

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

September 26, 2007

[Cite as *09/26/2007 Case Announcements*, 2007-Ohio-4884.]

MERIT DECISIONS WITH OPINIONS

2006-0703. Hall v. Banc One Mgt. Corp., 2007-Ohio-4640.

Franklin App. No. 04AP-905, 2006-Ohio-913. Judgment reversed and cause remanded to the trial court for further proceedings.

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

Lanzinger, J., dissents.

2006-1000. Colonial Village Ltd. v. Washington Cty. Bd. of Revision, 2007-Ohio-4641.

Board of Tax Appeals, No. 2004-A-574. Decision reversed and cause remanded.

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

Cupp, J., concurs in judgment only.

2006-1245 and 2006-1383. State v. Payne, 2007-Ohio-4642.

Franklin App. No. 05AP-517, 2006-Ohio-2552. Judgment affirmed.

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

Moyer, C.J., and Cupp, J., concur in part and dissent in part.

Pfeifer, J., dissents.

2007-0323. State ex rel. Dispatch Printing Co. v. Geer, 2007-Ohio-4643.

In Prohibition. Writ granted.

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

Pfeifer, J., dissents.

MERIT DECISIONS WITHOUT OPINIONS

2007-1079. State ex rel. Watterson v. Disciplinary Counsel.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Motion to strike motion to dismiss denied as moot. Cause dismissed.

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

O'Donnell, J., not participating.

2007-1216. Powers v. Reece.

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.

2007-1220. State ex rel. Alvarez v. Rump.

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.

2007-1229. State ex rel. Martin v. Frary.

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.

2007-1230. State ex rel. Brown 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.

2007-1231. Fitzpatrick v. Aubry.

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.

2007-1237. State ex rel. James v. Reese.

In Procedendo. 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.

2007-1250. Lipford v. Brown.

In Prohibition. On motion to dismiss. Motion to dismiss granted. Motion for leave to file amended affidavit denied. Cause dismissed.

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

2007-1294. State ex rel. Karnofel v. Wright.

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.

2007-1333. Wolfel v. Timmerman-Cooper.

In Habeas Corpus. On petition for writ of habeas corpus of Dennis M. Wolfel. Sua sponte, cause dismissed.

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

2007-1335. State ex rel. Yeager v. Stormer.

In Mandamus and Procedendo. 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.

2007-1336. State ex rel. Hairston v. Moore.

In Habeas Corpus. On petition for writ of habeas corpus of Dominique D. Hairston. Sua sponte, cause dismissed.

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

2007-1424. Nedeia v. Jackson.

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

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

2007-1483. Petty v. Wilson.

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

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

2007-1515. Clumm v. Brunzman.

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

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

MOTION AND PROCEDURAL RULINGS

2007-0254. Ohio Civ. Rights Comm. v. Akron Metro. Hous. Auth.

Summit App. Nos. 23056 and 23060, 170 Ohio App.3d 283, 2006-Ohio-6967. On motion for admission pro hac vice of Jamie Lee, Casius Pealer, Sara Molseed, Steve Holmquist, and Lisa Walker by James D. Casey. Motion granted.

2007-0558. Wilborn v. Bank One Corp.

Mahoning App. No. 04-MA-182, 2007-Ohio-596. On motion for admission pro hac vice of Stuart T. Rossman by Michael S. Miller. Motion granted.

2007-1254. State v. Silsby.

Geauga App. No. 2006-G-2725, 2007-Ohio-2308. 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 6, 2007:

“1. Whether a delayed appeal under Ohio Rule of Appellate Procedure 5(A) is identical to a direct appeal under Ohio Rule of Appellate Procedure 4(A) for purposes of appellate review as to whether a defendant was sentenced upon the basis of an unconstitutional statute under the guidelines of *State v. Foster*.

“2. Whether a defendant's sentence must be reversed on the basis of *State v. Foster* when: a) the defendant was sentenced prior to the announcement of *State v. Foster*; b) the defendant was sentenced under the statutes found to be unconstitutional in *State v. Foster*; c) the defendant does not pursue a direct appeal but rather files a delayed appeal; d) and raises the issues of unconstitutional sentencing on the basis of *Foster* for the first time on delayed appeal.”

