

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

October 23, 2006

[Cite as *10/23/2006 Case Announcements*, 2006-Ohio-5474.]

MOTION AND PROCEDURAL RULINGS

1987-0447. State v. Henderson.

Hamilton App. No. C-850557. This cause came on for further consideration upon appellee's motion to set an execution date. Upon consideration thereof,

It is ordered by the court that the motion is granted.

It is further ordered that appellant's sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Tuesday, the 5th day of December, 2006, in accordance with the statutes so provided.

It is further ordered that a certified copy of this entry and a warrant under the seal of this court be duly certified to the Warden of the Southern Ohio Correctional Facility and that said Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Hamilton County.

2003-1766. State v. Bethel.

Franklin C.P. No. 00CR-11-6600. This cause came on for further consideration of appellant's motion for stay of execution scheduled for January 9, 2007. Upon consideration thereof,

It is ordered by the court that the motion for stay of execution is granted.

It is further ordered that this stay shall remain in effect until exhaustion of all state post-conviction proceedings, 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.

2006-0185. State v. Siler.

Ashland App. No. 02COA028, 2003-Ohio-5749. This cause is pending before the court as an appeal from the Court of Appeals for Ashland County.

It is ordered by the court, sua sponte, that the stay of briefing is dissolved and this cause is no longer held for the decision in 2005-773, *State v. Stahl*, Summit App. No. 22261, 2005-Ohio-1137.

It is further ordered by the court that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Ashland County and that briefing shall proceed in accordance with S.Ct.Prac.R. VI.

MISCELLANEOUS DISMISSALS

2006-0646. Ohio Consumers' Counsel v. Pub. Util. Comm.

Public Utilities Commission, No. 05-792-EL-ATA. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. Upon consideration of appellant's application for dismissal,

It is ordered by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

2006-1511. Sears, Roebuck & Co. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 2004-T-86. This cause is pending before the court as an appeal from the Board of Tax Appeals. It appears from the records of this court that appellant has not filed a merit brief, due October 17, 2006, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

It is ordered by the court that this cause is dismissed sua sponte.

2006-1798. Kirchner v. Shooters on the Water, Inc.

Cuyahoga App. No. 86919, 2006-Ohio-3583. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Cuyahoga County. On September 26, 2006, when this case 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 because of a stop payment order. Whereas R.C. 2503.17 and S.Ct.Prac.R. XV(1) require that the docket fee shall be paid before a case is filed or docketed,

It is ordered by the court, sua sponte, that this cause is dismissed.

MEDIATION REFERRALS

The following case has been returned to the regular docket pursuant to S.Ct.Prac.R. XIV(6)(E):

2006-1429. Bd. of Edn. of the Columbus City Schools v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 2005-A-381.