

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

THURSDAY
December 5, 1996

MOTION DOCKET

96-1054. Enyart v. Columbus Metro. Area Community Action Org. Franklin App. No. 95APE08-1033. On December 2, 1996, appellees filed a motion to vacate this court's entry granting a stay of execution of judgment dated November 22, 1996. Appellees' motion does not meet the provisions for filing a motion to vacate under S.Ct.Prac.R. XIV(4)(C) because appellees filed a response to appellants' motion for stay prior to this court's action on the motion for stay. Appellees' motion is, in substance, a request for reconsideration of this court's action and, as such, is prohibited by S.Ct.Prac.R. XI(2). Accordingly,

IT IS ORDERED by the court that appellees' motion to vacate the entry granting a stay of execution be, and hereby is, stricken.

96-2204. State v. Moore.

Hamilton App. No. C-950009. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Upon consideration of appellant's motion for stay of proceedings in this case and motion to withdraw as counsel and for appointment of new counsel,

IT IS ORDERED by the court that this matter be remanded to the court of appeals for appointment of counsel pursuant to S.Ct.Prac.R. II(2)(D)(2).

IT IS FURTHER ORDERED by the court, sua sponte, that appellant's brief shall be due within ninety days of the date of appointment of counsel and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI.

96-2641. In re Hitchcock.

Cuyahoga App. Nos. 69291 and 69292. This cause is pending before the court as a discretionary appeal and a claimed appeal of right. Upon consideration of appellant's motion to stay proceedings pending this appeal,

IT IS ORDERED by the court that the motion to stay proceedings be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that the proceedings in the Probate Court of Cuyahoga County be, and hereby are, stayed pending disposition of this appeal.

IT IS FURTHER ORDERED by the court that the original and exclusive jurisdiction of the juvenile court for the care and protection of Shampail Hitchcock and Hasting Hitchcock be, and hereby is, restored pending further order of this court.

Cook, J., would grant the stay pending determination of jurisdiction.

MISCELLANEOUS DISMISSALS

96-2328. State ex rel. Guess v. Clerks, Common Pleas Court.
Franklin App. No. 96APD05-660. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. It appears from the records of this court that appellant has not filed a merit brief, due December 3, 1996, 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.