

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

April 13, 2005

[Cite as *04/13/2005 Case Announcements*, 2005-Ohio-1666.]

MERIT DECISIONS WITH OPINIONS

2002-2032. State v. Brinkley, 2005-Ohio-1507.

Lucas C.P. No. CR00-2826. Judgment affirmed.

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

Pfeifer, J., concurs in part and dissents in part.

Lynn C. Slaby, J., of the Ninth Appellate District, sitting for Lanzinger, J.

2004-0105. State ex rel. Leslie v. Ohio Hous. Fin. Agency, 2005-Ohio-1508.

Franklin App. No. 02AP-1147, 2003-Ohio-6560. Judgment affirmed in part and reversed in part.

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

2004-1331. State ex rel. Mora v. Wilkinson, 2005-Ohio-1509.

Wayne App. No. 03-CA-0062. Judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2004-1740. State ex rel. White v. Petro.

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

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

2005-0144. State ex rel. Norris v. Shoemaker.

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

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

2005-0188. State ex rel. Hines v. Court of Appeals, Eighth Appellate Dist.

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

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

2005-0225. Penko v. Lake Cty.

In Quo Warranto. On motions to dismiss and motion for leave to amend complaint. Motions to dismiss sustained. Motion for leave to amend complaint denied as moot. Cause dismissed.

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

2005-0246. State ex rel. Dale v. Stucki.

In Mandamus and Procedendo. On motion to dismiss and motion for judgment on complaint. Motion to dismiss sustained. Motion for judgment on complaint denied. Cause dismissed.

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

2005-0278. Black v. Wilkins.

Board of Tax Appeals, No. 2004-G-400. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

Pfeifer, J., dissents.

2005-0318. State ex rel. Culgan v. Collier.

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

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

2005-0341. State ex rel. Welker v. Russo.

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

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

2005-0362. State ex rel. Elko v. Suster.

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

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

2005-0377. State ex rel. Maxwell v. Kainrad.

In Mandamus. On motions to dismiss. Motions to dismiss sustained. Cause dismissed.

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

2005-0429. Humbert v. Borkowski.

Fulton App. No. F-05-007, 2005-Ohio-918. On review of order certifying a conflict. The court determines that no conflict exists. This cause is therefore dismissed.

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

Lundberg Stratton, J., dissents.

MOTION AND PROCEDURAL RULINGS

2003-2036. State v. Barton.

Warren C.P. No. 03CR20526. On motion to dissolve stay on ruling upon motion for leave to file supplemental proposition of law. Motion to dissolve stay granted. On motion for leave to file supplemental proposition of law. Motion denied.

Lundberg Stratton, J., dissents and would deny the motion to dissolve stay.

2004-1425. Bd. of Edn. of Columbus City School Dist. v. Wilkins.

Board of Tax Appeals, No. 2002-V-1301. On request for oral argument. Request granted.

Resnick, J., dissents.

2004-1688. State v. Cantwell.

Stark App. No. 2003-CA-00367, 2004-Ohio-2964. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2004-1188, *State v. Cantwell*, Stark App. No. 2003-CA-00367, 2004-Ohio-2964; cause held for the decisions in 2004-1279 and 2004-1696, *State v. Threatt*, Stark App. No. 2003CA00368, 2004-Ohio-3261; and briefing schedule stayed.

Pfeifer, J., dissents.

2004-1692. State v. Carter.

Stark App. No. 2003-CA-00372, 2004-Ohio-3523. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2004-1324, *State v. Carter*, Stark App. No. 2003-CA-00372, 2004-Ohio-3523; cause held for the decisions in 2004-1279 and 2004-1696, *State v. Threatt*, Stark App. No. 2003CA00368, 2004-Ohio-3261; and briefing schedule stayed.

Pfeifer, J., dissents.

2004-1697. State v. Owens.

Stark App. No. 2003-CA-00370, 2004-Ohio-3262. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2004-1275, *State v. Owens*, Stark App. No. 2003-CA-00370, 2004-Ohio-3262; cause held for the decisions in 2004-1279 and 2004-1696, *State v. Threatt*, Stark App. No. 2003CA00368, 2004-Ohio-3261; and briefing schedule stayed.

Pfeifer, J., dissents.

2004-1699. State v. Williams.

