

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY
October 6, 1995

MOTION DOCKET

94-1389. Kendrick v. Cleveland Metroparks Bd. of Commrs.
Cuyahoga County, Nos. 65388 and 65525. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. Upon consideration of appellants' motion to extend time for oral argument scheduled for October 24, 1995,

IT IS ORDERED by the court that the motion to extend time for oral argument be, and hereby is, denied, effective October 3, 1995.

95-2002. Litigaide, Inc. v. Custodian of Records for Lakewood Police Dept.
In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relator's motion to advance case on docket,

IT IS ORDERED by the court that the motion to advance case on docket be, and hereby is, denied, effective October 3, 1995.

RECONSIDERATION DOCKET

95-1288. State v. Calhoun.
Lorain County, No. 94CA005824. Reported at 73 Ohio St.3d 1441, ___ N.E.2d ___. IT IS ORDERED by the court that the motion for reconsideration of the dismissal of this case for want of prosecution be, and hereby is, denied, effective October 3, 1995.

95-1340. State v. Paxton.
Lucas County, No. L-93-227. Reported at 73 Ohio St.3d 1441, ___ N.E.2d ___. IT IS ORDERED by the court that the motion for reconsideration of this court's dismissal of the cross-appeal be, and hereby is, denied, effective October 3, 1995.

MISCELLANEOUS DISMISSALS

95-1728. State v. Algarin.
Erie County, No. E-94-029. This cause is pending before the court as an appeal from the Court of Appeals for Erie County. It appears from the records of this court that appellant has not filed a merit brief, due October 2, 1995, 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 October 3, 1995.

IT IS FURTHER ORDERED that the appellee recover from the appellant its costs herein expended; and that a mandate be sent to the Court of Appeals for Erie County to carry this judgment into execution; and that a copy of this entry be certified to the Clerk of the Court of Appeals for Erie County for entry.

95-1964. State v. Smith.

Licking County, No. 93CA24. 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. Therefore,

IT IS ORDERED by the court, sua sponte, that the motion for delayed appeal be, and hereby is, stricken, effective October 3, 1995.

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.