O'Connor, J., would certify only the second question.

O'Donnell, J., dissents.

The conflict cases are *State v. Jenkins*, Clark App. No. 2006 CA 37, 2007-Ohio-1742, and *State v. Corbin*, Allen App. No. 1-06-23, 2006-Ohio-6092.

2007-1323. State v. Powers.

Summit App. No. 23400, 2007-Ohio-2738. On motion for stay of court of appeals' judgment. Motion denied.

2007-1327. State v. Holbert.

Cuyahoga App. No. 88016, 2007-Ohio-986. On motion for leave to file delayed appeal. Motion granted.

O'Connor and Lanzinger, JJ., dissent.

2007-1345. Pattison v. W.W. Grainger, Inc.

Cuyahoga App. No. 88556, 2007-Ohio-3081. 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 June 26, 2007:

"In a case where a plaintiff has asserted multiple claims against a single defendant and some of those claims have been ruled upon but not converted into a final order with Civ.R. 54(B), can the plaintiff create a final order by voluntarily dismissing pursuant to Civ.R. 41(A) the remaining claims asserted against that defendant."

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

The conflict case is *Borchers v. Winzeler Excavating Co.* (Apr. 10, 1992), Montgomery App. No. 13297.

2007-1347. State v. Howerth.

Licking App. No. 07CA11. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2007-1348. Citimortgage, Inc. v. Clardy.

Franklin App. No. 06AP-1011, 2007-Ohio-2940. On motion for stay of court of appeals' judgment. Motion denied.

2007-1352. State v. Jordan.

Franklin App. No. 06AP-96, 2006-Ohio-6224. On motion for leave to file delayed appeal. Motion denied. Request for copy of record of trial proceedings denied as moot.

2007-1370. Lang v. Holly Hill Motel, Inc.

Jackson App. No. 06CA18, 2007-Ohio-3898. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2007-0288 and 2007-0410, *Ahmad v. AK Steel Corp.*, Butler App. No. CA2006-04-089, 2006-Ohio-7031; cause consolidated with 2007-1222, *Lang v. Holly Hill Motel, Inc.*, Jackson App. No. 06CA18, 2007-Ohio-3898; and briefing schedule stayed.

2007-1381. State v. Vaughn.

Guernsey App. No. 07CA12. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2007-1406. State v. Singletary.

Montgomery App. No. CA21994. On motion for leave to file delayed appeal. Motion denied.

2007-1474. State v. Donnal.

Allen App. No. 1-06-31, 2007-Ohio-1632. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2007-1507. Ohio Patrolmen's Benevolent Assn. v. Geauga Park Dist.

Cuyahoga App. No. 88699, 2007-Ohio-3775. On motion for stay of court of appeals' judgment. Motion denied.

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

2007-1522. State v. Torres.

Cuyahoga App. No. 88381, 2007-Ohio-2502. On motion for leave to file delayed appeal. Motion denied.

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

2007-1523. State v. Reddick.

Hamilton App. No. C-020403. On motion for leave to file delayed appeal. Motion denied.

2007-1525. State v. Gaston.

Cuyahoga App. No. 82628, 2007-Ohio-155. On motion for leave to file delayed appeal. Motion denied.

2007-1526. State v. Mungai.

Cuyahoga App. No. 89683. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2007-1625. State v. Hairston.

Cuyahoga App. No. 88738, 2007-Ohio-3650. On motion for stay of court of appeals' judgment. Motion denied.

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

APPEALS ACCEPTED FOR REVIEW

2007-0914. Meeker v. Miamisburg City Schools Bd. of Edn.

Montgomery App. No. CA22064. Discretionary appeal accepted; cause held for the decision in 2006-1528 and 2006-1589, *Hubbell v. Xenia*, Greene App. No. 2005 CA 99, 2006-Ohio-3369; and briefing schedule stayed.

Pfeifer, J., dissents.

2007-0958. State v. Cosme.

