appellee's

motion to remand to the court of appeals is granted. Appellant's motions are denied as moot.

2005-0518. Consumers' Counsel v. Pub. Util. Comm.

Public Utilities Commission, Nos. 03-2079-EL-AAM, 03-2080-EL-ATA, 03-2081-EL-AAM, and 03-93-EL-ATA. On motions for leave to intervene of Ohio Energy Group, Cincinnati Gas & Electric Company, and Industrial Energy Users-Ohio and joint motion of the Ohio Consumers' Counsel and the Public Utilities Commission to consolidate this case with 2005-0946, *Consumers' Counsel v. Pub. Util. Comm.*, Public Utilities Commission, Nos. 03-2079-EL-AAM, 03-2080-EL-ATA, 03-2081-EL-AAM, and 03-93-EL-ATA. Motions granted.

2005-0946. Consumers' Counsel v. Pub. Util. Comm.

Public Utilities Commission, Nos. 03-2079-EL-AAM, 03-2080-EL-ATA, 03-2081-EL-AAM, and 03-93-EL-ATA. On motions of Industrial Energy Users-Ohio and Cincinnati Gas & Electric Company for leave to intervene and joint motion of the Ohio Consumers' Counsel and the Public Utilities Commission to consolidate this case with 2005-0518, *Consumers' Counsel v. Pub. Util. Comm.*, Public Utilities Commission, Nos. 03-2079-EL-AAM, 03-2080-EL-ATA, 03-2081-EL-AAM, and 03-93-EL-ATA. Motions granted.

2005-1357. Campbell v. TES Franchising, LLC.

Butler App. No. CA2004-06-151, 2005-Ohio-2271. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2005-1106, *Campbell v. TES Franchising, LLC*, Butler App. No. CA2004-06-151, 2005-Ohio-2271; cause held for the decision in 2004-0001, *Academy of Medicine of Cincinnati v. Aetna Health, Inc.*, Hamilton App. Nos. C-030109, C-030110, and C-030111, 155 Ohio App.3d 310, 2003-Ohio-6194; and briefing schedule stayed.

2005-1241. Am. Financial Serv. Assn. v. Toledo.

Lucas App. No. L-04-1214, 161 Ohio App.3d 477, 2005-Ohio-2943. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2005-1240, *Am. Financial Serv. Assn. v. Toledo*, Lucas App. No. L-04-1214, 161 Ohio App.3d 477, 2005-Ohio-2943; cause held for the decision in 2005-0160 and 2005-0161, *Am. Financial Serv. Assn. v. Cleveland*, Cuyahoga App. No. 83676, 2004-Ohio-6416; and briefing schedule stayed.

Pfeifer, J., dissents.

2005-1361. Hortman v. Miamisburg.

Montgomery App. No. 20664, 161 Ohio App.3d 559, 2005-Ohio-2862. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 4 of the court of appeals' Decision and Entry filed July 20, 2005:

“Is the doctrine of promissory estoppel applicable against a political subdivision of the State of Ohio when the political subdivision is engaged in a governmental function?”

The conflict cases are *Dehlendorf & Co. v. Jefferson Twp.*, Franklin App. No. 02AP-334, 2003-Ohio-1641, and *Petitti v. Plain Twp. Bd. of Zoning Appeals*, Stark App. No. 2003CA179, 2003-Ohio-6849.

Sua sponte, cause consolidated with 2005-1351, *Hortman v. Miamisburg*, Montgomery App. No. 20664, 161 Ohio App.3d 559, 2005-Ohio-2862.

Pfeifer and Lanzinger, JJ., dissent.

2005-1380. State v. Womack.

Lucas App. No. L-04-1092, 2005-Ohio-2689. On motion for leave to file delayed appeal. Motion denied.

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

2005-1414. State v. Scarville.

Franklin App. No. 05AP-141. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2005-1418. State v. Short.

Cuyahoga App. No. 73618. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2005-1445. State v. Reynolds.

Mahoning App. No. 93CA242. On motion for leave to file delayed appeal. Motion denied.

2005-1451. State v. Burris.

Licking App. No. 2004CA00016, 2004-Ohio-4531. On motion for leave to file delayed appeal. Motion denied.

