

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

WEDNESDAY

July 12, 2000

MOTION DOCKET

91-2417. State v. Lewis.

Cuyahoga App. No. 59535. This cause is a death penalty appeal from the Court of Appeals for Cuyahoga County. Upon consideration of appellant's motion for stay of execution pending federal habeas corpus review,

IT IS ORDERED by the court that the motion for stay be, and hereby is, granted; the stay will expire upon federal court resolution.

93-1708. State v. Kinley.

Clark App. No. 2826. 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 post-conviction proceedings are pending in the Clark County Court of Common Pleas,

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.

95-2572. State v. Williams.

Summit App. No. 16418. 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,

IT IS ORDERED by the court that the motion for stay be, and the same is hereby, granted, to the extent that execution of sentence is stayed pending decision on appellant's petition for certiorari, in the United States Supreme Court, from this court's order declining jurisdiction and dismissing appeal in Supreme Court case No. 00-4.

96-452. State v. Davie.

Trumbull App. No. 92-T-4693. This cause is a death penalty appeal from the Court of Appeals for Trumbull County. Upon consideration of appellant's motion for stay of execution pending federal habeas corpus review,

IT IS ORDERED by the court that the motion for stay be, and hereby is, granted; the stay will expire upon federal court resolution.

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,

IT IS ORDERED by the court that the motion for stay be, and the same is hereby, granted, to the extent that execution of sentence is stayed pending decision on appellant's petition for certiorari, in the United States Supreme Court, from this court's order declining jurisdiction and dismissing appeal in Supreme Court case No. 99-1973.

00-439. State ex rel. Plain Dealer Publishing Co. v. Geauga Cty. Court of Common Pleas, Juv. Div.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration of respondent's motion to expedite consideration and final determination,

IT IS ORDERED by the court that the motion to expedite consideration and final determination be, and hereby is, denied. Respondent is not precluded by the alternative writ from conducting further proceedings involving J.H. with access to the public, including relator. Respondent is precluded from closing further proceedings during the pendency of this prohibition action.

Douglas, Resnick and Lundberg Stratton, JJ., dissent.

00-442. State ex rel. New World Communications of Ohio, Inc. v. Geauga Cty. Court of Common Pleas, Juv. Div.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration of respondents' motion to expedite consideration and final determination,

IT IS ORDERED by the court that the motion to expedite consideration and final determination be, and hereby is, denied. Respondents are not precluded by the alternative writ from conducting further proceedings involving J.H. with access to the public, including relator. Respondents are precluded from closing further proceedings during the pendency of this prohibition action.

Douglas, Resnick and Lundberg Stratton, JJ., dissent.

00-1144. State v. Schauer.

Pickaway App. No. 99CA17. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's motion for stay of judgment pending appeal and application for continuation of bond,

IT IS ORDERED by the court that the motion for stay of judgment and application for continuation of bond be, and hereby is, denied.

F.E. Sweeney, J., dissents.

00-1159. Staten v. Staten.

Lucas App. No. L-99-1011. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's motion for stay of court of appeals' judgment,

IT IS ORDERED by the court that the motion for stay of court of appeals' judgment be, and hereby is, denied.

Pfeifer, J., dissents.

Resnick, J., not participating.

00-1161. Bernad v. Lakewood.

Cuyahoga App. No. 75684. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's motion for stay of court of appeals' order,

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

Lundberg Stratton, J., dissents.

Resnick, J., not participating.

00-1163. Chatfield v. Chatfield.

Marion App. No. 9200008. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's motion for stay of court of appeals' judgment,

IT IS ORDERED by the court that the motion for stay of court of appeals' judgment be, and hereby is, denied.

MISCELLANEOUS DISMISSALS

00-1029. Instrumentation Technology, Inc. v. Beacon Ins. Co. of Am.

Lake App. No. 99-L-036. This cause is pending before the court as a discretionary appeal and cross-appeal and claimed appeal of right. 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 July 3, 2000, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this case with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that the cross-appeal be, and hereby is, dismissed, *sua sponte*.

The appeal of Instrumentation Technology, Inc. remains pending.