

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

MONDAY
January 8, 1996

MOTION DOCKET

93-569. State v. Simko.

Lorain County, No. 91CA005214. 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, effective January 4, 1996, that the motion be, and is hereby, granted, to the extent provided in this court's order of October 17, 1995, and as ordered below.

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 October 17, 1995 and ending April 17, 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.

93-2592. State v. Berry.

Cuyahoga County, No. 60531. Pursuant to this court's order that an independent psychiatric expert be appointed for the purpose of determining the appellant's competency to waive further legal proceedings challenging the death penalty imposed upon him,

IT IS ORDERED by the court, sua sponte, effective January 4, 1996, that Phillip J. Resnick, M.D., Professor of Psychiatry, Case Western Reserve University, and Director of Forensic Psychiatry, University Hospitals of Cleveland, be appointed as the independent psychiatric expert at a rate of \$300 per hour, which rate shall also apply to travel time.

RECONSIDERATION DOCKET

95-1046. Doyle v. Akron.

Portage County, No. 94-P-0076. Reported at 74 Ohio St.3d 1445, ___ N.E.2d ___. IT IS ORDERED by the court that the motion for reconsideration of the dismissal of this case for want of prosecution be, and hereby is, denied, effective January 4, 1996.

Wright and Cook, JJ., not participating.

95-2146. State v. Voorhies.

Guernsey County, No. 94CA8. Reported at 74 Ohio St.3d 1480, ___ N.E.2d ___. IT IS ORDERED by the court that the motion for reconsideration of the dismissal of this case for want of prosecution be, and hereby is, denied, effective January 4, 1996.

MISCELLANEOUS DISMISSALS

95-1871. Union Twp. v. Butler Cty. Budget Comm.

Board of Tax Appeals, No. 93-D-1456. 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, effective January 4, 1996.

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