

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

THURSDAY
August 15, 1996

MOTION DOCKET

94-103. State v. D'Ambrosio.

Cuyahoga County, No. 57448. UPON CONSIDERATION of the motion filed by counsel for appellant to stay the execution of sentence in the above-styled cause pending the exhaustion of state post-conviction remedies,

IT IS ORDERED by the court that the motion be, and is hereby, granted, effective August 14, 1996.

IT IS FURTHER ORDERED by the court that, pursuant to State v. Glenn (1987), 33 Ohio St.3d 601, 514 N.E.2d 869, a stay is granted for a period of six months, beginning May 20, 1996, and ending November 20, 1996, to allow appellant an opportunity to file a petition for post-conviction relief. If a petition for post-conviction relief is not filed within the time allotted, this stay will expire. No further time for the filing of the petition will be granted except in unusual circumstances.

IT IS FURTHER ORDERED by the court that, if a petition for post-conviction relief is filed within the time allotted, a date-stamped copy of the petition shall be filed by appellant with the Clerk of this court, and this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals.

IT IS FURTHER ORDERED by the court that compliance with the mandate and execution of sentence be, and is hereby, stayed for the six-month period allotted by this order and, if a petition for post-conviction relief is filed within the time allotted, pending the exhaustion of all proceedings for post-conviction relief before the courts of this state.

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.

94-483. State v. Mack.

Cuyahoga County, No. 62366. Upon consideration of appellant's notice of filing petition for post-conviction relief and it appearing that a petition for post-conviction relief has been filed by appellant with the Cuyahoga County Common Pleas Court,

IT IS ORDERED by the court that the stay of execution pending exhaustion of state post-conviction remedies be, and the same is hereby, continued, effective August 14, 1996.

IT IS FURTHER ORDERED by the court that compliance with the mandate and execution of sentence be, and the same are hereby, stayed pending the exhaustion of all proceedings for post-conviction relief before courts of this state.

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.

95-2575. Ohio Edison Co. v. Pub. Util. Comm.
Public Utilities Commission, No. 93-1408-EL-CSS. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio.

IT IS ORDERED by the court, sua sponte, effective August 14, 1996, that the parties may file supplemental briefs on the following questions:

- 1) Does R.C. 4905.34 apply in a case involving a competitive bidding situation?
- 2) Did the commission find that R.C. 4905.34 applies in the case at bar?

IT IS FURTHER ORDERED by the court that each party may file a supplemental brief, with a twenty-page limit, on or before September 3, 1996, and a reply brief, with a ten-page limit, on or before September 13, 1996. The provisions for extensions of time in S.Ct.Prac.R. XIV(3)(B)(2) shall not apply to this briefing.

Cook, J., not participating.

96-1223. State ex rel. Graham v. Rinker.
In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relator's motion for stay of respondent Rinker's discovery pending disposition of motions to dismiss,

IT IS ORDERED by the court that the motion for stay of discovery be, and hereby is, granted, effective August 14, 1996.

Pfeifer, J., dissents.

96-1593. State v. Blankenship.
On August 8, 1996, appellee filed a memorandum in response which was due August 7, 1996. Whereas S.Ct.Prac.R. XIV(1)(C) prohibits the filing of a document that is not timely tendered for filing,

IT IS ORDERED by the court, sua sponte, that the memorandum in response be, and hereby is, stricken, effective August 14, 1996.

96-1769. State ex rel. Jackson v. Kinkela.
In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. On August 9, 1996, relator filed an amended complaint that did not contain proof of service as required by S.Ct.Prac.R. XIV(2)(C). Accordingly,

IT IS ORDERED by the court, sua sponte, that relator's amended complaint be, and hereby is, stricken, effective August 14, 1996.

96-1834. Davis v. Davis.
Montgomery County, No. 15628. This cause is pending before the court as a discretionary appeal and a 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 be, and hereby is, denied, effective August 14, 1996.

MISCELLANEOUS DISMISSALS

96-1105. Ameritech v. Ohio Pub. Util. Comm.

Public Utilities Commission, No. 94-1954-TP-CSS. 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 be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed, effective August 14, 1996.

96-1180. Soc. Natl. Bank v. Carroll Cty. Bd. of Revision. Board of Tax Appeals, No. 94-M-454. 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, effective August 14, 1996.

96-1374. State ex rel. Hawkins v. N. Kingsville Village Fire & Rescue. Franklin County, No. 95APD03-363. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. On August 8, 1996, appellant filed his merit brief which was due August 7, 1996. Whereas S.Ct.Prac.R. XIV(1)(C) prohibits the filing of a document that is not timely tendered for filing,

IT IS ORDERED by the court, sua sponte, that the merit brief be, and hereby is, stricken.

Therefore, appellant has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective August 14, 1996.

96-1732. Cossett v. Ohio Cas. Ins. Co. In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus and was considered in a manner prescribed by law. Upon consideration thereof,

IT IS ORDERED by the court, sua sponte, that this cause be, and hereby is, dismissed, effective August 14, 1996, for failure to state a cause of action over which this court has jurisdiction.

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