

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 29, 2009

[Cite as *07/29/2009 Case Announcements, 2009-Ohio-3625.*]

MERIT DECISIONS WITH OPINIONS

2008-1334. Natl. Union Fire Ins. Co. of Pittsburgh, PA v. Wuerth, Slip Opinion No. 2009-Ohio-3601.

Certified Question of State Law, United States Court of Appeals for the Sixth Circuit, No. 07-4035. Certified question of state law answered in the negative.

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

Pfeifer and Lanzinger, JJ., concur in the concurring opinion of Moyer, C.J.

Mary DeGenaro, J., of the Seventh Appellate District, sitting for Lundberg Stratton, J.

2008-2438. Disciplinary Counsel v. Brenner, Slip Opinion No. 2009-Ohio-3602.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-086. Todd A. Brenner, Attorney Registration No. 0051839, is suspended from the practice of law in Ohio for two years, with one year stayed.

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

Moyer, C.J., and Pfeifer, J., dissent and would suspend respondent from the practice of law in Ohio for 18 months, with 12 months stayed.

2009-0159. State ex rel. Hall v. State Emp. Relations Bd., Slip Opinion No. 2009-Ohio-3603.

Cuyahoga App. No. 90808, 2008-Ohio-6661. Judgment reversed and writ denied.

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

Pfeifer, J., concurs in judgment only.

2009-0389. Disciplinary Counsel v. LaRue, Slip Opinion No. 2009-Ohio-3604.
On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-058. Lawrence B. LaRue, Attorney Registration No. 0038468, is suspended from the practice of law in Ohio for six months, stayed on conditions.

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

O'Donnell, J., dissents and would suspend respondent from the practice of law in Ohio for one year.

2009-0511. In re Application of Grachanin, Slip Opinion No. 2009-Ohio-3605.
On Report by the Board of Commissioners on Character and Fitness, No. 400. The application of Stephen Matthew Grachanin for admission to the practice of law in Ohio is disapproved, but he may apply for the February 2011 bar examination.

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

MERIT DECISIONS WITHOUT OPINIONS

2009-0856. Smith v. Frost.

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.

2009-0882. State ex rel. McMahon v. Beathard.

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

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

2009-0936. State ex rel. Cochran v. Schumaker.

In Mandamus. On respondent's motion to dismiss and relator's motion to amend complaint. Motion to dismiss granted. Motion to amend complaint denied as moot. Cause dismissed.

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

Lanzinger, J., dissents and would grant an alternative writ.

2009-0961. State ex rel. Clear Channel Outdoor, Inc. v. Court of Appeals, Eighth Appellate Dist.

In Mandamus and Prohibition. On respondent's motion to dismiss. Motion to dismiss granted. Relator's motion to consolidate denied. Cause dismissed.

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

2009-1001. State ex rel. Prim v. Matia.

In Habeas Corpus. On petition for writ of habeas corpus of Jesse B. Prim and motion for summary judgment. Sua sponte, cause dismissed. Motion for summary judgment denied as moot.

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

2009-1008. State ex rel. Thomas v. DeWine.

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

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

2009-1047. Mascorro v. Brunsman.

In Habeas Corpus. On emergency petition for writ of habeas corpus of Michael Mascorro. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2008-1464. State ex rel. Cambridge Home Health Care, Inc. v. Indus. Comm.

In Mandamus. On answers of respondents Industrial Commission of Ohio and Laura Horvat. 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 ten days of the filing of the evidence; respondents 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 respondents' brief.

2008-1499. State v. Jackson.

Stark App. No. 2007CA00274, 2008-Ohio-2944. On motion for admission pro hac vice of Aaron Nisenson by John Rocca. Motion granted.

2008-1578. In re T.F.

Summit App. No. 23979, 2008-Ohio-3106. On motion for admission pro hac vice of David M. Lieberman by Benjamin C. Mizer. Motion granted.

2008-2018. Ohio Grocers Assn. v. Levin.

Franklin App. No. 07AP-813, 178 Ohio App.3d 145, 2008-Ohio-4420. On motion for admission pro hac vice of Joseph D. Henschman by Maurice A. Thompson. Motion granted.

2008-2150. State v. Garltic.

Cuyahoga App. No. 90128, 2008-Ohio-4575. On amended motion for appeal bond. Motion granted. Appellant's sentence is stayed conditioned upon his posting a bond in an amount to be determined by the Cuyahoga County Common Pleas Court and further conditioned upon appellant complying with any and all conditions imposed by said bond. The Cuyahoga County Common Pleas Court shall set an appeal bond within ten days of the date of this entry.