2005-1463. Pepper Pike v. Dantzig.

Cuyahoga App. No. 85287, 2005-Ohio-3468. On motion for stay of court of appeals' judgment. Motion denied.

2005-1490. Johnson v. Ferguson-Ramos.

Franklin App. No. 04AP-1180, 2005-Ohio-3280. On motion for stay of court of appeals' judgment. Motion denied.

2005-1492. State v. Baird.

Madison App. No. CA2003-09-034, 2004-Ohio-6664. On motion for leave to file delayed appeal. Motion denied.

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

2005-1515. State v. Bates.

Cuyahoga App. No. 84654, 2005-Ohio-3411. On motion for stay of court of appeals' judgment. Motion granted.

Pfeifer, Lundberg Stratton and O'Connor, JJ., dissent.

2005-1532. State v. Melvin.

Cuyahoga App. No. 84471, 2005-Ohio-2329. On motion for leave to file delayed appeal. Motion granted.

Resnick, J., dissents.

2005-1533. State v. Jones.

Summit App. No. 22112, 2005-Ohio-265. On motion for leave to file delayed appeal. Motion denied.

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

2005-1544. State v. Rippey.

Franklin App. No. 04AP-960, 2005-Ohio-2639. On motion for leave to file delayed appeal. Motion granted.

Resnick, J., dissents.

2005-1556. State v. Payton.

Stark App. No. 2004-CA-00019, 2005-Ohio-737. On motion for leave to file delayed appeal. Motion denied.

O'Connor, J., dissents.

2005-1560. Bowling Green v. Godwin.

Wood App. No. WD-04-094, 2005-Ohio-3204. 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 Judgment Entry filed August 10, 2005:

“Whether disregard of a traffic control device that lacks the statutorily required authorization can serve as the basis for a traffic stop?”

The conflict cases are *State v. Dunfee*, Athens App. No. 02CA37, 2003-Ohio-5970, and *State v. Walters*, Warren App. No. CA2004-04-043, 2005-Ohio-418.

Sua sponte, cause consolidated with 2005-1363, *Bowling Green v. Godwin*, Wood App. No. WD-04-094, 2005-Ohio-3204.

Pfeifer, J., dissents.

2005-1262. Dunn v. Ethicon, Inc.

Certified Question of State Law, United States Court of Appeals for the Sixth Circuit, No. 043826. On review of preliminary memoranda pursuant to S.Ct.Prac.R. XVIII(6). The court declines to answer the certified question because the applicable law is settled in Ohio.

Resnick, J., not participating.

APPEALS ACCEPTED FOR REVIEW

2005-0880. Thornton v. Salak.

Fairfield App. Nos. 03 CA 63 and 03 CA 64, 2005-Ohio-1612. Discretionary appeal accepted.

O’Connor, J., would accept on Proposition of Law No. I only.

Discretionary cross-appeal not accepted.

Pfeifer and Lundberg Stratton, JJ., dissent.

Resnick, J., not participating.

2005-0983. State v. Harris.

Fulton App. No. F-04-005, 2005-1779. Discretionary appeal accepted and cause held on Proposition of Law No. III 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 on Proposition of Law Nos. V and VI for the decision in 2004-1279 and 2004-1696, *State v. Threatt*, Stark App. No. 2003CA00368, 2004-Ohio-3261; and briefing schedule stayed.

Pfeifer, J., dissents.

2005-0992. In re D.S.

Warren App. Nos. CA2004-04-036 and CA2004-04-046, 160 Ohio App.3d 552, 2005-Ohio-1803. Discretionary appeal accepted on Proposition of Law No. I.

Resnick and O’Connor, JJ., dissent.

2005-0998. Robinson v. Bates.

Hamilton App. No. C-040063, 160 Ohio App.3d 668, 2005-Ohio-1879. Discretionary appeal accepted on Proposition of Law Nos. I and II.

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

2005-1020. State v. Daniels.

Putnam App. No. 12-04-07, 2005-Ohio-1920. 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.

2005-1026. State v. Taylor.

Athens App. No. 04CA13, 2005-Ohio-2223. 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.

