

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

November 18, 2004

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### MOTION AND PROCEDURAL RULINGS

**2004-1535. State ex rel. McCoy v. Indus. Comm.**

Franklin App. No. 03AP-886, 2004-Ohio-4219. The court hereby returns this case to the regular docket under S.Ct.Prac.R. XIV(6). Appellant shall file her merit brief within 40 days of the date of this entry and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI. As provided in S.Ct.Prac.R. VI(7), the court may dismiss this case or take other action if the parties fail to timely file merit briefs.

**2004-1554. State v. Craig.**

Summit C.P. No. CR-2003-06-1638. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas for Summit County. Upon consideration of appellant's motion for extension of time to transmit the record,

IT IS ORDERED by the court that the motion for extension of time to transmit the record be, and hereby is, granted to December 27, 2004.

**2004-1647. Estate of Harrold v. Collier.**

Wayne App. No. 03CA0064, 2004-Ohio-4331. This cause is pending before this court on the certification of a conflict by the Court of Appeals for Wayne County. On November 12, 2004, appellees filed a motion to deny appellant's October 29, 2004 emergency motion to stay execution of judgment. The court finds that appellees' motion is, in substance, an untimely memorandum in opposition to appellant's motion for stay. Whereas S.Ct.Prac.R. XIV(1)(C) prohibits untimely filings,

IT IS ORDERED by the court, sua sponte, that appellees' November 12, 2004, motion be, and hereby is, stricken.

**2004-1908. State ex rel. Hamilton v. Brunner.**

Franklin App. No. 02AP-1332. 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 Franklin County. Appellant shall file his merit brief within forty days of the filing of the record with the Clerk of this court, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI.

### **MISCELLANEOUS DISMISSALS**

#### **2004-1595. Peters v. Allison.**

Sandusky App. No. S-03-044, 2004-Ohio-4143. On September 24, 2004, appellant initiated this case by filing a notice of appeal and memorandum in support of jurisdiction from the court of appeals' decision. Upon review of that decision, it appears that the court of appeals filed its decision with its clerk on August 9, 2004, thereby requiring any appeal to this court under S.Ct.Prac.R. II(2)(A)(1)(a) to be filed by September 23, 2004. Accordingly,

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

### **MEDIATION REFERRALS**

#### **2004-1139. State ex rel. Puckett v. Indus. Comm.**

Franklin App. No. 03AP-640, 2004-Ohio-2817. To facilitate the implementation of the settlement agreement of the parties, the court refers this case back to mediation under S.Ct.Prac.R. XIV(6). The court will not issue any decision on the merits of this case until mediation proceedings have concluded.