

11/14/97

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY

November 14, 1997

MOTION DOCKET

96-1149. State v. Keith.

Crawford App. No. 3-94-14. 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 Crawford 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.

MISCELLANEOUS DISMISSALS

97-1001. State v. White.

Summit App. No. 18228. This cause is pending as an appeal from the Court of Appeals for Summit County. On May 30, 1997, this court ordered that this cause be consolidated with case No. 96-2853, an appeal from the Court of Common Pleas of Summit County, and that the parties combine briefing and file a single brief for each brief permitted pursuant to this court's entry filed April 14, 1997 in case No. 96-2853.

On July 28, 1997, appellant filed separate briefs in case Nos. 97-1001 and 96-2853. The appendix to appellant's brief in case No. 97-1001 does not contain a copy of the court of appeals' judgment or order from which the appeal is taken, as required by S.Ct.Prac.R. VI(1)(B)(5)(b). Accordingly,

IT IS ORDERED by the court, sua sponte, that appellant's brief be, and hereby is, stricken.

IT IS FURTHER ORDERED by the court, sua sponte, that this

case be, and hereby is, dismissed for want of prosecution.

IT IS FURTHER ORDERED that the appellee recover from the appellant its costs herein expended; and that a mandate be sent to the Court of Common Pleas of Summit County to carry this judgment into execution; and that a copy of this entry be certified to the Clerk of the Court of Appeals for Summit County for entry.

The appeal from the Common Pleas Court of Summit County, case No. 96-2853, remains pending and appellee's brief on the merits of this cause will be considered in that case in accordance with this court's order of May 30, 1997, and the Rules of Practice of the Supreme Court.