

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

August 29, 2007

[Cite as *08/29/2007 Case Announcements, 2007-Ohio-4285.*]

MERIT DECISIONS WITH OPINIONS

2006-0330. Froehlich v. Ohio Dept. of Mental Health, 2007-Ohio-4161.

Franklin App. No. 05AP-129, 2005-Ohio-7026. Judgment affirmed.

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

Pfeifer, J., dissents.

2006-0616. Webb v. McCarty, 2007-Ohio-4162.

Franklin App. No. 05AP-698, 2006-Ohio-795. Judgment affirmed and cause remanded to the trial court.

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

Lundberg Stratton, Lanzinger and Cupp, JJ., concur in judgment only.

O'Donnell, J., dissents.

2006-0657. State v. Consilio, 2007-Ohio-4163.

Summit App. No. 22761, 2006-Ohio-649. Judgment affirmed.

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

Cupp, J., concurs in syllabus and judgment only.

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

2006-0830. Elyria Foundry Co. v. Pub. Util. Comm., 2007-Ohio-4164.

Public Utilities Commission, Nos. 05-704-EL-ATA, 05-1125-EL-ATA, 05-1126-EL-AAM, and 05-1127-EL-UNC. Orders affirmed in part and reversed in part, and cause remanded.

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

Pfeifer, J., dissents.

2006-2306. Cincinnati Bar Assn. v. Schwieterman, 2007-Ohio-4266.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 04-034. Robert C. Schwieterman, Attorney Registration No. 0061353, is indefinitely suspended from the practice of law in Ohio.

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

Pfeifer, J., would indefinitely suspend respondent from the practice of law in Ohio but give credit for one year of respondent's interim suspension.

2007-0311. Akron Bar Assn. v. Goodlet, 2007-Ohio-4271.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-036. C. William Goodlet, Attorney Registration No. 0029035, is indefinitely suspended from the practice of law in Ohio.

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

2007-0336. Disciplinary Counsel v. McCauley, 2007-Ohio-4259.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-050. Christopher James McCauley, Attorney Registration No. 0034632, is indefinitely suspended from the practice of law in Ohio.

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

2007-0346. Disciplinary Counsel v. Lord, 2007-Ohio-4260.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-048. John A. Lord, Attorney Registration No. 0072696, is permanently disbarred from the practice of law in Ohio.

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

2007-0458. In re Application of Kohler, 2007-Ohio-4261.

On Report by the Board of Commissioners on Character and Fitness, No. 336. The application of Nathan J. Kohler for admission to the practice of law in Ohio is disapproved, but he may reapply as of February 2008.

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

2007-0636. Toledo Bar Assn. v. Joelson, 2007-Ohio-4272.

On Final Report by the Board on the Unauthorized Practice of Law, No. UPL 06-09. Harlan M. Joelson is enjoined from acts constituting the practice of law in Ohio.

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

2007-0734. Medina Cty. Bar Assn. v. Butts, 2007-Ohio-4265.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-071. Michael T. Butts, Attorney Registration No. 0046616, is suspended from the practice of law in Ohio for six months, stayed on conditions.

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

2007-0735. Disciplinary Counsel v. Gosling, 2007-Ohio-4267.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-078. John Gregory Gosling, Attorney Registration No. 0031040, is indefinitely suspended from the practice of law in Ohio.

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

2007-0736. Cuyahoga Cty. Bar Assn. v. Mazanec, 2007-Ohio-4268.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-084. David Thomas Mazanec, Attorney Registration No. 0029149, is permanently disbarred from the practice of law in Ohio.

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

2007-0737. Cleveland Bar Assn. v. Berk, 2007-Ohio-4264.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-043. Robert Jerome Berk, Attorney Registration No. 0001031, is suspended from the practice of law in Ohio for one year, stayed on conditions, and probation imposed.

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

2007-0738. Cincinnati Bar Assn. v. Lehr, 2007-Ohio-4263.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-082. David Winston Lehr, Attorney Registration No. 0065210, is indefinitely suspended from the practice of law in Ohio.

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

2007-0748. Disciplinary Counsel v. Hofelich, 2007-Ohio-4269.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-047. James Albert Hofelich, Attorney Registration No. 0033009, is suspended from the practice of law in Ohio for six months.

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

Pfeifer and O'Donnell, JJ., would suspend respondent from the practice of law in Ohio for six months but stay the suspension.

2007-0757. Akron Bar Assn. v. Carter, 2007-Ohio-4262.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-060. Cornell Phillip Carter, Attorney Registration No. 0062986, is suspended from the practice of law in Ohio for two years, with one year stayed on conditions.

Pfeifer, Lundberg Stratton, O'Donnell and Lanzinger, JJ., concur.

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

2007-0768. Cuyahoga Cty. Bar Assn. v. Smith, 2007-Ohio-4270.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-028. Richard Ford Smith Jr., Attorney Registration No. 0018125, is permanently disbarred from the practice of law in Ohio.

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

MERIT DECISIONS WITHOUT OPINIONS

2007-0482. State ex rel. Schlotman v. Indus. Comm.

Franklin App. No. 05AP-1076. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

Pfeifer, J., dissents.

2007-0781. Ohio Consumers' Counsel v. Pub. Util. Comm.

