

ATTENTION

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

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY
July 23, 1993

MOTION DOCKET

93-1071. State v. Barnett.

Seneca County, No. 13-92-1. This cause is pending before the court on the certification of conflict by the Court of Appeals for Seneca County.

Upon consideration of appellant's motion to stay briefing schedule in this case,

IT IS ORDERED by the court that said motion be, and the same is hereby, granted, effective July 22, 1993.

93-1252. State ex rel. Hale v. Niehaus.

In Habeas Corpus and Mandamus. This cause originated in this court on the filing of a petition for writ of habeas corpus and for mandamus. Upon consideration of respondents' motion to dismiss,

IT IS ORDERED by the court that said motion to dismiss be, and hereby is, overruled, effective July 22, 1993.

IT IS FURTHER ORDERED by the court that petitioner's application for a writ of habeas corpus be granted, effective July 22, 1993, and respondents shall make due return of the writ, and

WHEREAS, relator's evidence indicates that relator was convicted of a felony over which the trial court had no jurisdiction, it is ordered by the court that respondents show cause on or before July 27, 1993, why the petitioner should not be discharged.

IT IS FURTHER ORDERED by the court that it is not necessary to convey the prisoner before the court as prescribed in R.C. 2725.12.

93-1435. State ex rel. Mirlisena v. Hamilton Cty. Bd. of Elections. In Mandamus. Upon consideration of relator's motion to have time limitations of S.Ct.Prac.R. VIII(11) applied to this action,

IT IS ORDERED by the court that said motion be, and the same is hereby, granted, effective July 22, 1993.

IT IS FURTHER ORDERED by the court that answer day shall be five days after respondent's receipt of this entry and thereafter, the provisions of S.Ct.Prac.R. VIII(11) shall apply to this cause.

MISCELLANEOUS DISMISSALS

93-1007. State v. Farmer.

Champaign County, No. 92-CA-10. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Champaign 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 June 16, 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 July 22, 1993.

93-1222. State v. Johnson.

Clark County, No. 2473. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Clark 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 June 15, 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 July 22, 1993.

93-1229. State v. Dalton.

Licking County, No. 93-CA-40. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Licking County and as a claimed appeal as of right from said court. It appears from the records of this court that appellant 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 July 22, 1993.

93-1269. State v. Mayhew.

Franklin County, No. 92AP-1375. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Franklin County and as a claimed appeal as of right from said court. Appellant's request for extension of time to file memorandum in support of jurisdiction was denied by this court on June 21, 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 July 22, 1993.

93-1289. Bank One, Trustee for Ohio Hous. Financing Agency v. Merola. Stark County, No. CA-9086. 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 and as a claimed appeal as of right from said court and was considered in a manner prescribed by law. On application of appellee, this cause is hereby dismissed for lack of prosecution pursuant to S.Ct.Prac.R. II(1), effective July 22, 1993.

DISCIPLINARY DOCKET

93-704. In re O'Leary.

This cause came before the court on the motion of the Mahoning County Bar Association for an order to show cause why Joseph O'Leary should not be held in contempt of court. On May 5, 1993, this court ordered respondent, Joseph O'Leary, to show cause on or before May 25, 1993, why he should not be held in contempt of court. Respondent did not respond to the bar association's motion or to this court's show cause order. On June 23, 1993, this court found the respondent, Joseph O'Leary, in contempt and ordered him to appear in person before the court on July 8, 1993. On July 7, 1993, the respondent, Joseph O'Leary, filed with this court a memorandum. Upon consideration thereof,

IT IS ORDERED by the court, effective July 22, 1993, that the Mahoning County Bar Association resend to the respondent, Joseph O'Leary, at 5855 Spring Lake Road, N.W., Canton, Ohio 44718 by ordinary and certified U.S. mail, a copy of the motion originally filed with this court on April 5, 1993.

IT IS FURTHER ORDERED by the court, effective July 22, 1993, that the respondent, Joseph O'Leary, show cause on or before August 23, 1993, why he should not be punished as for contempt for his failure and refusal, without just cause or just excuse, to obey the commands of the court to appear in response to the subpoena duces tecum that was issued by the Board of Commissioners on the Unauthorized Practice of Law of the Supreme Court of Ohio.