

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 31, 2008

[Cite as *12/31/2008 Case Announcements*, 2008-Ohio-6813.]

MERIT DECISIONS WITH OPINIONS

2007-1863. Middleburg Hts. v. Quinones, Slip Opinion No. 2008-Ohio-6811.
Cuyahoga App. No. 88242, 2007-Ohio-3643. Cause remanded to the trial court.

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

Lanzinger, J., concurs in judgment only.

Pfeifer, J., dissents and would affirm the judgment of the court of appeals.

2008-0095. Wagenknecht v. Levin, Slip Opinion No. 2008-Ohio-6812.

Board of Tax Appeals, No. 2006-T-1007. Decision affirmed.

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

2008-1036 and 2008-1037. In re H.F., Slip Opinion No. 2008-Ohio-6810.

Cuyahoga App. Nos. 90299 and 90300, 176 Ohio App.3d 106, 2008-Ohio-1627.
Judgment reversed and cause remanded.

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

O'Donnell, J., concurs in judgment only.

MERIT DECISIONS WITHOUT OPINIONS

2008-1902. [State ex rel.] Martin v. Collins.

In Mandamus. On respondent's motion to dismiss and relator's motion for Rule 11 sanctions. Motion for sanctions denied. Motion to dismiss granted. Cause dismissed.

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

2008-1963. [State ex rel.] Manns v. State.

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

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

2008-2002. State ex rel. Ramsey v. Court of Appeals, Ninth Appellate Dist.

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

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

2008-2110. State ex rel. Sellers v. Brown.

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

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

2008-2115. [State ex rel.] Bunting v. Reinbold.

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

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

2008-2166. Smith v. Beightler.

In Habeas Corpus. On petition for writ of habeas corpus of Gerald K. Smith. Sua sponte, cause dismissed.

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

2008-2175. Allen v. Bradshaw.

In Habeas Corpus. On petition for writ of habeas corpus of Leonidas Allen. Sua sponte, cause dismissed.

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

2008-2232. Livingston v. Leis.

In Habeas Corpus. On petition for writ of habeas corpus of Nathaniel Livingston Jr. and petitioner's motion to waive fees and verification requirement. Sua sponte, cause dismissed. Motion to waive fees and verification requirement denied as moot.

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

2008-2239. Macias v. Sheldon.

In Habeas Corpus. On petition for writ of habeas corpus of Maximino Macias Jr. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2007-0705. McFadden v. Cleveland State Univ.

Franklin App. No. 06AP-638, 170 Ohio App.3d 142, 2007-Ohio-939. On motion for attorney's fees. Motion denied.

O'Donnell, J., dissents.

2007-2227. State ex rel. Mun. Constr. Equip. Operators' Labor Council v. Cleveland.

In Mandamus. On relator's submission of attorney's fees pursuant to the court's October 20, 2008 order. Fees in the amount of \$4,104.72 are awarded.

2008-0067. State ex rel. Valley Roofing, L.L.C. v. Ohio Bur. of Workers' Comp.

Franklin App. No. 07AP-181, 2007-Ohio-6277. On motion to strike appellant's list of additional authorities. Motion denied.

2008-0304 and 2008-0403. Safeco Ins. Co. of Am. v. Fed. Ins. Co.

Hamilton App. No. C-070074, 2007-Ohio-7068. On joint motion for a closed courtroom during oral argument. Motion denied.

2008-0857. Kaminski v. Metal & Wire Prods. Co.

Columbiana App. No. 07-CO-15, 175 Ohio App.3d 227, 2008-Ohio-1521. On motion for admission pro hac vice of Elisabeth A. Long. Motion denied as moot.

2008-0972. Stetter v. R.J. Corman Derailment Servs., L.L.C.

Certified Question of State Law, United States District Court, Northern District of Ohio, Western Division, No. 3:07 CV 866. On motion for admission pro hac vice of Elisabeth A. Long by Benjamin C. Mizer. Motion denied as moot.

On motion for admission pro hac vice of Mark S. Olson by Joseph W. Ryan Jr. Motion granted.