Cuyahoga App. No. 87958, 2007-Ohio-1454. Discretionary appeal accepted; cause held for the decision in 2006-0294 and 2006-0298, *State v. Crager*, Marion App. No. 9-04-54, 2005-Ohio-6868; and briefing schedule stayed.

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

Cupp, J., not participating.

2007-0960. Ohioans For Concealed Carry, Inc. v. Clyde.

Sandusky App. Nos. S-06-039 and S-06-040, 2007-Ohio-1733.

2007-0980. State v. Mercier.

Hamilton App. No. C-060490, 2007-Ohio-2017. Discretionary appeal accepted on Proposition of Law No. I.

Pfeifer, J., would also accept the appeal on Proposition of Law No. II.

Lundberg Stratton and Cupp, JJ., dissent.

2007-1023. State v. McKay.

Ashtabula App. No. 2006-A-0066, 2007-Ohio-1923. 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 and O'Connor, JJ., dissent.

2007-1222. Lang v. Holly Hill Motel, Inc.

Jackson App. No. 06CA18, 2007-Ohio-3898. Discretionary appeal accepted; cause held for the decision in 2007-0288 and 2007-0410, *Ahmad v. AK Steel Corp.*, Butler App. No. CA2006-04-089, 2006-Ohio-7031; cause consolidated with 2007-1370, *Lang v. Holly Hill Motel, Inc.*, Jackson App. No. 06CA18, 2007-Ohio-3898; and briefing schedule stayed.

Pfeifer, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2007-0342. State v. Carter.

Cuyahoga App. No. 87705, 2006-Ohio-6427.

2007-0752. State v. James.

Hamilton App. No. C-060630.

2007-0756. Dunham v. Dunham.

Franklin App. No. 05AP-584, 171 Ohio App.3d 147, 2007-Ohio-1167. Discretionary appeal and cross-appeal not accepted.

2007-0760. State v. Clark.

Butler App. No. CA2007-01-031.

2007-0769. State v. Davis.

Clark App. No. 2006 CA 69, 2007-Ohio-1030.

2007-0773. State v. Collins.

Hamilton App. No. C-060507.

2007-0777. State v. Dickey.

Darke App. No. 06-CA-1693, 2007-Ohio-1180.

2007-0778. State v. Brown.

Summit App. No. 23209, 2007-Ohio-1132.

2007-0780. State v. Howard.

Belmont App. No. 06 BE 1, 2007-Ohio-1237.

O'Connor, J., dissents and would accept the appeal, reverse the judgment of the court of appeals, and remand for application of *Hudson v. Michigan*, 123 U.S. 2159.

Lanzinger and Cupp, JJ., dissent.

2007-0797. State v. Black.

Hamilton App. No. C-060154.

2007-0798. State v. Garcia.

Defiance App. No. 4-07-08.

2007-0799. State v. Ross.

Summit App. No. 23375, 2007-Ohio-1265. Discretionary appeal not accepted. Motion to hold Proposition of Law Nos. I, II, and III in abeyance pending disposition of 2007-0475, *State v. Elmore*, Licking C.P. No. 02 CR 275, denied as moot.

Lundberg Stratton, J., dissents and would accept the appeal and hold the cause for the decision in 2007-0475, *State v. Elmore*.

O'Connor, J., not participating.

2007-0805. State v. Vogt.

Stark App. No. 2006-CA-00261, 2007-Ohio-1576.

2007-0808. Porachan v. Cleveland.

Cuyahoga App. No. 88082, 2007-Ohio-1002.

Moyer, C.J., dissents.

2007-0819. Scotland Yard Condominium Assn. v. Spencer.

Franklin App. No. 05AP-1046, 2007-Ohio-1239. Discretionary appeal not accepted. Motion to dismiss appeal and motion to strike motion to dismiss appeal denied as moot.

2007-0821. State v. Harrington.

Greene App. No. 06-CA-29, 2007-Ohio-1335.

2007-0824. Qualchoice, Inc. v. Paige-Thompson.

Cuyahoga App. No. 88233, 2007-Ohio-1712.

2007-0827. Tyler v. Dann.

