

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

April 2, 2003

MERIT DECISIONS WITH OPINIONS

1999-1452. State v. Braden, 2003-Ohio-1325.

Franklin C.P. No. 98 CR-08-4601. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Donofrio, Lundberg Stratton and O'Connor, JJ., concur.

Pfeifer, J., dissents.

Gene Donofrio, J., of the Seventh Appellate District, sitting for Cook, J.

2002-0164. Roberts v. Allstate Ins. Co., 2003-Ohio-1486.

Butler App. No. CA2001-06-133, 2001-Ohio-8637. Sua sponte, cause dismissed as having been improvidently allowed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Corrigan, Lundberg Stratton and O'Connor, JJ., concur.

Michael J. Corrigan, J., of the Eighth Appellate District, sitting for Cook, J.

2002-0549. Gray v. State Farm Mut. Auto. Ins. Co., 2003-Ohio-1485.

Butler App. No. CA2001-07-174, 2002-Ohio-867. Sua sponte, cause dismissed as having been improvidently allowed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

MERIT DECISIONS WITHOUT OPINIONS

2003-0080. State ex rel. Monarch Constr. Co. v. Franklin Cty. Court of Appeals.

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

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

2003-0111. Sisson v. Zaino.

Board of Tax Appeals, No. 1999-L-1352. On motion to dismiss. Motion to dismiss sustained. Cause dismissed. On motion to strike motion to dismiss appeal, motion to strike certification and order, motion to strike filing of record, and motion to set briefing schedule. Motions denied as moot.

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

2003-0154. State ex rel. Dapper v. Edwards.

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

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

2003-0223. State ex rel. Smith v. Piepmeire.

In Mandamus and Procedendo. On complaint in mandamus and procedendo of Madison D. Smith. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

2003-0253. State ex rel. Harris v. Petree.

In Mandamus. On complaint in mandamus of Dwayne Harris. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Cook and O'Connor, JJ., concur.

Lundberg Stratton, J., would grant.

2003-0374. Kirk v. Wolfe.

In Habeas Corpus. On petition for writ of habeas corpus of Kevin F. Kirk. Sua sponte, cause dismissed.

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

2003-0405. Dull v. Lane.

In Habeas Corpus. On petition for writ of habeas corpus of Robert E. Dull Jr. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2002-0777 and 2002-0825. In re Price.

Butler App. Nos. CA2001-02-035 and CA2001-04-085, 2002-Ohio-1345. On motion to consolidate case for purposes of oral argument with case Nos. 2002-0824, 2002-0892, and 2002-0894. Motion denied.

2002-0824. In re Thomas.

Warren App. No. CA2001-02-013, 2002-Ohio-1426. On motion to consolidate case for purposes of oral argument with case Nos. 2002-0777, 2002-0825, 2002-0892, and 2002-0894. Motion denied.

2002-0892 and 2002-0894. In re April B.

Lucas App. Nos. L-01-1334 and L-01-1348, 2002-Ohio-2299. On motion to consolidate case for purposes of oral argument with case Nos. 2002-0777, 2002-0825, and 2002-0824. Motion denied.

2002-1261. Dairy Farmers of Am., Inc. v. Zaino.

Board of Tax Appeals, No. 01-M-378. Sua sponte, cause consolidated for argument and decision with 2002-1262, *Farmers Dairy Foods, Inc. v. Zaino*, Board of Tax Appeals, No. 97-R-167, and 2002-1685, *Dairy Farmers of Am., Inc. v. Zaino*, Board of Tax Appeals, No. 98-P-366.

2002-1262. Farmers Dairy Foods, Inc. v. Zaino.

Board of Tax Appeals, No. 97-R-167. Sua sponte, cause consolidated for argument and decision with 2002-1261, *Dairy Farmers of Am., Inc. v. Zaino*, Board of Tax Appeals, No. 01-M-378, and 2002-1685, *Dairy Farmers of Am., Inc. v. Zaino*, Board of Tax Appeals, No. 98-P-366.

2002-1276. DeWeese v. Zaino.