Stark App. No. 2003-CA-00369, 2004-Ohio-3525. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2004-1320, *State v. Williams*, Stark App. No. 2003-CA-00369, 2004-Ohio-3525; cause held for the decisions in 2004-1279 and 2004-1696, *State v. Threatt*, Stark App. No. 2003CA00368, 2004-Ohio-3261; and briefing schedule stayed.

Pfeifer, J., dissents.

2004-2138. State v. Reyes.

Wood App. No. WD-02-069, 2004-Ohio-2217. On motion for leave to file delayed appeal. Motion denied.

2005-0085. State ex rel. Mackey v. Blackwell.

Cuyahoga App. No. 85597, 2004-Ohio-7004. On motion for admission pro hac vice of Elliot M. Minberg by Jill S. Davis. Motion granted.

2005-0123. State ex rel. Schuette v. Liberty Twp. Bd. of Trustees.

In Mandamus. On relator's motion for leave to introduce deposition testimony of respondents from predecessor action, answer of respondents, and relator's motion to strike answer of respondents. Motion for leave to introduce deposition testimony is granted; alternative writ is granted; and motion to strike respondents' answer is denied as moot.

2005-0161. Am. Financial Serv. Assn. v. Cleveland.

Cuyahoga App. No. 83676, 2004-Ohio-6416. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issues stated in the court of appeals' Journal Entry filed January 11, 2005:

“Whether R.C. 1.63 is a general law for purposes of Ohio's Home Rule Amendment.

“Under a home rule analysis, whether local predatory lending ordinances that impose stricter requirements on lending transactions conflict with the state's predatory lending statutes.”

Sua sponte, cause consolidated with 2005-0160, *Am. Financial Serv. Assn.*, Cuyahoga App. No. 83676, 2004-Ohio-6416.

The conflict case is *Dayton v. State*, 157 Ohio App.3d 736, 2004-Ohio-3141.

2005-0245. Reading v. Pub. Util. Comm.

Public Utilities Commission, No. 02-589-RR-UNC. On motion for stay of the October 13, 2004 opinion and order of the Public Utilities Commission of Ohio, as clarified and affirmed on December 8, 2004. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2005-0271. State v. Smith.

Clark App. No. 2003 CA 93, 2004-Ohio-6062. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2005-0275. State v. Davis.

Franklin App. No. 04AP-603. On motion for leave to file delayed appeal. Motion denied.

2005-0307. State v. Nix.

Hamilton App. No. C-030696, 2004-Ohio-5502. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2005-0310. State v. Suttles.

Hamilton App. No. C-030908. On motion for leave to file delayed appeal. Motion granted.

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

2005-0313. State v. Dean.

Delaware App. No. 03CA31, 2004-Ohio-1744. On motion for leave to file delayed appeal. Motion denied.

2005-0337. State v. Mata.

Allen App. No. 1-04-54, 2004-Ohio-6669. On motion for leave to file delayed appeal. Motion denied.

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

2005-0344. State v. Downing.

Summit App. No. 22012, 2004-Ohio-5952. On motion for leave to file delayed appeal. Motion denied.

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

2005-0345. State v. Kennedy.

Cuyahoga App. No. 83445, 2004-Ohio-6414. On motion for leave to file delayed appeal. Motion granted.

Resnick, Pfeifer and Lanzinger, JJ., dissent.

2005-0346. State v. Baldwin.

Cuyahoga App. No. 83327, 2004-Ohio-2850. On motion for leave to file delayed appeal. Motion denied.

2005-0348. State v. Kadas.

Wood App. No. WD-04-013, 2004-Ohio-7159. On motion for leave to file delayed appeal. Motion granted.

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

Lanzinger, J., not participating.

2005-0370. State v. Jones.

Cuyahoga App. No. 83481, 2004-Ohio-5205. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.

2005-0381. State v. Young.

Erie App. No. E-03-033, 2004-Ohio-5896. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.

O'Donnell, J., not participating.

2005-0391. State v. Bruce.

Hamilton App. No. C-040421, 2005-Ohio-373. On motion for stay of court of appeals' judgment. Motion granted.

Pfeifer, J., dissents.

2005-0396. State v. Furlow.

Clark App. No. 03CA0058, 2004-Ohio-5279. On motion for leave to file delayed appeal. Motion denied.

2005-0405. State v. Remy.

Ross App. No. 03CA2731, 2004-Ohio-3630. On motion for leave to file delayed appeal. Motion denied.

2005-0412. State v. Kreischer.

