

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

January 16, 2003

MERIT DECISIONS WITHOUT OPINIONS

2002-2047. Ruppel v. Moore.

Ashland App. No. 02COA003, 2002-Ohio-4873. On review of order certifying a conflict. The court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B). This cause is therefore dismissed.

Resnick, F.E. Sweeney, Pfeifer and Lundberg Stratton, JJ., concur.

Moyer, C.J., and Cook, J., would accept on Question No. II.

O'Connor, J., would accept.

MOTION AND PROCEDURAL RULINGS

1999-1524. State v. Noling.

Portage App. No. 96-P-0126. 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,

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

IT IS FURTHER ORDERED by the court that execution of sentence be, and hereby is, 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.

2001-2072. State v. Adams.

Trumbull C.P. No. 00CR700. This cause is pending before the court as a death penalty appeal from the Trumbull County Court of Common Pleas. Upon consideration of appellee's motion to unseal record with respect to T.d. #116,

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

2002-0285. Roman v. Estate of Gobbo.

Cuyahoga App. No. 79119. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. Upon consideration of the motion of amicus curiae, Ohio Academy of Trial Lawyers, for leave to participate in oral argument scheduled for March 11, 2003,

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

2002-0961. Cincinnati Gas & Elec. Co. v. Clermont Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 98-K-707 and 98-K-708. This cause is before the court as an appeal from the Board of Tax Appeals. On December 31, 2002, appellant filed a motion requesting that sealed documents contained in the record of this case be returned directly to appellant, rather than the Board of Tax Appeals. Upon consideration thereof,

IT IS ORDERED by the court that appellant's motion for return of sealed documents be, and hereby is, granted.

IT IS FURTHER ORDERED that the Clerk of this court shall release all documents being held under seal in the record of this case to counsel for the appellant. The remainder of the record shall be returned to the Board of Tax Appeals.

2003-0004. State ex rel. Verizon North, Inc. v. Pub. Util. Comm.

In Procedendo. This cause originated in this court on the filing of a complaint for a writ of procedendo. Upon consideration of relator's request to withdraw the motion for immediate interim relief filed on January 2, 2003,

IT IS ORDERED by the court that relator's request to withdraw the motion be, and hereby is granted, and the motion for immediate interim relief is withdrawn.

2003-0059. State ex rel. Rash v. Jackson.

Warren App. No. CA2002-09-100. This cause was filed as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's jurisdictional memorandum, it is determined by the court that this cause originated in the court of appeals and therefore should proceed as an appeal of right pursuant to S.Ct.Prac.R. II(1)(A)(1).

IT IS ORDERED by the court that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Warren County and the parties shall proceed in accordance with S.Ct.Prac.R. VI.

APPEALS NOT ACCEPTED FOR REVIEW

2002-1758. Coryell v. Bank One Trust Co.

Franklin App. No. 02AP-191, 2002-Ohio-4443.

Moyer, C.J., Pfeifer and Cook, JJ., dissent.

2002-1762. State v. Jackson.

Greene App. No. 02CA0001, 2002-Ohio-4680.

Resnick, Lundberg Stratton and O'Connor, JJ., dissent.

2002-1827. Heffner v. Reynolds.

Lucas App. No. L-02-1040, 2002-Ohio-4655.

Moyer, C.J., Lundberg Stratton and O'Connor, JJ., dissent.

2002-1833. Ohio Academy of Nursing Homes, Inc. v. Ohio Dept. of Job & Family Serv.

Franklin App. No. 01AP-933, 2002-Ohio-4721.

Moyer, C.J., Pfeifer and Cook, JJ., dissent.

2002-1869. Ruppel v. Moore.

Ashland App. No. 02COA003, 2002-Ohio-4873.

Moyer, C.J., Cook and O'Connor, JJ., would allow on Proposition of Law No. I.

MISCELLANEOUS DISMISSALS

2002-1977. Bankers Trust Co. of California, N.A. v. Long.

Stark App. No. 2002CA00023, 2002-Ohio-5299. 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.