

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  
May 25, 1995

MOTION DOCKET

91-2137. State v. Campbell.  
Hamilton County, No. C-890330. Upon consideration of the motion  
filed by counsel for appellant to continue stay of execution in the  
above-styled cause pending the exhaustion of state post-conviction  
remedies, and it appearing from the exhibits to the motion that a  
petition for post-conviction relief has been filed by appellant with  
the Hamilton County Common Pleas Court,

IT IS ORDERED by the court that said motion be, and the same is  
hereby, granted, effective May 23, 1995.

IT IS FURTHER ORDERED by the court that compliance with the  
mandate and execution of sentence be, and the same are hereby,  
stayed pending the exhaustion of all proceedings for post-conviction  
relief before 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.

93-1245. State v. Loza.  
Butler County, No. CA91-11-0198. This court has received  
notification that on May 15, 1995, the Supreme Court of the United  
States entered an order in No. 94-8695, Jose Trinidad Loza 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 February 8, 1995 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, effective May 23, 1995.

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 21st day of August, 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 Butler County.

IT IS FURTHER ORDERED by the court that, upon written application of appellant, and pursuant to State v. Glenn (1987), 33 Ohio St.3d 601, 514 N.E.2d 869, this court will grant one additional stay for a period ending six months from the date of this entry to allow appellant an opportunity to file a petition for post-conviction relief.

#### RECONSIDERATION DOCKET

94-2489. State v. Hall.

Cuyahoga County, No. 63771. Reported at 72 Ohio St.3d 1427, N.E.2d . On May 10, 1995, appellant filed a motion for relief from judgment. It appears to the court that the motion for relief from judgment is, in substance, a request for reconsideration of this court's entry of May 3, 1995, dismissing this case for want of prosecution. Upon consideration thereof,

IT IS ORDERED by the court that appellant's motion for relief from judgment be, and is hereby, denied, effective May 23, 1995.

95-409. State ex rel. Loral Defense Sys. v. Indus. Comm.

Franklin County, No. 93APD10-1397. Reported at 72 Ohio St.3d 1427, N.E.2d . IT IS ORDERED by the court that the motion for reconsideration of this court's dismissal for want of prosecution be, and is hereby, denied, effective May 23, 1995.

#### MISCELLANEOUS DISMISSALS

93-1085. State v. Said.

Lake County, No. 92-L-018. This cause is pending before the court as an appeal and cross-appeal from the Court of Appeals for Lake County. Upon consideration of appellee/cross-appellant's application for dismissal of his cross-appeal,

IT IS ORDERED by the court that the application for dismissal of the cross-appeal be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that the appeal of the state of Ohio remains pending and the appellant may file a reply brief pursuant to S.Ct.Prac.R. VI(3).

93-2606. Nationwide Mut. Ins. Co. v. Baker.

Hamilton County, No. C-920468. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. On May 8, 1995, this court ordered the parties to show cause on or before May 18, 1995, why this case should not be dismissed. There being no response to the order from the parties,

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

95-975. State v. Hopkins.

Hamilton County, No. C-940554. Appellant has filed an untimely appeal of the court of appeals' decision affirming the trial court's denial 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, effective May 23, 1995, 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.

95-994. State v. Melton.

Richland County, No. 85CA2450. Appellant has filed an untimely appeal of the court of appeals' decision denying his application for reopening 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, effective May 23, 1995, 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.

95-1000. State v. Moore.

Hamilton County, No. C-930778. 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, effective May 23, 1995, 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.

95-1002. State v. Sailors.

Wayne County, No. 2723. Appellant has filed an untimely appeal of the court of appeals' decision denying his application for reopening under App.R. 26(B) 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, effective May 23, 1995,  
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.