

12/12/97

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY

December 12, 1997

MOTION DOCKET

96-452. State v. Davie.

Trumbull App. No. 92-T-4693. Upon consideration of the motion for stay of execution of death sentence pending the timely filing and final disposition of a petition for a writ of certiorari in the United States Supreme Court and the motion for stay pending exhaustion of post-conviction remedies,

IT IS ORDERED by the court that said motions be, and the same are hereby, granted.

IT IS FURTHER ORDERED by the court that compliance with the mandate and execution of sentence be, and hereby are, stayed pending the timely filing of the petition in the Supreme Court of the United States.

IT IS FURTHER ORDERED that if such petition is timely filed, this stay shall continue for an indefinite period pending final disposition of this cause by The Supreme Court of the United States.

IT IS FURTHER ORDERED by the court that, pursuant to State v. Glenn (1987), 33 Ohio St.3d 601, 514 N.E.2d 869, a stay is granted for a period of six months, from the date of this entry, to allow appellant an opportunity to file a petition for post-conviction relief. If a petition for post-conviction relief is not filed within the time allotted, this stay will expire.

IT IS FURTHER ORDERED by the court that, if a petition for post-conviction relief is filed within the time allotted, a date-stamped copy of the petition shall be filed by appellant with the Clerk of this court, and this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court upon a final disposition by the Supreme Court of the United States or when all proceedings for post-conviction relief before courts of this state have been exhausted, whichever occurs later.

96-677. State v. Smith.

Butler C.P. No. CR95050471. Upon consideration of the motion

filed by counsel for appellant to stay 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 Butler 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 execution of sentence be, and the same is hereby, stayed pending the exhaustion of all proceedings for post-conviction relief before courts of this state, including any appeals.

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.

96-1376. State v. Dennis.

Summit App. No. 17156. Upon consideration of the motion for stay of execution of death sentence pending the timely filing and final disposition of a petition for a writ of certiorari in the United States Supreme Court and for stay during pendency of post-conviction remedies, and it appearing from the motion that a petition for post-conviction relief has been filed by appellant with the Summit 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 hereby are, stayed pending the timely filing of the petition in the Supreme Court of the United States.

IT IS FURTHER ORDERED that if such petition is timely filed, this stay shall continue for an indefinite period pending final disposition of this cause by the Supreme Court of the United States.

IT IS FURTHER ORDERED by the court that this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court upon a final disposition by the Supreme Court of the United States or when all proceedings for post-conviction relief before courts of this state have been exhausted, whichever occurs later.

DISCIPLINARY DOCKET

97-1924. In re Application of Stage.

On September 12, 1997, the Board of Commissioners on Character and Fitness filed its Final Report with this court regarding applicant, Betty Roberts Stage, pursuant to Gov.Bar R. I(12)(E). In accordance with Gov.Bar R. I(13)(C), the record in this case was filed under seal for sixty days. On October 21, 1997, the applicant filed a motion to seal the record and further proceedings in this matter. Upon consideration thereof,

IT IS ORDERED by this court that the motion be, and is hereby, denied.

MISCELLANEOUS DISMISSALS

97-1128. Zivich v. Mentor Soccer Club, Inc.

Lake App. No. 95-L-184. This cause is pending before the court as an appeal from the Court of Appeals for Lake County. Upon consideration of appellants' application for dismissal of appeal against the city of Mentor only,

IT IS ORDERED by the court that the application for dismissal of appeal against the city of Mentor only be, and hereby is, granted.

The appeal against Mentor Soccer Club, Inc. remains pending until further order of this court.

97-2396. In re Testamentary Trust of Hamm.

Geauga App. No. 96-G-2022. This cause is pending before the court as a discretionary appeal and cross-appeal. Upon consideration of appellant/cross-appellee's application for dismissal of its appeal,

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

The cross-appeal of Patricia J. Schraffy remains pending until further order of this court.