

07/22/97

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

TUESDAY
July 22, 1997

MOTION DOCKET

96-221. State v. Gillard.

Stark App. No. 95-CA-0257. 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 Stark County Common Pleas Court,

IT IS ORDERED by the court that said motion be, and the same is hereby, granted, effective July 17, 1997.

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.

96-423. State v. Biros.

Trumbull App. No. 91-T-4632. 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 exhibits to the motion that a petition for post-conviction relief has been filed by appellant with the Trumbull 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.

97-929. State v. McNeill.

Lorain App. No. 95CA006158. This cause is pending before the court as an appeal from the Court of Appeals for Lorain County. Upon consideration of appellant's motion to supplement the record with the physical trial exhibits,

IT IS ORDERED by the court that the motion to supplement the record be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that the Clerk of the Court of Appeals for Lorain County should transmit all portions of the record that have not previously been transmitted to the Clerk of the Supreme Court within twenty days of the date of this entry.

MISCELLANEOUS DISMISSALS

96-2391. State v. Dougherty.

Hancock App. No. 5-94-2. This cause is pending before the court as an appeal from the Court of Appeals for Hancock County. Upon consideration of the notice of the death of John Robert Dougherty filed by counsel for appellant, and counsel's request that this appeal be dismissed,

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

97-981. State ex rel. Posey v. Albert M. Higley Co.

Franklin App. No. 96APD05-567. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. 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.

97-1014. Penton v. Wilkinson.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration of relator'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.