2008-1197. Radatz v. Fed. Natl. Mtge. Assn.

Cuyahoga App. No. 89056, 176 Ohio App.3d 319, 2008-Ohio-1937. On motion to vacate and correct record. Motion granted. The order entered on October 15, 2008 declining jurisdiction to hear the cause is vacated.

2008-1610. State v. Jackson.

Trumbull C.P. No. 01-CR-794. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

Lanzinger, J., dissents.

2008-1823. Crosswhite v. Tambi.

In Habeas Corpus. On motion for summary judgment. Motion denied.

2008-1931. [State ex rel.] Owens v. Rogers.

In Mandamus. On answer of respondent. Sua sponte, an alternative writ is granted and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. X:

The parties shall file any evidence they intend to present within 20 days of the date of this entry; relator shall file a brief within 30 days of the date of this entry; respondent shall file a brief within 20 days after the filing of relator's brief; and relator may file a reply brief within seven days after filing of respondent's brief.

Pfeifer, J., dissents and would dismiss the cause.

2008-1949. Benton v. Hamilton Cty. Educational Serv. Ctr.

Hamilton App. No. C-070223, 2008-Ohio-4272. 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 filed September 18, 2008:

“Whether the refusal by the Industrial Commission of Ohio to exercise continuing jurisdiction to make a finding of fraud is a right to participate issue under R.C. 4123.512?”

Cupp, J., dissents.

The conflict cases are *Thomas v. Conrad* (Feb. 14, 1997) Montgomery App. Nos. 15873 and 15898, and *Brown v. Thomas Asphalt Paving Co.* (Dec. 14, 2001), Portage App. No. 2000-P-0098.

Sua sponte, cause consolidated with 2008-1946, *Benton v. Hamilton Cty. Educational Serv. Ctr.*, Hamilton App. No. C-070223, 2008-Ohio-4272.

2008-2170. State v. Robinson.

Union App. No. 14-07-20, 177 Ohio App.3d 560, 2008-Ohio-4160. 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 October 10, 2008:

“Does the damaging of a single, private telephone or cellular telephone disrupt ‘public services’ sufficiently to constitute a violation of R.C. 2909.04(A)(3)?”

O’Donnell, J., dissents.

The conflict cases are *State v. Yoakum* (Jan. 17, 2002), Holmes App. No. 01CA0005; *State v. Thomas*, Montgomery App. No. 19435, 2003-Ohio-5746; *State v. Johnson*, Cuyahoga App. Nos. 81692 and 81693, 2003-Ohio-3241; and *State v. Brown* (1994), 97 Ohio App.3d 293.

Sua sponte, cause consolidated with 2008-1942, *State v. Robinson*, Union App. No. 14-07-20, 177 Ohio App.3d 560, 2008-Ohio-4160.

Motion to strike notice of certified conflict and motion to dismiss denied.

2008-2081. State v. Stevens.

Hamilton App. Nos. C-070234 and C-070236. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2008-2085. State v. Billiter.

Tuscarawas App. No. 08AP070049. On motion for leave to file delayed appeal. Motion granted.

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

2008-2091. State v. Lowe.

Cuyahoga App. No. 88781, 2007-Ohio-4039. On motion for leave to file delayed appeal. Motion denied.

2008-2096. State v. Fayne.

Cuyahoga App. No. 90045, 2008-Ohio-3036. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2008-2117. State v. Brown.

Clark App. No. 2006-CA-114, 2008-Ohio-3610. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2008-2146. State v. Scott.

Morgan App. No. 07-CA-5, 2008-Ohio-4098. On motion for leave to file delayed appeal. Motion denied.

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

2008-2147. State v. Smith.

Cuyahoga App. No. 88431, 2007-Ohio-2515. On motion for leave to file delayed appeal. Motion denied.

2008-2168. State v. Gulley.

Stark App. No. 06CA00114, 2008-Ohio-887. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2008-2176. State v. Baird.

Columbiana App. No. 07 CO 25, 2008-Ohio-3328. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2008-2223. State v. Newman.

Ottawa App. No. OT-07-051, 2008-Ohio-5139. On motion for leave to file delayed appeal. Motion granted.

