

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY

June 30, 1999

MERIT DOCKET

99-442. State ex rel. Strothers v. Colon.

Cuyahoga App. No. 74916. On motion to strike affidavit of indigency and brief. *Sua sponte*, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg
Stratton, JJ., concur.

99-868. State ex rel. Dunning v. Cleary.

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

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg
Stratton, JJ., concur.

99-873. State ex rel. Walker v. Pokorny.

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

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg
Stratton, JJ., concur.

99-987. State ex rel. Ogg v. Ohio Adult Parole Auth.

In Habeas Corpus. On petition for writ of habeas corpus by Phillip W. Ogg. *Sua sponte*, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

99-1009. Blondheim v. Morgan.

In Habeas Corpus. On petition for writ of habeas corpus by Timothy J. Blondheim. *Sua sponte*, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

**DISMISSALS, SUA SPONTE, NO SUBSTANTIAL
CONSTITUTIONAL QUESTION AND DISCRETIONARY
APPEALS, IF APPLICABLE, NOT ALLOWED**

98-1991. State v. Martin.

Summit App. No. 18607.

99-396. State v. Reaves.

Hamilton App. No. C-970631.

99-524. State v. Lewis.

Union App. No. 14-98-44.

Lundberg Stratton, J., dissents.

99-551. Brickweg v. St. Bernard.

Hamilton App. No. C-980177.

Moyer, C.J., and Cook, J., dissent.

99-609. Rokakis v. Snipes.

Cuyahoga App. No. 73938.

99-620. State v. Seagraves.

Clark App. No. 98CA0063.

99-621. State v. Martin.

Cuyahoga App. No. 75941.

99-638. State v. Escoto.
Franklin App. No. 98AP-481.

99-639. State v. James.
Clark App. No. 98CA54.

99-667. State v. Duke.
Fulton App. No. F-98-010.

Lundberg Stratton, J., would allow on Propositions of Law Nos. II and III and hold the cause for the decision in 98-1779, *State v. Conyers*, Lucas App. No. L-97-1327.

Resnick, J., not participating.

99-669. Heskett v. Paulig.
Logan App. No. 8-98-13.

99-684. State v. Dumas.
Franklin App. No. 98AP-581.

99-687. Bauer v. Fashion Bug.
Greene App. No. 98CA74.

99-713. State v. Pryor.
Franklin App. No. 98AP-1652.
Moyer, C.J., and Lundberg Stratton, J., dissent.

99-714. State v. Perrin.
Licking App. No. 98CA83.

99-719. Sykes v. Farmers Ins. of Columbus, Inc.
Hamilton App. No. C-980538.
Lundberg Stratton, J., dissents.

99-722. State v. Bubenchik.
Stark App. No. 1998CA00242.
Cook, J., dissents.

99-731. State v. Waites.

Lake App. No. 97-L-102.

99-733. Bock v. Hamilton Cty. Bd. of Park Commrs.

Hamilton App. No. C-980441.

99-735. State v. Edwards.

Cuyahoga App. No. 73915.

99-753. Sams v. State.

Franklin App. No. 98AP-645.

99-754. State v. Smith.

Lorain App. No. 97CA006904.

Moyer, C.J., and Cook, J., dissent, would allow on Propositions of Law Nos. III and IV, and would hold this cause for the decision in 98-2301, *State v. Gowdy*, Hamilton App. No. C-970359.

99-771. Larkins v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 98AP-711.

99-955. State v. Adelman.

Summit App. No. 18824.

99-780. State v. Jackson.

Montgomery App. No. 17226.

99-783. State v. McClellan.

Franklin App. No. 98AP-758.

99-791. State v. Davis.

Lorain App. No. 98CA007062.

99-792. State v. Plummer.

Cuyahoga App. No. 72876.

Moyer, C.J., and Cook, J., dissent, would allow on Propositions of Law Nos. I and III, and would hold this cause for the decision in 98-2301, *State v. Gowdy*, Hamilton App. No. C-970359.

