

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
October 21, 1994

MERIT DOCKET

94-1553. State ex rel. Governor v. Taft.
In Mandamus and Prohibition. Writs denied.
Moyer, C.J., A.W. Sweeney, Wright, Resnick and F.E. Sweeney,
JJ., concur.
Douglas and Pfeifer, JJ., dissent.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY
October 21, 1994

MOTION DOCKET

92-986. State v. Cook.

Hamilton County, No. C-900676. Upon consideration of the motion filed by counsel for appellant to continue stay of execution in the above-styled cause pending the exhaustion of state post-conviction remedies, and it appearing from the exhibits to the motion that a petition for post-conviction relief has been filed by appellant with the Hamilton County Common Pleas Court,

IT IS ORDERED by the court that said motion be, and the same is hereby, granted, effective October 20, 1994.

IT IS FURTHER ORDERED by the court that compliance with the mandate and execution of sentence be, and the same are hereby, stayed pending the exhaustion of all proceedings for post-conviction relief before 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.

MISCELLANEOUS DISMISSALS

94-1747. State ex rel. Hillshire Farms v. Indus. Comm.

Franklin County, No. 93APD07-917. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. On August 30, 1994, the record was filed in the Supreme Court. It appears from the records of this court that appellants have not filed a merit brief and supplement to the briefs 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.

94-1761. State ex rel. Johnson Controls, Inc. v. Indus. Comm.

Franklin County, No. 93APD09-1232. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. On August 30, 1994, the record was filed in the Supreme Court. It appears from the records of this court that appellant has not filed a merit brief and supplement to the briefs 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.

94-1822. State v. Hester.

Hamilton County, No. C-890554. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County.

On August 24, 1994, this court issued an entry setting a briefing schedule and ordering that appellant's brief be filed by September 23, 1994. 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.

94-1938. State ex rel. Williams v. Cleveland.

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 the same is hereby, granted.

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

94-2085. Hummingbird Press, Inc. v. Cleveland.

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 the same is hereby, granted.

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

94-2190. State v. Dingus.

Madison County, No. CA92-08-018. Appellant has filed an untimely appeal of the court of appeals' decision affirming the trial court's dismissal of his petition for post-conviction relief and a motion for delayed appeal. This appeal involves a civil, post-conviction matter and not an appeal of a felony case to which the provisions for delayed appeal in S.Ct.Prac.R. II(2)(A)(4) apply. Accordingly,

IT IS ORDERED by the court, sua sponte, that the motion for delayed appeal be, and hereby is, stricken.

IT IS FURTHER ORDERED by the court, sua sponte, that, in that appellant failed to perfect an appeal pursuant to S.Ct.Prac.R. II(2)(A)(1), this case be, and hereby is, dismissed for lack of jurisdiction.

94-2195. State v. Jones.

Lucas County, No. L-88-016. Appellant has filed an untimely appeal of the court of appeals' decision denying his application for reopening under App. R. 26(B) and a motion for delayed appeal. This appeal involves a civil, post-conviction matter and not an appeal of a felony case to which the provisions for delayed appeal in S.Ct.Prac.R. II(2)(A)(4) apply. Accordingly,

IT IS ORDERED by the court, sua sponte, that the motion for delayed appeal be, and hereby is, stricken.

IT IS FURTHER ORDERED by the court, sua sponte, that, in that appellant failed to perfect an appeal pursuant to S.Ct.Prac.R. II(2)(A)(1), this case be, and hereby is, dismissed for lack of jurisdiction.