Public Utilities Commission, No. 05-1444-GA-UNC. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

Pfeifer, J., dissents.

2007-1003. State ex rel. Martino v. Pasquerilla.

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

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

2007-1038. Guillory v. Ohio Dept. of Rehab. & Corr.

In Prohibition. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

2007-1073. State ex rel. Cottrell v. Columbiana Cty. Court of Common Pleas.

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

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

2007-1083. State ex rel. Ossman v. Fairfield Cty. Mun. Court.

In Procedendo. On complaint in procedendo of Jeffrey W. Ossman. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

2007-1094. State ex rel. Parks v. Court of Appeals, Seventh Appellate Dist.

In Procedendo. On relator's motion for issuance of an alternative writ and respondent's motion to dismiss. Motion to dismiss granted. Motion for issuance of an alternative writ denied as moot. Cause dismissed.

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

2007-1099. Accelerated Sys. Integration, Inc. v. Hausser & Taylor, L.L.P.

Cuyahoga App. No. 88207, 2007-Ohio-2113. On review of order certifying a conflict. The court determines that no conflict exists. This cause is therefore dismissed.

Lundberg Stratton, O'Connor, Lanzinger and Cupp, JJ., concur.

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

2007-1108. State ex rel. Martin v. O’Grady.

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

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

2007-1152. Wayt v. Lamneck.

In Habeas Corpus. On petition for writ of habeas corpus of Christopher A. Wayt. Sua sponte, cause dismissed.

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

2007-1154. State ex rel. Howard v. Clermont Cty. Court of Common Pleas.

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

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

2007-1159. State ex rel. Edwards v. Griffin.

In Prohibition. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

2007-1164. State ex rel. Nickles v. Winkler.

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

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

O’Donnell and Cupp, JJ., dissent and would grant an alternative writ.

2007-1209. State ex rel. Eisenmann Corp. v. Ellwood.

In Prohibition. On respondent’s motion to dismiss, motion for leave to intervene of Mid-Ohio Mechanical, Inc., and motion to dismiss of Mid-Ohio Mechanical, Inc. Motion for leave to intervene granted. Motions to dismiss granted. Cause dismissed.

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

2007-1243. Hill v. Wolfe.

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

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

2007-1444. Jones v. Eberlin.

In Habeas Corpus. On petition for writ of habeas corpus of William M. Jones Jr. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2002-1377. State v. Cunningham.

Allen C.P. No. CR2002-0010. On application for reopening under S.Ct.Prac.R. XI(6). Application denied because the appellant failed to comply with the 90-day filing deadline in S.Ct.Prac.R. XI(6)(A).

2003-1766. State v. Bethel.

Franklin C.P. No. 00CR-11-6600. On application for reopening under S.Ct.Prac.R. XI(6). Application denied.

2003-1964. State v. Conway.

Franklin C.P. No. 02CR-3117. On motion to set execution date. Motion denied.

2006-1682. Kirchner v. Shooters on the Water, Inc.

Cuyahoga App. No. 86919, 167 Ohio App.3d 708, 2006-Ohio-3583. On motion to clarify the court's order of May 2, 2007, Motion denied.

2007-0219. Ackison v. Anchor Packing Co.

Lawrence App. No. 05CA46, 2006-Ohio-7099. On motion for admission pro hac vice of Robert H. Riley by Rebecca C. Sechrist and motion for admission pro hac vice of Vincent L. Greene by Richard E. Reverman. Motions granted.

2007-0415. Ackison v. Anchor Packing Co.

Lawrence App. No. 05CA46, 2006-Ohio-7099. On motion for admission pro hac vice of Robert H. Riley by Rebecca C. Sechrist and motion for admission pro hac vice of Vincent L. Greene by Richard E. Reverman. Motions granted.

2007-0683. In re Application of Holbrook.

Board of Commissioners on Character & Fitness, No. 338. On motion to supplement record. Motion granted.

Moyer, C.J., dissents.

2007-1047. State v. Clark.

Ashtabula App. No. 2006-A-0004, 2007-Ohio-1780. 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' Judgment Entry filed June 5, 2007:

“Is a guilty plea knowing, intelligent, and voluntary when the trial court misinforms the defendant that he or she will be subject to five years postrelease control if released and up to nine months in prison for any violation when, in fact, the defendant faces a lifetime of parole and reincarceration for life for any violation?”

Lundberg Stratton and O'Connor, JJ., would recognize the conflict but hold the cause for the decision in 2006-1973, *State v. Sarkozy*, Cuyahoga App. No. 86952, 2006-Ohio-3977.

The conflict case is *State v. Prom*, Butler App. No. CA2002-01-007, 2003-Ohio-6543.

Sua sponte, cause consolidated with 2007-0983, *State v. Clark*, Ashtabula App. No. 2006-A-0004, 2007-Ohio-1780.

Appellant's motion to hold oral argument on the same day as 2006-1973, *State v. Sarkozy*, Cuyahoga App. No. 86952, 2006-Ohio-3977, is denied.

2007-1069. Maynard v. Eaton Corp.

