

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

MONDAY
November 23, 1998

MOTION DOCKET

93-7. State v. Williams.

Butler App. Nos. CA91-04-060 and CA92-06-110. On October 3, 1996, this court granted a stay of execution in this cause pending disposition of state post-conviction proceedings. Appellee has filed a motion to set an execution date on the ground that state post-conviction proceedings have been exhausted. Whereas, on November 18, 1998, this court denied appellant's motion for reconsideration in case No. 98-1587, appellant's post-conviction appeal,

IT IS ORDERED by the court, *sua sponte*, that an execution date be set.

IT IS HEREBY ORDERED by the court that appellant's 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 22nd day of February, 1999, 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 Butler County.

93-2592. State v. Berry.

Cuyahoga App. No. 60531. This cause is before the court on appellee's motion to set an execution date.

IT IS ORDERED by the court, *sua sponte*, that an execution date be set.

IT IS HEREBY ORDERED by the court that appellant's sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Friday, the 19th day of February, 1999, 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 Cuyahoga County.

98-43. State ex rel. Russell v. Thomas.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Pursuant to this court's March 26, 1998 order establishing a pilot mediation program, a mediation conference was held in this case on April 29, 1998. It has come to the attention of the court that the parties, in the course of mediation, agreed to settle certain issues in the case; however, the parties have not filed any document in the case with respect to the status of their negotiations. Whereas the proceedings in this case have been delayed pending conclusion of the mediation,

IT IS ORDERED by the court, *sua sponte*, that the parties show cause, within twenty days of the date of this entry, why the court should not proceed to consider this case pursuant to S.Ct.Prac.R. X(5).

MISCELLANEOUS DISMISSALS

98-1518. Miller v. Walker.

Pickaway App. No. 98CA23. This cause is pending before the court as an appeal from the Court of Appeals for Pickaway County. It appears from the records of this court that appellant has not filed a merit brief, due September 16, 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*.