O'Connor, J., dissents.

2008-2233. State v. Young.

Cuyahoga App. No. 88433, 2007-Ohio-4441. On motion for leave to file delayed appeal. Motion denied.

2008-2240. State v. Mason.

Lucas App. No. L-06-1404, 2008-Ohio-5034. On motion for leave to file delayed appeal. Motion granted.

O'Connor, J., dissents.

2008-2245. State v. Sisson.

Montgomery App. No. 22173, 2008-Ohio-3490. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2008-2246. State v. Kater.

Union App. No. 14-08-35. On motion for leave to file delayed appeal. Motion denied.

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

2008-2248. State v. Sandoval.

Lorain App. No. 07CA009276, 2008-Ohio-4402. On motion for leave to file delayed appeal. Motion granted.

O'Connor, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2008-1562. In re Poling.

Hardin App. No. 6-08-09.

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

2008-1693. State v. Arnold.

Franklin App. No. 07AP-789, 2008-Ohio-3471.

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

2008-1836. Am. Fedn. of State, Cty. & Mun. Emps. Local No. 74 v. Warren.

Trumbull App. No. 2007-T-0110, 2008-Ohio-3905. Discretionary appeal accepted; cause held for the decisions in 2008-0128, *Lima v. State*, Allen App. No. 1-07-21, 2007-Ohio-6419, and 2008-0418, *State v. Akron*, Summit App. No. 23660, 2008-Ohio-38; and briefing schedule stayed.

Moyer, C.J., and Lanzinger and Cupp, JJ., would accept the appeal on Proposition of Law Nos. I and II only.

2008-1942. State v. Robinson.

Union App. No. 14-07-20, 177 Ohio App.3d 560, 2008-Ohio-4160. Discretionary appeal accepted and cause consolidated with 2008-2170, *State v. Robinson*, Union

App. No. 14-07-20, 177 Ohio App.3d 560, 2008-Ohio-4160. Motion to strike notice of appeal and motion to dismiss denied.

O'Donnell, J., dissents.

2008-1946. Benton v. Hamilton Cty. Educational Serv. Ctr.

Hamilton App. No. C-070223, 2008-Ohio-4272. Discretionary appeal accepted and cause consolidated with 2008-1949, *Benton v. Hamilton Cty. Educational Serv. Ctr.*, Hamilton App. No. C-070223, 2008-Ohio-4272.

Pfeifer, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2008-1289. State v. Noling.

Portage App. No. 2007-P-0034, 2008-Ohio-2394.

Pfeifer and Lanzinger, JJ., dissent.

2008-1360. State v. Lyon.

Tuscarawas App. No. 2007 AP 08 0050, 2008-Ohio-2645.

2008-1400. State v. Lewis.

Stark App. No. 2007CA00358, 2008-Ohio-3113.

2008-1422. State v. Stowers.

Hamilton App. No. C-070834.

2008-1446. In re J.D.F.

Franklin App. No. 07AP-922, 2008-Ohio-2793.

O'Donnell, J., dissents.

2008-1447. State v. Cosme.

Cuyahoga App. No. 90075, 2008-Ohio-2811.

2008-1520. AEGIS v. Sedlacko.

Mahoning App. No. 07 MA 128, 2008-Ohio-3190.

2008-1551. State v. Shepherd.

Scioto App. No. 06CA3106, 2008-Ohio-3350.

2008-1552. Green v. Green.

Portage App. No. 2007-P-0092, 2008-Ohio-3064.

2008-1553. State v. Vinson.

Lake App. No. 2007-L-088, 2008-Ohio-3059.

O'Donnell, J., dissents.

2008-1555. State v. Winfrey.

Hamilton App. No. C-070490, 2008-Ohio-3160.

2008-1556. State v. Hotchkiss.

Cuyahoga App. No. 90195, 2008-Ohio-3070.

2008-1557. State v. Zylko.

Cuyahoga App. No. 89949, 2008-Ohio-3032.

2008-1558. State v. Panza.

Cuyahoga App. No. 90143, 2008-Ohio-4101.