99-794. State v. Davie.
Summit App. No. 19088.

99-798. State v. Graham.
Licking App. No. 97CA126.

99-804. State v. Brown.
Hamilton App. No. C-980507.

99-815. State v. Vinez.
Summit App. No. 19030.

99-816. McClure v. Finfrock.
Hamilton App. No. C-980323.

99-827. State v. Grigsby.
Stark App. No. 1998CA00319.

99-829. State v. Jackson.
Hamilton App. No. C-970201.

99-830. State v. Upton.
Cuyahoga App. No. 73611.

99-838. State v. Engle.
Greene App. No. 98CA125.

99-843. State v. Burns.
Marion App. No. 9-98-21.

99-844. State v. Viceroy.
Cuyahoga App. No. 68890.

99-859. Spring Industries, Inc. v. Ohio Dept. of Transp.
Tuscarawas App. No. 1998AP100109. On discretionary appeal and on motion for admission *pro hac vice* of Edward B. Foley by Stephen P. Carney. Discretionary appeal and motion denied.

Moyer, C.J., and Cook, J., dissent.

99-870. State v. Dawson.

Mahoning App. Nos. 98CA224 and 98CA227.

99-877. State v. Whiteside.

Franklin App. No. 98AP-804.

99-892. State v. Armstead.

Hamilton App. No. C-980268.

99-900. Cook v. Cincinnati.

Hamilton App. No. C-980552.

MOTION DOCKET

96-472. State ex rel. Vance v. Marikis.

Franklin App. No. 94APD12-1784. On request for oral argument. Request denied.

98-1735. State v. O'Neal.

Hamilton App. No. C-960392. On motion to consolidate case with 98-147, *State v. O'Neal*, Hamilton App. No. C-960392, and 99-906, *State v. O'Neal*, Hamilton App. No. C-980247. Motion denied.

98-2358. McMullen v. Ohio State Univ. Hosp.

Franklin App. Nos. 97API10-1301 and 97API10-1324. On motion to strike portion of appellee's merit brief. Motion denied.
Resnick and F.E. Sweeney, JJ., dissent.

98-2365. Duquesne Light Co. v. Tracy.

Board of Tax Appeals, Nos. 95-K-40, 95-K-71 and 95-K-72. On request for argument before full court. Request granted.

98-2383. State ex rel. State Teachers Retirement Bd. v. W. Geauga Local School Dist. Bd. of Edn.

Geauga App. Nos. 97-G-2066 and 97-G-2067. On motion to strike State Teachers Retirement Board's merit brief and amended merit brief by Hawken School. Motion denied.

Moyer, C.J., and Cook, J., dissent.

98-2542. State v. Treesh.

Lake App. No. 95-L-057. On motion to participate and/or be present at oral argument. Motion to participate denied; motion to be present at oral argument granted.

On motion for reversal of judgment of court of appeals pursuant to S.Ct.Prac.R. VI(6). Motion denied.

98-2572. Home Builders Assn. of Dayton & The Miami Valley v. Beavercreek.

Greene App. Nos. 97CA113 and 97CA115. On motion to vacate judgment of Second Appellate District in favor of Barbara Weprin et al. for lack of standing. Motion denied.

99-291. Ohio Attorney Gen. v. John Doe 26.

Franklin App. Nos. 98AP-534 and 98AP-623. On motion to dismiss case against John Doe No. 54 or motion for summary judgment. Motions denied.

Lundberg Stratton, J., dissents.

99-330. Vinci v. Heimbach.

Cuyahoga App. Nos. 73440 and 73464. On motion to supplement record. Motion granted.

Cook, J., dissents.

99-427. State v. Reiner.

