

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY

October 13, 2000

MOTION DOCKET

98-552. State v. Smith.

Lucas App. No. L-94-093. Upon consideration of the motion filed by counsel for appellant to stay the execution of sentence in the above-styled cause pending the timely filing of a petition for a writ of certiorari in the Supreme Court of the United States and pending the exhaustion of state post-conviction remedies,

IT IS ORDERED by the court that said motion be, and the same is hereby, granted.

IT IS FURTHER ORDERED by the court that compliance with the mandate and execution of sentence be, and hereby are, stayed pending the timely filing of the petition in the Supreme Court of the United States.

IT IS FURTHER ORDERED that if such petition is timely filed, this stay shall continue for an indefinite period pending final disposition of this cause by the Supreme Court of the United States.

IT IS FURTHER ORDERED by the court that this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court upon a final disposition by the Supreme Court of the United States or when all proceedings for post-conviction relief before courts of this state have been exhausted, whichever occurs later.

99-157. Cincinnati Bar Assn. v. Bailey.

This cause came on for further consideration upon respondent's motion for stay pending disposition of the motion for reconsideration. Upon consideration thereof,

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

00-977. Columbus Bar Assn. v. Bailey.

Upon consideration of movant's motion for an order to show cause why the respondent should not be punished for contempt for failing to comply with a *subpoena duces tecum* issued by the Board of Commissioners on the Unauthorized Practice of Law and respondent's response to the order to show cause,

IT IS ORDERED by the court that respondent is found in contempt and ordered to appear before the Columbus Bar Association with the subpoenaed documents.

00-1384. State ex rel. Yellow Freight Sys. v. Indus. Comm.

Franklin App. No. 99AP-1062. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. It appears from the records of this court that appellant has not filed a merit brief, due October 10, 2000, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this case with the requisite diligence. Upon consideration thereof,

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

IT IS FURTHER ORDERED that the appellees recover from the appellant their costs herein expended; and that a mandate be sent to the Court of Appeals for Franklin County to carry this judgment into execution; and that a copy of this entry be certified to the Clerk of the Court of Appeals for Franklin County for entry.