

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY
February 2, 1996

MOTION DOCKET

92-2565. State v. Scudder.

Franklin County, No. 91AP-506. 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.

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 January 17, 1996, and ending July 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.

94-483. State v. Mack.

Cuyahoga County, No. 62366. This court has received notification that on January 22, 1996, the Supreme Court of the United States entered an order in No. 95-6931, Clarence Mack 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 October 26, 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.

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 Thursday, the 2nd day of May, 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 Cuyahoga 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.

94-681. State v. Frazier.

Cuyahoga County, No. 62557. This court has received notification that on January 22, 1996, the Supreme Court of the United States entered an order in No. 95-6814, Richard Frazier 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 October 26, 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.

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 Thursday, the 2nd day of May, 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 Cuyahoga 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.

94-722. State v. Fautenberry.

Hamilton County, No. C-920734. 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.

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 January 8, 1996, and ending July 8, 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.

94-1777. State v. Dunlap.

Hamilton County, No. C-930121. This court has received notification that on January 22, 1996, the Supreme Court of the United States entered an order in No. 95-6906, Timothy Dunlap 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 October 26, 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.

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 Thursday, the 2nd day of May, 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.

95-1906. State v. Knisely.

Huron County, No. H-94-044. This cause is pending before the court on certification of conflict by the Court of Appeals for Huron County. Upon consideration of appellee's motion to participate in oral argument,

IT IS ORDERED by the court that the motion to participate in oral argument be, and hereby is, denied.

95-2379. State v. Twyford.

Jefferson County, No. 93-J-13. This cause is pending before the court as an appeal from the Court of Appeals for Jefferson County. Upon consideration of the conditional motion to withdraw filed by appellant's counsel,

IT IS ORDERED by the court, sua sponte, that appellant's brief shall be due on or before April 5, 1996.

RECONSIDERATION DOCKET

95-2021. State v. Bruggeman.

Auglaize County, No. 2-94-1. Reported at 74 Ohio St.3d 1497, ___ 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.

96-136. In re Election of November 7, 1995, for the Office of Member of Rock
Hill Local School Dist. Bd. of Edn.
Lawrence County. Common Pleas Court, No. 95OC873. On January 31, 1996,
appellee filed a motion for reconsideration of this court's entry of January 25,
1996. Whereas the filing of appellee's motion for reconsideration is not
permitted by S.Ct.Prac.R. XI(1),

IT IS ORDERED by the court, sua sponte, that the motion for
reconsideration be, and hereby is, stricken.

MISCELLANEOUS DISMISSALS

96-235. State v. Robinson.
Hamilton County, No. C-930949. Appellant has filed an untimely appeal of the
court of appeals' denial of appellant's application to reopen pursuant to App.R.
26(B) and a motion for delayed appeal. This appeal involves a civil, post-
conviction matter and not an appeal of a felony case to which the provisions for
delayed appeal in S.Ct.Prac.R. II(2)(A)(4) apply. Therefore,

IT IS ORDERED by the court, sua sponte, that the motion for delayed appeal
be, and hereby is, stricken.

IT IS FURTHER ORDERED by the court, sua sponte, that, in that appellant
failed to perfect an appeal pursuant to S.Ct.Prac.R. II(2)(A)(1), this case be,
and hereby is, dismissed for lack of jurisdiction.