

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

February 18, 2004

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### MOTION AND PROCEDURAL RULINGS

**2003-2165. State v. Koliser.**

Mahoning C.P. No. 03CR535. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Mahoning 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 the extent that the time for transmitting the record is extended to April 19, 2004.

**2004-0271. Helms v. Green.**

Summit C.P. No. CV03127220. This cause is pending before the court as an appeal of an election contest pursuant to R.C. 3515.15. On February 9, 2004, appellants filed a notice of appeal and a merit brief in this matter. Upon consideration thereof,

IT IS ORDERED by the court, sua sponte, that the Clerk of this court shall issue an order for the transmittal of the record from the Court of Common Pleas of Summit County.

IT IS FURTHER ORDERED that appellee shall file its merit brief within 30 days of the date of the filing of the record by the Clerk of this court, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI.

## **MISCELLANEOUS DISMISSALS**

### **2003-2217. Cleveland Mun. School Dist. Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2002-V-1670. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of the parties' joint motion to remand this cause to the Board of Tax Appeals,

IT IS ORDERED by the court that the joint motion to remand be, and hereby is, granted, and this cause is remanded to the Board of Tax Appeals to implement the settlement agreement of the parties.

### **2004-0120. In re La. B.**

Cuyahoga App. No. 81981, 2003-Ohio-6852. This cause is pending before the court as an appeal involving termination of parental rights/adoption. On January 20, 2004, when the appeal was filed, a check in the amount of \$40.00 was submitted by counsel for appellant to satisfy the requirement of the docket fee imposed by R.C. 2503.17 and S.Ct.Prac.R. XV(1). This court has been informed by the Office of the Treasurer of the State of Ohio that the check was returned from National City Bank because of insufficient funds. On February 4, 2004, after the deadline for perfecting this appeal, the Clerk of this court received a second check in the amount of \$40.00 from counsel for appellant as a second attempt to satisfy the requirement of the docket fee. Whereas R.C. 2503.17 and S.Ct.Prac.R. XV(1) require that the docket fee shall be paid before a notice of appeal is filed or a case is docketed,

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

IT IS FURTHER ORDERED by the court that the second check received by the Clerk from counsel for appellant be returned to counsel with a copy of this order.