

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

THURSDAY  
January 11, 1996

MOTION DOCKET

93-325. Painter v. Graley.  
Cuyahoga County, No. 61148. On December 29, 1995, appellant filed a motion for leave to file a motion to partially vacate or reopen this court's judgment of September 28, 1994. It appears to the court that appellant's motion is, in substance, a request for reconsideration and, as such, is prohibited by S.Ct.Prac.R. XI. Accordingly,

IT IS ORDERED by the court, sua sponte, that appellant's motion be, and hereby is, stricken, effective January 9, 1996.

94-10. State v. Carter.  
Hamilton County, No. C-920604. This Court has received notification that on December 4, 1995, the Supreme Court of the United States entered an order in No. 95-6457, Cedric Carter v. Ohio, which stated:  
"The petition for a writ of certiorari is denied."

Upon consideration that the stay of execution of sentence granted by this court on September 27, 1995, was conditioned upon final disposition of appellant's petition to the Supreme Court of the United States, and it appearing to this court that the Supreme Court of the United States has rendered a final disposition of the petition,

IT IS ORDERED that the stay of execution is hereby terminated as of the date of this entry, effective January 8, 1996.

IT IS HEREBY ORDERED by this court that the sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Monday, the 8th day of April, 1996, 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 the Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Hamilton County.

IT IS FURTHER ORDERED by the court that, upon written application of appellant, and pursuant to State v. Glenn (1987), 33 Ohio St. 3d 601, 514 N.E.2d 869, this court will grant one additional stay for a period ending six months from the date of this entry to allow appellant an opportunity to file a petition for post-conviction relief.

94-72. State v. Fautenberry.

Hamilton County, No. C-920734. This court has received notification that on November 27, 1995, the Supreme Court of the United States entered an order in No. 95-6253, John Fautenberry v. Ohio, which stated:

"The petition for a writ of certiorari is denied."

Upon consideration that the stay of execution of sentence granted by this court on July 27, 1995, was conditioned upon final disposition of appellant's petition to the Supreme Court of the United States, and it appearing to this court that the Supreme Court of the United States has rendered a final disposition of the petition,

IT IS ORDERED that the stay of execution is hereby terminated as of the date of this entry, effective January 8, 1996.

IT IS HEREBY ORDERED by this court that the sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Monday, the 8th day of April, 1996, 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 the Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Hamilton County.

IT IS FURTHER ORDERED by the court that, upon written application of appellant, and pursuant to State v. Glenn (1987), 33 Ohio St. 3d 601, 514 N.E.2d 869, this court will grant one additional stay for a period ending six months from the date of this entry to allow appellant an opportunity to file a petition for post-conviction relief.

94-2765. Girgis v. State Farm Mut. Auto. Ins. Co. Cuyahoga County, No. 66970. This cause is pending before the court on the certification of conflict by the Court of Appeals for Cuyahoga County. Upon consideration of the motion of amicus curiae, Ohio Academy of Trial Lawyers, for leave to participate in oral argument.

IT IS ORDERED by the court that the motion of amicus curiae, Ohio Academy of Trial Lawyers, for leave to participate in oral argument be, and hereby is, granted, effective January 9, 1996.

95-694. N. Olmsted Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision. Board of Tax Appeals, Nos. 93-A-347 and 93-A-348. On January 4, 1996, appellant filed a notice of additional authority in support of its motion to dismiss. It appears to the court that appellant's notice is, in substance, a reply memorandum. Whereas, there is no provision in the Supreme Court Rules of Practice for filing reply memoranda and, whereas appellant's notice also violates the prohibition against additional briefing after oral argument in S.Ct.Prac.R. IX(8),

IT IS ORDERED by the court, sua sponte, effective January 9, 1996, that appellant's notice of additional authority be, and hereby is, stricken.

95-1069. Montpelier Pub. Library Bd. of Trustees v. Williams Cty. Budget Comm. Board of Tax Appeals, Nos. 89-G-811, 90-G-1365 and 91-G-1562. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's motion to continue oral argument scheduled before the Master Commissioner on February 1, 1996,

IT IS ORDERED by the court that the motion to continue oral argument be, and hereby is, denied, effective January 9, 1996.

MISCELLANEOUS DISMISSALS

94-2326. Reitz v. Mathews.

Franklin County, No. 94APE01-15. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of appellants' application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted, effective January 9, 1996.

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

95-872. State ex rel. Norfolk & W. Ry. Co. v. Victor.

Summit County, No. 17018. This cause is pending before the court as an appeal from the Court of Appeals for Summit County. It appears from the records of this court that appellant has not filed a merit brief, due June 20, 1995, 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 be, and hereby is, dismissed sua sponte, effective January 9, 1996.

95-1883. State ex rel. Thomas v. Solon.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. It appears from the records of this court that relator has not filed a merit brief, due January 2, 1996, 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 be, and hereby is, dismissed sua sponte, effective January 9, 1996.

95-2151. Stone v. Natl. City Bank.

Cuyahoga County, Nos. 67579 and 67709. This cause is pending before the court as a discretionary appeal. Upon consideration of the joint application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted, effective January 9, 1996.

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

95-2411. State ex rel. Debbe-Martin v. Spees.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relator's application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted, effective January 9, 1996.

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