Lucas App. No. L-97-1002. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue stated in the court of appeals' entry journalized February 9, 1999, at page 3:

“In *State v. Thomas* ([July 26], 1995), Athens App. No. [94]CA1608, unreported [1995 WL 468183], inquiry was made of a juror as to whether exposure to extraneous information or improper outside influence affected the juror's impartiality. The juror's response appears to have partially served as a reason for concluding a lack of prejudice from juror misconduct. We must conclude that, at least tacitly, the *Thomas* court found permissible a practice we have held to be improper. Accordingly, we find a conflict between this decision and our own and do so certify.

“The issue submitted is whether Evid.R. 606(B) permits, under any circumstances, inquiry for a juror as to the effect of extraneous information or improper outside influence upon his or her decision making process.”

Resnick, J., not participating.

Sua sponte, cause consolidated with 99-239, *infra*.

Resnick, J., not participating.

99-920. Abbott v. Haight Properties, Inc.

Lucas App. No. L-98-1413. On review of order certifying a conflict. The court determines that a conflict exists on the following question certified by the court of appeals in its Decision and Judgment Entry filed April 13, 1999:

“When, in a multi-defendant and/or multi-issue case, one defendant is granted summary judgment (or partial summary judgment on fewer than all the issues is granted) in a decision of the trial court which does not contain a Civ.R. 54(B) certification that there is no just reason for delay, and the remaining defendant(s) and/or issues are subsequently dismissed without prejudice, is the decision granting summary judgment dissolved or does it then become appealable?”

Resnick, J., not participating.

Sua sponte, cause held for the decision in 98-1935, *Denham v. New Carlisle*, Clark App. No. 98CA19; briefing schedule stayed.

Resnick, J., not participating.

The conflict case is *Eiland v. Coldwell Banker Hunter Realty* (1997), 122 Ohio App.3d 446, 702 N.E.2d 116.

99-926. Christe v. GMS Mgt. Co.

Summit App. No. 18992. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue stated in the court of appeals’ Journal Entry filed April 26, 1999:

“Under R.C. Chapter 5321, shall attorneys’ fees be assessed as costs or awarded as damages?”

F.E. Sweeney and Pfeifer, JJ., dissent.

Resnick, J., not participating.

The conflict case is *Breault v. Williamsburg* (Nov. 21, 1986), Lucas App. No. L-86-116, unreported, 1986 WL 13169.

Sua sponte, cause consolidated with 99-450, *infra*.

F.E. Sweeney and Pfeifer, JJ., dissent.

Resnick, J., not participating.

99-1031. State v. Stefanski.

Marion App. No. 9-98-63. On motion for leave to file delayed appeal. Motion denied.

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

99-1032. State v. Gomez.

Lucas App. No. L-98-1430. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

Resnick, J., not participating.

99-1038. State v. Jackson.

Hamilton App. No. C-980559. On motion for leave to file delayed appeal. Motion denied.

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

99-1055. State v. Beckett.

Lucas App. No. L-98-1349. On motion for stay of appeal pending court of appeals' decision in pending direct appeal. Motion denied.

Resnick, J., not participating.

99-1085. State v. Brown.

Athens App. Nos. 98CA14 and 98CA15. On motion for stay of execution of sentence. Motion granted.

Douglas, F.E. Sweeney and Pfeifer, JJ., dissent.

99-1086. State v. Barcus.

Athens App. Nos. 98CA34 and 98CA35. On motion for stay of execution of sentence. Motion granted.

Douglas, F.E. Sweeney and Pfeifer, JJ., dissent.

99-1100. State v. Reese.

Mahoning App. No. 98CA33. On motion for stay. Motion denied.

DISCRETIONARY APPEALS ALLOWED

99-239. State v. Reiner.

Lucas App. No. L-97-1002. Discretionary appeal allowed.

Resnick, J., not participating.

Discretionary cross-appeal allowed.

Cook, J., dissents.

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

Sua sponte, cause consolidated with 99-427, *supra*.

Resnick, J., not participating.

99-270. Oker v. Ameritech Corp.

Cuyahoga App. No. 72556.

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

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

99-450. Christe v. GMS Mgt. Co.

