

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

MONDAY
May 20, 1996

MOTION DOCKET

90-338. State v. Richey.

Putnam County, No. 12-87-2. 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 Putnam County Common Pleas Court,

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

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.

94-103. State v. D'Ambrosio.

Cuyahoga County, No. 57448. This court received notification from the Supreme Court of the United States that said court on April 29, 1996, entered an order in No. 95-8177, Joe D'Ambrosio 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 November 2, 1995, 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.

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 19th day of August, 1996, 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 Cuyahoga 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.

95-2066. DeRolph v. State.

Perry County, No. CA-477. This cause is pending before the court as an appeal from the Court of Appeals for Perry County.

IT IS ORDERED by the court, sua sponte, that oral argument is set for September 10, 1996, and time is extended to twenty minutes per side.

MISCELLANEOUS DISMISSALS

96-592. Cuyahoga River Assoc. L.P. v. MJK Corp.

Cuyahoga County, No. 68673. 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.

96-872. State v. Schulte.

Mercer County, No. 10-96-3. On April 18, 1996, appellant filed a notice of appeal of the judgment of the court of appeals entered in case No. 10-96-3 on March 13, 1996. Appellant asserted in his notice of appeal that the case originated in the court of appeals and was an appeal of right. Pursuant to S.Ct.Prac.R. V(3), the Clerk ordered the transmittal of the record from the court of appeals.

Upon review of the record, it is determined by the court that this case did not originate in the court of appeals but is an appeal of the court of appeals' decision denying appellant's motion for delayed appeal of the trial court's order of sentence entered September 2, 1993. Whereas this appeal is a discretionary appeal or claimed appeal of right and appellant did not file a memorandum in support of jurisdiction as required by S.Ct.Prac.R. II(2)(A)(1),

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

96-1173. Altier v. Fed. Correctional Inst., Inc.

In Habeas Corpus. This cause originated in this court on the filing of a petition for a writ of habeas corpus and was considered in a manner prescribed by law. Upon consideration thereof,

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

96-1175. Lawson v. Fed. Correctional Inst., Inc.

In Habeas Corpus. This cause originated in this court on the filing of a petition for a writ of habeas corpus and was considered in a manner prescribed by law. Upon consideration thereof,

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

96-1177. Crothers v. Fed. Correctional Inst., Inc.

In Habeas Corpus. This cause originated in this court on the filing of a petition for a writ of habeas corpus and was considered in a manner prescribed by law. Upon consideration thereof,

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

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