

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
November 5, 1993

MERIT DOCKET

90-1815. State v. Slagle.

Cuyahoga County, No. 55759. This court received notification from the Supreme Court of the United States that said court on October 4, 1993, entered an order in No. 92-8708, Billy Slagle v. Ohio, which stated:

"On consideration of the petition for a writ of certiorari herein to the Supreme Court of Ohio, IT IS ORDERED by this Court that said petition be, and the same is hereby, denied."

Upon consideration that the stay of execution of sentence granted by this court on March 1, 1993, was conditioned upon final disposition of said petition to the Supreme Court of the United States, and it appearing to this court that the Supreme Court of the United States has rendered such final disposition of said petition,

IT IS ORDERED that said stay is hereby terminated as of the date of this entry.

IT IS HEREBY ORDERED by this court that said sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Thursday, the 3rd day of February, 1994, in accordance with the statutes so provided.

IT IS FURTHER ORDERED that a certified copy of this entry and a warrant under the seal of this court be duly certified to the Warden of the Southern Ohio Correctional Facility and that said Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Cuyahoga County.

91-1675. State v. Murphy.

Marion County, No. 9-87-35. This court received notification from the Supreme Court of the United States that said court on October 4, 1993, entered an order in No. 92-8772, Joseph D. Murphy v. Ohio, which

stated:

"On consideration of the petition for a writ of certiorari herein to the Supreme Court of Ohio, IT IS ORDERED by this Court that said petition be, and the same is hereby, denied."

Upon consideration that the stay of execution of sentence granted by this court on March 5, 1993, was conditioned upon final disposition of said petition to the Supreme Court of the United States, and it appearing to this court that the Supreme Court of the United States has rendered such final disposition of said petition,

IT IS ORDERED that said stay is hereby terminated as of the date of this entry.

IT IS HEREBY ORDERED by this court that said sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Thursday, the 3rd day of February, 1994, in accordance with the statutes so provided.

IT IS FURTHER ORDERED that a certified copy of this entry and a warrant under the seal of this court be duly certified to the Warden of the Southern Ohio Correctional Facility and that said Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Marion County.

MISCELLANEOUS DISMISSALS

93-1020. Kilburns Lodge, Inc. v. Ohio Liquor Control Comm. Franklin County, No. 92AP-931. 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 granted by this court on May 24, 1993. Appellant's memorandum in support of jurisdiction was due on June 23, 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.

93-1091. Sanborn v. Dean. Geauga County, No. 92-G-1691. This cause is pending before the court on the filing of a motion to certify the record of the Court of Appeals for Geauga County and as a claimed appeal as of right from said court. Appellants' request for extension of time to file a memorandum in support of jurisdiction was granted by this court on May 28, 1993. Appellants' memorandum in support of jurisdiction was due on June 4, 1993. 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.

93-1095. Conley v. Akron. Summit County, No. 15856. This cause is pending before the court on the filing of a motion to certify the record of the Court of Appeals

for Summit County. Appellant's request for extension of time to file a memorandum in support of jurisdiction was granted by this court on June 1, 1993. Appellant's memorandum in support of jurisdiction was due on June 30, 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.

93-1117. State v. Boyd.

Cuyahoga County, No. 61934. 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 June 2, 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.

93-1234. Elliott v. Ohio Dept. of Ins.

Franklin County, No. 92AP-813. This cause is pending before the court on the filing of a motion to certify the record of 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 a memorandum in support of jurisdiction was granted by this court on June 15, 1993. Appellant's memorandum in support of jurisdiction was due on June 30, 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.

93-1264. State v. Bayes.

Auglaize County, No. 2-92-14. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Auglaize County and as a claimed appeal as of right from said court. 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.

93-1406. State v. Dunn.

Hamilton County, No. C-890421. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Hamilton County. Appellant's request for an extension of time to file a memorandum in support of jurisdiction was denied by this court on July 13, 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.

93-1432. State v. Brown.

Tuscarawas County, No. 91AP030014. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Tuscarawas 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 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.

