

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

TUESDAY

September 12, 1995

MOTION DOCKET

86-1846. State v. Hamblin.

Cuyahoga County, No. 49975. On August 23, 1989, this court stayed the execution of sentence in this cause pending exhaustion of state post-conviction remedies. On December 23, 1994, this court affirmed the decision of the court of appeals in case No. 94-1818, which was appellant's appeal of the denial of his application for reopening. On May 31, 1995, this court declined jurisdiction and dismissed appellant's appeal in case No. 95-438, which was pending as a post-conviction case. On July 19, 1995, this court denied appellant's motion for reconsideration of its decision of May 31, 1995. On August 2, 1995, this court denied appellant's motion for reconsideration filed in this cause pursuant to S.Ct.Prac. R. XI(1)(B). Appellee has filed a motion to set an execution date. Upon consideration thereof,

IT IS ORDERED by the court, sua sponte, effective September 6, 1995, that the stay of execution entered in this cause on August 23, 1989, be and is hereby revoked.

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 Tuesday, the 5th day of December, 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 said Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Cuyahoga County.

90-1914. State v. Franklin.

Hamilton County, No. C-890028. On March 1, 1993, this court stayed the execution of sentence in this cause pending exhaustion of state post-conviction remedies. On July 6, 1994, this court affirmed the decision of the court of appeals in case No. 94-926, which was appellant's appeal of the denial of his application for reopening. On September 7, 1994, this court denied appellant's motion for reconsideration filed in this cause pursuant to S.Ct.Prac.R. XI(1)(B). On June 14, 1995, this court declined jurisdiction and dismissed appellant's appeal in case No. 95-530, which was pending as a post-conviction case. On August 9, 1995, this court denied appellant's motion for

reconsideration of its decision of June 14, 1995. Appellee has filed an application to set an execution date. Upon consideration thereof,

IT IS ORDERED by the court, sua sponte, effective September 6, 1995, that the stay of execution entered in this cause on March 1, 1993, be and is hereby revoked.

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 Tuesday, the 5th day of December, 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 said Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Hamilton County.

94-409. Scioto Mem. Hosp. Assn., Inc. v. Price Waterhouse. Franklin County, No. 90AP-1124. On September 5, 1995, appellant filed additional authorities containing citations to and discussion of additional authorities. In that S.Ct.Prac.R. IX(7) permits only the filing of a list of citations to additional authorities,

IT IS ORDERED by the court, sua sponte, effective September 7, 1995, that appellant's additional authorities be, and hereby are, stricken.

94-1063. Gladon v. Greater Cleveland Regional Transit Auth. Cuyahoga County, No. 64029. This cause is pending before the court as an appeal and cross-appeal from the Court of Appeals for Cuyahoga County. Upon consideration of the motion of amici curiae, Ohio Municipal League et al., for leave to participate in oral argument scheduled for September 13, 1995,

IT IS ORDERED by the court, effective September 7, 1995, that the motion of amici curiae for leave to participate in oral argument be, and hereby is, granted, provided amici curiae share the time allotted to appellant.

95-1306. State ex rel. Karmasu v. Thompson. Scioto County, No. 94CA2260. On August 29, 1995, appellant filed a motion for relief from judgment. Appellant's motion is, in substance, a request for reconsideration of this court's entry of August 18, 1995, and, as such, is untimely. Rule XIV(1)(C) of the Rules of Practice of the Supreme Court prohibits the filing of a document that is not timely tendered for filing. Accordingly,

IT IS ORDERED by the court, sua sponte, effective September 7, 1995, that appellant's motion for relief from judgment be, and hereby is, stricken.

MISCELLANEOUS DISMISSALS

95-1288. State v. Calhoun. Lorain County, No. 94CA-005824. This cause is pending before the court as a discretionary appeal and as a claimed appeal of right. On August 2, 1995, this court granted appellant's motion for delayed appeal. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction, due September 1, 1995, 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 September 7, 1995.

95-1340. State v. Paxton. Lucas County, No. L-93-227. This cause is pending before the court as a discretionary appeal and cross-appeal and as a claimed appeal of right. It

appears from the records of this court that appellee/cross-appellant has not filed a memorandum in response/memorandum in support of cross-appeal, due August 2, 1995, 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 the cross-appeal be, and hereby is, dismissed, effective September 7, 1995.

The appeal of the state of Ohio shall remain pending.

95-1714. State ex rel. Taxpayers for Accountable Govt. v. Cincinnati City Council.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition regarding an expedited election matter. Upon consideration of relators' application for dismissal of claims against Hamilton County Board of Elections, Don Driehaus, Timothy Burke, Ralph B. Kohnen, and Eugene Ruehlmann,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted, effective August 28, 1995.

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