Marion App. No. 9-06-33, 2007-Ohio-1906. 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 Journal Entry filed June 7, 2007:

“Does the amendment to R.C. 1343.03, effective June 2, 2004, adjust the 10% rate of post-judgment interest calculated on a final judgment that was entered prior to the date of the amendment, but not paid in full and pending on appeal?”

Lanzinger, J., dissents.

The conflict cases are *Hausser & Taylor, LLP v. Accelerated Sys. Integration, Inc.*, Cuyahoga App. No. 86547, 2006-Ohio-1582, and *Hilliard v. First Indus., L.P.*, 165 Ohio App.3d 335, 2005-Ohio-6469.

2007-1076. State v. Campbell.

Hamilton App. No. C-060804. On motion for leave to file delayed appeal. Motion denied.

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

2007-1080. State v. Abdussatar.

Cuyahoga App. No. 86406, 2006-Ohio-803. On motion for leave to file delayed appeal. Motion denied.

2007-1081. State v. Grant.

Cuyahoga App. No. 87556, 2007-Ohio-1460. On motion for leave to file delayed appeal. Motion granted.

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

2007-1096. State v. Edgington.

Ross App. No. 05CA2866, 2006-Ohio-3712. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., dissents.

2007-1097. State v. Walker.

Cuyahoga App. No. 87677, 2006-Ohio-6188 and 2007-Ohio-2917. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., dissents.

On motion to withdraw the motion for appointment of counsel and motion for court reporter to prepare the transcripts. Motion granted.

2007-1101. State v. Sharp.

Cuyahoga App. No. 87709, 2006-Ohio-6413. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., dissents.

2007-1119. State v. Brito.

Cuyahoga App. No. 88223, 2007-Ohio-1311. On motion for leave to file delayed appeal. Motion denied.

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

2007-1129. UBS Financial Servs., Inc. v. Levin.

Board of Tax Appeals, No. 2003-T-1139. On motion for admission pro hac vice of Thomas J. Kenny by Edward J. Bernert. Motion granted.

2007-1144. U.S. Bank Natl. Assn. v. Gullotta.

Stark App. No. 2006CA00145, 2007-Ohio-2085. 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' Judgment Entry file June 6, 2007:

“Whether or not each missed payment under a promissory note and mortgage yields a new claim such that any successive actions on the same note and mortgage involve different claims and are thus exempt from the ‘two-dismissal rule’ contained in Civ.R. 41(A)(1).”

Lanzinger and Cupp, JJ., dissent.

The conflict case is *EMC Mtge. Corp. v. Jenkins*, 164 Ohio App.3d 240, 2005-Ohio-5799.

2007-1153. State v. Kimble.

Trumbull App. No. 2005-T-0085, 2006-Ohio-6096. On motion for leave to file delayed appeal. Motion denied.

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

2007-1161. State v. Weems.

Cuyahoga App. No. 88040. On motion for leave to file delayed appeal. Motion denied.

2007-1176. Burnett v. Motorists Mut. Ins. Co.

Trumbull App. No. 2006-T-0085, 2007-Ohio-1639. 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’ Judgment Entry filed June 20, 2007:

“Whether former R.C. 3937.18(K)(2) when read in conjunction with R.C. 3937.18(J)(1) violates the Equal Protection Clauses of the Ohio and United States Constitutions since it creates an arbitrary and illogical classification based on household status that has a disparate and unfair effect since it precludes coverage for injured individuals who may not recover solely because they are related to and live in the household of the insured?”

The conflict case is *Morris v. United Ohio Ins. Co.*, 160 Ohio App.3d 663, 2005-Ohio-2025.

Sua sponte, cause consolidated with 2007-0954, *Burnett v. Motorists Mut. Ins. Co.*, Trumbull App. No. 2006-T-0085, 2007-Ohio-1639.

2007-1177. State v. Brown.

Hancock App. No. 5-03-21. On motion for leave to file delayed appeal. Motion denied.

Cupp, J., not participating.

2007-1181. State v. Saleem.

Hamilton App. No. C-060258. On motion for leave to file delayed appeal. Motion granted.

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

2007-1184. State v. Baker.

Summit App. No. 23713. 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' Journal Entry filed June 27, 2007:

“Must the judgment of conviction contain the defendant’s plea, verdict or findings, and the sentence in one document to constitute a final, appealable order under R.C. 2505.02?”

Pfeifer and O'Donnell, JJ., dissent.

The conflict case is *State v. Postway*, Butler App. No. CA2002-06-154, 2003-Ohio-2689.

2007-1193. State v. Scarbro.

Lorain App. No. 06CA008951, 2007-Ohio-582. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2007-1206. Silver v. Silver.

Clark App. No. 2006 CA 47, 2007-Ohio-2606. On motion for stay of court order for business value payments. Motion denied.

2007-1223. State v. Ashipa.

Hamilton App. No. C-060411, 2007-Ohio-2245. On motion for leave to file delayed appeal. Motion granted.

O'Connor, J., dissents.

2007-1225. State v. Zakrzewski.

Lucas App. No. L-07-1050. On motion for leave to file delayed appeal. Motion denied.

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

2007-1234. State v. Murphy.

Clinton App. No. CA2006-02-005, 2007-Ohio-2068. On motion for leave to file delayed appeal. Motion denied.

