

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

THURSDAY
July 27, 1995

MOTION DOCKET

85-1209. State v. Scott.
Cuyahoga County, No. 48609. On motion to set execution date.
Motion granted.

94-722. State v. Fautenberry.
Hamilton County, No. C-920734. On motion for stay of execution
pending filing and disposition of appeal to the United States
Supreme Court. Motion granted.

95-587. Time Warner AxS v. Pub. Util. Comm.
Public Utilities Commission, No. 93-487-TP-ALT. On motion to
consolidate briefing schedule with 95-588 and 95-589, infra, motion
to consolidate briefing schedule by Office of Consumers' Counsel et
al., and motion to consolidate briefing schedule by Ameritech Ohio.
Motions granted, with limit of one hundred two pages total.
F.E. Sweeney and Pfeifer, JJ., would set limit at fifty pages.
Cook, J., would allow no additional pages.

95-588. AT&T Communications of Ohio, Inc. v. Pub. Util. Comm.
Public Utilities Commission, Nos. 93-487-TP-ALT and 93-576-TP-CSS.
On motion to consolidate briefing schedule with 95-587, supra, and
95-589, infra, motion to consolidate briefing schedule by Office of
Consumers' Counsel et al., and motion to consolidate briefing
schedule by Ameritech Ohio. Motions granted, with limit of one
hundred two pages total.

F.E. Sweeney and Pfeifer, JJ., would set limit at fifty pages.

Cook, J., would allow no additional pages.

95-589. MCI Telecommunications Corp. v. Pub. Util. Comm.
Public Utilities Commission, Nos. 93-487-TP-ALT and 93-576-TP-CSS.
On motion to consolidate briefing schedule with 95-587 and 95-588,
supra, motion to consolidate briefing schedule by Office of
Consumers' Counsel et al., and motion to consolidate briefing
schedule by Ameritech Ohio. Motions granted, with limit of one
hundred two pages total.

F.E. Sweeney and Pfeifer, JJ., would set limit at fifty pages.
Cook, J., would allow no additional pages.

95-846. State v. Williams.
Trumbull County, No. 89-T-4210. On motion for stay of execution.
Motion granted.

95-1354. State v. May.
Hamilton County, No. C-940862. On motion for stay of execution.
Motion denied.

Wright and F.E. Sweeney, JJ., dissent.

DISCIPLINARY DOCKET

DD88-30. Disciplinary Counsel v. Freeman.
On Emergency Application for Reinstatement. Application denied.
Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer and Cook,
JJ., concur.
Wright, J., not participating.

95-1383. In re Resignation of Sauter.
The resignation as an attorney of Mark Stephen Sauter of Cincinnati,
Ohio, Attorney Registration No. 0033014, is accepted.

Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer
and Cook, JJ., concur.

95-1395. In re Resignation of Sanders.
The resignation as an attorney of Daniel Joseph Sanders of Toledo,
Ohio, Attorney Registration No. 0008953, is accepted.

Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer
and Cook, JJ., concur.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

THURSDAY
July 27, 1995

MERIT DOCKET

94-2494. State v. Dougherty.

Hancock County, No. 5-94-2. This cause, here on appeal from the Court of Appeals for Hancock County, was considered in the manner prescribed by law. On consideration thereof, the judgment of the court of appeals is reversed, the appeal of appellant is reinstated for consideration on the merits, and the parties are ordered to comply with the following briefing schedule in the court of appeals.

Appellant's brief shall be due within thirty days from the date of this entry; appellee's brief shall be due within ninety days after the filing of appellant's brief; and appellant's reply brief shall be due within thirty days after the filing of appellee's brief.

It is further ordered that the appellant recover from the appellee its costs herein expended; and that a mandate be sent to the Court of Appeals for Hancock County to carry this judgment into execution; and that a copy of this entry be certified to the Clerk of the Court of Appeals for Hancock County for entry.

Moyer, C.J., Douglas, Wright, Tyack, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

G. Gary Tyack, J., of the Tenth Appellate District, sitting for Resnick, J.

MOTION DOCKET

95-1158. State v. Brooks.

