

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

April 3, 2002

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### MOTION AND PROCEDURAL RULINGS

**87-192. State v. Coleman.**

Hamilton App. No. C-850340. By entry filed March 5, 2002, this court ordered that appellant's sentence be carried into execution on Friday, the 26<sup>th</sup> day of April, 2002. In order to facilitate this court's timely consideration of any matters relating to the execution of appellant's sentence,

IT IS ORDERED by the court that the Chief Justice may suspend application of any provisions of the Rules of Practice of the Supreme Court, including, but not limited to, the filing requirements imposed by S.Ct.Prac.R. XIV(1).

IT IS FURTHER ORDERED by the court that service of documents as required by S.Ct.Prac.R. XIV(2) shall be personal or by facsimile transmission.

IT IS FURTHER ORDERED by the court that counsel of record for the parties shall supply this court with a copy of any document relating to this matter that is filed in, or issued by, any other court in this state or any federal court, as well as any commutation, pardon, or warrant of reprieve issued by the Governor. A copy of the document shall be delivered to the Office of the Clerk as soon as possible, either personally or by facsimile transmission.

**01-659. Cosby v. Cosby.**

Butler App. No. CA99-11-192. This cause is pending before the court as an appeal from the Court of Appeals for Butler County. Upon consideration of the motion of *amici curiae*, State Teachers Retirement System of Ohio et al., to participate in oral argument scheduled for April 9, 2002, as *amici curiae* supporting neither party, pursuant to S.Ct.Prac.R. IX(6)(A),

IT IS ORDERED by the court that the motion is granted and *amici curiae* shall have five minutes following appellee's argument.

**01-1693. Spalding v. Coulson.**

Cuyahoga App. No. 76666. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. Upon consideration of the motion of appellee, Robert Coulson, for extension of time to file merit brief pending settlement pursuant to S.Ct.Prac.R. XIV(6)(C),

IT IS ORDERED by the court that the motion be, and hereby is, granted, and the briefing schedule is stayed pending conclusion of mediation.

**02-44. State ex rel. Knop v. Indus. Comm.**

Franklin App. No. 01AP-366. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of the motion for stay of proceedings pending settlement pursuant to S.Ct.Prac.R. XIV(6)(C),

IT IS ORDERED by the court that the motion be, and hereby is, granted, and the briefing schedule is stayed pending conclusion of mediation.

**02-506. State v. Fitzpatrick.**

Hamilton C.P. No. B0104117. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Hamilton County. Upon consideration of appellant's motion for stay of execution,

IT IS ORDERED by the court that the motion for stay of execution be, and hereby is, granted pending final disposition of this appeal.

**MISCELLANEOUS DISMISSALS**

**02-162. State ex rel. Smith v. Enlow.**

Portage App. No. 2000-P-0131. This cause is pending before the court as an appeal from the Court of Appeals for Portage County. It appears from the records of this court that appellant has not filed a merit brief, due March 25, 2002, 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 this cause be, and hereby is dismissed, *sua sponte*.

**02-424. In re Welford.**

Cuyahoga App. No. 80631. 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.