Perry App. No. 03 CA 20, 2004-Ohio-6854. 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' Judgment Entry filed February 23, 2005:

“Whether a court may order restitution by an offender pursuant to R.C. 2929.18(A)(1) to include medical costs paid on behalf of the victim by a third-party insurer?”

Resnick, J., not participating.

Sua sponte, cause consolidated with 2005-0216, *State v. Kreischer*, Perry App. No. 03 CA 20, 2004-Ohio-6854.

The conflict case is *State v. Miller*, Lucas App. No. L-01-1265, 2002-Ohio-853.

2005-0415. Hedges v. Nationwide Mut. Ins. Co.

Franklin App. No. 04AP-423, 2004-Ohio-6723. 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' Memorandum Decision filed February 17, 2005:

“Whether the decision in *Moore v. State Auto. Mut. Ins. Co.* (2000), 88 Ohio St.3d 27, is applicable to the version of R.C. 3937.18(A) as amended by H.B.No. 261 that went into effect September 3, 1997?”

Resnick and Pfeifer, JJ., dissent.

Sua sponte, cause consolidated with 2005-0193, *Hedges v. Nationwide Mut. Ins. Co.*, Franklin App. No. 04AP-423, 2004-Ohio-6723.

The conflict case is *Cincinnati Equitable Ins. Co. v. Wells*, Montgomery App. No. 20286, 2004-Ohio-2418.

2005-0488. Duckworth v. Burger King Corp.

Franklin App. No. 04AP-697, 159 Ohio App.3d 540, 2005-Ohio-294. On motion for stay of court of appeals' judgment. Motion denied.

Resnick and Pfeifer, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2005-0044. Knox Cty. Commrs. v. Knox Cty. Engineer.

Knox App. No. 04-CA-000010, 2004-Ohio-6680.

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

2005-0065. State v. Garrett.

Clark App. No. 2003 CA 40, 2004-Ohio-6876. 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.

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

2005-0074. Davenport v. Montgomery Cty.

Montgomery App. No. 20350, 2004-Ohio-6781.

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

2005-0158. State v. Parsons.

Ashtabula App. No. 2003-A-0030, 2004-Ohio-7237. Discretionary appeal accepted on Proposition of Law I; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

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

2005-0160. Am. Financial Serv. Assn. v. Cleveland.

Cuyahoga App. No. 83676, 2004-Ohio-6416. Discretionary appeal accepted and cause consolidated with 2005-0161, *Am. Financial Serv. Assn. v. Cleveland*, Cuyahoga App. No. 83676, 2004-Ohio-6416. Motion to dismiss denied.

2005-0193. Hedges v. Nationwide Mut. Ins. Co.

Franklin App. No. 04AP-423, 2004-Ohio-6723. Discretionary appeal accepted and cause consolidated with 2005-0415, *Hedges v. Nationwide Mut. Ins. Co.*, Franklin App. No. 04AP-423, 2004-Ohio-6723.

Resnick and Pfeifer, JJ., dissent.

2005-0216. State v. Kreisler.

Perry App. No. 03 CA 20, 2004-Ohio-6854. Discretionary appeal accepted and cause consolidated with 2005-0412, *State v. Kreisler*, Perry App. No. 03 CA 20, 2004-Ohio-6854.

Lundberg Stratton and Lanzinger, JJ., dissent.

Resnick, J., not participating.

2005-0258. State v. Hardie.

Washington App. No. 04CA21, 2004-Ohio-7278. Discretionary appeal accepted on Proposition of Law I; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick and Pfeifer, JJ., dissent.

2005-0284. State v. Hardie.

Washington App. No. 04CA24, 2004-Ohio-7277. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick, Pfeifer and Lanzinger, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2004-1543. Hartman v. Smith.

Wayne App. No. 04CA0043.

2004-1820. State v. Hedrick.

Summit App. No. 22336.

2004-2019. State v. Fitzpatrick.

Hamilton App. No. C-030804, 2004-Ohio-5615.

2004-2163. State ex rel. Hosta v. Malise.

Lake App. No. 2004-L-039, 2004-Ohio-6034.

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

2004-2177. State v. Carter.

Coshocton App. No. 04 CA 8, 2004-Ohio-6365.

2005-0009. State v. Baughman.

Henry App. No. 7-04-06.

2005-0018. State v. Davis.

Vinton App. No. 03CA584, 2004-Ohio-6839.