Board of Tax Appeals, Nos. 02-A-144, 02-A-145, and 02-A-327. Sua sponte, cause consolidated for argument and decision with 2002-1277, *Yoder v. Zaino*, Board of Tax Appeals, Nos. 02-A-140, 02-A-141, and 02-A-328, and 2002-1278, *Snider v. Zaino*, Board of Tax Appeals, Nos. 02-A-137, 02-A-138, and 02-A-329.

2002-1277. Yoder v. Zaino.

Board of Tax Appeals, Nos. 02-A-140, 02-A-141, and 02-A-328. Sua sponte, cause consolidated for argument and decision with 2002-1276, *DeWeese v. Zaino*, Board of Tax Appeals, Nos. 02-A-144, 02-A-145, and 02-A-327, and 2002-1278, *Snider v. Zaino*, Board of Tax Appeals, Nos. 02-A-137, 02-A-138, and 02-A-329.

2002-1278. Snider v. Zaino.

Board of Tax Appeals, Nos. 02-A-137, 02-A-138, and 02-A-329. Sua sponte, cause consolidated for argument and decision with 2002-1276, *DeWeese v. Zaino*, Board of Tax Appeals, Nos. 02-A-144, 02-A-145, and 02-A-327, and 2002-1277, *Yoder v. Zaino*, Board of Tax Appeals, Nos. 02-A-140, 02-A-141, and 02-A-328.

2002-1685. Dairy Farmers of Am., Inc. v. Zaino.

Board of Tax Appeals, No. 98-P-366. Sua sponte, cause consolidated for argument and decision with 2002-1261, *Dairy Farmers of Am., Inc. v. Zaino*, Board of Tax Appeals, No. 01-M-378, and 2002-1262, *Farmers Dairy Foods, Inc. v. Zaino*, Board of Tax Appeals, No. 97-R-167.

2003-0018. Hammons v. Chisholm.

Cuyahoga App. No. 81389, 2002-Ohio-6337. On motion for emergency hearing and to expedite review. Motion denied.

2003-0047. State v. Richards.

Cuyahoga App. No. 79350, 2002-Ohio-6623. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2003-0095, *State v. Richards*, Cuyahoga App. No. 79350, 2002-Ohio-6623; causes held for the decision in 2002-0201, *State v. Fisher*, Franklin App. No. 01AP-614, 2001-Ohio-8772; and briefing schedule stayed.

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

2003-0116. Goodlett v. Ohio Cas. Group.

Butler App. No. CA2002-04-090. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 3 of the court of appeals' Entry Granting Motion to Certify Conflict filed January 10, 2003:

“Where both a person and a corporation are named insureds in a commercial automobile liability policy, is there still ambiguity in the word ‘you’ as found by

the Ohio Supreme Court in *Scott-Pontzer v. Liberty Mut. Fire Ins. Co.*, 85 Ohio St.3d 660, 1999-Ohio-292, with regard to the definition of ‘who is an insured.’”

F.E. Sweeney, J., dissents.

Sua sponte, cause consolidated with 2003-0038, *Goodlett v. Ohio Cas. Group*, Butler App. No. CA2002-04-090.

F.E. Sweeney, J., dissents.

2003-0319. State v. Evans.

Franklin App. No. 02AP-230, 2002-Ohio-6559. 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 January 31, 2003:

“For the reasons stated in the memorandum decision of this court rendered herein on January 30, 2003, it is the order of this court that the motion to certify the judgment of this court as being in conflict with the judgment of the Eighth District Court of Appeals for Cuyahoga County in *State v. Zimmerman* (Dec. 6, 2001), Cuyahoga App. No. 79011 [2001 WL 1671152], is granted, and, pursuant to Section 3(B)(4), Article IV, Ohio Constitution, the record of this case is certified to the Ohio Supreme Court for review and final determination upon the following issue in conflict: ‘If a trial court properly imposes the maximum sentence on a first-time offender pursuant to the requirements in R.C. 2929.14(C), does the “except as provided in division (C)” language contained in R.C. 2929.14(B) relieve the court from the requirements under R.C. 2929.14(B) regarding minimum sentences?’”

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

Sua sponte, cause consolidated with 2003-0083, *State v. Evans*, Franklin App. No. 02AP-230, 2002-Ohio-6559.

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

2003-0336. State v. Dowd.

Cuyahoga App. No. 80990, 2002-Ohio-7061. On motion for leave to file delayed appeal. Motion granted.