Cuyahoga County, No. 57034. This cause is an appeal of the court of appeals' denial of appellant's motion to vacate the journal entry of July 27, 1994, denying appellant's delayed application for reconsideration.

IT IS ORDERED by the court, sua sponte, that this case shall be treated as a discretionary appeal and a claimed appeal of right and shall proceed pursuant to S.Ct.Prac.R. III.

IT IS FURTHER ORDERED by the court, sua sponte, that the appellee may file a memorandum in response to appellant's memorandum in support of jurisdiction on or before August 28, 1995.

RECONSIDERATION DOCKET

95-1021. State v. Shorter.

Summit County, No. 16716. Reported at Ohio St.3d , N.E.2d . IT IS ORDERED by the court that the motion for reconsideration of the dismissal of this case for want of prosecution be, and the same is hereby, denied.

95-1363. State v. Zych.

Clermont County, No. CA92-11-105. Reported at Ohio St.3d
, N.E.2d . IT IS ORDERED by the court that the motion for
reconsideration of the dismissal of this case for lack of
jurisdiction be, and the same is hereby, denied.

DISCIPLINARY DOCKET

92-2529. Disciplinary Counsel v. CasalINUOVO.

This cause came on for further consideration upon the filing by
respondent, John Anthony CasalINUOVO, of an application for
termination of probation.

The court coming now to consider its order of June 16, 1993, in
which respondent was suspended from the practice of law for two
years with the suspension stayed and respondent placed on probation
for two years on conditions, finds that respondent has substantially
complied with that order and with the provisions of Gov.Bar R. V(9).

THEREFORE, IT IS ORDERED by the court, effective July 24, 1995,
that the probation of John Anthony CasalINUOVO, Attorney
Registration No. 0008530, last known address in Akron, Ohio, be, and
hereby is, terminated.

IT IS FURTHER ORDERED that the Clerk of this court issue
certified copies of this order as provided for in Gov.Bar R.
V(8)(D)(1), that publication be made as provided for in Gov.Bar R.
V(8)(D)(2), and that respondent bear the costs of publication.

For earlier case, see Disciplinary Counsel v. CasalINUOVO
(1993), 66 Ohio St.3d 367, N.E.2d .

94-1843. Disciplinary Counsel v. Cargo.

This cause came on for further consideration upon the filing by
respondent, William Andrew Cargo, of an application for termination
of probation.

The court coming now to consider its order of December 7, 1994,
in which respondent was suspended for six months, with the
suspension stayed and respondent placed on probation on conditions,
finds that respondent has substantially complied with that order and
with the provisions of Gov.Bar R. V(9).

THEREFORE, IT IS ORDERED by the court, effective July 17, 1995,
that the probation of William Andrew Cargo, Attorney Registration
No. 0043516, last known address in Aurora, Ohio, be, and hereby is,
terminated.

IT IS FURTHER ORDERED that the Clerk of this court issue
certified copies of this order as provided for in Gov.Bar R.
V(8)(D)(1), that publication be made as provided for in Gov.Bar R.
V(8)(D)(2), and that respondent bear the costs of publication.

For earlier case, see Disciplinary Counsel v. Cargo (1994), 71
Ohio St.3d 87, N.E.2d .

MISCELLANEOUS DISMISSALS

95-1443. Savoie v. Grange Mut. Cas. Co.

Holmes County, No. 94CA522. 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 the application for dismissal

be, and hereby is, granted.

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

95-1495. State v. Robinson.

Hamilton County, No. C-930949. Appellant has filed an untimely appeal of the court of appeals' decision affirming the trial court's dismissal of his post-conviction petition and a motion for delayed appeal. This appeal involves a civil, post-conviction matter and not an appeal of a felony case to which the provisions for delayed appeal in S.Ct.Prac.R. II(2)(A)(4) apply. Therefore,

IT IS ORDERED by the court, sua sponte, that the motion for delayed appeal be, and hereby is, stricken.

IT IS FURTHER ORDERED by the court, sua sponte, that, in that appellant failed to perfect an appeal pursuant to S.Ct.Prac.R. II(2)(A)(1), this case be, and hereby is, dismissed for lack of jurisdiction.