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

2009-0976. State v. Busch.

Hamilton App. No. C-060936. On motion for leave to file delayed appeal. Motion denied.

2009-0979. State v. Rosas.

Montgomery App. No. 22424, 2009-Ohio-1404. On motion for leave to file delayed appeal. Motion granted.

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

2009-0980. State v. Carter.

Hamilton App. Nos. C-080254 and C-080337. On motion for leave to file delayed appeal. Motion granted.

O'Connor and Lanzinger, JJ., dissent.

2009-1003. State v. Conley.

Lorain App. No. 08CA009454, 2009-Ohio-910. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2009-1005. State v. Stafford.

Summit App. No. 24144, 2009-Ohio-701. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2009-1006. State v. Thompson.

Franklin App. No. 08AP-22, 2008-Ohio-4551. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2009-1009. State v. Shakoor.

Mahoning App. No. 09 MA 27. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2009-1022. State v. Chattams.

Butler App. No. CA2006-06-146. On motion for leave to file delayed appeal. Motion denied.

2009-1023. State v. Berry.

Franklin App. No. 08AP-762, 2009-Ohio-1557. On motion for leave to file delayed appeal. Motion granted.

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

2009-1033. State v. McCain.

Montgomery App. No. 22716, 2009-Ohio-1959. On motion for leave to file delayed appeal. Motion granted.

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

2009-1036. State v. Addington.

Richland App. No. 08 CA 0006, 2009-Ohio-24. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2009-1039. State v. Gaston.

Lucas App. No. L-06-1183, 2008-Ohio-1856. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2009-1041. State v. Rodriguez.

Cuyahoga App. No. 91195, 2009-Ohio-958. On motion for leave to file delayed appeal. Motion granted.

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

2009-1046. State v. Skorvanek.

Lorain App. No. 08CA009380, 2009-Ohio-1709. On motion for leave to file delayed appeal. Motion granted.

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

2009-1053. FIC Card Servs., N.A. v. Young.

Knox App. No. 08 CA 22, 2009-Ohio-2008. On motion for injunctive relief. Motion denied.

2009-1055. State v. Silvey.

Lucas App. No. L-07-1304, 2009-Ohio-1537. On motion for leave to file delayed appeal. Motion denied.

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

2009-1075. State v. Beal.

Clark App. No. 07-CA-86, 2008-Ohio-4007. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2009-1076. State v. Kerr.

Wood App. No. WD-08-008, 2009-Ohio-1470. On motion for leave to file delayed appeal. Motion denied.

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

2009-1081. State v. Lampkin.

Lucas App. No. L-07-1005, 2008-Ohio-2378. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2009-1082. State v. Anderson.

Lucas App. No. L-07-1351, 2008-Ohio-5791. On motion for leave to file delayed appeal. Motion denied.

2009-1094. State v. Mansaray.

Cuyahoga App. No. 90647, 2009-Ohio-1237. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2009-1095. State v. Hurst.

Licking App. No. 2008-CA-0104, 2009-Ohio-983. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2009-1098. State v. O'Dell.

Montgomery App. No. 22691, 2009-Ohio-1040. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2009-1120. State v. Smith.

Pickaway App. No. 08CA6, 2009-Ohio-716. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2009-1166. State v. Smith.

Williams App. No. WM-08-016, 2009-Ohio-2292. On motion for stay of sentence pending appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2009-1201. Integrated Payment Sys., Inc. v. A&M 87th Inc.

Cuyahoga App. No. 91454, 2009-Ohio-2715. On motion for stay of appellate judgment. Motion denied.

Lanzinger, J., dissents and would grant the motion with bond.

APPEALS ACCEPTED FOR REVIEW

2008-2498. State v. Alford.

Cuyahoga App. No. 91020, 2008-Ohio-5599. Discretionary cross-appeal accepted; cause held for the decision in 2008-0661, *State v. Hunter*, Cuyahoga App. No. 89456, 2008-Ohio-794; and briefing schedule stayed.

Pfeifer and O'Donnell, JJ., dissent.

Discretionary appeal not accepted.

2009-0630. State v. Thomas.

Hamilton App. No. C-010724, 2002-Ohio-7333. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2008-2047, *State v.*

Palmer, Hamilton App. No. C-010583, 178 Ohio App.3d 192, 2008-Ohio-4604; and briefing schedule stayed.

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

Pfeifer, J., dissents.

