

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

TUESDAY
December 6, 1994

MOTION DOCKET

90-22. State v. Waddy.
Franklin County, Nos. 87AP-1159 and 87AP-1160. On July 9,
1992, this court stayed the execution of sentence in this cause
pending a decision of the United States Supreme Court on
appellant's petition for writ of certiorari. On October 5,
1994, appellee filed a motion to set execution date.

It appearing to the court that, on October 13, 1992, the
Supreme Court of the United States entered an order in No.
92-5531, Warren Waddy 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 July 9, 1992, was conditioned upon
final disposition of appellant's 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 a final
disposition of the petition,

IT IS ORDERED that the stay of execution is hereby
terminated as of the date of this entry, December 5, 1994.

IT IS HEREBY ORDERED by this court that the sentence be
carried into execution by the Warden of the Southern Ohio
Correctional Facility or, in his absence, by the Deputy Warden
on Monday, the 6th day of March, 1995, 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 the Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Franklin County.

91-2137. State v. Campbell.

Hamilton County, No. C-890330. UPON CONSIDERATION of the motion filed by counsel for appellant to stay the execution of sentence in the above-styled cause pending the exhaustion of state post-conviction remedies,

IT IS ORDERED by the court that the motion be, and is hereby, granted, effective December 5, 1994.

IT IS FURTHER ORDERED by the court that, pursuant to State v. Glenn (1987), 33 Ohio St. 3d 601, 514 N.E.2d 869, a stay is granted for a period of six months, beginning November 14, 1994, and ending May 14, 1995, to allow appellant an opportunity to file a petition for post-conviction relief. If a petition for post-conviction relief is not filed within the time allotted, this stay will expire. No further time for the filing of the petition will be granted except in unusual circumstances.

IT IS FURTHER ORDERED by the court that, if a petition for post-conviction relief is filed within the time allotted, a date-stamped copy of the petition shall be filed by appellant with the Clerk of this court, and this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals.

IT IS FURTHER ORDERED by the court that compliance with the mandate and execution of sentence be, and is hereby, stayed for the six-month period allotted by this order and, if a petition for post-conviction relief is filed within the time allotted, pending the exhaustion of all proceedings for post-conviction relief before the courts of this state.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court when all proceedings for post-conviction relief before courts of this state have been exhausted.

MISCELLANEOUS DISMISSALS

94-2266. Erie Ins. Co. v. Kiser.

Ashland County, Nos. CA-1078 and CA-1070. This cause is pending before the court as a discretionary appeal and as a claimed appeal of right. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that said application be, and the same is hereby, granted, effective December 2, 1994.

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