

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

November 25, 2003

MOTION AND PROCEDURAL RULINGS

2000-1540. State v. Hutton.

Cuyahoga App. No. 51704. 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 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.

2001-0835. State v. Hoffner.

Lucas App. No. L-95-181. This cause is pending before the court as a death penalty appeal from the Court of Appeals for Lucas County. Upon review of the record, it appears that the record is incomplete. Accordingly,

IT IS ORDERED by the court, sua sponte, that the Clerk of the Lucas County Court of Appeals certify and transmit the following documents to the Clerk of this court within 20 days of the date of this entry: transcripts of defendant's November 9, 1993, and November 10, 1993 statements to police, admitted at trial as Exhibits 1 and 2.

2003-0019. State v. Cowan.

Portage App. No. 2001-P-0109, 151 Ohio App.3d 228, 2002-Ohio-7271. This cause is pending before the court as an appeal from the Court of Appeals for

Portage County. Upon consideration of the motion of amicus curiae Ohio Association of Criminal Defense Lawyers to participate in oral argument scheduled for December 2, 2003, in lieu of appellant,

IT IS ORDERED by the court that the motion for leave to participate in oral argument be, and hereby is, granted, and the 15 minutes reserved for appellant shall be allotted to the amicus curiae.

2003-0316. Stephens v. Pub. Util. Comm.

Public Utilities Commission, Nos. 01-1356-EL-ATA, 01-1357-EL-AAM, 01-1358-EL-ATA, 01-1359-EL-AAM, 01-2708-EL-COI, and 01-3019-EL-UNC. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. Upon consideration of appellee's motion to consolidate this cause with Supreme Court case No. 2003-0332, *Maumee v. Pub. Util. Comm.*,

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

IT IS FURTHER ORDERED by the court that oral argument currently scheduled for December 3, 2003, be cancelled and that this case be set for oral argument on January 14, 2004, with Supreme Court case No. 2003-0332.

IT IS FURTHER ORDERED by the court that oral argument shall be extended to 20 minutes per side.

2003-0332. Maumee v. Pub. Util. Comm.

Public Utilities Commission, No. 01-2708-EL-COI. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. Upon consideration of appellants' motion to consolidate this cause with Supreme Court case No. 2003-0316, *Stephens v. Pub. Util. Comm.*,

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

IT IS FURTHER ORDERED by the court that oral argument scheduled for January 14, 2004, with Supreme Court case No. 2003-0316 shall be extended to 20 minutes per side.

2003-0469. State v. Cowan.

Portage App. No. 2001-P-0109, 151 Ohio App.3d 228, 2002-Ohio-7271. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Portage County. Upon consideration of the motion of amicus curiae Ohio Association of Criminal Defense Lawyers to participate in oral argument scheduled for December 2, 2003, in lieu of appellant,

IT IS ORDERED by the court that the motion for leave to participate in oral argument be, and hereby is, granted, and the 15 minutes reserved for appellant shall be allotted to the amicus curiae.

2003-0923. Archer v. ACE, USA.

Franklin App. No. 02AP-882, 152 Ohio App.3d 455, 2003-Ohio-1790. This cause came on for further consideration upon appellee's November 18, 2003 motion for clarification. Whereas, appellant's motion is, in substance, an untimely motion for reconsideration under S.Ct.Prac.R. XI,

IT IS ORDERED by the court, sua sponte, that the motion for clarification be, and hereby is, stricken.

2003-1068. Archer v. ACE, USA.

Franklin App. No. 02AP-882, 152 Ohio App.3d 455, 2003-Ohio-1790. This cause came on for further consideration upon appellee's November 18, 2003 motion for clarification. Whereas, appellant's motion is, in substance, an untimely motion for reconsideration under S.Ct.Prac.R. XI,

IT IS ORDERED by the court, sua sponte, that the motion for clarification be, and hereby is, stricken.

MISCELLANEOUS DISMISSALS

2003-1019. Wyser-Pratte Mgt. Co. v. Telxon Corp.

Certified State Law Question, No. 5:02CV1105. This cause is pending before the court on the certification of a state law question from the United States District Court, Northern District of Ohio, Eastern Division. On November 20, 2003, the district court filed a memorandum and order with this court indicating that the underlying matter had been settled and would be dismissed. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed as moot.

2003-1411. Sayyah v. Foley.

Brown App. No. CA2003-02-002. This cause is pending before the court as an appeal from the Court of Appeals for Brown County. It appears from the records of this court that appellant has not filed a merit brief, due November 12, 2003, 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.

2003-1826. State ex rel. Martin v. Ohio Dept. of Rehab. & Corr.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relators' 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.