2009-0645. Holcomb v. State.

Logan App. Nos. 8-08-23, 8-08-24, 8-08-25, and 8-08-26, 2009-Ohio-782. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Pfeifer, J., dissents.

2009-0678. State v. Pepka.

Lake App. No. 2008-L-016, 2009-Ohio-1440.

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

2009-0699. State v. Samples.

Stark App. No. 2008 CA 00027, 2009-Ohio-1043. Discretionary appeal accepted; cause held for the decision in 2008-1725, *State v. Lester*, Hamilton App. No. C-070383, 2008-Ohio-3570; and briefing schedule stayed.

2009-0750. State v. Love.

Hamilton App. Nos. C-070782 and C-080078, 2009-Ohio-1079. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2008-2037, *State v. Williams*, Cuyahoga App. No. 89726, 2008-Ohio-5149 and 2008-Ohio-5286; and briefing schedule stayed.

Pfeifer and O'Donnell, JJ., dissent.

2009-0756. Nursing Care Mgt. of Am., Inc. v. Ohio Civ. Rights Comm.

Licking App. No. 08CA0030, 2009-Ohio-1107.

Pfeifer and O'Donnell, JJ., dissent.

2009-0777. State v. Gilfillan.

Franklin App. No. 08AP-317, 2009-Ohio-1104. Discretionary appeal accepted on Proposition of Law No. VIII; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

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

2009-0806. Engels v. State.

Hamilton App. No. C-080725. Discretionary appeal accepted on Proposition of Law Nos. I, II, III, and IV; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Lundberg Stratton, J., would also accept the appeal on Proposition of Law Nos. V and VII.

Cupp, J., would also accept the appeal on Proposition of Law No. VII.

Pfeifer, J., dissents.

Motion for stay of jurisdictional question denied.

2009-0820. Jaques v. Manton.

Lucas App. No. L-08-1096, 2009-Ohio-1468.

Pfeifer, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2009-0576. State v. Smith.

Cuyahoga App. No. 75512.

2009-0593. State v. Townsend.

Cuyahoga App. No. 90890, 181 Ohio App.3d 53, 2009-Ohio-467.

2009-0594. N. Olmsted v. Internatl. Assn. of Firefighters, Local 1267.

Cuyahoga App. Nos. 91300, 91301, and 91724, 2009-Ohio-960.

2009-0600. State v. Chapman.

Hamilton App. No. C-090075.

2009-0619. State v. Griggs.

Summit App. No. 24625.

2009-0631. In re R.W.

Cuyahoga App. No. 91923, 2009-Ohio-1255.

2009-0633. Efficient Lighting Sales Co. v. Neverman.

Cuyahoga App. Nos. 91093 and 91122, 2009-Ohio-627.

2009-0642. State v. Crawley.

Hamilton App. No. C-090079.

2009-0646. Morway v. Durkin.

Mahoning App. No. 07-MA-189, 2009-Ohio-932.
O'Connor, J., dissents.

2009-0647. State v. Wolfe.

Stark App. No. 2008-CA-00064, 2009-Ohio-830.
O'Donnell, J., dissents.

2009-0648. State v. Gilbert.

Cuyahoga App. No. 90856, 2009-Ohio-607.
Lanzinger, J., dissents.

2009-0650. State v. Thompson.

Cuyahoga App. No. 90606, 2009-Ohio-615.

2009-0656. State v. Trainer.

Champaign App. No. 08-CA-04, 2009-Ohio-906.

2009-0657. Corbin v. Dailey.

Franklin App. No. 08AP-802, 2009-Ohio-881. Discretionary appeal not accepted. Motions requesting order directing appellee to file a memorandum in response and for copy of transcript denied as moot.

2009-0663. Cordray v. Watley.

Franklin App. No. 09AP-233.

2009-0672. State v. Stevenson.

Greene App. No. 07CA51, 2009-Ohio-901.
Lundberg Stratton, J., dissents.

2009-0675. State v. Palmer.

Jefferson App. No. 08 JE 18, 2009-Ohio-1018.

2009-0676. State v. Selby.

Auglaize App. Nos. 2-09-01 and 2-09-02.

2009-0677. State v. Cooper.

Hamilton App. No. C-080105.

2009-0683. In re Guardianship of Hards.

Lake App. No. 2007-L-150, 2009-Ohio-1002. Discretionary appeal not accepted. Appellants' motions for leave to file, to strike, and to vacate a void judgment denied as moot.

2009-0684. Henderhan v. Jackson Twp. Police Dept.

