

**State v. Drummond**

Supreme Court of Ohio

December 19, 2018, Decided

2004-0586.

**Reporter**

2018 Ohio LEXIS 2999 \*; 2018-Ohio-5085; 113 N.E.3d 562; 2018 WL 6738956

State v. **Drummond**.

**Notice:** DECISION WITHOUT PUBLISHED OPINION

**Prior History:** [\*1] Mahoning App. No. 03CR358.

State v. Drummond, 111 Ohio St. 3d 14, 2006-Ohio-5084, 854 N.E.2d 1038, 2006 Ohio LEXIS 2937 (Oct. 18, 2006)

**Opinion**

**MOTION AND PROCEDURAL RULING**

On appellant's motion for order of relief pursuant to S.Ct.Prac.R. 4.01. Motion denied.

---

End of Document

# THE SUPREME COURT OF OHIO

## CASE DOCKET

State of Ohio v. John E. Drummond

### Case Information

<b>Number</b>	2004-0586
<b>Type</b>	Death Penalty Case (offense committed on after 1/1/95)
<b>Date Filed</b>	04/08/2004
<b>Status</b>	Disposed
<b>Prior Jurisdiction</b>	Mahoning County, Court of Common Pleas
<b>Prior Decision Date</b>	03/12/2004
<b>Prior Case Numbers</b>	03CR358

### Parties

John E. Drummond; Appellant

*Represented by:*

Tkacz, Ruth Lenor (61508), Counsel of Record  
 Bodiker, David Henry (16590)  
 Doughten, David Lawrence (2847)  
 Newman, Stephen Charles (51928)  
 Riga, Lori Beth (66994)  
 Rossman, Alan Curtis (19893)

State of Ohio; Appellee

*Represented by:*

Rivera, Ralph Michael (82063), Counsel of Record  
 Cartwright-Jones, Rhys Brendan (78597)  
 Franken, Timothy Edward (1263)  
 Gains, Paul Joseph (20323)  
 Johnson, Greta Leigh (77971)

### Docket

<b>Date Filed</b>	<b>Description</b>	<b>Filed By</b>
04/08/2004	Notice of appeal of John E. Drummond	Appellant
04/08/2004	Copy of praecipe to court reporter	Appellant
04/08/2004	Copy of entry of appointment of counsel	Appellant
04/09/2004	Order to clerk of court/custodian to certify record	
04/09/2004	Copy of notice of appeal sent to clerk of court of common pleas	
04/20/2004	Motion for stay of execution scheduled for June 20, 2004	Appellant
	<b>04/27/04 Granted</b>	
04/27/2004	Corrected order to clerk of court/custodian to certify record	
06/07/2004	Motion for extension of time to transmit record	Appellant