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

2003-0340. State v. Fair.

Franklin App. Nos. 96APA01-63 and 96APA01-64. On motion for leave to file delayed appeal. Motion denied.

2003-0341. State v. Jones.

Cuyahoga App. No. 80737, 2002-Ohio-6045. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2003-0361. State v. Brown.

Marion App. No. 9-02-02, 2002-Ohio-6765. On motion for leave to file delayed appeal. Motion granted.

F.E. Sweeney, J., dissents.

2003-0368. State v. Little.

Seneca App. No. 13-01-40, 2002-Ohio-5094. On motion for leave to file delayed appeal. Motion denied.

2003-0372. State v. Southall.

Stark App. No. 2002CA00070, 2002-Ohio-6552. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

2003-0373. State v. Nesbitt.

Summit App. No. 20926, 2002-Ohio-4857. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

2003-0389. State v. Satta.

Marion App. No. 9-01-38, 2002-Ohio-5049. On motion for leave to file delayed appeal. Motion denied.

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

2003-0423. RPM, Inc. v. Oatey Co.

Medina App. Nos. 3282-M and 3289-M, 2003-Ohio-367. On motion for stay of court of appeals' judgment. Motion granted provided that bond be posted in the amount of \$84,000.

Cook and O'Connor, JJ., dissent.

2003-0447. State ex rel. State v. Lewis.

In Prohibition. On emergency motion for stay of any proceedings in *DeRolph v. State*, Perry County Common Pleas Court case No. 22043. Motion denied.

On motion for leave to intervene of the *DeRolph* plaintiffs and the Ohio Coalition for Equity and Adequacy of School Funding. Motion granted.

APPEALS ACCEPTED FOR REVIEW

2002-2123. Kekic v. Royal & SunAlliance Ins. Co.

Cuyahoga App. No. 80693, 2002-Ohio-5563. Discretionary appeal allowed on Proposition of Law No. I and cause held for the decision in 2002-1245 and 2002-1271, *Estate of Houser v. Motorists Ins. Co.*, Auglaize App. No. 2-02-02, 2002-Ohio-2845; briefing schedule stayed.

Discretionary appeal allowed on Proposition of Law No. II and cause held for the decision in 2002-0610, *Geren v. Westfield Ins. Co.*, Lucas App. No. L-01-1398, 2002-Ohio-1230; briefing schedule stayed.

2002-2139. Szekeres v. State Farm Fire & Cas. Co.

Licking App. No. 02CA00004, 2002-Ohio-5989. Discretionary appeal allowed and cause held for the decision in 2002-0579, *Burkhart v. CNA Ins. Co.*, Stark App. No. 2001CA00265, 2002-Ohio-903; briefing schedule stayed.

F.E. Sweeney, J., would allow.

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

2002-2141. Watkins v. The MetroHealth Sys.

Cuyahoga App. No. 80567, 2002-Ohio-5961.

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

2002-2175. Sherred v. Estate of Koon.

Franklin App. No. 02AP-325, 2002-Ohio-6562. Discretionary appeal allowed and cause held for the decision in 2002-0367, *Armstrong v. Best Buy Co.*, Lorain App. No. 01CA007848, 2001-Ohio-1934; briefing schedule stayed.

Resnick, F.E. Sweeney and Lundberg Stratton, JJ., dissent.

2002-2187. Gottesman v. Estate of Gottesman.

Cuyahoga App. No. 81265, 2002-Ohio-6058.

Cook, J., dissents.

2002-2198. Vicars v. McCray.

Summit App. No. 21087, 2002-Ohio-6033. Discretionary appeal allowed and cause held for the decision in 2002-1126 and 2002-1433, *Allen v. Johnson*, Wayne App. Nos. 01CA0046 and 01CA0047, 2002-Ohio-3404; briefing schedule stayed.

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

2003-0038. Goodlett v. Ohio Cas. Group.

Butler App. No. CA2002-04-090. Discretionary appeal allowed on Proposition of Law No. I, cause consolidated with 2003-0116, *Goodlett v. Ohio Cas. Group*,

Butler App. No. CA2002-04-090, causes held for the decision in 2002-0932, *Westfield Ins. Co. v. Galatis*, Summit App. No. 20784, 2002-Ohio-1502; and briefing schedule stayed.

