

The Supreme Court of Ohio

COLUMBUS

ANNOUNCEMENT

TUESDAY

February 19, 2002

MOTION DOCKET

99-889. State v. Lomax.

Sandusky C.P. No. 96CR448. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Sandusky County. On February 11, 2002, appellee filed a motion to vacate this court's order granting appellant's motion to recuse the Sandusky County Prosecutor's Office from representing the state of Ohio in this case. The court determines that appellee's motion to vacate is, in substance, a motion for reconsideration and, whereas S.Ct.Prac.R. XI(2) does not permit the filing of a motion for reconsideration from a decision on a motion,

IT IS ORDERED by the court, *sua sponte*, that the motion to vacate be, and hereby is, stricken.

99-1113. State v. Lomax.

Sandusky App. Nos. S-97-037 and S-99-014. This cause is pending before the court as a death penalty appeal from the Court of Appeals for Sandusky County. On February 11, 2002, appellee filed a motion to vacate this court's order granting appellant's motion to recuse the Sandusky County Prosecutor's Office from representing the state of Ohio in this case. The court determines that appellee's motion to vacate is, in substance, a motion for reconsideration and, whereas

S.Ct.Prac.R. XI(2) does not permit the filing of a motion for reconsideration from a decision on a motion,

IT IS ORDERED by the court, *sua sponte*, that the motion to vacate be, and hereby is, stricken.

02-300. Burnett v. State.

Upon consideration of the Petition to Indefinitely Postpone the Execution of John Byrd now scheduled for 10:00 a.m., on February 19, 2002,

IT IS ORDERED by the court that the petition be, and hereby is, denied, effective February 18, 2002.

02-300. Burnett v. State.

Upon consideration for the First Amended Petition to Indefinitely Postpone the Execution of John Byrd now scheduled for 10:00 a.m., on February 19, 2002,

IT IS ORDERED by the court that the petition be, and hereby is, denied, effective February 18, 2002.

02-301. Byrd v. State.

Upon consideration of the Petition to Indefinitely Postpone the Execution of John Byrd now scheduled for 10:00 a.m. on February 19, 2002,

IT IS ORDERED by the court that the petition be, and hereby is, denied, effective February 18, 2002.

MISCELLANEOUS DISMISSALS

01-2282. McDonald v. Dayton.

Montgomery App. No. 18721. This cause is pending before the court as a discretionary appeal and cross-appeal and claimed appeal of right. It appears from the records of this court that appellee/cross-appellant has not filed a memorandum in response and in support of cross-appeal, due January 30, 2002, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute the cross-appeal with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that the cross-appeal be, and hereby is dismissed, *sua sponte*.

The appeal of the city of Dayton et al. remains pending.