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

2007-1245. Martin v. Grange Mut. Ins. Co.

Geauga App. No. 2007-G-2792. On motion for stay of trial court proceedings. Motion denied.

Lundberg Stratton, J., dissents.

2007-1246. State v. Nia.

Cuyahoga App. No. 87335, 2007-Ohio-1283. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton and Lanzinger, JJ., dissent.

2007-1255. State v. Jenkins.

Summit App. No. 23012, 2006-Ohio-2852. On motion for leave to file delayed appeal. Motion denied.

2007-1261. State v. Ketterer.

Butler C.P. No. CR 2003-03-0309. On motion to dismiss. Motion to dismiss denied.

Pfeifer, J., dissents.

2007-1276. State v. Foster.

Wood App. No. WD-06-013, 2007-Ohio-1524. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2007-1290. State v. Kincaid.

Cuyahoga App. No. 88362, 2007-Ohio-2228. On motion for leave to file delayed appeal. Motion granted.

O'Connor, J., dissents.

2007-1295. State v. Anderson.

Summit App. No. 23197, 2007-Ohio-147. On motion for leave to file delayed appeal. Motion denied.

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

Motion for copy of the record of trial proceedings denied as moot.

2007-1302. State v. Mays.

Licking App. No. 2006-CA-00097, 2007-Ohio-2807. 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' Judgment Entry filed July 3, 2007:

“May a police officer who witnesses a motorist cross a right white edge line and without any further evidence of erratic driving or that the crossing was done in an unsafe manner make a constitutional stop of the motorist?”

Cupp, J., not participating.

The conflict case is *State v. Phillips*, Logan App. No. 8-04-25, 2006-Ohio-6338.

APPEALS ACCEPTED FOR REVIEW

2007-0257. Stahlheber v. Lac D’Amiante du Quebec Ltee.

Butler App. No. CA2006-06-134, 2006-Ohio-7034. Discretionary appeal accepted; cause held for the decision in 2007-0219 and 2007-0415, *Ackison v. Anchor Packing Co.*, Lawrence App. No. 05CA46, 2006-Ohio-7099; and briefing schedule stayed.

2007-0693. State v. Bloomer.

Fulton App. No. F-06-012, 2007-Ohio-1039. Discretionary appeal accepted; cause held for the decision in 2007-0052, *State v. Simpkins*, Cuyahoga App. No. 87692, 2006-Ohio-6028; and briefing schedule stayed.

2007-0728. In re Andrew.

Hamilton App. No. C-060226, 2007-Ohio-1021. Discretionary appeal accepted on Proposition of Law No. I.

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

2007-0739. Environmental Network Corp. v. Goodman Weiss Miller, L.L.P.

Cuyahoga App. No. 87782, 2007-Ohio-831. Discretionary appeal accepted.

Pfeifer, Lanzinger and Cupp, JJ., dissent.

Motion for admission pro hac vice of Richard A. Simpson by Monica A. Sansalone granted.

2007-0740. Kraynak v. Youngstown City School Dist. Bd. of Edn.

Mahoning App. No. 05 MA 200, 2007-Ohio-1236. Discretionary appeal accepted on Proposition of Law No. I.

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

Discretionary appeal not accepted on Proposition of Law No. II.

Lundberg Stratton and Cupp, JJ., dissent.

Discretionary appeal accepted on Proposition of Law No. III; cause held as to Proposition of Law No. III for the decision in 2007-0306, *Rankin v. Cuyahoga Cty. Dept. of Children & Family Servs.*, Cuyahoga App. No. 86620, 2006-Ohio-6759; and briefing schedule stayed as to Proposition of Law No. III.

Pfeifer and O’Donnell, JJ., dissent.

2007-0754. State v. Nucklos.

Clark App. No. 06CA0023, 171 Ohio App.3d 38, 2007-Ohio-1025. Discretionary appeal accepted on Proposition of Law No. I.

Lundberg Stratton, O'Connor and Cupp, JJ., would also accept the appeal on Proposition of Law No. II.

Pfeifer and O'Donnell, JJ., dissent.

Motion for admission pro hac vice of John P. Flannery II is denied for failure to comply with S.Ct.Prac.R. I(2)(B). Sua sponte, appellee's memorandum in response is stricken.

2007-0758. Angel v. Reed.

Geauga App. No. 2005-G-2669, 2007-Ohio-1069.

Pfeifer and O'Donnell, JJ., dissent.

2007-0818. State v. Bankhead.

Hamilton App. No. C-060480, 2007-Ohio-1314. Discretionary appeal accepted; cause held for the decision in 2007-0052, *State v. Simpkins*, Cuyahoga App. No. 87692, 2006-Ohio-6028; and briefing schedule stayed.

Cupp, J., would accept the appeal on Proposition of Law No. I without holding.

Pfeifer, J., dissents.

2007-0854. State v. Jackson.

Franklin App. No. 06AP-631, 2007-Ohio-1474. Discretionary appeal accepted; cause held for the decision in 2007-0052, *State v. Simpkins*, Cuyahoga App. No. 87692, 2006-Ohio-6028; and briefing schedule stayed.

Pfeifer, J., dissents.

2007-0863. Evanich v. Bridge.