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

Discretionary appeal allowed on Proposition of Law No. II and cause consolidated with 2003-0116, *Goodlett v. Ohio Cas. Group*, Butler App. No. CA2002-04-090; briefing to proceed on this proposition of law.

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

Discretionary appeal allowed on Proposition of Law No. III; cause consolidated with 2003-0116, *Goodlett v. Ohio Cas. Group*, Butler App. No. CA2002-04-090; causes held for the decision in 2002-0610, *Geran v. Westfield Ins. Co.*, Lucas App. No. L-01-1398, 2002-Ohio-1230; briefing schedule stayed.

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

2003-0083. State v. Evans.

Franklin App. No. 02AP-230, 2002-Ohio-6559. Discretionary appeal allowed and cause consolidated with 2003-0319, *State v. Evans*, Franklin App. No. 02AP-230, 2002-Ohio-6559.

Resnick, F.E. Sweeney and Lundberg Stratton, JJ., dissent.

2003-0095. State v. Richards.

Cuyahoga App. No. 79350, 2002-Ohio-6623. Discretionary appeal allowed; cause consolidated with 2003-0047, *State v. Richards*, Cuyahoga App. No. 79350, 2002-Ohio-6623; causes held for the decision in 2002-0201, *State v. Fisher*, Franklin App. No. 01AP-614, 2001-Ohio-8772; and briefing schedule stayed.

APPEALS NOT ACCEPTED FOR REVIEW

2002-1905. State v. Moore.

Franklin App. No. 01AP-713.

Moyer, C.J., dissents.

2002-2096. Copeland & Brown Co., L.P.A. v. Darby.

Hamilton App. No. C-010388.

2002-2124. State v. Dumas.

Mahoning App. No. 98CA167, 2002-Ohio-6614.

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

2002-2196. Basore v. Basore.

Ashland App. No. 02COA011, 2002-Ohio-6089.

2002-2202. Natl. City Bank v. Lynch.

Cuyahoga App. No. 81887.

2002-2206. State v. Bash.

Highland App. No. 02CA16.

Lundberg Stratton, J., dissents.

2002-2209. Calobrisi v. Calobrisi.

Allen App. No. 1-02-56, 2002-Ohio-6147.

Resnick, J., dissents.

2002-2213. State v. Girt.

Stark App. No. 2002CA00174, 2002-Ohio-6407.

2002-2216. Nationwide Ins. Co. v. Case Corp.

Hancock App. No. 5-02-43, 2002-Ohio-6091.

2002-2217. State v. Pigg.

Champaign App. No. 2000CA25, 2002-Ohio-6198.

2002-2220. Lanier v. Curiooca.

Cuyahoga App. No. 80711, 2002-Ohio-5974.

2002-2227. State v. Pitts.

Summit App. No. 20976, 2002-Ohio-6291.

2002-2229. Leland v. Lima.

Allen App. No. 1-02-59, 2002-Ohio-6188.

Resnick and Pfeifer, JJ., dissent.

2002-2230. Bee v. Toth Industries, Inc.

Lucas App. No. L-02-1009, 2002-Ohio-6240.

2002-2233. State v. Marks.

Monroe App. No. 868, 2002-Ohio-6267.

Pfeifer, J., dissents and would allow.

Lundberg Stratton, J., dissents, would allow, and would hold this cause for the decision in 2002-0351 and 2002-0422, *State v. Comer*, Lucas App. No. L-99-1296, 2002-Ohio-233.

2002-2235. Ebbets Partners, Ltd. v. Foster.

Cuyahoga App. No. 80728, 2002-Ohio-6324.

2002-2243. State v. Donaldson.

Cuyahoga App. Nos. 80928, 80929, 80930, 80931, 80932, 80933, 80934, 80935 and 80936, 2002-Ohio-6048.

2002-2244. Mason v. Mason.

Cuyahoga App. Nos. 80368 and 80407, 2002-Ohio-6042.

2002-2246. State v. Norman.

Cuyahoga App. No. 80702, 2002-Ohio-6043.

2002-2247. Monarch Constr. Co. v. Ohio School Facilities Comm.