Cuyahoga App. No. 88128, 2007-Ohio-1160.

Lundberg Stratton, J., dissents.

2007-0828. State v. Haschenburger.

Mahoning App. No. 05 MA 192, 2007-Ohio-1562. Discretionary appeal not accepted.

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

Discretionary cross-appeal not accepted.

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

Lanzinger, J., dissents.

2007-0829. Transport Funding, LLC v. Pettijohn.

Hamilton App. No. C-050845.

2007-0831. Smith v. Smith.

Jefferson App. No. 05 JE 42, 2007-Ohio-1394.

2007-0834. Cavalry Portfolio Servs., L.L.C. v. Terrell.

Montgomery App. Nos. 21532 and 21664, 2007-Ohio-1331.

2007-0836. State v. Frazier.

Cuyahoga App. No. 88127, 2007-Ohio-1141.

2007-0843. State v. Palmer.

Jefferson App. No. 06-JE-20, 2007-Ohio-1572. Discretionary appeal not accepted. Motion for procedural default denied.

2007-0845. State v. Pace.

Medina App. No. 06CA0074-M, 2007-Ohio-1354.

2007-0852. Rosado v. Cuyahoga Metro. Hous. Auth.

Cuyahoga App. No. 87922, 2007-Ohio-1164.

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

2007-0857. Podeweltz v. Rieger.

Montgomery App. No. 21725, 2007-Ohio-1513.

2007-0865. State v. Dunn.

Logan App. No. 8-06-20, 2007-Ohio-1358.

Cupp, J., not participating.

2007-0867. State v. Woods.

Summit App. No. 23414, 2007-Ohio-1423.

2007-0869. Brooks-Lee v. Lee.

Franklin App. No. 05AP-1369.

2007-0879. Burdge v. Subvest 4, LLC.

Hamilton App. No. C-060354, 2007-Ohio-1488.

O'Donnell, J., dissents.

2007-0884. State v. Hardy.

Cuyahoga App. No. 86722, 2007-Ohio-1159.

2007-0885. Dunn-Halpern v. Mac Home Inspectors, Inc.

Cuyahoga App. No. 88337, 2007-Ohio-1853.

2007-0889. Verchio v. Gregory.

Cuyahoga App. No. 87901, 2007-Ohio-832.

2007-0890. Markowitz v. Bainbridge Equestrian Ctr., Inc.

Portage App. No. 2006-P-0016, 2007-Ohio-1540.

2007-0893. State v. Garcia.

Huron App. No. H-06-003, 2007-Ohio-1525.

2007-0894. State v. Edwards.

Adams App. No. 06CA830, 2007-Ohio-1516.

2007-0899. State v. Ward.

Hamilton App. No. C-060103.

2007-0904. State v. Lewis.

Hamilton App. Nos. C-050989 and C-060010, 2007-Ohio-1485.

2007-0915. State v. Jackim.

Cuyahoga App. No. 89587.

2007-0916. State v. Ogier.

Pike App. No. 07CA759.

2007-0917. State v. Csokmay.

Cuyahoga App. No. 88214, 2007-Ohio-1309.

2007-0918. Cincinnati v. Barton.

Hamilton App. Nos. C-060548 and C-060549.

2007-0920. State v. Zuniga.

Lucas App. No. L-06-1032. Discretionary appeal not accepted. Motion to dismiss appeal denied as moot.

2007-0927. State v. Burton.

Gallia App. No. 05CA3, 2007-Ohio-1660.

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

2007-0929. State v. Rutledge.

Montgomery App. No. 21854, 2007-Ohio-1662.

2007-0930. State v. Vild.

Cuyahoga App. Nos. 87742 and 87965, 2007-Ohio-987.

Moyer, C.J., and O'Donnell and Lanzinger, JJ., dissent and would accept the appeal on Proposition of Law Nos. I, III, IV, and V.

2007-0932. State v. Baker.

Guernsey App. No. 07 CA 13.

2007-0941. State v. Elliott.

Hamilton App. No. C-060443.

2007-0943. State v. Hennis.