Stark App. No. 2008-CA-00055, 2009-Ohio-949.

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

2009-0685. State v. Bell.

Cuyahoga App. No. 91234, 2009-Ohio-1084.

2009-0690. State ex rel. McNamara v. Rittman.

Wayne App. No. 08CA0011, 2009-Ohio-911.

Pfeifer, J., dissents.

2009-0694. Dickson & Campbell, L.L.C. v. Cleveland.

Cuyahoga App. No. 90519, 2009-Ohio-738.

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

O'Donnell, J., not participating.

2009-0695. Gartrell v. Gartrell.

Tuscarawas App. No. 2007-AP-0071, 2009-Ohio-1042.

Pfeifer and Lundberg Stratton, JJ., dissent.

2009-0697. State v. Schmidt.

Franklin App. No. 08AP-348, 2009-Ohio-1548.

O'Connor and Cupp, JJ., dissent and would accept the appeal and reverse the judgment of the court of appeals on the authority of *State v. Silverman*, 121 Ohio St.3d 581, 2009-Ohio-1576.

2009-0698. State v. Herbert.

Hancock App. No. 5-07-51, 2009-Ohio-914.

2009-0702. State v. Williams.

Cuyahoga App. No. 91167, 2009-Ohio-732.

Moyer, C.J., dissents.

2009-0703. In re Von Stein.

Hancock App. Nos. 5-08-22 and 5-08-31, 2009-Ohio-913.

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

2009-0709. VP Consol. Holdings, Inc. v. Hunt.

Erie App. No. E-08-025, 2009-Ohio-1129.

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

2009-0711. MedCorp, Inc. v. Mercy Health Partners.

Lucas App. No. L-08-1227, 2009-Ohio-988.

Pfeifer, J., dissents.

2009-0720. State v. Lee.

Hancock App. No. 5-08-36.

2009-0721. Cvijetinovic v. Russo.

Cuyahoga App. No. 92773.

2009-0724. State v. Ealom.

Cuyahoga App. No. 91140, 2009-Ohio-1073.

2009-0725. McGee v. Foshee.

Licking App. No. 2008-CA-69, 2009-Ohio-980.

2009-0726. State v. Taylor.

Madison App. No. CA2007-12-037, 2009-Ohio-924.

2009-0735. State v. Lent.

Washington App. No. 09CA9.

2009-0736. Byer v. Lucas.

Noble App. No. 08-NO-351, 2009-Ohio-1022.

Lundberg Stratton, J., dissents.

2009-0740. Cordell v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 08AP-749, 2009-Ohio-1555.

2009-0746. Lawrence Twp. v. Canal Fulton.

Stark App. No. 2008 CA 00091, 2009-Ohio-1293.

2009-0747. State v. Bradley.

Cuyahoga App. No. 90281, 181 Ohio App.3d 40, 2009-Ohio-460.
O'Connor, J., dissents.

2009-0749. Strip Delaware, L.L.C. v. Landry's Restaurant, Inc.

Stark App. Nos. 2008CA00146 and 2008CA00160, 2009-Ohio-1869.

2009-0757. Warga v. Palisades Baseball.

Mahoning App. No. 08 MA 25, 2009-Ohio-1224.

2009-0759. Columbus v. Freeman.

Franklin App. No. 08AP-519, 2009-Ohio-1046.

2009-0762. State v. Brown.

Montgomery App. No. 22645, 2009-Ohio-1274.

2009-0764. State v. Barr.

Portage App. No. 2008-P-0031, 2009-Ohio-1146.

2009-0766. State v. Hall.

Hamilton App. No. C-070872.

2009-0768. State v. Lucic.

Cuyahoga App. No. 91069, 2009-Ohio-616.

2009-0774. Burneson v. Ohio State Racing Comm.

Franklin App. No. 08AP-794, 2009-Ohio-1103.

2009-0775. Hiddens v. Leibold.

Montgomery App. No. 21861. Discretionary appeal not accepted.
Lundberg Stratton, J., dissents.
Motion for sanctions for frivolous action denied.

2009-0789. Natl. City Commercial Capital Corp. v. Page.

Butler App. No. CA2005-09-381, 2009-Ohio-1161.
Pfeifer, Lundberg Stratton, and O'Donnell, JJ., dissent.

2009-0791. Natl. City Commercial Capital Corp. v. All About Limousines Corp.