Franklin App. Nos. 02AP-635 and 02AP-636, 150 Ohio App.3d 134, 2002-Ohio-6281.

Pfeifer, J., dissents.

2002-2248. Smith v. Motorists Mut. Ins. Co.

Logan App. No. 8-02-17, 2002-Ohio-6259.

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

2002-2249. State v. Abbott.

Warren App. No. CA2001-10-093, 2002-Ohio-6278.

Pfeifer, J., dissents.

2003-0001. Arth Brass & Aluminum Castings, Inc. v. Conrad.

Franklin App. No. 02AP-66, 2002-Ohio-6282.

Pfeifer, J., dissents and would allow.

Lundberg Stratton, J., dissents and would allow on Propositions of Law Nos. II and III.

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

2003-0006. Tiefenthaler v. Tiefenthaler.

Fairfield App. No. 02CA29, 2002-Ohio-6438.

2003-0007. Lee v. Chrysler Corp.

Stark App. No. 2002CA00086, 2002-Ohio-6284. Discretionary appeal denied and motions for admission pro hac vice of Charles A. Newman for DaimlerChrysler Corporation by Brian G. Selden, Esq. and of Kathy Wisniewski for DaimlerChrysler Corporation by Brian G. Selden, Esq. denied as moot.

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

2003-0008. Covington v. Saffold.

Franklin App. No. 02AP-89, 150 Ohio App.3d 126, 2002-Ohio-6280. Discretionary appeal denied and motion to consolidate with 2003-0123, *Covington v. The MetroHealth Sys.*, 150 Ohio App.3d 558, 2002-Ohio-6629, denied as moot.

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

O'Connor, J., not participating.

2003-0009. State v. Hairston.

Cuyahoga App. No. 80054, 2002-Ohio-4892.

2003-0010. Seibert v. Murphy.

Scioto App. No. 02CA2825, 2002-Ohio-6454.

Pfeifer, J., dissents.

2003-0011. Paar v. Jackson Twp. Bd. of Trustees.

Stark App. No. 2002CA00079, 2002-Ohio-6553.

Lundberg Stratton, J., dissents.

2003-0012. State v. Thompson.

Cuyahoga App. No. 79334, 2002-Ohio-5957.

2003-0013. Danis Bldg. Constr. Co. v. Employers Fire Ins. Co.

Montgomery App. No. 19264, 2002-Ohio-6374.

Lundberg Stratton, J., dissents.

2003-0015. State v. English.

Lorain App. No. 02CA008172.

Lundberg Stratton, J., dissents.

2003-0017. McGeary v. Brocker.

Mahoning App. No. 00CA257, 2002-Ohio-6432.

2003-0024. State v. Moulder.

Cuyahoga App. No. 80266, 2002-Ohio-5327.

2003-0025. Saurer v. Allied Moulded Products, Inc.

Williams App. No. WM-02-006, 2002-Ohio-6365.

Resnick, J., dissents.

2003-0027. In re Guardianship of Freeman.

Adams App. No. 02CA737, 2002-Ohio-6386.

2003-0029. Kanu v. George Dev., Inc.

Lucas App. Nos. L-02-1139 and L-02-1140, 2002-Ohio-6356.

2003-0032. Frost v. Mack.

Madison App. No. CA2002-03-004.

2003-0036. State v. Doup.

Knox App. No. 02CA000008, 2002-Ohio-6981.

2003-0037. State v. Binion.

Trumbull App. No. 2002-T-0093.

2003-0040. State v. Henderson.

Trumbull App. No. 2001-T-0047, 2002-Ohio-6715. Discretionary appeal and cross-appeal denied.

2003-0041. Szerlip v. Szerlip.

Knox App. No. 02CA09.

2003-0042. State v. Schuler.

Pickaway App. No. 02CA7, 2002-Ohio-6607.

2003-0043. In re Borntreger.

Geauga App. No. 2001-G-2379, 2002-Ohio-6468.

F.E. Sweeney, J., dissents.

2003-0049. Paine Funeral Home v. Ohio Bd. of Embalmers & Funeral Directors.

Ashtabula App. No. 2001-A-0078, 150 Ohio App.3d 291, 2002-Ohio-6474.