2008-1616. Goodrich Corp. v. Commercial Union Ins. Co.

Summit App. Nos. 23585 and 23586, 2008-Ohio-3200. Discretionary appeal not accepted.

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

O'Connor, J., dissents.

Motion for admission pro hac vice of Robert V.P. Waterman Jr. and Thomas D. Waterman by Irene Keyse-Walker granted.

2008-1619. State v. Smith.

Muskingum App. No. CT2007-0073, 2008-Ohio-3306.

2008-1622. State v. Williams.

Trumbull App. No. 2007-T-0105, 2008-Ohio-3257.

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

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

2008-1623. State v. Gray.

Richland App. No. 2007-CA-64, 2008-Ohio-6345.

O'Donnell, J., dissents.

2008-1635. State v. Berry.

Cuyahoga App. No. 90094, 2008-Ohio-3142.

2008-1642. Deless v. Cox Ents., Inc.

Belmont App. No. 07 BE 31.

Lundberg Stratton, J., dissents.

2008-1647. Bd. of Preble Cty. Commrs. v. Preble Cty. Bd. of Elections.

Preble App. No. CA2008-05-007.

Moyer, C.J., dissents.

2008-1653. Clark v. Irvin/Alan Excavating, Inc.

Warren App. No. CA2008-02-022.

2008-1665. State v. Lloyd.

Warren App. Nos. CA2007-04-052 and CA2007-04-053, 2008-Ohio-3383.

2008-1666. State v. Robinson.

Lucas App. No. L-06-1182, 2008-Ohio-3498.

Pfeifer, J., dissents.

Lanzinger, J., not participating.

2008-1671. Lisboa v. Lisboa.

Cuyahoga App. No. 90105, 2008-Ohio-3129.

2008-1673. Cleveland Bluffs Dev., L.L.C. v. A.J. Hai & Sons, L.L.C.

Cuyahoga App. Nos. 89635 and 89674, 2008-Ohio-5148. Discretionary appeal not accepted.

Pfeifer and O'Donnell, JJ., dissent.

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

Motion for admission pro hac vice of Kevin M. Hodges and Paul Mogin by Anne Marie Sferra granted.

2008-1675. State v. Walter.

Cuyahoga App. No. 90196, 2008-Ohio-3457.

2008-1676. State v. Hubbard.

Butler App. No. CA2006-10-248, 2008-Ohio-3379.

2008-1678. Rijo v. Reading Rock, Inc.

Butler App. No. CA2007-09-223, 2008-Ohio-3385.

2008-1680. State v. Oros.

Pickaway App. No. 07CA30, 2008-Ohio-3885.

2008-1684. State v. Crim.

Cuyahoga App. No. 90222, 2008-Ohio-3805.

2008-1688. State v. Bailey.

Fayette App. No. CA2007-09-033.

2008-1697. State v. Price.

Cuyahoga App. No. 90308, 2008-Ohio-3454.

2008-1699. DeRosa v. Elliott Leveling, Inc.

Lucas App. No. L-07-1148, 2008-Ohio-3502.

2008-1704. State v. Clark.

Cuyahoga App. No. 90148, 2008-Ohio-3358.

2008-1705. State v. Bari.

Cuyahoga App. No. 90370, 2008-Ohio-3663.

Cupp, J., dissents and would accept the appeal and hold the cause for the decision in 2008-0785, *State v. Jones*, Cuyahoga App. No. 89499, 2008-Ohio-802.

2008-1707. State v. Futo.

Cuyahoga App. No. 89791, 2008-Ohio-3360.

2008-1717. Garber v. Buckeye Chrysler-Jeep-Dodge of Shelby, L.L.C.

Richland App. No. 2007-CA-0121, 2008-Ohio-3533. Discretionary appeal not accepted.

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

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

Motion for admission pro hac vice of F. Paul Bland Jr. and Leslie A. Bailey by Gregory S. Reichenbach granted. Motion for judicial notice denied.

2008-1718. State v. Walton.

Cuyahoga App. No. 90140, 2008-Ohio-3550.

2008-1719. Plain Twp. Bd. of Trustees v. Bd. of Commrs.

