

ATTENTION

DIRECT ANY QUESTIONS ABOUT THE ANNOUNCEMENT TO WALTER S. KOBALKA,
REPORTER OF DECISIONS, AND DEBORAH J. BARRETT AT (614) 466-4961 OR
1-800-826-9010.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY
June 9, 1995

MOTION DOCKET

90-1868. State v. Combs.

Hamilton County, No. C-880156. On May 5, 1993, this court stayed the execution of sentence in this cause pending exhaustion of state post-conviction remedies. On February 1, 1995, this court declined jurisdiction and dismissed the appeal and, on March 15, 1995, denied appellant's motion for rehearing in case No. 94-2165, which was pending as a post-conviction case. On July 6, 1994, this court affirmed judgment of the court of appeals and, on August 24, 1994, denied appellant's motion for rehearing in case No. 94-854. Appellee has filed a motion requesting that this court set an execution date. Upon consideration thereof,

IT IS ORDERED by the court, sua sponte, that the stay of execution entered in this cause on May 5, 1993, be and is hereby revoked.

IT IS HEREBY ORDERED by this court that said sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Thursday, the 7th day of September, 1995, 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 Hamilton County.

93-1245. State v. Loza.

Butler County, No. CA91-11-0198. UPON CONSIDERATION of the motion filed by counsel for appellant to stay the execution of sentence in the above-styled cause to pursue state post-conviction relief,

IT IS ORDERED by the court that the motion be, and is hereby, granted, effective June 8, 1995.

IT IS FURTHER ORDERED by the court that, pursuant to State v. Glenn (1987), 33 Ohio St.3d 601, 514 N.E.2d 869, a stay is granted for a period of six months, beginning May 23, 1995, and ending November 23, 1995, to allow appellant an opportunity to file a petition for post-conviction relief. If a petition for post-conviction relief is not filed within the time allotted, this stay will expire. No further time for the filing of the petition will be granted except in unusual circumstances.

IT IS FURTHER ORDERED by the court that, if a petition for post-conviction relief is filed within the time allotted, a date-stamped copy of the petition shall be filed by appellant with the Clerk of this court, and 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 compliance with the mandate and execution of sentence be, and is hereby, stayed, for the six-month period allotted by this order and, if a petition for post-conviction relief is filed within the time allotted, pending the exhaustion of all proceedings for post-conviction relief before the courts of this state.

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

93-1374. State v. Webb.

Clermont County, No. CA91-08-053. This court has received notification that on March 20, 1995, the Supreme Court of the United States entered an order in No. 94-7742, Michael D. Webb v. Ohio, which stated:

"On consideration of the petition for a writ of certiorari herein to the Supreme Court of Ohio, IT IS ORDERED by this Court that said petition be, and the same is hereby, denied."

It appearing to this court that the stay of execution of sentence granted by the Supreme Court of the United States on November 16, 1994, terminated automatically upon the denial of the petition for writ of certiorari,

IT IS HEREBY ORDERED by this court that the sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Thursday, the 7th day of September, 1995, 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 the Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Clermont County.

IT IS FURTHER ORDERED by the court that, upon written application of appellant, and pursuant to State v. Glenn (1987), 33 Ohio St.3d 601, 514 N.E.2d 869, this court will grant one additional

stay for a period ending six months from the date of this entry to allow appellant an opportunity to file a petition for post-conviction relief.

MISCELLANEOUS DISMISSALS

94-2564. State v. Rebman.

Lorain County, No. 94CA005857. This cause is pending before the court as an appeal from the Court of Appeals for Lorain County. Appellant's merit brief was due May 16, 1995. It appears from the records of this court that appellant has not filed a merit brief in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective June 8, 1995.

94-2593. State v. Palmer.

Franklin County, No. 87AP-21. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Appellant's merit brief was due January 6, 1995. On May 31, 1995, this court denied appellant's motion for appointment of counsel. It appears from the records of this court that appellant has not filed a merit brief in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective June 8, 1995.

95-1101. Prime Properties L.P. v. Cuyahoga Cty. Bd. of Revision. Cuyahoga County, No. 67028. Appellant has filed an untimely appeal from the court of appeals' decision entered on April 17, 1995. In that appellant has failed to perfect an appeal pursuant to S.Ct.Prac.R. II(2)(A)(1),

IT IS ORDERED by the court, sua sponte, effective June 7, 1995, that this cause be, and hereby is, dismissed for lack of jurisdiction.