2003-0051. Franklin v. Ohio Unemp. Comp. Review Comm.
Cuyahoga App. No. 80120, 2002-Ohio-5324.

2003-0055. State v. Holder.
Geauga App. Nos. 2001-G-2345 and 2001-G-2350, 2002-Ohio-7124.

2003-0056. Moore v. Daw.
Muskingum App. No. CT20020002, 2002-Ohio-6604.
O'Connor, J., not participating.

2003-0058. Sohi v. Ohio State Dental Bd.
Hamilton App. No. C-020224.

2003-0060. White v. Mount Carmel Med. Ctr.
Franklin App. No. 02AP-381, 2002-Ohio-6446.
Resnick, J., dissents.

2003-0061. Fath Mgt. Co. v. Amadasu.
Hamilton App. No. C-010511.

2003-0064. Feister v. Miller.
Tuscarawas App. Nos. 2002AP050035 and 2002AP050039, 2002-Ohio-7397.

2003-0065. In re Gillespie.
Franklin App. No. 02AP-592, 2002-Ohio-7025.

2003-0066. State v. Morton.
Summit App. No. 21047, 2002-Ohio-6458.

2003-0068. State v. Jones.
Cuyahoga App. No. 80737, 2002-Ohio-6045.

2003-0069. State v. Ronau.
Lucas App. No. L-02-1147, 2002-Ohio-6687.
Lundberg Stratton and O'Connor, JJ., dissent.

2003-0073. Jackson v. Bellomy.
Franklin App. No. 01AP-1397, 2002-Ohio-6495.

2003-0076. Dobbins v. Kalbaugh.

Summit App. Nos. 20714, 20918, and 20920, 2002-Ohio-6465.
O'Connor, J., not participating.

2003-0078. Baltz v. Cuyahoga Metro. Hous. Auth.
Cuyahoga App. No. 81411, 2002-Ohio-6834.

2003-0079. State v. Godbolt.
Licking App. No. 02CA39, 2002-Ohio-6547.

2003-0081. Rideau v. Russell.
Warren App. No. CA2002-01-003, 2002-Ohio-6523. Discretionary appeal denied and motion for admission pro hac vice of Roger J. Rosen by Gerald S. Gold denied as moot.

2003-0082. State v. Bennett.
Hamilton App. Nos. C-010496 and C-010534, 2002-Ohio-6651.
Moyer, C.J., Resnick and Pfeifer, JJ., dissent.

2003-0084. State v. Stojetz.
Madison App. No. CA2002-04-006, 2002-Ohio-6520.

2003-0086. State v. Johnson.
Ashtabula App. No. 2001-A-0043, 2002-Ohio-6570.

2003-0088. Ratcliff v. Darby.
Scioto App. No. 02CA2832, 2002-Ohio-6626.
Lundberg Stratton, J., dissents.

2003-0089. State v. Mack.
Richland App. No. 98CA62.

2003-0091. State v. Tucker.
Stark App. No. 2002CA00158, 2002-Ohio-7009.

2003-0094. Lanthorn v. Cincinnati Ins. Co.
Adams App. No. 02CA743, 2002-Ohio-6798.
Resnick, J., dissents.
Cook, J., not participating.

2003-0096. Bassett v. Bassett.

Trumbull App. No. 2001-T-0129, 2002-Ohio-6587.
Resnick, J., dissents.

2003-0099. State v. Hoffman.

Lake App. No. 2001-L-022, 2002-Ohio-6576.

2003-0105. State v. Rutan.

Franklin App. No. 97AP-389.

2003-0107. State v. Lawston.

Cuyahoga App. No. 80828, 2002-Ohio-6498.

2003-0108. State v. Sales.

Franklin App. No. 02AP-175, 2002-Ohio-6563.

2003-0109. State v. Ward.

Montgomery App. No. 19072, 2002-Ohio-5597.

Cook and O'Connor, JJ., would dismiss this cause because it is not a *Murnahan* appeal. See *State v. Murnahan* (1992), 63 Ohio St.3d 60, 584 N.E.2d 1204.

2003-0113. Renner v. E. Mfg. Corp.

Portage App. No. 2001-P-0135, 2002-Ohio-6691.

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

2003-0118. State v. Williamson.

Cuyahoga App. No. 80982, 2002-Ohio-6503.

