

ATTENTION

DIRECT ANY QUESTIONS ABOUT THE ANNOUNCEMENT TO WALTER S. KOBALKA,
REPORTER OF DECISIONS, AND DEBORAH J. WHITTEN AT (614) 466-4961 OR
1-800-826-9010.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

TUESDAY
March 9, 1993

MOTION DOCKET

91-1675. State v. Murphy.

Marion County, No. 9-87-35. UPON CONSIDERATION of the motion filed by
counsel for appellant to stay the execution of sentence in the
above-styled cause pending the timely filing of a petition for a writ
of certiorari in the Supreme Court of the United States,

IT IS ORDERED that said motion be, and the same is hereby,
granted, effective March 5, 1993.

IT IS FURTHER ORDERED that the compliance with the mandate and
the execution of sentence be, and the same are hereby, stayed, pending
the timely filing of the petition in the Supreme Court of the United
States.

IT IS FURTHER ORDERED that if such petition is timely filed, this
stay shall continue for an indefinite period pending final disposition
of this cause by the Supreme Court of the United States.

92-2303. State ex rel. Ohio Academy of Nursing Homes, Inc. v. Conrad.
In Mandamus. This cause originated in this court on the filing of a
complaint for a writ of mandamus. Upon consideration of respondents'
motion to dismiss,

IT IS ORDERED, effective March 8, 1993, that said motion to
dismiss be, and hereby is, granted, with respect to relator's third
claim for relief based on contract. In all other respects, said
motion to dismiss is overruled without prejudice to respondents' right
to raise the defense of res judicata by answer or motion for summary
judgment.

Pfeifer, J., would also set this cause for oral argument.

MISCELLANEOUS DISMISSALS

92-850. State v. Phillips.

Pickaway County, Nos. 89-CA-32 and 89-CA-33. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Pickaway County. Appellants' motion for leave to exceed the page limitation on their memorandum in support of jurisdiction was denied by this court on August 12, 1992. It appears from the records of this court that appellants have not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore have failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 3, 1993.

92-856. State v. Combs.

Summit County, No. 15025. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Summit County and as a claimed appeal as of right from said court. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on July 15, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 3, 1993.

92-917. State v. Davis.

Lorain County, No. 91CA005138. Sua sponte, cause dismissed for want of prosecution, effective March 3, 1993.

92-1140. State ex rel. Natl. Broadcasting, Inc. v. Cleveland.

Cuyahoga County, No. 52337. Sua sponte, cause dismissed for want of prosecution, effective March 3, 1993.

92-1227. Mandell v. Markovic.

Cuyahoga County, No. 60047. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Cuyahoga County to certify its record. Appellant's motion for reconsideration of the denial of her request for extension of time to file a memorandum in support of jurisdiction was denied by this court on August 12, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 3, 1993.

92-1243. Heslop, Inc. v. Stoffer.

Summit County, No. 15258. Sua sponte, cause dismissed for want of prosecution, effective March 3, 1993.

92-1462. Ward v. Witzman.

Stark County, No. CA-9018. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Stark County to certify its record. Appellants' request for extension of time to file a memorandum in support of jurisdiction was denied by this court on August 19, 1992. It appears from the records of this court that appellants have not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore have failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 3, 1993.

92-1470. State v. Russell.

Cuyahoga County, No. 60020. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Cuyahoga County and as a claimed appeal as of right from said court. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on July 27, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 3, 1993.

92-1477. State v. Wallace.

Montgomery County, No. CA 12830. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Montgomery County and as a claimed appeal as of right from said court. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on August 7, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 3, 1993.

92-1510. State v. Collins.

Hocking County, No. 91-CA-17. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Hocking County to certify its record and as claimed appeal as of right from said court. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on July 31, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 3, 1993.

92-1581. State v. Ferguson.

Cuyahoga County, No. 60713. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Cuyahoga County and as a claimed appeal as of right from said

court. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on August 7, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 3, 1993.

92-1607. State v. Vadasz.

Stark County, No. CA-8774. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Stark County to certify its record. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on August 17, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-1661. State ex rel. Scott v. Littlefield.

Pickaway County, No. 92-CA-17. Sua sponte, cause dismissed for want of prosecution, effective March 4, 1993.

92-1756. State v. Thompson.

