

09/24/98

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

THURSDAY

September 24, 1998

MOTION DOCKET

97-98. State v. Madrigal.

Lucas App. No. CR965761. This cause is pending before the court as an appeal from the Court of Common Pleas of Lucas County. Upon consideration of appellee's motion for release of portion of record under seal,

IT IS ORDERED by the court that the motion for release of portion of record under seal be, and hereby is, denied.

Moyer, C.J., concurs and would also strike the sealed portion from the record.

Douglas, J., concurs and would also strike the sealed memo.

Lundberg Stratton, J., concurs and notes that the court should not consider the portion of record under seal as not part of the record.

Pfeifer, J., would review the sealed record and consider releasing them.

97-1231. State ex rel. Tubbs Jones v. Suster.

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

IT IS ORDERED by the court that the motion for oral hearing be, and hereby is, denied.

F.E. Sweeney, J., concurs because the request is moot.

Lundberg Stratton, J., concurs because Visiting Judge Knepper has received and reviewed the audiotapes of the January 13, 1998 oral arguments.

Douglas and Resnick, JJ., dissent and would grant the motion.

Richard W. Knepper, J., of the Sixth Appellate District, sitting for Pfeifer, J.

MISCELLANEOUS DISMISSAL

98-1327. In re Tolliver.

Union App. No. 14-98-21. This cause is pending before the court as an appeal from the Court of Appeals for Union County. It

appears from the records of this court that appellant has not filed a merit brief, due August 19, 1998, 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 this cause be, and hereby is, dismissed sua sponte.