Clark App. No. 2006 CA 56, 2007-Ohio-1670.

2007-0944. State v. Render.

Hamilton App. No. C-060382, 2007-Ohio-1606.

2007-0949. State v. Bettis.

Butler App. No. CA2006-05-109.

2007-0953. State v. Zemke.

Erie App. No. E-06-051.

2007-0955. State v. Rose.

Marion App. No. 9-06-39, 2007-Ohio-1627. Discretionary appeal not accepted.

Moyer, C.J., dissents.

O'Donnell, J., dissents and would accept the appeal and hold the cause for the decision in 2007-0475, *State v. Elmore*, Licking C.P. No. 02 CR 275.

Cupp, J., not participating.

2007-0957. Wolnik v. Messina.

Cuyahoga App. No. 88139, 2007-Ohio-1446.

2007-0959. State v. Jimenez.

Warren App. No. CA2006-01-005, 2007-Ohio-1658.

2007-0961. State v. Thinnes.

Hamilton App. No. C-060337.

2007-0962. State v. Smith.

Hancock App. No. 5-06-30, 2007-Ohio-1626.

2007-0963. State v. Robinson.

Hamilton App. No. C-060459.

2007-0965. State v. Toth.

Summit App. No. 23528.

2007-0966. Charlton v. Pike Twp. Bd. of Zoning Appeals.

Stark App. No. 2006CA00140.

2007-0968. State v. Niepsuj.

Summit App. No. 23593.

2007-0969. State v. Hood.

Huron App. No. H-06-005, 2007-Ohio-1877.

2007-0971. State v. Ferko.

Cuyahoga App. No. 88182, 2007-Ohio-1588.

2007-0972. State v. Sharpless.

Portage App. No. 2006-P-0088, 2007-Ohio-1922.

Lanzinger, J., dissents and would accept the appeal and hold the cause for the decision in 2007-0052, *State v. Simpkins*, Cuyahoga App. No. 87692, 2006-Ohio-6028.

2007-0975. Potts v. 3M Co.

Cuyahoga App. No. 87977, 2007-Ohio-1144.

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

2007-0979. Stengel v. Black.

Stark App. No. 2006CA00288, 2007-Ohio-1828.

2007-0982. Everhart v. Knox Community Hosp.

Franklin App. No. 07AP-256.

2007-0984. State v. Lange.

Mercer App. No. 10-06-28, 2007-Ohio-2280.

Lanzinger and Cupp, JJ., dissent and would accept the appeal and hold the cause for the decision in 2007-0052, *State v. Simpkins*, Cuyahoga App. No. 87692, 2006-Ohio-6028.

2007-0985. Bd. of Trustees of Chester Twp. v. Baumgardner.

Geauga App. No. 2006-G-2721, 2007-Ohio-1783.

2007-0990. Newman v. Enriquez.

Scioto App. No. 06CA3091, 171 Ohio App.3d 117, 2007-Ohio-1934.

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

2007-0992. State v. Burke.

Franklin App. No. 06AP-686, 2007-Ohio-1810.

O'Donnell, J., dissents.

2007-0995. State v. Bruce.

Washington App. No. 06CA40, 2007-Ohio-1938.

2007-0997. State v. Cockroft.

Franklin App. No. 06AP-752, 2007-Ohio-2217.

2007-0999. Harris v. Ohio State Univ. Hosp. Med. Ctr.

Franklin App. No. 06AP-1092, 2007-Ohio-1812.

2007-1001. State v. McKinney.

Franklin App. No. 06AP-510, 2007-Ohio-1842.

2007-1006. State v. Andrews.

Hamilton App. No. C-060545, 171 Ohio App.3d 332, 2007-Ohio-2013.

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

O'Connor and Cupp, JJ., dissent.

2007-1008. State v. Jaradat.

Cuyahoga App. No. 88290, 2007-Ohio-1971.

2007-1010. State v. Wharton.

Summit App. No. 23300, 2007-Ohio-1817.

2007-1012. State v. Leonard.

Hamilton App. No. C-060383.

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

2007-1018. State v. Beard.

