

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY
October 25, 1996

MOTION DOCKET

95-42. State v. Wogenstahl.

Hamilton App. No. C-930222. This court received notification from the Supreme Court of the United States that said court on October 7, 1996 entered an order in No. 96-5388, Jeffrey A. Wogenstahl v. Ohio, which stated:

"The petition for a writ of certiorari is denied."

Upon consideration that the stay of execution of sentence granted by this court on May 22, 1996 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, October 24, 1996.

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 Wednesday, the 22nd day of January, 1997, 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 Hamilton 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.

95-202. State v. Hill.

Hamilton App. No. C-910916. This court received notification from the Supreme Court of the United States that said court on October 7, 1996 entered an order in No. 96-5396, Genesis Hill v. Ohio, which stated:

"The petition for a writ of certiorari is denied."

Upon consideration that the stay of execution of sentence granted by this court on May 22, 1996 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, October 24, 1996.

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 Wednesday, the 22nd day of January, 1997, 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 Hamilton 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.

96-1054. Enyart v. Columbus Metro. Area Community Action Org. Franklin App. No. 95APE08-1033. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of the request of the Tenth District Court of Appeals for return of the record in this case to the Clerk of the Tenth District Court of Appeals,

IT IS ORDERED by the court, effective October 24, 1996, that the record be returned to the Tenth District Court of Appeals for a period not exceeding ninety days.

RECONSIDERATION DOCKET

96-1642. State v. Bogle.

Montgomery App. No. 14774. Reported at 77 Ohio St.3d ___, ___ N.E.2d ___. On October 23, 1996, this case was dismissed for want of prosecution because appellant had failed to file a memorandum in support of jurisdiction due October 18, 1996. It has come to the attention of the court that appellant did tender a memorandum in support of jurisdiction in compliance with this court's order and the Rules of Practice but the memorandum was inadvertently rejected for filing. Upon consideration thereof,

IT IS ORDERED by the court, sua sponte, effective October 24, 1996, that this case shall be restored to the docket; appellant's memorandum in support of jurisdiction shall be filed as of October 15, 1996; and appellee's memorandum in response shall be due within thirty days of the date of this entry.

MISCELLANEOUS DISMISSALS

96-1325. Coleman v. Coleman.

Lucas App. No. L-95-215. This cause is pending before the court as a discretionary appeal and a claimed appeal of right. On June 7, 1996, when the appeal was filed, a check in the amount of \$40 was submitted by Edward Coleman to satisfy the requirement of the docket fee imposed by R.C. 2503.17 and S.Ct.Prac.R. XV(1). This court has been informed by the Office of the Treasurer of the state of Ohio that the check was returned from General Mills Toledo Federal Credit Union because the check had an unauthorized drawer's signature. Whereas R.C. 2503.17 and S.Ct.Prac.R. XV(1) require that the docket fee shall be paid before a notice of appeal is filed or a case is docketed,

IT IS ORDERED by the court, sua sponte, that this cause be, and hereby is, dismissed, effective October 24, 1996.

96-2295. Smith v. Ohio Dept. of Human Serv.

Clermont App. No. CA96-05-045. This cause is pending before the court as a discretionary appeal and a claimed appeal of right.

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

IT IS FURTHER ORDERED by the court that the Clerk of this court shall refuse future filings by appellant in connection with Clermont County Court of Appeals case No. CA96-05-045, James Smith v. Ohio Department of Human Services, except that appellant may file one notice of appeal to appeal the final decision of the Clermont County Court of Appeals in the case.

96-2317. Smith v. Ohio Dept. of Human Serv.

Clermont App. No. CA96-05-045. This cause is pending before the court as a discretionary appeal and a claimed appeal of right.

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

IT IS FURTHER ORDERED by the court that the Clerk of this court shall refuse future filings by appellant in connection with Clermont County Court of Appeals case No. CA96-05-045, James Smith v. Ohio Department of Human Services, except that appellant may file one notice of appeal to appeal the final decision of the Clermont County Court of Appeals in the case.

96-2356. Smith v. Ohio Dept. of Human Serv.

Clermont App. No. CA96-05-045. This cause is pending before the court as a discretionary appeal and a claimed appeal of right.

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

IT IS FURTHER ORDERED by the court that the Clerk of this court shall refuse future filings by appellant in connection with Clermont County Court of Appeals case No. CA96-05-045, James Smith v. Ohio Department of Human Services, except that appellant may file one notice of appeal to appeal the final decision of the Clermont County Court of Appeals in the case.