

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

November 10, 2003

MOTION AND PROCEDURAL RULINGS

2000-0057. State v. Hughbanks.

Hamilton App. No. C-980595. Upon consideration of the motion filed by counsel for appellant to stay execution in the above-styled cause pending the exhaustion of state post-conviction remedies, and it appearing from the motion that post-conviction proceedings are pending,

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

IT IS FURTHER ORDERED by the court that execution of sentence be, and hereby is, stayed, pending the exhaustion of all proceedings for post-conviction relief before courts of this state, including any appeals.

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.

2001-0524. State v. Brown.

Mahoning App. No. 96CA56. Upon consideration of the motion filed by counsel for appellant to stay the execution of sentence in the above-styled cause pending the timely filing of a petition for a writ of certiorari in the Supreme Court of the United States and pending the exhaustion of state post-conviction remedies,

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

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

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 that counsel for the appellant and for the appellee shall notify this court upon a final disposition by the Supreme Court of the United States or when all proceedings for post-conviction relief before courts of this state have been exhausted, whichever occurs later.

2003-1478. State ex rel. Norris v. Giavasis.

Stark App. No. 2003CA00268. This cause is pending before the court as an appeal from the Court of Appeals for Stark County. Upon consideration of appellant's motion for emergency intervention and relief,

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

2003-1587. State ex rel. Pratt v. Indus. Comm.

Franklin App. No. 02AP-1155, 2003-Ohio-3815. 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 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 November 25, 2003.

2003-1700. State v. McDonald.

Cuyahoga App. No. 81972, 2003-Ohio-4342 and 2003-Ohio-4935. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's motion for stay of court of appeals' judgment,

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

Pfeifer and O'Donnell, JJ., dissent.

2003-1953. State v. Cruse.

Franklin App. Nos. 03AP-648 and 03AP-649. This cause is pending before the court as a discretionary appeal. It appearing to the court that the notice of appeal and memorandum in support of jurisdiction in this case were filed on October 17, 2003, but were inadvertently not docketed until November 7, 2003,

IT IS ORDERED by the court, sua sponte, that appellee's memorandum in response, or waiver thereof, shall be due 30 days from the date of this entry.

APPEALS NOT ACCEPTED FOR REVIEW

2003-0739. Daniel Terreri & Sons, Inc. v. Mahoning Cty. Bd. of Commrs.

Mahoning App. No. 00CA269, 2003-Ohio-1227. Upon consideration of the jurisdictional memoranda filed in this case, the court declines jurisdiction to hear the case.

Moyer, C.J., dissents.

MISCELLANEOUS DISMISSALS

2003-1226. State ex rel. Wheeler v. Indus. Comm.

Franklin App. No. 02AP-865, 2003-Ohio-3120. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. 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.

2003-1547. Toledo v. Pub. Util. Comm.

Public Utilities Commission, Nos. 02-3207-AU-PWC and 02-3210-EL-PWC. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. 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.

2003-1878. State v. Davis.

Clark App. No. 2002CA43, 2003-Ohio-4839. This cause is pending before the court as a discretionary appeal. 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.