

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

MONDAY
April 17, 1995

MOTION DOCKET

95-638. Thurn v. Cuyahoga Cty. Bd. of Elections.
This cause originated in this court upon the filing of a complaint
for a writ of mandamus regarding an expedited election matter. Upon
consideration of respondent's answer and motion for summary judgment
and the motion for leave to intervene of North Royalton Residents
Involvement Committee,

IT IS ORDERED by the court that relator's original action in
mandamus be treated as an original action in prohibition and, upon
consideration thereof, an alternative writ is granted and the
following briefing schedule is set for the presentation of evidence
and filing of briefs pursuant to S.Ct.Prac.R. X:

The parties shall file any evidence they intend to present on
or before April 20, 1995; relator's brief shall be filed on or
before April 20, 1995; respondent's brief shall be filed on or
before April 24, 1995; and relator's reply brief, if any, shall be
filed on or before April 27, 1995.

IT IS FURTHER ORDERED by the court that the motion for leave to
intervene be, and hereby is, denied.

Moyer, C.J., Douglas and F.E. Sweeney, JJ., would grant the
motion for leave to intervene.

MISCELLANEOUS DISMISSALS

94-1841. State ex rel. Apanovitch 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 hereby is, granted.

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

95-731. State v. Mason.

Hamilton County, Nos. C-900859 and C-900860. 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. Therefore,

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.