

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

March 4, 2005

[Cite as *03/04/2005 Case Announcements, 2005-Ohio-900.*]

MOTION AND PROCEDURAL RULINGS

2002-1350. State v. Foust.

Cuyahoga C.P. No. CR-406021. 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 courts of this state have been exhausted.

2002-1377. State v. Cunningham.

Allen C.P. No. CR2002-0010. This cause came on for further consideration upon the filing of a motion for stay of execution pending the filing and disposition of a petition for a writ of certiorari in the Supreme Court of the United States. Upon consideration thereof,

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

IT IS FURTHER ORDERED that compliance with the mandate and the 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 the final disposition of this cause by the Supreme Court of the United States.

2004-0783. Portage Cty. Bd. of Commrs. v. Akron.

Portage App. No. 2001-P-0127, 156 Ohio App.3d 657, 2004-Ohio-1665. This cause is pending before the court as an appeal and cross-appeal from the Court of Appeals for Portage County. Upon consideration of the city of Akron's motion to vary time for oral argument currently scheduled for March 9, 2005,

IT IS ORDERED by the court that the motion be, and hereby is, granted to the extent that time for oral argument is extended to 20 minutes per side.

2004-1862. Reinhart v. Ohio Bur. of Workers' Comp.

Franklin App. No. 04AP-157. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. On February 16, 2005, this court issued an order holding this case for the decision in 2004-1738, Parsons v. Ohio Bureau of Workers' Comp., Franklin App. No. 03AP-772, 2004-Ohio-4552. Whereas 2004-1738 was dismissed on February 28, 2005,

IT IS ORDERED by the court, sua sponte, that this case is no longer held and the stay of briefing is dissolved.

IT IS FURTHER ORDERED by the court that the Clerk shall issue an order for transmittal of the record from the Court of Appeals for Franklin County and that briefing shall proceed in accordance with S.Ct.Prac.R. VI.

2005-0123. State ex rel. Schuette v. Liberty Twp. Bd. of Trustees.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. On February 25, 2005, respondents filed a memorandum opposing relator's motion for leave to introduce deposition testimony. The deadline for filing a memorandum in opposition to the motion was January 31, 2005. Whereas S.Ct.Prac.R. XIV(1)(C) prohibits untimely filings,

IT IS ORDERED by the court, sua sponte, that respondents' memorandum opposing relator's motion for leave to introduce deposition testimony be, and hereby is, stricken.

2005-0192. State v. Mundt.

Noble C.P. No. 2042002. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Noble County. On February 23, 2005, this court received a letter from the Noble County Clerk of Courts indicating that the size and nature of the physical exhibits introduced at trial may make the transport of those exhibits to this court difficult and further indicating that a photograph of each exhibit is contained in the record. Upon consideration thereof,

IT IS ORDERED by the court, sua sponte, that the parties are to show cause,

within twenty days of the date of this entry, why this court should not dispense with the transport of the physical exhibits to this court.

MEDIATION REFERRALS

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

2005-0390. Bd. of Edn. of Northridge Local Schools v. Montgomery Cty. Bd. of Revision.

Board of Tax Appeals, No. 2004-B-35.

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

2005-0004. Duke Realty Ltd. Partnership v. Hamilton Cty. Bd. of Revision.

Board of Tax Appeals, No. 2003-J-1358.