

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

October 1, 2004

MOTION AND PROCEDURAL RULINGS

2004-1477. State ex rel. Mason v. Griffin.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration pursuant to S.Ct.Prac.R. X(5) and consideration of respondent's motion to dismiss,

IT IS ORDERED by the court that the motion to dismiss is denied and that an alternative writ be, and hereby is, granted, sua sponte.

IT IS FURTHER ORDERED by the court that the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. X:

The parties shall file any evidence they intend to present on or before October 21, 2004; relator shall file his brief within 10 days after the filing of evidence; respondent shall file his brief within 20 days after the filing of relator's brief; and relator may file a reply brief within 5 days after the filing of respondent's brief.

IT IS FURTHER ORDERED by the court that, pursuant to S.Ct.Prac.R. X(6), the October 6, 2004, jury sentencing hearing and all other proceedings at the trial court are stayed pending final determination by this court.

2004-1490. State ex rel. Miami Valley Broadcasting Corp. v. Davis.

Montgomery App. No. 20587, 2004-Ohio-3860. This cause is pending before the court as an appeal from the Court of Appeals for Montgomery County. Upon consideration of appellees' motion for stay of the conditional writ of mandamus issued by the court of appeals,

IT IS ORDERED by the court that the motion for stay of the conditional writ of mandamus be, and hereby is, granted.

2004-1493. State ex rel. Miller v. Cuyahoga Cty. Bd. of Elections.

Cuyahoga App. No. 84980. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. Upon consideration of appellant's motion to expedite the briefing schedule and decision, and appellee's motion to dismiss and/or strike appellant's merit brief,

IT IS ORDERED by the court that appellee's motion to dismiss be, and hereby is, denied.

IT IS FURTHER ORDERED by the court that appellee's motion to strike appellant's merit brief is granted and that appellant's merit brief be, and hereby is, stricken as being filed prematurely. Appellant may file a new brief that complies with S.Ct.Prac.R. VI now that the record has been filed.

IT IS FURTHER ORDERED by the court that appellant's motion for expedited briefing schedule and decision be, and hereby is, denied.

Lundberg Stratton, J., dissents and would deny appellee's motion to strike appellant's merit brief and grant appellant's motion for expedited briefing schedule and decision.

2004-1522. State v. Diaz.

Cuyahoga App. No. 81857, 2004-Ohio-3954. 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 the court of appeals judgment be, and hereby is, granted.