

02/20/98

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY

February 20, 1998

MOTION DOCKET

96-536. State v. Henness.

Franklin App. No. 94APA02-240. 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 Franklin 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.

96-2388. State ex rel. Ross v. Indus. Comm.

Franklin App. No. 96APD01-71. This cause is pending before the court as an appeal and cross-appeal from the Court of Appeals for Franklin County. Upon consideration of appellant/cross-appellee's motion to expedite the decision in this cause,

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

Cook and Lundberg Stratton, JJ., dissent.

98-38. State ex rel. Adkins v. Ohio Adult Parole Auth.

Franklin App. No. 97APD06-764. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of appellee's motion to withdraw motion to dismiss,

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

98-129. State v. Koch.

Erie App. No. E-97-005. This cause is pending before the court as a discretionary appeal and claimed appeal of right from the Court of Appeals for Erie County. On February 9, 1998, appellant filed a supplement to his memorandum in support of jurisdiction by filing a supplemental citation pursuant to S.Ct.Prac.R. III(3). Whereas appellant's deadlines for filing his jurisdictional memorandum had not passed, supplementation of appellant's memorandum is governed by S.Ct.Prac.R. VIII(7). Whereas appellant has not complied with S.Ct.Prac.R. VIII(7),

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

98-304. In re Jandrew.

Washington App. No. 97CA4. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's motion to stay proceedings in the trial court pending resolution of her appeal to this court,

IT IS ORDERED by the court that the motion to stay proceedings of the trial court be, and hereby is, granted.

Douglas, F.E. Sweeney and Pfeifer, JJ., dissent.

RECONSIDERATION DOCKET

91-1259. Forbes v. Midwest Air Charter, Inc.

Cuyahoga App. No. 56815. Reported at 81 Ohio St.3d 1406, ___ N.E.2d ___. This cause is pending before the court as an appeal and cross-appeal from the Court of Appeals for Cuyahoga County. Upon consideration of the motion of Midwest Air Charter, Inc. for reconsideration of this court's order dismissing its cross-appeal.

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

MISCELLANEOUS DISMISSALS

97-2682. State v. Waller.

Trumbull App. No. 97-T-0082. This cause is pending before the court as a discretionary appeal and a claimed appeal of right. 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.

97-2706. State ex rel. Browning-Ferris Industries of Ohio, Inc. v. Morrow.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. On February 5, 1998, relator and respondents filed a joint application to adopt a proposed consent decree as an order of this court. It appearing to the court from the proposed consent decree that the parties have settled this case,

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

98-77. Shimko v. Lobe.

Franklin App. No. 96APE11-1555. This cause is pending before

the court as a discretionary appeal and cross-appeal. It appears from the records of this court that appellee/cross-appellant has not filed a memorandum in response and in support of cross-appeal, due February 9, 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 the cross-appeal of Timothy A. Shimko be, and hereby is, dismissed sua sponte.

The appeal of Cleveland Bar Association and Ohio State Bar Association remains pending.