2005-1033. Hull v. Columbia Gas of Ohio.

Lucas App. No. L-04-1149, 160 Ohio App.3d 695, 2005-Ohio-2089.

Pfeifer and O'Connor, JJ., dissent.

2005-1034. State v. Sanchez.

Lucas App. No. L-04-1169, 162 Ohio App.3d 113, 2005-Ohio-2093.

O'Connor, J., would accept on Proposition of Law I.

Resnick and Pfeifer, JJ., dissent.

2005-1042. State v. Spellman.

Geauga App. No. 2004-G-2565, 160 Ohio App.3d 718, 2005-Ohio-2065. 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.

O'Connor, J., dissents.

2005-1051. State v. Beltowski.

Lake App. No. 2003-L-126 and 2003-L-150, 2005-Ohio-2075. 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.

O'Connor, J., dissents.

2005-1056. State v. Bradford.

Lake App. No. 2003-L-168, 2005-Ohio-2070. 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 2005-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed. O'Connor, J., not participating.

2005-1061. In re Guardianship of Peck.

Lake App. No. 2003-L-175, 2005-Ohio-2072.
Pfeifer, Lundberg Stratton and O'Connor, JJ., dissent.

2005-1074. Silver Lake v. Metro Regional Transit Auth.

Summit App. No. 22199, 2005-Ohio-2157. Discretionary appeal accepted on Proposition of Law No. I.
Moyer, C.J., Lundberg Stratton and O'Donnell, JJ., would accept on all Propositions of Law.
Resnick, Pfeifer and Lanzinger, JJ., dissent.

2005-1106. Campbell v. TES Franchising, LLC.

Butler App. No. CA2004-06-151, 2005-Ohio-2271. Discretionary appeal accepted and cause consolidated with 2005-1357, *Campbell v. TES Franchising, LLC*, Butler App. No. CA2004-06-151, 2005-Ohio-2271; cause held for the decision in 2004-0001, *Academy of Medicine of Cincinnati v. Aetna Health, Inc.*, Hamilton App. Nos. C-030109, C-030110, and C-030111, 155 Ohio App.3d 310, 2003-Ohio-6194; and briefing schedule stayed.
Resnick and O'Donnell, JJ., dissent.

2005-1207. State v. Krois.

Hamilton App. No. C-040543. 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.

2005-1240. Am. Financial Serv. Assn. v. Toledo.

Lucas App. No. L-04-1214, 161 Ohio App.3d 477, 2005-Ohio-2943. Discretionary appeal accepted and cause consolidated with 2005-1241, *Am. Financial Serv. Assn. v. Toledo*, Lucas App. No. L-04-1214, 161 Ohio App.3d 477, 2005-Ohio-2943; cause held for the decision in 2005-0160 and 2005-0161, *Am.*

Financial Serv. Assn. v. Cleveland, Cuyahoga App. No. 83676, 2004-Ohio-6416; and briefing schedule stayed.

O'Connor, J., would accept on Proposition of Law Nos. I and II only.

Pfeifer and O'Donnell, JJ., dissent.

2005-1323. State v. Coran.

Clark App. No. 2003-CA-80, 2004-Ohio-6874. 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.

O'Connor and Lanzinger, JJ., dissent.

2005-1351. Hortman v. Miamisburg.

Montgomery App. No. 20664, 161 Ohio App.3d 559, 2005-Ohio-2862. Discretionary appeal accepted on Proposition of Law No. I and cause consolidated with 2005-1361, *Hortman v. Miamisburg*, Montgomery App. No. 20664, 161 Ohio App.3d 559, 2005-Ohio-2862.

Moyer, C.J., Resnick and Lundberg Stratton, JJ., would accept on all Propositions of Law.

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

2005-1363. Bowling Green v. Godwin.

Wood App. No. WD-04-094, 2005-Ohio-3204. Discretionary appeal accepted and cause consolidated with 2005-1560, *Bowling Green v. Godwin*, Wood App. No. WD-04-094, 2005-Ohio-3204.

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

APPEALS NOT ACCEPTED FOR REVIEW

2005-0972. State v. Keys.

Hamilton App. No. C-040076.

