

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

WEDNESDAY  
December 15, 1999

**MOTION DOCKET**

**96-2346. State v. Getsy.**

Trumbull C.P. No. 95CR399. This cause came on for further consideration upon appellant's motion for appointment of counsel for preparation of review pursuant to App.R. 26(B). Upon consideration thereof,

IT IS ORDERED by the court that the motion for appointment of counsel be, and hereby is, granted, and the Trumbull County Court of Common Pleas is ordered to appoint qualified counsel to represent the appellant for purposes of filing an application for reopening pursuant to S.Ct.Prac.R. XI(5).

**97-1312 and 99-1893. State v. Cowans.**

Clermont App. No. CA98-10-090 and C.P. No. 96CR005394. Upon consideration of the motion for stay of execution of death sentence pending the timely filing and final disposition of a petition for a writ of certiorari in the United States Supreme Court filed by counsel for appellant in case No. 97-1312; and the motion for stay of execution pending disposition of post-conviction remedies filed by counsel for appellant in case No. 99-1893; and it appearing from the exhibits to the motion that a petition for post-conviction relief is pending in this court in case No. 99-1893,

IT IS ORDERED by the court that said motions be, and are hereby, granted.

IT IS FURTHER ORDERED by the court that compliance with the mandate and execution of sentence be, and hereby is, stayed, pending the timely filing of the petition in the Supreme Court of the United States.

IT IS FURTHER ORDERED that if such petition is timely filed, this stay shall continue for an indefinite period pending final disposition of this cause by the Supreme Court of the United States.

IT IS FURTHER ORDERED by the court that this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals.

IT IS FURTHER ORDERED that the counsel for the appellant and for the appellee shall notify this court upon a final disposition by the Supreme Court of the United States or when all proceedings for post-conviction relief before courts of this state have been exhausted, whichever occurs later.

**99-1142. OHIC Ins. Co. v. Ohio Ins. Guar. Assn.**

In Mandamus. On December 8, 1999, relator, OHIC Insurance Company, filed a motion for leave to supplement statement of evidence. S.Ct.Prac.R. VIII(7) requires that additions to previously filed documents be filed by completely incorporating the additions in a revised document that must be filed within the time permitted by the rules for filing the original document. The rule further prescribes that the Clerk refuse to file a revised document that is not submitted within the deadline prescribed by the rules. Whereas relator has not supplemented its evidence, due November 9, 1999, as required by S.Ct.Prac.R. VIII(7),

IT IS ORDERED by the court, *sua sponte*, that the motion for leave to supplement statement of evidence be, and hereby is, stricken.

**99-1142. OHIC Ins. Co. v. Ohio Ins. Guar. Assn.**

In Mandamus. On December 9, 1999, respondent filed a document that included a memorandum in opposition to relators' motion to amend complaint that was due November 29, 1999. Whereas S.Ct.Prac.R. XIV(1)(C) prohibits untimely filings,

IT IS ORDERED by the court, *sua sponte*, that respondent's document titled "Memorandum in Response to Relators' Motion to Supplement Statement of Evidence and in Opposition to Relators' Motion to Amend Complaint" be, and hereby is, stricken.

**99-2159. Schreiner v. Ohio Dept. of Edn.**

Franklin App. No. 98AP-1251. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's amended motion for stay of court of appeals' decision,

IT IS ORDERED by the court that the amended motion for stay of court of appeals' decision be, and hereby is, granted.

Pfeifer, J., dissents.

**MISCELLANEOUS DISMISSALS**

**99-1792. Columbus City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision.**

Board of Tax Appeals, Nos. 97-G-114 and 97-G-115. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's 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.