2005-0022. State v. Lather.

Ottawa App. No. OT-03-041, 2004-Ohio-6312.

Moyer, C.J., dissents and would accept on Proposition of Law I.

Lundberg Stratton, J., dissents and would accept.

Lanzinger, J., dissents and would accept on Proposition of Law III.

2005-0027. State v. Paris.

Cuyahoga App. No. 83519, 2004-Ohio-5965.

2005-0029. State v. Cheetham.

Cuyahoga App. No. 84193, 2004-Ohio-6013.

2005-0031. Steen Electric v. Homes of Elegance, Inc.

Summit App. No. 21876, 2004-Ohio-6275.

2005-0034. Capital Control, Inc. v. Sunrise Point, Ltd.

Erie App. Nos. E-03-046 and E-04-008, 2004-Ohio-6309.

Resnick, J., dissents.

Lanzinger, J., not participating.

2005-0041. Kelm v. McArdle.

Columbiana App. No. 04-CO-6, 2004-Ohio-6378.

2005-0042. State v. Warden.

Wood App. No. WD-03-065, 2004-Ohio-6306.
Moyer, C.J., and Lanzinger, J., dissent.

2005-0045. State v. Dickinson.
Columbiana App. No. 03 CO 52, 2004-Ohio-6373.

2005-0047. State v. Towler.
Franklin App. No. 04AP-141, 2004-Ohio-6445.

2005-0048. State v. Muff.
Perry App. No. 03CA15, 2004-Ohio-6453.

2005-0050. State v. Skaggs.
Wood App. No. WD-04-002, 2004-Ohio-6653.
Lanzinger, J., not participating.

2005-0053. Emrich v. Grady Mem. Hosp.
Delaware App. No. 04CAE04030, 2004-Ohio-6753.

2005-0054. State v. Perdue.
Montgomery App. No. 20234, 2004-Ohio-6788.
Lundberg Stratton, J., dissents and would accept.
Lanzinger, J., dissents and would accept on Proposition of Law I.

2005-0057. Taylor v. Leader Transp. Sys., Inc.
Lake App. No. 2003-L-115, 2004-Ohio-6330.
Lanzinger, J., dissents.

2005-0058. State v. McDonald.
Lake App. No. 2003-L-155, 2004-Ohio-6332.

2005-0059. State v. Ramirez.
Medina App. No. 04CA0024-M, 2004-Ohio-6541.

2005-0060. Tolliver v. Liberty Mut. Group.
Franklin App. No. 04AP-226, 2004-Ohio-6355.

2005-0062. State v. Everitt.
Warren App. No. CA2004-07-086.

2005-0067. In re Estate of Traylor.

Mahoning App. Nos. 03 MA 253, 03 MA 254, 03 MA 255, 03 MA 256, 03 MA 257, 03 MA 258, 03 MA 259, and 03 MA 262, 2004-Ohio-6504. Discretionary appeal not accepted.

Resnick and Pfeifer, JJ., dissent.

On motion for admission pro hac vice of Jason T. Shipp for Goldberg, Persky & White, P.C., by John J. Duffy. Motion granted.

2005-0072. Wachtman v. Meijer, Inc.

Franklin App. No. 03AP-948, 2004-Ohio-6440.

Pfeifer and O'Connor, JJ., dissent.

2005-0073. Guthrie v. Wheeler.

Franklin App. No. 04AP-243, 2004-Ohio-6442.

Resnick, J., dissents.

2005-0075. State v. Hughbanks.

Hamilton App. No. C-040011, 159 Ohio App.3d 257, 2004-Ohio-6429.

Lundberg Stratton, J., dissents and would accept the appeal and hold the cause 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.

2005-0077. CitiFinancial Mtge. Co., Inc. v. Carson.

Franklin App. No. 04AP-317, 2004-Ohio-6448.

2005-0079. In re Estate of Robertson.

Mahoning App. No. 04 MA 46, 159 Ohio App.3d 297, 2004-Ohio-6509. Discretionary appeal not accepted. On motion for admission pro hac vice of Jason T. Shipp by John J. Duffy. Motion granted.

2005-0083. Parma v. Kline.

Cuyahoga App. Nos. 83287 and 83427 ,2004-Ohio-6091.

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

O'Donnell, J., not participating.

2005-0084. State v. Jackson.

Franklin App. No. 03AP-1065, 2004-Ohio-6438.