Summit App. No. 18992. Discretionary appeal allowed; *sua sponte*, cause consolidated with 99-926, *supra*.

F.E. Sweeney and Pfeifer, JJ., dissent.

Resnick, J., not participating.

99-543. State v. Akemon.

Hamilton App. No. C-980333. Discretionary appeal allowed; *sua sponte*, cause held for the decisions in 98-1779, *State v. Conyers*, Lucas App. No. L-97-1327, and 98-1929, *State v. Schultz*, Hamilton App. No. C-970954; briefing schedule stayed.

Pfeifer, J., dissents.

99-556. Baughman v. State Farm Mut. Auto. Ins. Co.

Summit App. No. 19087.

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

99-579. State v. Reese.

Portage App. No. 97-P-0049. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191; briefing schedule stayed.

Discretionary appeals in the following causes are allowed; *sua sponte*, the causes are consolidated with 99-579, *supra*, and held for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191; briefing schedule stayed: 99-755, *State v. Pingley*, Portage App. No. 97-P-0055; 99-756, *State v. Wells*, Portage App. No. 97-P-0056; 99-757, *State v. Brant*, Portage App. No. 97-P-0052; 99-758, *State v. Long*, Portage App. No. 97-P-0057; 99-759, *State v. Patterson*, Portage App. No. 97-P-0051; 99-760, *State v. Black*, Portage App. No. 97-P-0053; 99-761, *State v. Hardy*, Portage App. No. 97-P-0062; 99-762, *State v. Johnson*, Portage App. No. 97-P-0047; 99-763, *State v. Douglas*, Portage App. No. 97-P-0049; and 99-764, *State v. Worthy*, Portage App. No. 97-P-0059.

99-706. State v. Waites.

Lake App. No. 97-L-244. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191; briefing schedule stayed.

Discretionary appeals in the following causes are allowed; *sua sponte*, the causes are consolidated with 99-706, *supra*, and held for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191; briefing schedule stayed: 99-641, *State v. Abrams*, Lake App. No. 97-L-192; 99-642, *State v. Christison*, Lake App. No. 98-L-009; 99-643, *State v. Agler*, Lake App. No. 97-L-203; 99-644, *State v. Darroch*, Lake App. No. 97-L-174; 99-645, *State v. Cowoski*, Lake App. No. 97-L-170; 99-646, *State v. Calhoun*, Lake App. No. 97-L-221; 99-647, *State v. Cwalina*, Lake App. No. 97-L-222; 99-648, *State v. Boswell*, Lake App. No. 98-L-008; 99-649, *State v. Burgan*, Lake App. No. 97-L-242; 99-655, *State v. Greene*, Lake App. No. 97-L-220; 99-656, *State v. Gau*, Lake App. No. 97-L-175; 99-657, *State v. Ferguson*, Lake App. No. 97-L-241; 99-658, *State v. King*, Lake App. No. 97-L-173; 99-659, *State v. DeCapite*, Lake App. No. 98-L-133; 99-660, *State v. Hammesfahr*, Lake App. No. 97-L-193; 99-661, *State v. King*, Lake App. No. 97-L-194; 99-662, *State v. Drake*, Lake App. No. 97-L-176; 99-664, *State v. Dietz*, Lake App. No. 97-L-204; 99-672, *State v. Noble*, Lake App. No. 97-L-240; 99-673, *State v. New*, Lake App. No. 97-L-178; 99-674, *State v. Laing*, Lake App. No. 97-L-172; 99-675, *State v. Malek*, Lake App. No. 98-L-010; 99-676, *State v. Pope*, Lake App. No. 97-L-182; 99-677, *State v. Pasko*, Lake App. No. 98-L-011; 99-678, *State v. McClintick*, Lake App. No. 97-L-171; 99-679, *State v. Neal*, Lake App. No. 97-L-179; 99-680, *State v. Lawrinson*, Lake App. No. 97-L-205; 99-689, *State v. Rivera*, Lake App. No. 97-L-181; 99-690, *State v. Bayless*, Lake App. No. 97-L-257; 99-691, *State v. Spaller*, Lake App. No. 97-L-183; 99-692, *State v. Armington*, Lake App. No. 98-L-193; 99-693, *State v. Ventresca*, Lake App. No. 97-L-243; 99-694, *State v. Setina*, Lake App. No. 97-L-239; 99-695, *State v. Hartman*, Lake App. No. 98-L-020; 99-696, *State v. Lett*, Lake App. No. 97-L-210; 99-698, *State v. Swansinger*, Lake App. No. 97-L-120; 99-699, *State v. Pearson*, Lake App. No. 98-L-179; 99-700, *State v. Otero*, Lake App. No. 97-L-310; 99-701, *State v. Crawford*, Lake App. No. 97-L-245; 99-702, *State v. Taylor*, Lake App. No. 97-L-185; 99-703, *State v. Vernon*, Lake App. No. 97-L-184; 99-704, *State v. Gaster*, Lake App. No. 97-L-281; 99-705, *State v. Semanak*, Lake App. No. 97-L-180; 99-707, *State v. Butcher*, Lake App. No. 97-L-030; 99-708, *State v. Will*, Lake App. No. 97-L-186; 99-709, *State v. Witlicki*, Lake App. No.