Stark App. No. 2007-CA-000063, 2008-Ohio-6346.

2008-1721. State v. Lopez.

Cuyahoga App. No. 90240, 2008-Ohio-3534.

2008-1722. Creasey v. Cuyahoga Cty. Veterans Serv. Comm.

Cuyahoga App. No. 89994, 2008-Ohio-3021.

2008-1726. Asbury v. Key Mobility Servs., Ltd.

Montgomery App. No. 22509, 2008-Ohio-3609.

Pfeifer and O'Donnell, JJ., dissent.

2008-1727. Asset Acceptance, L.L.C. v. Witten.

Cuyahoga App. No. 90297, 2008-Ohio-3659.

2008-1730. State ex rel. Rogers v. Philip Morris, Inc.

Franklin App. No. 06AP-1012, 2008-Ohio-3690. Discretionary appeal not accepted.

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

Motion for admission pro hac vice of Stephen R. Patton by Elizabeth P. Kessler granted.

2008-1735. State v. Smith.

Lorain App. Nos. 07CA009220 and 07CA009252, 2008-Ohio-3589.

2008-1738. Green v. Bailey.

Hamilton App. No. C-070221, 2008-Ohio-3569.

2008-1742. State v. Barbee.

Lorain App. No. 07CA009183, 2008-Ohio-3587.

2008-1743. State v. Dunfee.

Miami App. No. 2007-CA-25, 177 Ohio App.3d 239, 2008-Ohio-3615.

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

O'Donnell, J., dissents.

2008-1744. State v. Ulrich.

Montgomery App. No. 22129, 2008-Ohio-3608.

2008-1745. Gallagher v. Frohman.

Hamilton App. No. C-070756, 2008-Ohio-3582.

O'Donnell, J., dissents.

2008-1753. State v. Holland.

Cuyahoga App. No. 91249, 2008-Ohio-3450.

O'Connor, J., dissents.

2008-1756. Ganley v. Subaru of Am.

Medina App. No. 07CA0092-M, 2008-Ohio-3588. Discretionary appeal not accepted.

Pfeifer, J., dissents.

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

O'Connor, J., not participating.

Motion for admission pro hac vice of William J. Gibbons by Kyle T. Shaw granted.

2008-1760. Owens v. Univ. Hosp.

Hamilton App. No. C-070368.

2008-1762. Luce v. Security Fence Group, Inc.

Warren App. Nos. CA2007-06-080 and CA2007-06-081, 2008-Ohio-3591.

Pfeifer, J., dissents.

2008-1763. Fairfield v. Kremer.

Butler App. No. CA2007-11-291.

2008-1764. Byrd v. Smith.

Clermont App. No. CA2007-08-093, 2008-Ohio-3597.

Pfeifer, J., dissents.

2008-1766. State v. Lawwill.

Butler App. No. CA2007-01-014, 2008-Ohio-3592.

2008-1767. Penn v. Esham.

Scioto App. No. 08CA3219, 177 Ohio App.3d 201, 2008-Ohio-3695.

2008-1769. State v. Evans.

Hamilton App. No. C-060392. Discretionary appeal not accepted. Motion to strike prohibited attachment from memorandum in support of jurisdiction denied as moot.

O'Connor and O'Donnell, JJ., dissent and would accept the appeal and remand the cause for consideration of *State v. Davis*, 119 Ohio St.3d 422, 2008-Ohio-4608.

2008-1772. Blair v. McDonagh.

Hamilton App. No. C-070238, 177 Ohio App.3d 262, 2008-Ohio-3698.

Pfeifer, J., dissents.

2008-1784. Geauga Sav. Bank v. Harvest Missionary Baptist Church.

Cuyahoga App. No. 89921, 2008-Ohio-2369.

2008-1786. State v. Hopkins.

Cuyahoga App. No. 90005, 2008-Ohio-3558.

2008-1787. State v. Niebauer.

Ashtabula App. No. 2007-A-0097, 2008-Ohio-3988.

2008-1788. State v. Mack.

Cuyahoga App. No. 91700.

