

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

MONDAY
November 18, 1996

MOTION DOCKET

93-2592. State v. Berry.
Cuyahoga App. No. 60531. This cause came on for further consideration upon appellee's motion to schedule competency hearing. Upon consideration of the motion and the parties' briefs filed pursuant to this court's order of February 8, 1996,

IT IS ORDERED by the court that this cause be, and hereby is, remanded to the Court of Common Pleas of Cuyahoga County for the following limited purpose:

The court of common pleas is directed to promptly hold an evidentiary hearing to determine whether the defendant is mentally competent to forgo any and all challenges to his conviction and death sentence. The court shall further determine whether the defendant has in fact decided to forgo such challenges, and whether such decision was voluntarily, knowingly, and intelligently made. In making the aforesaid determinations, the court of common pleas is directed to apply the standard set forth in State v. Berry (1995), 74 Ohio St.3d 1504, 659 N.E. 796. The court of common pleas will consider the report of Dr. Phillip J. Resnick previously filed with this court and any other relevant evidence or testimony presented. The Ohio Public Defender and representatives of the state of Ohio will be permitted to participate in the hearing. The court of common pleas may also appoint counsel to represent the defendant at the hearing if the defendant desires.

IT IS FURTHER ORDERED by the court that, as soon as the court of common pleas has made findings of fact pursuant to this order, the court of common pleas shall immediately transmit the record of the hearing, including all exhibits thereto and the findings and opinion of the court of common pleas, directly to this court for further proceedings. At all times during this limited remand, this court shall retain jurisdiction of this cause. No other Ohio court shall exercise any jurisdiction therein, except as specified in this order.

MISCELLANEOUS DOCKET

1996 TERM

In re Report of the Commission :
on Continuing Legal Education. :

Paul Joseph Greenspun
(#0022701), : E N T R Y
Respondent.

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") pursuant to Gov.Bar R. X(6) (A) (1) (b) and (A) (2) (d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 1992-1993 reporting period.

On June 21, 1995, pursuant to Gov.Bar R. X(6) (B) (3), this court entered an order adopting the commission's recommendation and imposing a sanction upon the respondent.

On November 6, 1996, the commission filed a motion to vacate, requesting that the order of June 21, 1995, pertaining to respondent, be vacated. Upon consideration thereof,

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

IT IS FURTHER ORDERED by the court that the order of June 21, 1995, pertaining to respondent, is hereby vacated and this cause is dismissed.

1996 TERM

In re Report of the Commission :
on Continuing Legal Education. :

Robert Franklin Weaver, Jr. : E N T R Y
(#0014569),
Respondent.

This matter originated in this court on the filing of reports by the Commission on Continuing Legal Education (the "commission") pursuant to Gov.Bar R. X(6) (A) (1) (b) and (A) (2) (d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 1991-1992 and 1993-1994 reporting periods.

On April 15, 1994, pursuant to Gov.Bar R. X(6) (B) (3), this court entered an order adopting the recommendation of the commission found in its report regarding the 1991-1992 reporting period and imposing a fee sanction upon the respondent. On August 12, 1996, this court entered an order adopting the commission's recommendation related to the 1993-1994 reporting period, suspending the respondent from the practice of law and imposing a fee sanction upon the respondent.

On November 6, 1996, the commission filed a motion to vacate, requesting that the orders of April 15, 1994 and August 12, 1996, pertaining to the above-named respondent, be vacated. Upon consideration thereof,

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

IT IS FURTHER ORDERED by the court that the orders of April 15, 1994 and August 12, 1996, pertaining to respondent, are hereby vacated, and this matter is dismissed.

4

11/18/96