97-L-189; 99-710, *State v. Bayless*, Lake App. No. 97-L-256; 99-711, *State v. Wolfe*, Lake App. No. 97-L-188; 99-712, *State v. Woodruff*, Lake App. No. 97-L-190; 99-716, *State v. McDonald*, Lake App. No. 97-L-305; and 99-730, *State v. Hill*, Lake App. No. 97-L-187.

99-727. King v. Grange Mut. Cas. Co.

Monroe App. No. 807.

Cook, J., dissents and would hold this cause for the decision in 99-342, 99-348 and 99-618, *Holcomb v. State Farm Ins. Cos.*, Franklin App. No. 98AP-353.

Lundberg Stratton, J., dissents.

99-732. State v. Ferguson.

Ashtabula App. No. 98-A-0021. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191; briefing schedule stayed.

Discretionary appeals in the following causes are allowed; *sua sponte*, the causes are consolidated with 99-732, *supra*, and held for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191; briefing schedule stayed: 99-736, *State v. Hollis*, Ashtabula App. No. 98-A-0020; 99-737, *State v. Prisco*, Ashtabula App. No. 98-A-0015; 99-738, *State v. Lynch*, Ashtabula App. No. 98-A-0013; 99-739, *State v. Moore*, Ashtabula App. No. 98-A-0030; 99-740, *State v. Miller*, Ashtabula App. No. 98-A-0024; 99-741, *State v. Whitsell*, Ashtabula App. No. 98-A-0025; 99-742, *State v. Sanders*, Ashtabula App. No. 98-A-0022; 99-743, *State v. Mitcham*, Ashtabula App. No. 98-A-0017; 99-744, *State v. Loudenback*, Ashtabula App. No. 98-A-0023; 99-745, *State v. McNutt*, Ashtabula App. No. 98-A-0014; 99-746, *State v. Vigilante*, Ashtabula App. No. 98-A-0029; 99-747, *State v. Morris*, Ashtabula App. No. 98-A-0018; 99-748, *State v. Lemmon*, Ashtabula App. No. 98-A-0028; 99-749, *State v. Luther*, Ashtabula App. No. 98-A-0016; and 99-750, *State v. Keig*, Ashtabula App. No. 98-A-0019.

DISCRETIONARY APPEALS NOT ALLOWED

99-347. Greenwalt v. Am. Std., Inc.

Columbiana App. No. 98CO13.

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

99-633. Thomson v. Deaconess Hosp. of Cincinnati, Ohio.
Hamilton App. No. C-980257.

99-634. Reidling v. Valle.
Sandusky App. No. S-98-015.
Resnick, J., not participating.