2008-1789. State v. Starks.

Lucas App. No. L-08-1220. It is ordered by the court, sua sponte, that appellant Verdell Starks is found to be a vexatious litigator pursuant to S.Ct.Prac.R. XIV(5)(B). Accordingly,

It is further ordered by the court that Verdell Starks is prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. Any request for leave shall be filed with the Clerk of this court for the court's review.

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

Discretionary appeal not accepted.

2008-1790. State v. Empe.

Cuyahoga App. No. 90333, 2008-Ohio-3803.

2008-1792. State v. Salupo.

Lorain App. No. 07CA009233, 177 Ohio App.3d 354, 2008-Ohio-3721.

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

2008-1793. Evans v. Chambers Funeral Homes.

Cuyahoga App. No. 89900, 2008-Ohio-3554. Discretionary appeal not accepted. Motion to strike notice of appeal and memorandum in support of jurisdiction denied as moot.

2008-1794. State v. Mansfield.

Lake App. No. 2007-L-173, 2008-Ohio-3989.

2008-1796. State v. Marcinick.

Cuyahoga App. No. 89736, 2008-Ohio-3553.

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

2008-1797. State v. Powell.

Athens App. No. 07CA20, 177 Ohio App.3d 825, 2008-Ohio-4171.

2008-1799. In re Domin.

Stark App. No. 2008CA00012, 2008-Ohio-3783.

2008-1800. State v. Andrews.

Geauga App. No. 2007-G-2807, 177 Ohio App.3d 593, 2008-Ohio-3993.

O'Connor, J., dissents.

2008-1802. State v. Garrett.

Cuyahoga App. No. 90428, 2008-Ohio-3549.

2008-1803. State v. Harber.

Lake App. No. 2007-L-144, 2008-Ohio-3991.

2008-1805. State v. Granderson.

Delaware App. No. 2007CAA-01-0005, 177 Ohio App.3d 424, 2008-Ohio-3757.

2008-1809. State v. Hunter.

Cuyahoga App. No. 89796, 2008-Ohio-3793.

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

2008-1811. In re MSI Regency Village, Ltd.

Franklin App. No. 08AP-64, 2008-Ohio-3830.

Lundberg Stratton, J., dissents.

2008-1818. State v. Morris.

Lucas App. No. L-06-1377.

2008-1824. Gessner v. Vore.

Montgomery App. No. 22297, 2008-Ohio-3870.

2008-1826. State v. Black.

Hamilton App. No. C-070546, 2008-Ohio-3790.

2008-1839. Sultaana v. Giant Eagle.

Cuyahoga App. No. 90294, 2008-Ohio-3658.

2008-1847. State v. Brewer.

Ashtabula App. No. 2008-A-0005, 2008-Ohio-3894.

2008-1848. State v. Cool.

Summit App. No. 24307.

2008-1857. State v. Bradley.

Cuyahoga App. No. 89856, 2008-Ohio-3669.

2008-1859. State v. McKinney.

Franklin App. No. 06AP-510, 2008-Ohio-1281.

2008-1861. State v. Owens.

Cuyahoga App. No. 89947, 2008-Ohio-3670.

2008-1862. State v. McSwain.

Cuyahoga App. No. 90358, 2008-Ohio-3661.

2008-1863. State v. Moore.

Summit App. No. 24126, 2008-Ohio-3955.

2008-1871. State v. Piesciuk.

Butler App. No. CA2007-04-086, 2008-Ohio-4054.

2008-1879. State v. Snodgrass.

Clark App. Nos. 07-CA-95 and 07-CA-96, 177 Ohio App.3d 556, 2008-Ohio-4019.

O'Donnell, J., dissents.

2008-1911. State v. Lenoir.

Montgomery App. No. 22239, 2008-Ohio-1984.

2008-1913. State v. Lockett.

Lucas App. No. L-07-1001, 2008-Ohio-2099.

2008-1915. State v. Lester.

Auglaize App. No. 2-07-34, 2008-Ohio-1148.

2008-1924. State v. Allen.

Butler App. No. CA2007-04-085, 2008-Ohio-1885.