Lorain App. No. 05CA008824, 170 Ohio App.3d 653, 2007-Ohio-1349.

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

2007-0866. State v. Leonard.

Ashtabula App. No. 2006-A-0064, 2007-Ohio-1545. Discretionary appeal accepted; cause held for the decision in 2007-0052, *State v. Simpkins*, Cuyahoga App. No. 87692, 2006-Ohio-6028; and briefing schedule stayed.

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

2007-0873. Howard v. Miami Twp. Fire Div.

Montgomery App. No. 21478, 171 Ohio App.3d 184, 2007-Ohio-1508.

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

2007-0954. Burnett v. Motorists Mut. Ins. Co.

Trumbull App. No. 2006-T-0085, 2007-Ohio-1639. Discretionary appeal accepted and cause consolidated with 2007-1176, *Burnett v. Motorists Mut. Ins. Co.*, Trumbull App. No. 2006-T-0085, 2007-Ohio-1639.

Pfeifer, J., dissents.

2007-0983. State v. Clark.

Ashtabula App. No. 2006-A-0004, 2007-Ohio-1780. Discretionary appeal accepted and cause consolidated with 2007-1047, *State v. Clark*, Ashtabula App. No. 2006-A-0004, 2007-Ohio-1780.

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

2007-1310. In re Steele.

Cuyahoga App. No. 89494. Discretionary appeal accepted; cause held for the decision in 2006-1695, *In re Adams*, Cuyahoga App. No. 87881; and briefing schedule stayed.

Pfeifer, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2007-0117. State v. Keenan.

Cuyahoga App. No. 87713, 2006-Ohio-6031.

O'Donnell, J., not participating.

2007-0208. State v. King.

Muskingum App. No. CT06-0020, 2006-Ohio-6566.

2007-0264. W.O.M., Ltd. v. Willys-Overland Motors, Inc.

Lucas App. No. L-05-1201, 2006-Ohio-6997.

2007-0301. State v. Hutchen.

Hancock App. No. 5-06-29, 2006-Ohio-6850.

2007-0313. State v. Gillingham.

Montgomery App. No. 20671, 2006-Ohio-5758.

2007-0529. State v. Rohr-George.

Summit App. No. 23019, 2007-Ohio-1264.

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

2007-0626. State v. Turner.

Hamilton App. No. C-070089.

2007-0634. State v. Miller.

Hamilton App. No. C-050508.

2007-0649. State v. Whitaker.

Fulton App. No. F-06-011, 2007-Ohio-881.

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

2007-0650. State v. Cook.

Cuyahoga App. No. 87265, 2007-Ohio-625.

2007-0654. State v. Riley.

Wood App. No. WD-03-076, 2007-Ohio-879.

O'Donnell and Cupp, JJ., dissent.

2007-0658. State v. Myers.

Fayette App. No. CA2005-12-035, 2007-Ohio-915.

2007-0661. State v. Mullins.

Franklin App. No. 06AP-640, 2007-Ohio-796.

2007-0662. State v. Vanover.

Clark App. No. 2005 CA 118, 2007-Ohio-1057.

2007-0665. State v. Joy.

Hocking App. No. 06CA10, 2007-Ohio-963.

2007-0671. State v. Patton.

Cuyahoga App. No. 88119, 2007-Ohio-990.

2007-0674. State v. Taylor.

Highland App. No. 06CA20, 2007-Ohio-1185.

2007-0676. State v. Tolbert.

Cuyahoga App. No. 89386.

2007-0680. Luo v. Gao.

Summit App. No. 23310, 2007-Ohio-959.

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

2007-0682. L.E. Sommer Kidron, Inc. v. Kohler.

Wayne App. No. 06CA0044, 2007-Ohio-885. Discretionary appeal and cross-appeal not accepted.

O'Donnell, J., dissents and would accept the appeal and cross-appeal and hold the cause for the decision in 2006-0705, *Terry v. Ottawa Cty. Bd. of Mental Retardation & Developmental Delay*, Ottawa App. No. OT-05-009, 165 Ohio App.3d 638, 2006-Ohio-866.

2007-0686. Jean-Paul L. v. Michelle M.

Wood App. Nos. WD-06-040 and WD-06-051, 2007-Ohio-1042.

2007-0688. In re Smith.

Ashtabula App. No. 2005-A-0048, 2007-Ohio-893.

2007-0689. Barnesville Edn. Assn. OEA/NEA v. Barnesville Exempted Village School Dist. Bd. of Edn.

Belmont App. No. 06 BE 32, 2007-Ohio-1109.

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

2007-0691. In re Smith.

Ashtabula App. No. 2005-A-0056, 2007-Ohio-893.

2007-0694. Anglen v. Ohio State Univ.

Franklin App. No. 06AP-901, 2007-Ohio-935.

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

Cupp, J., dissents.

2007-0695. State v. Scott.

Warren App. No. CA2005-12-134, 2007-Ohio-1094.

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

2007-0696. Fraternal Order of Police, Akron Lodge No. 7 v. Akron.

Summit App. No. 23332, 2007-Ohio-958.

2007-0697. Lynch v. Mould Found.

Lorain App. No. 07CA009103.