2005-0973. State v. Klein.

Hamilton App. No. C-040176, 2005-Ohio-1761.

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

2005-0980. Sutherland v. Fox.

Ashland App. No. 04COA080, 2005-Ohio-1786.

Pfeifer, J., dissents.

2005-0982. NCS Healthcare, Inc. v. Candlewood Partners, LLC.

Cuyahoga App. No. 84646, 160 Ohio App.3d 421, 2005-Ohio-1669. Discretionary appeal not accepted.

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

On motions for admission pro hac vice of James A. McKenna and Anders C. Wick by Richard L. Stoper, Jr. Motions granted.

2005-0985. Baker v. Lucas Cty. Dept. of Job & Family Serv.

Lucas App. No. L-04-1220, 2005-Ohio-1028.

2005-0988. Fox v. Parma Community Gen. Hosp.

Cuyahoga App. No. 84428, 160 Ohio App.3d 409, 2005-Ohio-1665.

O'Connor, J., not participating.

2005-0990. Ashwell v. Ohio Dept. of Job & Family Serv.

Montgomery App. No. 20522, 2005-Ohio-1928.

Pfeifer, J., dissents.

2005-0995. Portis v. Metro Parks Serving Summit Cty.

Summit App. No. 22310, 2005-Ohio-1820.

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

2005-0996. Wood v. Kipton.

Lorain App. No. 04CA008538, 160 Ohio App.3d 591, 2005-Ohio-1816.

2005-0999. Farmer v. Estate of Miles.

Butler App. No. CA2004-06-140.

2005-1000. Rose v. Ohio Dept. of Job & Family Serv.

Warren App. No. CA2004-06-069, 160 Ohio App.3d 581, 2005-Ohio-1804.

Resnick and Pfeifer, JJ., dissent.

2005-1001. State v. May.

Mahoning App. No. 05 MA 43.

2005-1003. Morris v. United Ohio Ins. Co.

Ross App. No. 02CA2653, 160 Ohio App.3d 663, 2005-Ohio-2025.

Pfeifer, J., dissents.

2005-1004. Palmer v. Wilson.

Richland App. No. 2005-CA-2, 2005-Ohio-2346.

2005-1006. Jones v. Kettering.

Montgomery App. No. 20644, 2005-Ohio-1932.

Resnick, J., dissents.

2005-1009. Beatley v. Beatley.

Franklin App. No. 04AP-515, 160 Ohio App.3d 600, 2005-Ohio-1846.

2005-1010. Deeter v. Yamaha Motor Corp., U.S.A.

Montgomery App. No. 20686, 2005-Ohio-1931.

Resnick and Lundberg Stratton, JJ., dissent.

2005-1012. State v. Logsdon.

Hamilton App. No. C-040405, 160 Ohio App.3d 517, 2005-Ohio-1875.

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

2005-1016. State v. Kemp.

Mahoning App. No. 04 MA 54, 2005-Ohio-2115.

Lundberg Stratton, J., dissents.

2005-1018. Whiteside v. Madison Correctional Inst.

Franklin App. No. 04AP-401, 2005-Ohio-1844.

2005-1019. State v. Bray.

Mahoning App. No. 04 MA 27, 2005-Ohio-2117.

2005-1021. Cook v. Criminger.

Summit App. No. 22313, 2005-Ohio-1949.

2005-1022. Shane v. Tracy.

Cuyahoga App. No. 85887.

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

Moyer, C.J., not participating.

2005-1023. In re Mercer.

Franklin App. No. 04AP-422, 2005-Ohio-1845.

2005-1025. State v. Thomas.

Cuyahoga App. No. 84728, 2005-Ohio-1840.

2005-1027. Mix v. Mix.

Geauga App. No. 2003-G-2552, 2005-Ohio-2068.

2005-1028. Moro v. Abdel-Rahman.

Franklin App. No. 04AP-723, 2005-Ohio-1022. Discretionary appeal not accepted. Motion to dismiss denied as moot.

2005-1030. State v. Davis.

Mahoning App. No. 04 MA 211, 2005-Ohio-2118.

2005-1035. Eisinger v. Nadeau.

Wayne App. No. 05CA0025.

