

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

WEDNESDAY
August 21, 1996

MOTION DOCKET

94-1777. State v. Dunlap.

Hamilton County, No. C-930121. 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 August 20, 1996.

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.

96-1725. State ex rel. Brantley v. Anderson.

Appellant filed a notice of appeal stating that he is appealing from the judgment of the Fairfield County Court of Appeals entered in case No. 96CA49 on June 12, 1996. Pursuant to S.Ct.Prac.R. V(3), the Clerk of this court issued an order to certify the record to the clerk of the Court of Appeals for Fairfield County. It has come to the attention of the court that case No. 96CA49, State ex rel. Gregory Brantley, is not a case filed in Fairfield County and therefore the clerk of that county does not have possession of the record. Accordingly, in order to enable the Clerk of this court to issue an order to certify the record to the clerk of the appropriate county,

IT IS ORDERED by the court, sua sponte, effective August 20, 1996, that appellant file a copy of his notice of appeal accompanied by a copy of the court of appeals' judgment being appealed, as required by S.Ct.Prac.R. II(2)(B)(2), no later than twenty days from the date of this entry. If appellant fails to do so, this appeal may be subject to dismissal.

96-1788. Ruckman v. Cubby Drillers, Inc.

Portage County, No. 95-P-115. This cause is pending before the court as a discretionary appeal. Upon consideration of appellee's motion to consolidate this case with Supreme Court Case No. 96-1791, Richard T. Brosius v. Cubby Drilling, Inc. et al.,

IT IS ORDERED by the court that the motion to consolidate be, and hereby is, granted, effective August 20, 1996.

F.E. Sweeney and Pfeifer, JJ., dissent.

96-1829. State v. Sheets.

Highland County, Nos. 95 CA 878 and 95 CA 880. This cause is pending before the court as a claimed appeal of right. Upon consideration of appellant's motion for stay of execution of sentence during pendency of proceedings,

IT IS ORDERED by the court that the motion for stay be, and hereby is, denied, effective August 20, 1996.

96-1921. Folino v. Brown.

Montgomery County, No. 15619. This cause is pending before the court as a claimed appeal of right. Upon consideration of appellant's motion for stay of court of appeals' decision,

IT IS ORDERED by the court that the motion for stay be, and hereby is, denied, effective August 20, 1996.

RECONSIDERATION DOCKET

96-1605. Smith v. Lorain Cty. Bd. of Elections.

In Prohibition. On August 16, 1996, relators filed a motion for relief from judgment, or, in the alternative, for reconsideration of this court's decision filed August 1, 1996. Pursuant to S.Ct.Prac.R. XI(2), a motion for reconsideration may be filed within ten days after the Supreme Court's entry or order is filed with the Clerk. Whereas relators' alternative motion for reconsideration is untimely and S.Ct.Prac.R. XI(2)(C) prohibits the filing of a motion for reconsideration that is untimely,

IT IS ORDERED by the court, sua sponte, effective August 20, 1996, that relators' request for reconsideration and that portion of relators' motion supporting its request for reconsideration be, and hereby are, stricken.

MISCELLANEOUS DISMISSALS

96-850. Columbus v. Wright.

Franklin County, No. 96APC02-179. This cause is pending before the court as a claimed appeal of right. Upon consideration of appellant's application for dismissal,

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

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed, effective August 20, 1996.

96-1554. Brown v. Guarantee Title & Trust/ARTA.

Fairfield County, No. 41CA-1994. This cause is pending before the court as a discretionary appeal and cross-appeal. It appears from the records of this court that appellee/cross-appellant has not filed a memorandum in support of cross-appeal, due August 2, 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 the cross-appeal of Janet Sue Brown be, and hereby is, dismissed sua sponte, effective August 20, 1996.

The appeal of Guarantee Title & Trust/ARTA remains pending.

96-1849. Ferguson v. Nationwide Property & Cas. Co.

Franklin County, No. 96APE01-82. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's application for dismissal,

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

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed, effective August 20, 1996.

4

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