Date Filed	Description	Filed By
	<b>06/14/04 Granted; record due 8/6/04</b>	
08/03/2004	Record-Items under seal	
08/03/2004	Clerk's notice of filing of record	
12/01/2004	Stipulation to extension of time to file merit brief to 12/21/2004	Appellant
12/21/2004	Appellant's merit brief	Appellant
12/27/2004	Supplemental record	
12/27/2004	Clerk's notice of filing of record	
03/18/2005	Stipulation to extension of time to file merit brief to 4/11/05	Appellee
11/04/2005	<b>DECISION: Entry; sua sponte, parties shall file additional briefs addressing the issues (see entry) due 30 days from the date of this entry; responsive briefs due 20 days; no reply briefs or extensions of time permitted</b>	
11/07/2005	Notice of appearance and designation of counsel of record of Rhys B. Cartwright-Jones	Appellee
11/28/2005	Supplemental merit brief pursuant to the court's 11/4/05 order	Appellee
12/05/2005	Supplemental merit brief pursuant to the court's 11/4/05 order	Appellant
12/27/2005	Supplemental responsive brief pursuant to the court's 11/4/05 order	Appellee
01/19/2006	Notice of oral argument to be held Tuesday, March 28, 2006	
02/06/2006	Correspondence from Clerk's Office regarding appellee's inability to argue	
02/10/2006	Regular mail returned - correspondence from Clerk's Office regarding appellee's inability to argue re-sent to correct address	
02/24/2006	Motion to participate in oral argument	Appellee
	<b>02/28/06 Denied</b>	
03/28/2006	Oral Argument Held	
10/18/2006	<b>DECISION: Affirmed; sentence to be carried into execution on January 23, 2007. See opinion at 2006-Ohio-5084 (<a href="https://supremecourt.ohio.gov/rod/docs/pdf/0/2006/2006-ohio-5084.pdf">https://supremecourt.ohio.gov/rod/docs/pdf/0/2006/2006-ohio-5084.pdf</a>)</b>	DISPOSITIVE
10/23/2006	Return receipt for Rhys Cartwright-Jones	
10/24/2006	Return receipt for Dennis Armand DiMartino, Esq.	
10/30/2006	Motion for stay of execution pending disposition of available state remedies	Appellant
	<b>11/03/06 Granted; stay remains in effect until exhaustion of all post-conviction proceedings, including appeals. Counsel shall notify this Court when all proceedings for relief have been exhausted.</b>	
10/31/2006	Certified copy of judgment entry/mandate sent to clerk	
11/03/2006	Return receipt for Sandra Shaffer	
11/06/2006	Return receipt for Clerk of Courts	
11/06/2006	Return receipt for Warden	
11/06/2006	Return receipt for Sarah West	
11/08/2006	Return receipt for Warden	
11/08/2006	Return receipt for Clerk of Courts	
11/08/2006	Return receipt for Sarah West	

Date Filed	Description	Filed By
11/09/2006	Return receipt for Sandra Shaffer	
11/09/2006	Return receipt for Dennis Armand DiMartino, Esq.	
11/09/2006	Return receipt for Rhys Cartwright-Jones	
01/16/2007	Application for reopening under S.Ct.Prac.R. XI(6)	Appellant
	<b>04/18/07 Denied</b>	
01/26/2007	Motion of John P. Laczko LLC and Dennis DiMartino to withdraw as counsel	Appellant
	<b>02/02/07 Granted</b>	
01/26/2007	Application for attorney fees by John P. Lazko	Appellant
	<b>04/20/07 Granted in the amount of \$12,500.00</b>	
02/15/2007	Opposition to application for reopening	Appellee
06/18/2007	Application for attorney fees of attorney Dennis DiMartino	
	<b>06/28/07 Granted in the amount of \$11,794.48</b>	
07/09/2007	Return of record to clerk of court/custodian	
05/20/2016	Motion to set execution date	Appellee
	<b>08/30/16 Granted; sentence to be carried into execution on Thursday, September 17th, 2020. See announcement at 2016-Ohio-5577 (<a href="https://supremecourt.ohio.gov/rod/docs/pdf/0/2016/2016-ohio-5577.pdf">https://supremecourt.ohio.gov/rod/docs/pdf/0/2016/2016-ohio-5577.pdf</a>).</b>	
05/20/2016	Notice of appearance of Ralph M. Rivera, as counsel of record	Appellee
06/13/2016	Notice of appearance of Alan C. Rossman	Appellant
08/30/2016	Copies of entry issued by certified mail	
09/01/2017	Warrant of reprieve rescheduling execution for April 21, 2022	
09/28/2018	Motion for order of relief pursuant to Supreme Court of Ohio Rule of Practice 4.01	Appellant
	<b>12/19/18 Denied. See announcement at 2018-Ohio-5085 (<a href="https://supremecourt.ohio.gov/rod/docs/pdf/0/2018/2018-ohio-5085.pdf">https://supremecourt.ohio.gov/rod/docs/pdf/0/2018/2018-ohio-5085.pdf</a>).</b>	
10/08/2018	Response to motion for relief pursuant to S.Ct.Prac.R. 4.01	Appellee

End of Docket