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

2005-1038. Joel Lehmkuhl Excavating v. Troy.

Miami App. No. 2004-CA-31, 2005-Ohio-2019.

2005-1039. Ohio Dept. of Taxation v. Kunkle.

Fulton App. No. F-04-025, 2005-Ohio-2092.

2005-1040. Moreland v. Oak Creek OB/GYN, Inc.

Montgomery App. No. 20468, 2005-Ohio-2014.

2005-1041. Thomas v. Am. Elec. Power Co., Inc.

Franklin App. No. 03AP-1192, 2005-Ohio-1958.

2005-1045. State v. Dawson.

Pickaway App. No. 04CA16, 2005-Ohio-2276.

2005-1050. Schreck v. Grange Ins. Co.

Crawford App. No. 3-04-32, 2005-Ohio-2054.

Resnick and Pfeifer, JJ., dissent.

2005-1057. State v. Bernath.

Butler App. Nos. CA2004-07-167 and CA2004-07-168, 2005-Ohio-2111.

Resnick, J., dissents and would accept on Proposition of Law No. III.

O'Donnell, J., dissents.

2005-1059. YCS Concrete, Inc. v. Hixson.

Trumbull App. Nos. 2003-T-0185 and 2003-T-0186, 2005-Ohio-2081.

2005-1063. Holman v. Bozsik.

Medina App. No. 05CA0034-M.

2005-1065. State v. Hagwood.

Franklin App. No. 04AP-879.

Resnick, J., dissents.

2005-1067. State v. McWilliams.

Summit App. No. 22359, 2005-Ohio-2148.

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

2005-1068. Ramey v. Quality Mold, Inc.

Huron App. No. H-04-025, 2005-Ohio-2211.

2005-1071. State v. Williams.

Franklin App. No. 03AP-962, 2005-Ohio-2134.

2005-1072. Garrett v. Cleveland.

Cuyahoga App. No. 84872, 2005-Ohio-1853.

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

2005-1073. State v. Baldev.

Butler App. No. CA2004-05-106, 2005-Ohio-2369.

2005-1076. State v. McIntosh.

Hamilton App. No. C-030946.

2005-1077. Estate of Holley v. Am. Family Life Assur. Co. of Columbus.

Pickaway App. No. 04CA5, 2005-Ohio-2281.

Lundberg Stratton, J., dissents.

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

2005-1084. State v. Gaylord.

Summit App. No. 22406, 2005-Ohio-2138.

Moyer, C.J., dissents.

2005-1087. State v. Woodliff.

Portage App. No. 2004-P-0006, 2005-Ohio-2257.

2005-1088. State v. Mamounis.

Trumbull App. No. 2003-T-0163, 2005-Ohio-2654.

2005-1090. State v. Carter.

Cuyahoga App. No. 84816, 2005-Ohio-2179.

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

2005-1094. In re Elliot.

Franklin App. No. 03AP-1280, 2005-Ohio-2195.

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

2005-1095. State v. Sneed.

Cuyahoga App. No. 84964, 2005-Ohio-1865.

2005-1100. State v. Zinn.

Stark App. No. 2005CA00105.

2005-1102. State v. Boswell.

Cuyahoga App. No. 86197.

2005-1123. Dahlquist v. Ohio State Med. Bd.

Franklin App. No. 04AP-811, 2005-Ohio-2298.

Resnick and Pfeifer, JJ., dissent.

2005-1125. State v. Prom.

Butler App. No. CA2004-07-174, 2005-Ohio-2272.

2005-1128. State v. Sims.

Cuyahoga App. No. 84090, 2005-Ohio-1978.

Pfeifer, J., dissents.

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

2005-1130. State v. Betts.

Pickaway App. No. 03CA25, 2005-Ohio-2913.

Lundberg Stratton, J., dissents.

2005-1138. In re B.H.

Summit App. No. 22640.

2005-1140. State v. Heriot.

Warren App. No. CA2004-06-071, 2005-Ohio-2374.

2005-1169. State v. Todd.

Clermont App. No. CA2004-12-107.

2005-1180. State v. Steele.

Cuyahoga App. No. 84385, 2005-Ohio-2185.