Butler App. Nos. CA2005-08-226, CA2005-08-232, CA2005-08-239, CA2005-08-253, CA2005-08-259, CA2005-08-270, CA2005-08-277, CA2005-08-280, CA2005-08-283, CA2005-08-295, CA2005-08-314, CA2005-08-317, CA2005-08-327, CA2005-08-335, CA2005-08-336, CA2005-08-337, CA2005-08-341, CA2005-08-345, CA2005-08-352, CA2005-10-448, CA2005-10-459, and CA2005-10-460, 2009-Ohio-1159.

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

2009-0794. Natl. City Commercial Capital Corp. v. Cotton.

Butler App. Nos. CA2005-08-247, CA2005-08-249, and CA2005-08-353, 2009-Ohio-1160.

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

2009-0795. State v. Champagne.

Franklin App. No. 08AP-689, 2009-Ohio-1182.

2009-0796. Hughes v. Miller.

Cuyahoga App. No. 91482, 2009-Ohio-963.

2009-0797. Mosier v. Mosier.

Richland App. No. 2008 CA 0103, 2009-Ohio-1195.

O'Donnell, J., dissents.

2009-0798. State v. Ha.

Medina App. No. 07CA0089-M, 2009-Ohio-1134.

2009-0799. State v. Henry.

Lake App. No. 2007-L-142, 2009-Ohio-1138.

2009-0803. State v. Douglas.

Cuyahoga App. No. 91029, 2009-Ohio-1068.

2009-0805. State v. Gartrell.

Franklin App. No. 08AP-1059.

2009-0807. Sherman v. Rasor.

Lucas App. No. L-09-1063.

2009-0810. Clemens v. Katz.

Lucas App. No. L-08-1274, 2009-Ohio-1461.

2009-0811. State v. Moore.

Greene App. No. 07-CA-97, 2009-Ohio-1416.

2009-0814. Cleveland v. Hunter.

Cuyahoga App. No. 91110, 2009-Ohio-1239.

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

2009-0815. Jefferson v. Creveling.

Summit App. No. 24206, 2009-Ohio-1214.

2009-0816. State v. Griffin.

Summit App. No. 24179, 2009-Ohio-1212.

2009-0827. Zamos v. Zamos.

Portage App. No. 2008-P-0021, 2009-Ohio-1321.

2009-0830. State v. Pruitt.

Cuyahoga App. No. 91205, 2009-Ohio-859.

Lanzinger, J., dissents.

2009-0834. State v. Siemer.

Hamilton App. Nos. C-080103 and C-080104.

2009-0835. Williams v. Cincinnati.

Hamilton App. No. C-080546, 2009-Ohio-1972.

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

2009-0836. State v. Peeks.

Franklin App. No. 08AP-1027, 2009-Ohio-1546.

2009-0839. State v. Perry.

Trumbull App. No. 2008-T-0127, 2009-Ohio-1320.

2009-0842. State v. Hazel.

Franklin App. Nos. 08AP-789 and 08AP-790, 2009-Ohio-880.

2009-0846. State v. Prim.

Cuyahoga App. No. 92757.

2009-0852. State v. Alexander.

Scioto App. No. 08CA3221, 2009-Ohio-1401.

Moyer, C.J., dissents.

2009-0858. Nichols v. Staybridge Suites.

Franklin App. No. 08AP-773, 2009-Ohio-1381.

2009-0859. State v. Mittower.

Butler App. No. CA2008-03-082.

2009-0862. Wallace v. Grafton Correctional Inst.

Franklin App. No. 09AP-17.

2009-0867. State v. Foster.

Hamilton App. No. C-080399, 2009-Ohio-1698. Discretionary appeal and cross-appeal not accepted.

2009-0878. State v. Clay.

Cuyahoga App. No. 90453, 2009-Ohio-1235.

2009-0879. Brenner v. C.C.D.C.F.S.

Cuyahoga App. No. 91712, 2009-Ohio-1253.

2009-0894. State v. Stewart.

Franklin App. No. 08AP-33, 2009-Ohio-1547.

2009-0897. State v. Fischer.

Summit App. No. 24406, 2009-Ohio-1491.

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

Lanzinger, J., dissents and would accept the appeal on Proposition of Law Nos. I and III.

2009-0902. State v. Stevens.

Montgomery App. No. 16509.

2009-0905. State v. Terry.

Cuyahoga App. No. 91501, 2009-Ohio-1690.

2009-0907. State v. Huber.

Clark App. Nos. 07-CA-122, 2009-Ohio-1637, and 07-CA-88, 2009-Ohio-1636.

2009-0915. State v. Cochran.