2008-1927. Atkins v. Ohio Dept. of Job & Family Servs.

Franklin App. No. 08AP-182, 2008-Ohio-4109.

O'Donnell, J., dissents.

2008-1930. State v. Lathan.

Lucas App. No. L-08-1008, 2008-Ohio-3577.

Lanzinger, J., not participating.

2008-1945. State v. Armstrong.

Montgomery App. No. 22277, 2008-Ohio-4532.

2008-1956. Ridenour v. Chillicothe Correctional Inst.

Franklin App. No. 08AP-452.

2008-1966. Duncan v. Liquor Control Comm.

Franklin App. No. 08AP-242, 2008-Ohio-4358.

2008-1977. State v. Hicks.

Highland App. No. 07CA7, 2008-Ohio-964.

2008-2015. State v. Redwine.

Brown App. No. CA2006-08-011, 2007-Ohio-6413.

2008-2022. State v. Henderson.

Montgomery App. No. 22062, 2008-Ohio-1160.

2008-2035. State v. Bailum.

Clark App. No. 2007-CA-55, 2008-Ohio-2999.

2008-2048. State v. Benson.

Cuyahoga App. No. 87655, 2008-Ohio-4701.

2008-2054. State v. Freeman.

Delaware App. No. 07CAA01-0001, 2008-Ohio-1410.

2008-2061. State v. Neville.

Columbiana App. No. 07 CO 11, 2008-Ohio-1554.

2008-2088. State v. Lampkin.

Lucas App. No. L-07-1005, 2008-Ohio-2378.

2008-2104. State v. Nunez.

Montgomery App. No. 22208, 2008-Ohio-3376.

2008-2134. State v. Gunner.

Lucas App. No. L-06-1385, 2008-Ohio-1857.

2008-2225. In re Jeffrey A.

Lucas App. No. L-08-1006, 2008-Ohio-5135.

Pfeifer, J., dissents.

RECONSIDERATION OF PRIOR DECISIONS

2007-1460. State ex rel. Pierron v. Indus. Comm.

Franklin App. No. 06AP-391, 172 Ohio App.3d 168, 2007-Ohio-3292. Reported at 120 Ohio St.3d 40, 2008-Ohio-5245, 896 N.E.2d 140. On motion for reconsideration. Motion denied.

Moyer, C.J., dissents.

2008-1263. McCoy v. AFTI Properties, Inc.

Franklin App. No. 07AP-713, 2008-Ohio-2304. Reported at 119 Ohio St.3d 1502, 2008-Ohio-5467, 895 N.E.2d 565. On motion for reconsideration. Motion denied.

2008-1268. He v. Peden.

Franklin App. No. 07AP-934. Reported at 119 Ohio St.3d 1487, 2008-Ohio-5273, 894 N.E.2d 1244. On motion for reconsideration. Motion denied.

2008-1299. Turner v. Rosenfield.

Cuyahoga App. Nos. 89441 and 89719, 2008-Ohio-1932. Reported at 119 Ohio St.3d 1487, 2008-Ohio-5273, 894 N.E.2d 1245. On motion for reconsideration. Motion denied.

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

2008-1427. Duhart v. Nurre.

In Mandamus. Reported at 119 Ohio St.3d 1482, 2008-Ohio-5273, 894 N.E.2d 1241. On motion for reconsideration. Motion denied.

2008-1544. State v. Chavers.

Wayne App. No. 07CA0065, 2008-Ohio-3199. Reported at 119 Ohio St.3d 1505, 2008-Ohio-5467, 895 N.E.2d 567. On motion for reconsideration. Motion denied.

2008-1663. State ex rel. Garner v. Court of Appeals, Eleventh Appellate Dist.

In Mandamus. Reported at 119 Ohio St.3d 1500, 2008-Ohio-5467, 895 N.E.2d 564. On motion for reconsideration. Motion denied.

2008-1715. Hughley v. Saunders.

In Habeas Corpus. Reported at 119 Ohio St.3d 1483, 2008-Ohio-5273, 894 N.E.2d 1241. On motion for reconsideration. Motion denied.