2007-0698. Twinsburg City School Dist. Bd. v. State Emp. Relations Bd.

Summit App. No. 23366, 2007-Ohio-957.

Pfeifer, J., dissents.

2007-0700. Sobczak v. Sylvania.

Lucas App. No. L-06-1102, 2007-Ohio-1045.

2007-0701. State v. Wheeland.

Medina App. No. 06CA0034-M, 2007-Ohio-1213.

2007-0705. McFadden v. Cleveland State Univ.

Franklin App. No. 06AP-638, 2007-Ohio-298, and 170 Ohio App.3d 142, 2007-Ohio-939.

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

2007-0707. State v. Alsept.

Lucas App. Nos. L-07-1038, L-07-1039 and L-07-1040.

Lanzinger, J., not participating.

2007-0709. Wilson v. Marino.

Lucas App. No. L-06-1027, 2007-Ohio-1048.

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

2007-0710. State v. Sieng.

Franklin App. No. 06AP-852, 2007-Ohio-1502.

2007-0713. State v. Warden.

Wood App. No. WD-06-041, 2007-Ohio-1046.

2007-0714. State v. \$317.49 in U.S. Currency.

Stark App. No. 2006-CA-00318, 2007-Ohio-475.

2007-0715. Althof v. Ohio State Bd. of Psychology.

Franklin App. No. 05AP-1169, 2007-Ohio-1010.

2007-0716. McDowell v. Decarlo.

Summit App. No. 23376, 2007-Ohio-1262.

2007-0718. Pierson v. Farmers Ins. of Columbus, Inc.

Ottawa App. No. OT-06-031, 2007-Ohio-1188.

2007-0726. State v. Campbell.

Hamilton App. No. C-070003.

2007-0729. State v. Jackson.

Montgomery App. No. 21901.

2007-0731. State v. Allen.

Lucas App. No. L-06-1186, 2007-Ohio-1521.

2007-0743. Gialousis v. Eye Care Assoc., Inc.

Mahoning App. No. 05 MA 163, 2007-Ohio-1120.

2007-0745. State v. Kirk.

Union App. No. 14-06-28, 2007-Ohio-1228.

2007-0751. Hamilton v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 06AP-916, 2007-Ohio-1173.

2007-0753. Conway v. RPM, Inc.

Cuyahoga App. No. 88024, 2007-Ohio-1007.

2007-0770. Elite Home Remodeling, Inc. v. Lewis.

Union App. No. 14-06-37, 2007-Ohio-1090.

2007-0772. Kowalski v. Marymount Hosp., Inc.

Cuyahoga App. No. 87571, 2007-Ohio-828.

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

2007-0775. State v. Houk.

Hancock App. No. 5-06-33, 2007-Ohio-1085.

Cupp, J., not participating.

2007-0782. State v. Dugger.

Franklin App. No. 06AP-887, 2007-Ohio-1243.

2007-0783. State v. Gordon.

Hamilton App. Nos. C-060234 and C-060240, 2007-Ohio-1177.

2007-0784. Watts v. Forest Ridge Apts.

Hamilton App. No. C-060079, 2007-Ohio-1176.

2007-0785. Halstead v. Ohio One Corp.

Mahoning App. No. 06-MA-64, 2007-Ohio-1389.

Moyer, C.J., dissents.

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

2007-0786. State v. Billups.

Franklin App. No. 06AP-853, 2007-Ohio-1298.

2007-0795. Hamilton Cty. Bd. of Cty. Commrs. v. OTR.

Hamilton App. Nos. C-060104 and C-060074, 2007-Ohio-1317.

2007-0801. State v. Benson.

Cuyahoga App. No. 87655, 2007-Ohio-830.

2007-0803. Drenning v. Blue Ribbon Homes.

Fulton App. No. F-06-001, 2007-Ohio-1323.

2007-0804. State v. Ruffin.

Hamilton App. No. C-060189.

2007-0807. State v. Brandy.

Franklin App. No. 06AP-926, 2007-Ohio-1505.

2007-0811. State v. Mincy.

Hamilton App. No. C-060041, 2007-Ohio-1316.

Moyer, C.J., O'Donnell and Lanzinger, JJ., dissent and would accept the appeal on Proposition of Law No. II.

2007-0812. Wolfe v. Cahill.

Cuyahoga App. No. 88368, 2007-Ohio-638.

Pfeifer, J., dissents.

2007-0813. Try Hours, Inc. v. Swartz.

Lucas App. No. L-06-1077, 2007-Ohio-1328.

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

Pfeifer, J., dissents.

2007-0817. Burdge v. Supervalu Holdings, Inc.

Hamilton App. No. C-060194, 2007-Ohio-1318.

O'Donnell, J., dissents.

2007-0826. State v. Calevero.

Wood App. No. WD-06-012, 2007-Ohio-1321.

Lundberg Stratton and Cupp, JJ., dissent.

2007-0830. Herron v. DTJ Ents., Inc.

Summit App. No. 23385, 2007-Ohio-1260.

Lundberg Stratton and Lanzinger, JJ., dissent and would accept the appeal and hold the cause for the decision in 2006-0617, Bickers v. W.S. Life Ins. Co., Hamilton App. No. C-040342, 2006-Ohio-572.