Cuyahoga App. Nos. 91768, 91826, and 92171, 2009-Ohio-1693.

2009-0917. State v. Robinson.

Cuyahoga App. No. 89136, 2009-Ohio-1679.

2009-0929. Feng v. Kelley & Ferraro.

Cuyahoga App. No. 91738, 2009-Ohio-1368.

O'Donnell, J., dissents.

2009-0939. State v. Taylor.

Hamilton App. No. C-080445.

2009-0955. State v. Patrick.

Hamilton App. No. C-070305.

2009-0956. State v. Clark.

Warren App. No. CA2007-03-037.

2009-1034. State v. Alexander.

Montgomery App. No. 22278.

2009-1068. In re White.

Muskingum App. No. CT2008-0024, 2009-Ohio-2063. Discretionary appeal not accepted. Motion to dismiss appeal denied as moot.

RECONSIDERATION OF PRIOR DECISIONS

2008-0708. Corrigan v. Illuminating Co.

Cuyahoga App. No. 89402, 175 Ohio App.3d 360, 2008-Ohio-684. Reported at ___ Ohio St.3d ___, 2009-Ohio-2524, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

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

2008-1869. Gaspar v. Guenther.

Lorain App. No. 08CA009390. Reported at 122 Ohio St.3d 34, 2009-Ohio-2363, 907 N.E.2d 724. On motion for reconsideration. Motion denied.

2009-0106. State ex rel. Sevayega v. McMonagle.

Cuyahoga App. No. 92157. Reported at 122 Ohio St.3d 54, 2009-Ohio-2367, 907 N.E.2d 1180. On motion for reconsideration. Motion denied.

O'Donnell, J., not participating.

2009-0182. State ex rel. Wells v. Jefferson Cty. Court of Common Pleas.

Jefferson App. No. 08 JE 28, 2008-Ohio-6972. Reported at 122 Ohio St.3d 39, 2009-Ohio-2358, 907 N.E.2d 1166. On motion for reconsideration. Motion denied.

2009-0254. Hydrofarm, Inc. v. Orendorff.

Franklin App. No. 08AP-287, 2008-Ohio-6819. Reported at 121 Ohio St.3d 1501, 2009-Ohio-2511, 907 N.E.2d 324. On motion for reconsideration. Motion denied.

Moyer, C.J., dissents.

2009-0290. State v. Antenori.

Cuyahoga App. No. 90580, 2008-Ohio-5987. Reported at 121 Ohio St.3d 1499, 2009-Ohio-2511, 907 N.E.2d 323. On motion for reconsideration. Motion denied.

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

2009-0312. Karnofel v. Beck.

Trumbull App. No. 2008-T-0057, 2008-Ohio-6874. Reported at 121 Ohio St.3d 1502, 2009-Ohio-2511, 907 N.E.2d 325. On motion for reconsideration. Motion denied.

O'Donnell, J., not participating.

2009-0349. State v. Appenzeller.

Lake App. No. 2007-L-175, 2008-Ohio-6982. Reported at 121 Ohio St.3d 1503, 2009-Ohio-2511, 907 N.E.2d 325. On motion for reconsideration. Motion denied.

2009-0380. State v. Harding.

Montgomery App. No. 22747, 2009-Ohio-59. Reported at 121 Ohio St.3d 1504, 2009-Ohio-2511, 907 N.E.2d 326. On motion for reconsideration. Motion denied.

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

2009-0499. State v. Smith.

Summit App. No. 24246, 2009-Ohio-335. Reported at 121 Ohio St.3d 1505, 2009-Ohio-2511, 907 N.E.2d 327. On motion for reconsideration. Motion denied.

Moyer, C.J., dissents.

2009-0500. State v. Smith.

Summit App. No. 24247, 2009-Ohio-335. Reported at 121 Ohio St.3d 1505, 2009-Ohio-2511, 907 N.E.2d 327. On motion for reconsideration. Motion denied.
Moyer, C.J., dissents.

2009-0566. Collins v. Ohio State Univ.

In Mandamus. Reported at 121 Ohio St.3d 1494, 2009-Ohio-2511, 907 N.E.2d 320. On motion for reconsideration. Motion denied.
O'Donnell, J., dissents.

2009-0603. State ex rel. Moton v. Richland Cty. Common Pleas Clerk of Court.

In Mandamus. Reported at 121 Ohio St.3d 1494, 2009-Ohio-2511, 907 N.E.2d 320. On motion for reconsideration. Motion denied.