Hamilton App. No. C-060612.

2007-1020. State v. Rupert.

Lake App. No. 2006-L-223, 2007-Ohio-2059.

2007-1021. State v. Nicholson.

Lake App. No. 2006-L-210, 2007-Ohio-2058.

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

2007-1026. State v. Russell.

Cuyahoga App. No. 88008, 2007-Ohio-2108.

2007-1043. State v. Mason.

Butler App. No. CA2006-06-140.

2007-1044. State v. Peterson.

Cuyahoga App. No. 88248, 2007-Ohio-1837.

2007-1059. State v. Dickens.

Hamilton App. No. C-060664.

2007-1068. State v. Hamilton.

Franklin App. No. 06AP-944, 2007-Ohio-2473.

2007-1085. State v. Pressley.

Muskingum App. No. CT2006-0033, 2007-Ohio-2171.

2007-1089. State v. Lipscomb.

Hamilton App. Nos. C-060213 and C-060249, 2007-Ohio-2246.

2007-1092. State v. Tucker.

Cuyahoga App. No. 88568, 2007-Ohio-2123.

2007-1095. State v. Womack.

Hamilton App. No. C-060542.

2007-1098. State v. Farley.

Butler App. No. CA2006-06-150.

2007-1113. Acordia of Ohio, LLC v. Fishel.

Hamilton App. No. C-060292.

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

2007-1114. State v. Kraft.

Hamilton App. No. C-060238, 2007-Ohio-2247.

2007-1139. State v. Martin.

Hamilton App. No. C-050584, 2006-Ohio-5263.

2007-1158. State v. Silsby.

Geauga App. No. 2006-G-2725, 2007-Ohio-2308.

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

2007-1228. State v. Rolling.

Cuyahoga App. No. 83051, 2007-Ohio-2635.

2007-1235. State v. Wilson.

Union App. No. 14-06-19, 2006-Ohio-6930.

2007-1287. State v. Dial.

Cuyahoga App. No. 83847, 2004-Ohio-5860 and 2007-Ohio-2781.

2007-1500. In re Heaven G.

Lucas App. No. L-06-1362, 2007-Ohio-3313.

Lundberg Stratton, J., dissents.

O'Donnell, J., dissents and would remand the cause for application of *In re C.W.*, 104 Ohio St.3d 163, 2004-Ohio-6411, and *In re C.R.*, 108 Ohio St.3d 369, 2006-Ohio-1191.

RECONSIDERATION OF PRIOR DECISIONS

2005-0338. State v. Bezak.

Cuyahoga App. No. 84008, 2004-Ohio-6623. Reported at 114 Ohio St.3d 94, 2007-Ohio-3250, 868 N.E.2d 961. On motion for reconsideration. Motion denied.

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

2006-0151. State v. Carswell.

Warren App. No. CA2005-04-047, 2005-Ohio-6547. Reported at 114 Ohio St.3d 210, 2007-Ohio-3723, 871 N.E.2d 547. On motion for reconsideration. Motion denied.

French, J., of the Tenth Appellate District, sitting for Cupp, J.

2006-0690. Toledo v. Tellings.

Lucas App. No. L-04-1224, 2006-Ohio-975. Reported at 114 Ohio St.3d 278, 2007-Ohio-3724, 871 N.E.2d 1152. On motion for reconsideration. Motion denied.

O'Connor, J., dissents.

2006-1994. Toledo Bar Assn. v. Cook.

Board of Commissioners on Grievances and Discipline, No. 05-047. Reported at 114 Ohio St.3d 108, 2007-Ohio-3253, 868 N.E.2d 973. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

2006-2260. Cleveland Bar Assn. v. McMahon.

Board of Commissioners on Grievances and Discipline, No. 06-006. Reported at 114 Ohio St.3d 331, 2007-Ohio-3673, 872 N.E.2d 261. On motion for reconsideration. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2007-0538. Indian Hill v. Wenker.

Hamilton App. Nos. C-060273 and C-060301. Reported at 114 Ohio St.3d 1480, 2007-Ohio-3699, 870 N.E.2d 732. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.