

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

MONDAY  
November 30, 1998

**MERIT DOCKET**

**98-2335. State ex rel. Salyers v. Ohio Adult Parole Auth.**

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition 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.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Cook and Lundberg Stratton, JJ., concur.

Pfeifer, J., dissents and would grant an alternative writ.

**MOTION DOCKET**

**96-2311. State v. Keenan.**

Cuyahoga App. No. 67452. 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 October 23, 1998, and ending February 22, 1999 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.

**97-1738. Ormandy v. Mechenbier.**

Franklin App. No. 96APE12-1651. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of appellant's motion to vacate stay and set briefing schedule,

IT IS ORDERED by the court that the motion to vacate stay and set briefing schedule be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that appellant's brief shall be due within forty days of the date of this entry and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI.

**97-2046. State v. Palmer.**

Trumbull App. No. 95-T-5180. This cause is pending before the court on the certification of conflict by the Court of Appeals for Trumbull County. Upon consideration of appellant's motion to file an additional authority,

IT IS ORDERED by the court that the motion to file an additional authority be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that appellant shall file the citation to the additional authority within five days of the date of this entry.

Douglas and Cook, JJ., dissent.

**98-84. Rice v. CertainTeed Corp.**

Certified State Law Question, No. 397CV7484. This cause came before the court on the certification of a state law question from the United States District Court for the Northern District of Ohio, Western Division. Upon consideration of the joint motion of respondent and *amici curiae*, for *amici curiae* American Association of Retired People et al. to present oral argument on behalf of the respondent,

IT IS ORDERED by the court that the motion for *amici curiae* to present oral argument be, and hereby is, granted, and *amici curiae* shall share the time allotted to respondent.

**98-980. State v. Campbell.**

Franklin C.P. No. 97CR042020. This cause is pending before the court as an appeal from the Court of Common Pleas of Franklin County. Upon consideration of appellant's motion for stay of execution,

IT IS ORDERED by the court that appellant's motion for stay of execution be, and hereby is, granted, pending disposition of this appeal.

**98-2316. Elfyin v. Tuscarawas Cty. Health Dept.**

Tuscarawas App. No. 98AP010001. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's motion for stay of court of appeals' decision,

IT IS ORDERED by the court that the motion for stay be, and hereby is, denied.

**98-2382. Automated Tracking Sys., Inc. v. Great Am. Ins. Co.**

Summit App. No. 18906. 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 for stay be, and hereby is, denied.

**98-2449. State v. Issa.**

Hamilton C.P. B9709438. This cause is pending before the court as an appeal from the Court of Common Pleas of Hamilton County. Upon consideration of appellant's motion for stay of execution,

IT IS ORDERED by the court that appellant's motion for stay of execution be, and hereby is, granted, pending disposition of this appeal.



## MISCELLANEOUS DISMISSALS

**98-1736. Hardy v. Country Club Acres, Inc.**

Hancock App. No. 59803. This cause is pending before the court as a discretionary appeal. Upon consideration of appellants' 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.

**98-1910. Van Auken Properties, Inc. v. Tracy.**

Board of Tax Appeals, No. 96-R-1595. 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.

**98-2059. Cincinnati Gas & Elec. Co. v. Pub. Util. Comm.**

Public Utilities Commission, No. 98-595-GA-COI. 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.

**98-2190. State v. Crawford.**

Lake App. No. 97-L-245. This cause is pending before the court as a discretionary appeal and a claimed appeal of right. 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.

**98-2340. Geraci v. Anderson.**

Cuyahoga App. No. 72978. This cause is pending before the court as a discretionary appeal and a claimed appeal of right. Upon consideration of appellants' 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.

**98-2492. Logan v. Ohio Adult Parole Auth.**

In Prohibition. On November 23, 1998, relator filed a complaint in prohibition. Whereas the complaint was not supported by an affidavit of the relator specifying the details of the claim as required by S.Ct.Prac.R. X(4)(B),

IT IS ORDERED by the court, *sua sponte*, that this cause be, and hereby is, dismissed.