

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

June 6, 2005

[Cite as *06/06/2005 Case Announcements, 2005-Ohio-2759.*]

MOTION AND PROCEDURAL RULINGS

2003-0346. State v. Turner.

Franklin C.P. No. 01CR063615. This cause came on for further consideration of appellant's motion for stay of execution pending disposition of state remedies. Upon consideration thereof,

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

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 by the court that counsel for appellant and for the appellee shall notify this court when all proceedings for post-conviction relief before the courts of this state have been exhausted.

2004-0412. State v. Greer.

Hamilton App. No. C-030021. This cause came on for further consideration of appellant's motion to strike this court's June 23, 2004 entry declining jurisdiction and dismissing this appeal. Upon consideration thereof,

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

2004-1979. Chase Manhattan Mtge. Corp. v. Frazier.

Knox App. No. 2003-CA-31, 2004-Ohio-5523. This cause came on for further consideration of appellants' request for findings of fact and conclusions of law. Upon consideration thereof,

IT IS ORDERED by the court that the request be, and hereby is, denied.

2004-1997. Natl. City Bank v. Frazier.

Knox App. No. 2003-CA-30, 2004-Ohio-5562. This cause came on for further consideration of appellants' request for findings of fact and conclusions of law. Upon consideration thereof,

IT IS ORDERED by the court that the request be, and hereby is, denied.

2005-0016. Niles v. Cadwallader.

Trumbull App. No. 2003-T-0137, 2004-Ohio-6336. This cause is pending before the court as a discretionary appeal and claimed appeal of right. On January 5, 2005, appellant filed a notice that a motion to certify a conflict was pending in the court of appeals and, pursuant to S.Ct.Prac.R. IV(4)(A), this court stayed consideration of the jurisdictional memoranda filed in this appeal. Whereas appellant has neither notified this court that the court of appeals determined that a conflict does not exist as provided by S.Ct.Prac.R. IV(4)(B) nor filed a copy of the court of appeals' order certifying the existence of a conflict as provided by S.Ct. Prac.R.IV(4)(C),

IT IS ORDERED by the court, sua sponte, that appellant show cause within fourteen days of the date of this entry why this court should not proceed to consider the jurisdictional memoranda in this appeal pursuant to S.Ct.Prac.R. III(6).

2005-0033. Kowars v. Yount.

Delaware App. No. 04CAE05037, 2004-Ohio-6260. This cause is pending before the court as a discretionary appeal and claimed appeal of right. On January 7, 2005, appellant filed a notice that a motion to certify a conflict was pending in the court of appeals and, pursuant to S.Ct.Prac.R. IV(4)(A), this court stayed consideration of the jurisdictional memoranda filed in this appeal. Whereas appellant has neither notified this court that the court of appeals determined that a conflict does not exist as provided by S.Ct.Prac.R. IV(4)(B) nor filed a copy of the court of appeals' order certifying the existence of a conflict as provided by S.Ct.Prac.R. IV(4)(C),

IT IS ORDERED by the court, sua sponte, that appellant show cause within fourteen days of the date of this entry why this court should not proceed to consider the jurisdictional memoranda in this appeal pursuant to S.Ct.Prac.R. III(6).

2005-0241. State v. Love.

Mahoning App. No. 03 MA 19, 2004-Ohio-7062. This cause is pending before the court as an appeal from the Court of Appeals for Mahoning County. It appearing to the court that appellant is without counsel,

IT IS ORDERED that the court of appeals shall appoint counsel for appellant pursuant to S.Ct.Prac.R. III(7).

IT IS FURTHER ORDERED by the court that a copy of this entry be sent to the court of appeals by the Clerk of this court and that appointed counsel shall file a copy of the court of appeals' entry of appointment with the Clerk of this court.

2005-0256. State v. Coniglio.

Cuyahoga App. No. 84302, 2004-Ohio-6909. This cause is pending before the court as a discretionary appeal and claimed appeal of right. On February 4, 2005, appellant filed a notice that a motion to certify a conflict was pending in the court of appeals and, pursuant to S.Ct.Prac.R. IV(4)(A), this court stayed consideration of the jurisdictional memoranda filed in this appeal. Whereas appellant has neither notified this court that the court of appeals determined that a conflict does not exist as provided by S.Ct.Prac.R. IV(4)(B) nor filed a copy of the court of appeals' order certifying the existence of a conflict as provided by S.Ct.Prac.R. IV(4)(C),

IT IS ORDERED by the court, sua sponte, that appellant show cause within fourteen days of the date of this entry why this court should not proceed to consider the jurisdictional memoranda in this appeal pursuant to S.Ct.Prac.R. III(6).

MISCELLANEOUS DISMISSALS

2003-2165. State v. Koliser.

Mahoning C.P. No. 03CR535. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Mahoning County. On May 19, 2005, counsel for appellant filed a suggestion of death indicating that appellant is deceased. Accordingly,

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

2005-0638. State ex rel. Rittner v. Court of Appeals, Sixth Appellate Dist.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relator'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.

2005-0949. Parma v. Takacs.

Cuyahoga App. Nos. 84867 and 84868, 2005-Ohio-1319. This cause is pending before the court as a discretionary appeal and 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.

MEDIATION REFERRALS

The following case has been referred to mediation pursuant to S.Ct.Prac.R. XIV(6):

2005-0879. State ex rel. Boone v. Indus. Comm.
Franklin App. No. 04AP-607, 2005-Ohio-1531.

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

2005-0562. State ex rel. Brown v. Duramed Pharmaceuticals, Inc.
Franklin App. No. 04AP-81, 2005-Ohio-750.