2007-0832. State v. Emerick.

Montgomery App. No. 21505, 170 Ohio App.3d 647, 2007-Ohio-1334.

O'Connor, J., dissents and would accept the appeal on Proposition of Law Nos. I, II, IV, and V.

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

2007-0835. State v. Peters.

Cuyahoga App. No. 87959, 2007-Ohio-1285.

2007-0838. Beckler v. Bacon.

Hamilton App. No. C-060228, 170 Ohio App.3d 612, 2007-Ohio-1319.

2007-0839. State v. Tobin.

Greene App. No. 2005 CA 150, 2007-Ohio-1345.

2007-0840. Burdge v. Supervalu Holdings, Inc.

Hamilton App. No. C-060194, 2007-Ohio-1318.

Lundberg Stratton, J., dissents.

2007-0847. State v. Clagg.

Washington App. No. 06CA44, 2007-Ohio-1661.

2007-0848. State v. Newsom.

Franklin App. No. 07AP-190.

2007-0849. State v. Irving.

Hamilton App. No. C-060311, 2007-Ohio-1486.

2007-0855. Aysar, Inc. v. Ohio Liquor Control Comm.

Franklin App. No. 06AP-958, 2007-Ohio-1470.

2007-0856. Larrick v. J.B.T., Ltd.

Montgomery App. No. 21692, 2007-Ohio-1509.

2007-0859. Knoop v. Orthopaedic Consultants.

Clermont App. No. CA2006-07-048, 2007-Ohio-1371.

2007-0861. State v. McIntyre.

Muskingum App. No. CT2006-0046, 2007-Ohio-1634.

2007-0864. In re J.W.

Franklin App. Nos. 06AP-864, 06AP-875 and 06AP-1062, 2007-Ohio-1419.

2007-0868. Szabo v. Goetsch.

Cuyahoga App. No. 88125, 2007-Ohio-1147.

Pfeifer and Lundberg Stratton, JJ., dissent.

2007-0870. State v. Walker.

Hamilton App. No. C-060513.

2007-0871. State v. Coleman.

Mahoning App. No. 06 MA 41, 2007-Ohio-1573.

2007-0872. State v. Sklare.

Summit App. No. 23245, 2007-Ohio-1426.

Lundberg Stratton, J., dissents.

2007-0874. State v. Simmons.

Jefferson App. No. 06 JE 4, 2007-Ohio-1570.

Moyer, C.J., dissents and would accept the appeal and hold the cause for the decision in 2007-0651, *State v. Cabrales*, Hamilton App. No. C-050682, 2007-Ohio-857.

2007-0875. State v. Mayer.

Mercer App. No. 10-06-26, 2007-Ohio-1359.

2007-0876. State v. Dixon.

Hamilton App. No. C-060439.

2007-0880. Temple v. Ohio Attorney Gen.

Franklin App. No. 06AP-988, 2007-Ohio-1471.

2007-0882. State v. Rupp.

Mahoning App. No. 05 MA 166, 2007-Ohio-1561.

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

2007-0883. Madison Cty. Bd. of Commrs. v. Bell.

Madison App. No. CA2005-09-036, 2007-Ohio-1373.

2007-0891. Grossenbacher v. Strasburg.

Tuscarawas App. No. 2006AP070040, 2007-Ohio-1633.

2007-0897. State v. Jones.

Franklin App. No. 06AP-734, 2007-Ohio-1466.

2007-0898. State v. Featherkile.

Hamilton App. No. C-060623.

2007-0900. State v. Ward.

Washington App. No. 06CA35, 2007-Ohio-1607.

2007-0901. State v. Parker.

Montgomery App. No. 21599, 2007-Ohio-1512.

2007-0903. State v. Taylor.

Cuyahoga App. No. 88020, 2007-Ohio-825.

2007-0906. Brody v. SCR-SCP, Inc.

Medina App. No. 06CA0062-M, 2007-Ohio-1477.

Lundberg Stratton and Lanzinger, JJ., dissent and would accept the appeal on Proposition of Law Nos. I and II.

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

2007-0908. State v. Woods.

Hamilton App. No. C-060340, 2007-Ohio-1487.

2007-0911. State v. Hintz.

Sandusky App. No. S-06-015, 2007-Ohio-1527.

O'Connor, J., not participating.

2007-0919. Campbell v. WEA Belden LLC.

Stark App. No. 2006CA00206, 2007-Ohio-1581.

O'Donnell, J., dissents.

2007-0921. State v. Jones.

Cuyahoga App. No. 88134, 2007-Ohio-1301.

2007-0922. State v. McAllister.

Franklin App. No. 06AP-843, 2007-Ohio-1816.

2007-0926. State v. Ostenkamp.

Hamilton App. No. C-060624.

O'Donnell, J., dissents.

2007-0931. State v. Nolan.

Cuyahoga App. No. 88111, 2007-Ohio-1299.

2007-0934. State v. Collins.

Hamilton App. No. C-060350.

2007-0939. Whaley v. Unemployment Comp. Bd. of Review.

Trumbull App. No. 2005-T-0070, 2006-Ohio-7017.

Moyer, C.J., O'Connor and Cupp, JJ., dissent and would accept the appeal on Proposition of Law No. I.