Allen County, No. 1-91-31. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Allen County and as a claimed appeal as of right from said court. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on September 1, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-1855. State v. Rountree.

Summit County, No. 15388. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Summit County. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on September 15, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-1881. Campbell v. Ohio Dept. of Rehab. & Corr.

Franklin County, No. 92AP-726. Sua sponte, cause dismissed for want of prosecution, effective March 4, 1993.

92-1901. Jones v. Kaiser Found. Hosp.

Cuyahoga County, No. 60984. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Cuyahoga County to certify its record. Appellants' request for extension of time to file a memorandum in support of jurisdiction was denied by this court on November 5, 1992. It appears from the records of this court that appellants have not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore have failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-1923. Mott v. Mott.

Portage County, No. 91-P-2359. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Portage County to certify its record and as claimed appeal as of right from said court. Appellants' request for extension of time to file a memorandum in support of jurisdiction was denied by this court on September 23, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore have failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-1953. State v. Williams.

Mahoning County, No. 86 C.A. 147. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Mahoning County and as a claimed appeal as of right from said court. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on September 28, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-1959. State v. Shurelds.

Allen County, Nos. 1-91-28 and 1-91-29. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Allen County and as a claimed appeal as of right from said court. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on September 29, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-1960. State v. Felder.

Lorain County, No. 91CA005230. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Lorain County and as a claimed appeal as of right from said court. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on September 29, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-2067. State v. Jones.

Cuyahoga County, No. 60966. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Cuyahoga County and as a claimed appeal as of right from said court. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on October 14, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-2100. Siegel v. Neff.

Cuyahoga County, No. 60496. Sua sponte, cause dismissed for want of prosecution, effective March 4, 1993.

92-2102. Seymour v. Stotski.

Franklin County, No. 91AP-1336. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Franklin County to certify its record and as a claimed appeal as of right from said court. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on October 26, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-2112. Carpenter v. Martin.

Franklin County, No. 91AP-1373. Sua sponte, cause dismissed for want of prosecution, effective March 4, 1993.

92-2225. O'Brien v. Diamond S. & L. Co.

Franklin County, No. 92AP-177. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Franklin County to certify its record. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on November 16, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of

the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-2270. State ex rel. Rossi v. Hayes.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relator's application to dismiss,

IT IS ORDERED by the court that said application be, and the same is hereby, granted, effective March 3, 1993.

ACCORDINGLY IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

92-2286. State v. Jackson.

Lorain County, No. 91CA005251. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Lorain County and as a claimed appeal as of right from said court. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on November 16, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-2310. Hamilton v. Applegate.

Butler County, No. CA92-03-054. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Butler County to certify its record. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on November 20, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-2362. State v. Clark.

Lorain County, No. 91CA005261. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Lorain County and as a claimed appeal as of right from said court. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on November 25, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-2367. State v. Roderick.

Summit County, No. 15503. Sua sponte, cause dismissed for want of

prosecution, effective March 4, 1993.

92-2384. State v. Smith.

Hamilton County, No. C-910939. Sua sponte, cause dismissed for want of prosecution, effective March 4, 1993.

92-2389. State v. Wyatt.

Portage County, No. 91-P-2409. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Portage County. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on November 27, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-2401. State v. Tijerina.

Defiance County, No. 4-91-27. Sua sponte, cause dismissed for want of prosecution, effective March 4, 1993.

92-2426. State v. Cochran.

Montgomery County, No. CA 12763. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Montgomery County. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on January 8, 1993. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-2432. State v. Brown.

Summit County, No. 15457. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Summit County. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on December 2, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-2490. State v. Miracle.

Clermont County, No. CA92-04-038. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Clermont County to certify its record. Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on December 10, 1992. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of

Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

92-2640. Terra Vista Estate, Inc. v. Moriarty.

Cuyahoga County, Nos. 61033, 61034 and 61035. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Cuyahoga County to certify its record.

Appellant's request for extension of time to file a memorandum in support of jurisdiction was denied by this court on January 5, 1993. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective March 4, 1993.

93-176. Ochieng v. Craig.

Franklin County, No. 92AP-1347. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Franklin County to certify its record and was considered in a manner prescribed by law. On application of appellee, this cause is hereby dismissed for lack of prosecution pursuant to Section 1, Rule II of the Supreme Court Rules of Practice, effective March 4, 1993.