93-1445. Fed. Land Bank Assn. of Fostoria v. Walton.

Wyandot County, No. 16-92-17. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Wyandot County to certify its record and as a 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 July 19, 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.

93-1447. Lamson & Sessions Co. v. Limbach.

Board of Tax Appeals, No. 89-J-43. This cause, here on appeal from the Board of Tax Appeals, was considered in the manner prescribed by law. Upon consideration of appellant's application to dismiss,

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

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

93-1481. Strongsville v. Terry Dev. Co.

Cuyahoga County, Nos. 62057, 62061 and 62120. 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. Appellees/cross-appellants' request for an extension of time to file a memorandum in support of cross-appeal was denied by this court on August 9, 1993. It appears from the records of this court that appellees/cross-appellants have not filed a memorandum in support of cross-appeal 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 the cross-appeal be, and hereby is, dismissed sua sponte.

93-1506. State v. Lochtefeld.

Warren County, No. CA92-09-086. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Warren County and as a claimed appeal as of right from said court. Appellant's request for an extension of time to file a memorandum in support of jurisdiction was denied by this court on August 2, 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 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.

93-1523. State v. Dennison.

Clermont County, No. CA91-09-073. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Clermont County and as a claimed appeal as of right from said court. Appellant's request for an extension of time to file a memorandum in support of jurisdiction was denied by this court on September 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.

93-1527. State v. Posey.

Cuyahoga County, No. 65461. 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 and as a claimed appeal as of right from said court. Appellant's motion to exceed page limit on memorandum in support of jurisdiction was denied by this court on September 22, 1993. It appears from the records of this court that appellant has not filed an amended 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.

93-1549. Lago v. Washington.

Fayette County, No. CA93-01-001. This cause, here on appeal from the Court of Appeals for Fayette County, was considered in the manner prescribed by law. Upon consideration of the joint application to dismiss,

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

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

93-1555. State v. Salem.

Cuyahoga County, No. 59700. 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 motion for leave to file delayed appeal was granted by this court on September 22, 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.

93-1557. State v. Paris.

Ashtabula County, No. 91-A-1661. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Ashtabula County and as a claimed appeal as of right from said court. Appellant's motion for leave to file delayed appeal was granted by this court on September 22, 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.

93-1578. State v. Patton.

Cuyahoga County, No. 62020. 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 an extension of time to file a memorandum in support of jurisdiction was granted by this court on August 6, 1993. Appellant's memorandum in support of jurisdiction was due on August 20, 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.

93-1581. McCoy v. W. Reserve Mut. Lightning Rod Mut. Ins. Co.

Montgomery County, No. 13808. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Montgomery County to certify its record and as a claimed appeal as of right from said court. Appellant's request for an extension of time to file a memorandum in support of jurisdiction was granted by this court on August 6, 1993. Appellant's memorandum in support of jurisdiction was due on September 13, 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.

93-1642. State v. Richard.

Cuyahoga County, No. 62645. 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 an extension of time to file a memorandum in support of jurisdiction was denied by this court on

August 17, 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.

93-1650. Sayer v. Emro Marketing Co.

Lake County, No. 92-L-164. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Lake County to certify its record and as a claimed appeal as of right from said court. Appellant's request for an extension of time to file a memorandum in support of jurisdiction was denied by this court on August 17, 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.

93-1730. Bank One, Youngstown, Ohio, N.A. v. Rawson.

Columbiana County, No. 92C49. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Columbiana County to certify its record. 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.

93-1870. State v. Edwards.

Hamilton County, Nos. C-860077 and C-860078. This cause is pending before the court on the filing of a motion for leave to appeal from the Court of Appeals for Hamilton County and as a claimed appeal as of right from said court. The notice of appeal was filed with this court on September 20, 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.

93-1886. Toledo v. Tillimon.

Lucas County, No. L-93-164. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Lucas County to certify its record and as a claimed appeal as of right from said court. Appellant's request for an extension of time to file a memorandum in support of jurisdiction was denied by this court on September 22, 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.