2005-1186. Pasco v. State Auto. Mut. Ins. Co.

Franklin App. No. 04AP-696, 2005-Ohio-2387.

2005-1204. State v. Thompson.

Cuyahoga App. No. 86366.

2005-1227. State v. Davis.

Cuyahoga App. No. 85152, 2005-Ohio-2630.

2005-1238. Wolder v. DiPasquale.

Montgomery App. No. 20797, 2005-Ohio-2010.

2005-1261. State v. Prather.

Cuyahoga App. No. 83227, 2004-Ohio-2395 and 2005-Ohio-2710.

2005-1346. State v. Hines.

Cuyahoga App. No. 83485, 2004-Ohio-5206 and 2005-Ohio-3129.

2005-1362. State v. Russell.

Cuyahoga App. No. 83699, 2004-Ohio-5031 and 2005-Ohio-2998.

2005-1411. State v. McGee.

Cuyahoga App. No. 77463, 2001-Ohio-4238 and 2005-Ohio-3553.

2005-1481. State v. Armstrong.

Montgomery App. No. 19655, 2005-Ohio-432.

2005-1506. In re K.M.

Cuyahoga App. No. 85647, 2005-Ohio-3594.

2005-1509. State v. Palmer.

Montgomery App. No. 16017. Discretionary appeal not accepted. Motion for stay denied as moot.

RECONSIDERATION OF PRIOR DECISIONS

2004-1435. State ex rel. Bryson v. GAC Merchandising, Inc.

Franklin App. No. 03AP-650, 2004-Ohio-3723. Reported at 106 Ohio St.3d 40, 2005-Ohio-3556, 830 N.E.2d 1160. On motion for reconsideration. Motion denied.

Resnick and O'Donnell, JJ., dissent.

2004-1523. State v. Sherrills.

Cuyahoga App. No. 84961. Reported at 106 Ohio St.3d 1483, 2005-Ohio-3978, 832 N.E.2d 736. On motion for reconsideration. Motion denied.

2004-2077. Columbus Bar Assn. v. Torian.

Board of Commissioners on Grievances and Discipline, No. 04-020. Reported at 106 Ohio St.3d 14, 2005-Ohio-3216, 829 N.E.2d 1210. On motion for reconsideration. Motion denied.

2005-0674. State v. Rittner.

Fulton App. No. F-04-003. Reported at 106 Ohio St.3d 1484, 2005-Ohio-3978, 832 N.E.2d 737. On motion for reconsideration. Motion denied.

2005-0783. Waste Mgt. of Ohio, Inc. v. Bd. of Health of Cincinnati.

Franklin App. Nos. 04AP-437, 04AP-438, 04AP-443, 04AP-444, 04AP-717 and 04AP-719, 159 Ohio App.3d 806, 2005-Ohio-1153. On motion for reconsideration of Communities United for Action. Motion denied.

Moyer, C.J., dissents.

2005-0927. State v. Berry.

Butler App. No. CA2003-02-053, 159 Ohio App.3d 476, 2004-Ohio-6027. Reported at 106 Ohio St.3d 1488, 2005-Ohio-3978, 832 N.E.2d 739. On motion for reconsideration. Motion denied.

2005-0928. State ex rel. Martin v. Ohio Adult Parole Auth.

In Mandamus. Reported at 106 Ohio St.3d 1477, 2005-Ohio-3978, 832 N.E.2d 732. On motion for reconsideration. Motion denied.

2005-1011. Lutz v. McBride.

In Prohibition. Reported at 106 Ohio St.3d 1477, 2005-Ohio-3978, 832 N.E.2d 732. On motion for reconsideration. Motion denied.

2005-1055. In re Hines.

Tuscarawas App. No. 2004AP120072, 2005-Oho-2266. Reported at 106 Ohio St.3d 1488, 2005-Ohio-3978, 832 N.E.2d 739. On motion for reconsideration. Motion denied.

2005-1305. State ex rel. Signer v. Russo.

In Prohibition. Reported at 106 Ohio St.3d 1471, 2005-Ohio-3851, 832 N.E.2d 56. On motion for reconsideration. Motion denied.