2005-0088. State v. Hardie.

Montgomery App. No. 19954, 2004-Ohio-6783.

Lundberg Stratton, O'Connor and Lanzinger, JJ., dissent and would accept the appeal on Proposition of Law III and hold the cause 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.

2005-0094. State v. Banks.

Franklin App. No. 03AP-1286, 2004-Ohio-6522.

2005-0097. Dunkelman v. Cincinnati Bengals, Inc.

Hamilton App. No. C-040427, 158 Ohio App.3d 604, 2004-Ohio-6425.

Lanzinger, J., dissents.

2005-0098. State v. Laws.

Franklin App. No. 04AP-283, 2004-Ohio-6446.

2005-0099. SST Bearing Corp. v. MTD Consumer Group, Inc.

Hamilton App. No. C-040267, 2004-Ohio-6435.

Moyer, C.J., dissents.

2005-0101. State v. Sturgill.

Clermont App. No. CA2004-02-008, 2004-Ohio-6481.

O'Connor, J., dissents.

2005-0109. State v. Jones.

Mahoning App. No. 03 MA 260, 2004-Ohio-6809.

Resnick and Lundberg Stratton, JJ., dissent and would accept the appeal and reverse the judgment of the court of appeals and remand for the application of *State v. Brooks*, 103 Ohio St.3d 134, 2004-Ohio-4746, 814 N.E.2d 837.

Lanzinger, J., dissents and would accept.

2005-0112. Universal Contracting Corp. v. Aug.

Hamilton App. No. C-030719, 2004-Ohio-7133.

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

2005-0114. Cole v. Cole.

Cuyahoga App. Nos. 84319, 84504 and 84789, 2004-Ohio-6638.

2005-0116. State v. Stragisher.

Columbiana App. No. 03 CO 13, 2004-Ohio-6797.

2005-0143. State v. Butts.

Franklin App. No. 03AP-495, 2004-Ohio-1136.

2005-0152. State v. Cheers.

Lorain App. No. 04CA008465, 2004-Ohio-6533.

2005-0157. Allstate Ins. Co. v. Singleton.

Cuyahoga App. No. 84371, 2004-Ohio-6117.

2005-0163. State v. Hodge.

Franklin App. No. 04AP-294, 2004-Ohio-6980.

2005-0171. State v. Inskeep.

Champaign App. No. 2003 CA 22, 2004-Ohio-4927.

2005-0175. Shirley v. Grange Mut. Cas. Ins. Co.

Stark App. No. 2004CA00038, 2004-Ohio-6761.

2005-0177. State v. Varise.

Cuyahoga App. No. 85461.

2005-0179. Gordon Constr., Inc. v. Peterbilt of Cincinnati, Inc.

Clermont App. No. CA2004-03-018, 2004-Ohio-6662.

2005-0196. Fowler v. Summa Health Sys.

Summit App. No. 22091, 2004-Ohio-6740.

2005-0199. State v. Thorne.

Stark App. No. 2003CA00388, 2004-Ohio-7055.

2005-0214. State v. Mosiychuk.

Stark App. No. 2003 CA 00425, 2004-Ohio-6968.

2005-0220. State v. Dearing.

Cuyahoga App. No. 78710, 2004-Ohio-6847.

O'Donnell, J., not participating.

2005-0238. State v. Sevayega.

Cuyahoga App. No. 84395, 2004-Ohio-6706.

Pfeifer, J., dissents.
O'Donnell, J., not participating.

RECONSIDERATION OF PRIOR DECISIONS

2004-0753. Pillo v. Stricklin.

Stark App. No. 2003CA00212, 2004-Ohio-1570. Reported at 104 Ohio St.3d 637, 2005-Ohio-184, 821 N.E.2d 187. On motion for reconsideration. Motion denied.
Resnick and Pfeifer, JJ., dissent.

2004-1817. State v. Jaworski.

Ottawa App. No. OT-03-047, 2004-Ohio-5242. Reported at 105 Ohio St.3d 1438, 2005-Ohio-531, 822 N.E.2d 810. On motion for reconsideration. Motion denied.
Lanzinger, J., not participating.

2004-1882. Carrick v. Bennett.

Summit App. No. 21962, 2004-Ohio-4949. Reported at 105 Ohio St.3d 1439, 2005-Ohio-531, 822 N.E.2d 811. On motion for reconsideration. Motion denied.