2007-0942. Pollard v. Levin.

Cuyahoga App. No. 88325, 2007-Ohio-1461.

2007-0950. State v. Teachout.

Lake App. No. 2006-L-081, 2007-Ohio-1642.

2007-0951. State v. Taddie.

Lake App. No. 2006-L-098, 2007-Ohio-1643.

2007-0952. State v. Beery.

Lake App. No. 2006-L-088, 2007-Ohio-1771.

2007-0956. State v. Brown.

Franklin App. No. 06AP-718, 2007-Ohio-1701.

2007-0964. State v. Pena.

Franklin App. No. 03AP-174, 2004-Ohio-350.

2007-0974. State v. Grimes.

Muskingum App. No. CT07-0015.

2007-0998. Olivas v. Cincinnati Pub. Schools.

Hamilton App. No. C-060417, 2007-Ohio-1857.

Pfeifer, J., dissents.

2007-1000. State v. Backus.

Franklin App. No. 06AP-813, 2007-Ohio-1815.

2007-1033. Maynard v. Eaton Corp.

Marion App. No. 9-06-33, 2007-Ohio-1906.

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

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

2007-1072. State v. Perkins.

Montgomery App. No. 21515, 2007-Ohio-136.

2007-1100. Accelerated Sys. Integration, Inc. v. Hausser & Taylor, L.L.P.

Cuyahoga App. No. 88207, 2007-Ohio-2113. Discretionary appeal not accepted.

Moyer, C.J., O'Donnell and Lanzinger, JJ., dissent.

Motion for admission pro hac vice of Lynne M. Fischman Uniman and Joseph A. Patella by Nicholas J. Dertouzos granted.

2007-1125. State v. Lopez.

Hamilton App. No. C-050088, 166 Ohio App.3d 337, 2006-Ohio-2091.

2007-1132. State v. Sheppard.

Hamilton App. Nos. C-060042 and C-060066, 2007-Ohio-24.

2007-1208. State v. Rippey.

Franklin App. No. 04AP-960, 2005-Ohio-2639.

RECONSIDERATION OF PRIOR DECISIONS

2006-0275. Ohio Academy of Nursing Homes v. Ohio Dept. of Job & Family Servs.

Franklin App. No. 05AP-562, 164 Ohio App.3d 808, 2005-Ohio-6888. Reported at 114 Ohio St.3d 14, 2007-Ohio-2620, 867 N.E.2d 400. On motion for reconsideration. Motion denied.

Pfeifer, Lundberg Stratton and Lanzinger, JJ., dissent.

2006-0768. PNP, Inc. v. Ohio Dept. of Job & Family Servs.

Franklin App. No. 04AP-1294, 2006-Ohio-1159. Reported at 114 Ohio St.3d 70, 2007-Ohio-2880, 868 N.E.2d 265. On motion for reconsideration. Motion denied.

Pfeifer, Lundberg Stratton and Cupp, JJ., dissent.

2007-0372. State v. Kramer.

Portage App. No. 2006-P-0055, 2007-Ohio-467. Reported at 114 Ohio St.3d 1411, 2007-Ohio-2632, 867 N.E.2d 845. On motion for reconsideration. Motion denied.

2007-0390. Liberty Savings Bank v. Jones.

Lucas App. No. L-06-1124, 2007-Ohio-198. Reported at 114 Ohio St.3d 1412, 2007-Ohio-2632, 867 N.E.2d 845. On motion for reconsideration. Motion denied.

2007-0443. Scheib v. Summit Cty. Child Support Enforcement Agency.

Summit App. No. 23499. Reported at 114 Ohio St.3d 1425, 2007-Ohio-2904, 868 N.E.2d 679. On motion for reconsideration. Motion denied.

O'Connor, J., not participating.

2007-0471. Franklin v. Bear.

Richland App. No. 2006-CA-49, 2007-Ohio-385. Reported at 114 Ohio St.3d 1426, 2007-Ohio-2904, 868 N.E.2d 680. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2007-0481. State ex rel. Dann v. Grand Tobacco.

Franklin App. No. 05AP-213, 2007-Ohio-418. Reported at 114 Ohio St.3d 1426, 2007-Ohio-2904, 868 N.E.2d 680. On motion for reconsideration. Motion denied.

2007-0508. State v. Bailey.

Medina App. No. 06CA0040-M, 2007-Ohio-455. Reported at 114 Ohio St.3d 1427, 2007-Ohio-2904, 868 N.E.2d 680. On motion for reconsideration. Motion granted and discretionary appeal accepted and held for the decision in 2006-1245 and 2006-1383, *State v. Payne*, Franklin App. No. 05AP-517, 2006-Ohio-2552, and briefing schedule stayed.

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

2007-0564. State ex rel. Borkowski v. Markus.

In Mandamus and Procedendo. Reported at 114 Ohio St.3d 1406, 2007-Ohio-2632, 867 N.E.2d 841. On motion for reconsideration. Motion denied.

2007-0585. State v. Simmons.

Montgomery App. No. 21976. Reported at 114 Ohio St.3d 1428, 2007-Ohio-2904, 868 N.E.2d 681. On motion for reconsideration. Motion denied.