99-652. Gotthardt v. Candle.
Columbiana App. No. 97CO50.
Lundberg Stratton, J., dissents.

99-663. Loomis v. Prestige Builders, Inc.
Delaware App. No. 98CA27.

99-715. Walters v. Commercial Union Ins. Co.
Hamilton App. No. C-980381.

99-717. Wolfer Ent., Inc. v. Overbrook Dev. Corp.
Hamilton App. No. C-980115.
Lundberg Stratton, J., dissents.

99-752. State v. Gray.
Cuyahoga App. No. 72940.

Lundberg Stratton, J., would allow on Proposition of Law No. I and hold the cause for the decision in 98-2301, *State v. Gowdy*, Hamilton App. No. C-970359, and would allow on Proposition of Law No. II and hold the cause for the decision in 98-2603, *State v. Edmonson*, Portage App. No. 97-P-0067.

99-767. Smallwood v. Walgreen Co.
Hamilton App. No. C-980363.

99-773. Horstman v. Farris.
Greene App. No. 98CA64.

99-774. Krems v. Univ. Hosp. of Cleveland.
Cuyahoga App. No. 73854.
Resnick and F.E. Sweeney, JJ., dissent.

99-782. Boyd v. Winton Hills Med. & Health Ctr., Inc.
Hamilton App. No. C-980355.

99-789. Cross v. Hydracrete Pumping Co.
Cuyahoga App. No. 73962.

99-799. Starks v. BP Am.
Hamilton App. No. C-980691.

99-800. Saulsbury v. Columbus.
Franklin App. No. 98AP-559.
Resnick, J., dissents.

99-801. State v. Smith.
Summit App. No. 16910.

99-805. State v. Thomas.
Hamilton App. No. C-980246.

99-864. Grinter v. Toledo.
Lucas App. No. L-98-1269.
Resnick and F.E. Sweeney, JJ., dissent.

RECONSIDERATION DOCKET

97-2039. E. Canton Edn. Assn. v. McIntosh.
Stark App. No. 96CA0293. Reported at 85 Ohio St.3d 456, ___ N.E.2d ___. On motion for reconsideration. Motion denied.
Moyer, C.J., and Lundberg Stratton, J., dissent.

97-2204. State v. Baston.
Lucas App. No. L-95-087. Reported at 85 Ohio St.3d 418, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

97-2247. State v. Bey.
Lucas App. No. L-94-003. Reported at 85 Ohio St.3d 487, ___ N.E.2d ___. On motion for reconsideration. Motion denied.
Resnick, J., not participating.

98-81. Cappara v. Schibley.

Cuyahoga App. Nos. 71070, 71368 and 71399. Reported at 85 Ohio St.3d 403, ___ N.E.2d ___. On motion for reconsideration and motion to supplement record. Motions denied.

Douglas, Resnick and Pfeifer, JJ., dissent.

98-834. State ex rel. McIntosh v. Osnaburg Local School Dist. Bd. of Edn.

Stark App. Nos. 97CA50, 97CA56 and 97CA60. Reported at 85 Ohio St.3d 465, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

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

99-338. Sharon Ent., Inc. v. Kenworth of Cincinnati, Inc.

Hamilton App. No. C-971109. Reported at 85 Ohio St.3d 1480, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

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

99-362. Earley v. Keenan.

Cuyahoga App. No. 75412. Reported at 85 Ohio St.3d 1486, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

99-363. State v. Fautenberry.

Hamilton App. No. C-971017. Reported at 85 Ohio St.3d 1477, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

99-399. Willoughby v. AK Steel Corp.

Butler App. No. CA98-02-040. Reported at 85 Ohio St.3d 1480, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Douglas and F.E. Sweeney, JJ., dissent.

99-611. State ex rel. Childs v. Wingard.

In Habeas Corpus. Reported at 85 Ohio St.3d 1475, ___ N.E.2d ___. On motion for reconsideration. Motion denied.