2003-0121. State v. Barnett.

Cuyahoga App. No. 81101, 2002-Ohio-6506.

2003-0124. State v. Leigh.

Montgomery App. No. 18294, 2001-Ohio-1700.

2003-0133. State v. Grier.

Franklin App. No. 02AP-431, 2002-Ohio-6745.

2003-0136. State v. Abner.

Cuyahoga App. No. 81023, 2002-Ohio-6504.

Pfeifer, J., dissents.

2003-0142. State v. Gandy.

Butler App. No. CA2002-04-097, 2002-Ohio-6678.

2003-0166. MGM Landscape Constrs., Inc. v. Berry.

Summit App. No. 20979, 2002-Ohio-6763.

Cook, J., not participating.

2003-0169. State v. Alicea.

Mahoning App. No. 99CA36, 2002-Ohio-6907.

2003-0182. State v. Watkins.

Lucas App. No. L-02-1192.

Cook and O'Connor, JJ., would dismiss this cause because it is not a *Murnahan* appeal. See *State v. Murnahan* (1992), 63 Ohio St.3d 60, 584 N.E.2d 1204.

2003-0196. State v. Molek.

Portage App. No. 2001-P-0147, 2002-Ohio-7159.

Lundberg Stratton, J., dissents.

2003-0217. State v. Fernandez.

Lake App. No. 2001-L-162, 2002-Ohio-7140.

2003-0218. State v. Jones.

Franklin App. No. 01AP-649, 2002-Ohio-880.

2003-0226. State v. Freeman.

Delaware App. No. 01CAA10052, 2002-Ohio-3096.

2003-0227. State v. Stafford.

Noble App. No. 265, 2002-Ohio-7184.

Lundberg Stratton, J., dissents.

2003-0231. State v. Caulley.

Franklin App. No. 97AP-1590, 2002-Ohio-7039.

2003-0251. State v. Hlavsa.

Cuyahoga App. No. 80969, 2002-Ohio-6811.

Resnick, F.E. Sweeney and Lundberg Stratton, JJ., dissent.

2003-0263. State v. Henderson.

Hamilton App. Nos. C-020214 and C-020235.

2003-0265. State v. Dozier.

Hamilton App. No. C-010730.

2003-0269. State v. Thomas.

Hamilton App. No. C-010724, 2002-Ohio-7333.

2003-0344. In re Thompson.

Franklin App. Nos. 02AP-557 and 02AP-558, 2003-Ohio-580.
Pfeifer, J., dissents.

RECONSIDERATION OF PRIOR DECISIONS

2002-0959. State ex rel. Underwood v. Indus. Comm.

Franklin App. No. 01AP-930, 2002-Ohio-2227. Reported at 98 Ohio St.3d 287, 2003-Ohio-372, 782 N.E.2d 582. On motion for reconsideration. Motion denied.

2002-1890. N. Olmsted v. Reagan.

Cuyahoga App. No. 79627, 2002-Ohio-4426. Reported at 98 Ohio St.3d 1460, 2003-Ohio-644, 783 N.E.2d 520. On motion for reconsideration. Motion denied.

2002-1926. Hall v. Forsyth.

Montgomery App. No. 19252, 2002-Ohio-5129. Reported at 98 Ohio St.3d 1461, 2003-Ohio-644, 783 N.E.2d 520. On motion for reconsideration. Motion denied.

2002-1942. State v. Satta.

Marion App. No. 9-01-38, 2002-Ohio-5049. Reported at 98 Ohio St.3d 1461, 2003-Ohio-644, 783 N.E.2d 520. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., would allow on Proposition of Law No. I.

Moyer, C.J., and Pfeifer, J., would allow.

2002-2050. Starks v. Globe Am. Cas. Co.

Hamilton App. No. C-010631. Reported at 98 Ohio St.3d 1463, 2003-Ohio-644, 783 N.E.2d 521. On motion for reconsideration. Motion denied.

2003-0057. State v. Kelly.

Franklin App. No. 02AP-195, 2002-Ohio-5797. Reported at 98 Ohio St.3d 1459, 2003-Ohio-644, 783 N.E.2d 519. On motion for reconsideration. Motion denied. Moyer, C.J., dissents.