

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

November 21, 2002

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### MOTION AND PROCEDURAL RULINGS

**1992-2019. State v. Fox.**

Wood App. No. 90-WD-067. Upon consideration of appellee's motion to set execution date,

IT IS ORDERED by the court that the motion to set execution date be, and hereby is, granted.

IT IS HEREBY ORDERED by this court that appellant's sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Wednesday, the 12th day of February, 2003, 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 said Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Wood County.

Moyer, C.J., would delay for 30 days.

Resnick, J., not participating.

**2001-2273. State v. Watkins.**

Greene App. No. 2001 CA 15, 2001-Ohio-1841. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Greene County. Upon consideration of the motion of amicus curiae, the Association of Municipal/County Judges of Ohio, Inc., for leave to participate in oral argument,

IT IS ORDERED by the court that the motion for leave to participate in oral argument be, and hereby is, granted, and the amicus curiae shall share the time allotted to appellee.

**2002-1381. State ex rel. Walters v. Indus. Comm.**

Franklin App. No. 01AP-1043, 2002-Ohio-3236. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. On November 7, 2002, this court issued an order granting the applications for dismissal of the appeals of appellants/cross-appellees CBS Personnel Services and the Industrial Commission of Ohio. Whereas the cross-appeal of appellee/cross-appellant Michael Walters remains pending,

IT IS ORDERED by the court, sua sponte, that appellee/cross-appellant Michael Walters shall proceed as appellant herein, and appellants/cross-appellees CBS Personnel Services and the Industrial Commission of Ohio shall proceed as appellees herein.

IT IS FURTHER ORDERED by the court, sua sponte, that appellant Michael Walters shall file a merit brief within forty days of the date of this entry and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI.

**2002-1580. State ex rel. Daniels v. Indus. Comm.**

Franklin App. No. 01AP-1441, 2002-Ohio-3857. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of appellant's motion for extension of time to file appellant's merit brief pursuant to S.Ct.Prac.R. XIV(6)(C),

IT IS ORDERED by the court that the motion for extension of time be, and hereby is, granted, and appellant's merit brief is due on or before December 17, 2002.

**2002-1604. State v. Jackson.**

Allen C.P. No. CR20020011. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Allen County. Upon consideration of appellant's motion for extension of time to transmit the record,

IT IS ORDERED by the court that the motion for extension of time to transmit the record be, and hereby is, granted, and the time for transmitting the record is extended to February 14, 2003.

**2002-1627. State ex rel. Ignatious v. Indus. Comm.**

Franklin App. No. 01AP-982, 2002-Ohio-4014. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of appellant's motion for extension of time to file appellant's merit brief pursuant to S.Ct.Prac.R. XIV(6)(C),

IT IS ORDERED by the court that the motion for extension of time be, and hereby is, granted, and appellant's merit brief is due on or before December 26, 2002.

**2002-1647. Nyamusevya v. Dr. T.C. Hobbs & Assoc., Inc.**

Franklin App. No. 02AP-782. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. On November 15, 2002, appellant filed a motion to strike and dismiss appellee's memorandum in response to jurisdiction. Whereas appellant's motion to strike is, in substance, a reply memorandum and S.Ct.Prac.R. III(3)(B) prohibits the filing of reply memorandum,

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

**2002-1831. State v. Kaplowitz.**

Lake App. No. 2001-L-025, 2002-Ohio-4217. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Lake County. Upon consideration of appellant's motion for stay of court of appeals' judgment.

IT IS ORDERED by the court that the motion for stay of court of appeals' judgment be, and hereby is, granted.

Douglas, Resnick and Lundberg Stratton, JJ., dissent.

**MISCELLANEOUS DISMISSALS**

**2002-0787. Winegar v. Greenfield Police Dept.**

Highland App. No. 00CA18, 2002-Ohio-2173. This cause is pending before the court as an appeal from the Court of Appeals for Highland County. It appears from the records of this court that appellant has not filed a merit brief, due November 5, 2002, 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.

**MEDIATION REFERRALS**

The following cases have been returned to the regular docket pursuant to S.Ct.Prac.R. XIV(6)(E):

**2002-0148. State ex rel. Devore Roofing & Painting v. Indus. Comm.**

Franklin App. No. 01AP-69.