

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

MONDAY

March 8, 1999

**MOTION DOCKET**

**96-677. State v. Smith.**

Butler C.P. No. CR95050471. On December 12, 1997, this court stayed the execution of sentence in this cause pending exhaustion of state post-conviction remedies. Appellee has moved that this court set a date for execution of sentence. It appearing to the court that all matters have been disposed of in case No. 96-677, appellant's direct appeal of his conviction, and case No. 98-2151, appellant's post-conviction appeal,

IT IS ORDERED by this court, *sua sponte*, that the stay of execution entered in this cause on December 12, 1997, be and is hereby revoked.

IT IS HEREBY ORDERED by this court that said 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 7th day of June, 1999, in accordance with the statutes so providing.

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 said Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Butler County.

**97-1187. State v. Goodwin.**

Cuyahoga App. No. 68531. 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 was filed by appellant with the Cuyahoga County Common Pleas Court, and an appeal of the trial court's denial of the petition is now pending in the Cuyahoga County Court of Appeals,

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.

**98-952. Biddle v. Warren Gen. Hosp.**

Trumbull App. No. 96-T-5582. This cause is pending before the court as an appeal from the Court of Appeals for Trumbull County. Upon consideration of the joint motion to increase time for oral argument,

IT IS ORDERED by this court that the motion be, and hereby is, granted, and oral argument is extended to twenty minutes per side.

**98-1274. Laidlaw Waste Sys., Inc. v. Consol. Rail Corp.**

Certified Question of State Law, No. C2980277. This cause came before the court on the certification of a state law question from the United States District Court, Southern District of Ohio, Eastern Division. Upon consideration of the motion of *amicus curiae* state of Ohio, Bureau of workers' Compensation, for leave to participate in oral argument,

IT IS ORDERED by the court that the motion for leave to participate in oral argument be, and hereby is, granted, and *amicus curiae* shall share the time allotted to petitioner.

## **MISCELLANEOUS DISMISSALS**

### **98-251. Woods v. Ohio Dept. of Rehab. & Corr.**

Franklin App. No. 98AP-425. This cause is pending before the court as a discretionary appeal. 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.

### **98-849. Schwarzbek v. Wauseon.**

Fulton App. No. F-97-011. This cause is pending before the court as an appeal from the Court of Appeals for Fulton 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.

### **98-1624. Witherspoon v. Allstate Ins. Co.**

Richland App. No. 97CA114. This cause is pending before the court as an appeal from the Court of Appeals for Richland County. Upon consideration of the joint 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.

### **98-1915. H&D Steel Serv., Inc. v. Weston, Hurd, Fallon, Paisley & Howley.**

Cuyahoga App. No. 72758. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. Upon consideration of appellants' 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.

## **MISCELLANEOUS DOCKET**

In re Report of the Commission :  
on Continuing Legal Education. : 1999 TERM

Dennis Joseph McCann  
(#0030516), : E N T R Y  
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 certain attorneys, including 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 July 2, 1998, this court adopted the recommendation of the commission, imposed a sanction fee upon the respondent, and suspended the respondent from the practice of law pursuant to Gov.Bar R. X(6)(B)(3), and Gov.Bar R. X(5)(A)(4). The court further ordered that respondent shall not be reinstated to the practice of law in Ohio until respondent complies with the requirements for reinstatement set forth in Gov.Bar R. X(7).

On February 18, 1999, the commission filed a recommendation pursuant to Gov.Bar R. X(7)(B)(2), finding that the respondent has paid all fees assessed for noncompliance, has made up all deficiencies, and is now in full compliance with all requirements of Gov.Bar R. X, and recommending that the respondent be reinstated to the practice of law in Ohio. On February 18, 1999, the commission certified that respondent had completed the credit hours of continuing legal education required during his suspension by this court’s order of suspension. Upon consideration thereof,

IT IS ORDERED by the court that the recommendation of the commission is adopted and respondent, Dennis Joseph McCann, is hereby reinstated to the practice of law.