

04/07/98

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

TUESDAY
April 7, 1998

MOTION DOCKET

96-1376. State v. Dennis.

Summit App. No. 17156. UPON CONSIDERATION of appellee's motion to set execution date,

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

IT IS HEREBY ORDERED by this court that sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Monday, the 6th day of July, 1998, 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 Summit County.

98-219. Pretty v. Mueller.

Hamilton App. Nos. C-970011 and C-970332. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellees' motion for extension of stay,

IT IS ORDERED by the court that the motion for extension of stay be, and hereby is, granted.

98-371. State ex rel. Stern v. Mascio.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. On March 20, 1998, respondent filed an answer that was due March 19, 1998. Rule XIV(1)(C) of the Rules of Practice of the Supreme Court prohibits the filing an answer that is not timely tendered for filing. Accordingly,

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

MISCELLANEOUS DISMISSALS

97-2698. Community Advocate, Inc. v. Ohio Elections Comm.
Franklin App. No. 97APE06-816. 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.

98-542. Georgeadis v. Dials.

Franklin App. No. 97APE07-946. On March 17, 1998, appellant filed a notice of appeal from the judgment of the Franklin County Court of Appeals entered in case No. 97APE07-946 on February 3, 1998. Appellant did not file a memorandum in support of jurisdiction within the forty-five-day time period for perfecting the appeal as required by S.Ct.Prac.R. II(2)(A)(1).

Whereas appellant has filed a discretionary appeal, the filing of a memorandum in support of jurisdiction is mandatory and appellant's failure to file the memorandum within the requisite time period divests this court of jurisdiction to hear the appeal. Accordingly,

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

MISCELLANEOUS DOCKET

1998 TERM

In re Report of the Commission :
on Continuing Legal Education. :

Edward Alexander Mahoney, Jr. : E N T R Y
(#0016642),
Respondent.

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") pursuant to Gov. Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against the above-named respondent for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 1995-1996 reporting period.

On March 19, 1998, pursuant to Gov.Bar R. X(6)(B)(3), this court entered an order adopting the recommendation of the commission, imposing a fee sanction upon the respondent.

It has now come to the court's attention that the respondent is deceased. Accordingly,

IT IS ORDERED by the court, sua sponte, that the order of March 19, 1998, be, and hereby is, vacated.

IT IS FURTHER ORDERED that this matter be dismissed,
effective April 6, 1998.