SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

        FRIDAY
        October 25, 1996

MERIT DOCKET

96-2327.   State ex rel. Smith v. Wise.
        In Mandamus. This cause originated in this court on the filing of a
complaint for a writ of mandamus and was considered in a manner prescribed by
law. Upon consideration thereof,
        IT IS ORDERED by the court this cause be, and hereby is, dismissed.
        Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton,
JJ., concur.

MOTION DOCKET

96-221.   State v. Gillard.
In 1985, appellant was convicted of aggravated murder and other crimes in the
Stark County Court of Common Pleas. (Case No. 85-5023.) These convictions were
reversed by the Court of Appeals for Stark County in case No. CA-6701. This
court reversed that judgment and remanded the cause to the Court of Appeals for
Stark County for review of appellant's death sentence. State v. Gillard (1988),
40 Ohio St.3d 226, 533 N.E.2d 272. The court of appeals affirmed appellant's
death sentence in 1990. (Case No. CA-6701.) On appeal from that judgment, this
court remanded the cause to the Court of Common Pleas of Stark County, with
instructions to hold a hearing on appellant's conflict-of-interest claim, and if
no conflict was found, to return the cause to this court. State v. Gillard
(1992), 64 Ohio St.3d 304, 595 N.E.2d 878. In 1995, the common pleas court held
the hearing as instructed. (Case No. 1985-CR-5023.) The cause is now before
this court. On January 30, 1996, this court ordered the Clerk of the Court of
Appeals for Stark County to transmit the record to this court. However, a
complete record in this cause has not been transmitted to this court.
        IT IS THEREFORE ORDERED by the court that, within ten days, the Common
Pleas Court of Stark County and the Court of Appeals for Stark County shall
transmit to this court the transcript of appellant's trial in case No. 85-5023;
the exhibits from said trial; the record of the court of appeals in case No. CA-
6701; and any other records relating to this cause still retained by either
court.

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