

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

THURSDAY
November 21, 1996

MOTION DOCKET

96-2301. State v. Palmer.

Belmont App. No. 89-B-28. This cause is pending before the court as an appeal from the Court of Appeals for Belmont County. Upon consideration of appellant's motion for stay of proceedings in this court,

IT IS ORDERED by the court that the motion for stay of proceedings in this court be, and hereby is, denied.

Cook, J., would deny the stay and would appoint new counsel and grant forty days to file from the date of the appointment

Pfeifer, J., would appoint the Public Defender.

Moyer, C.J., dissents and would grant the stay.

MISCELLANEOUS DISMISSALS

96-1623. Kirkendoll v. State Farm Ins. Co.

Cuyahoga App. Nos. 69448 and 69452. This cause is pending before the court as a discretionary appeal. Upon consideration of appellants' 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.

96-2574. State v. Michael.

Columbiana App. No. 91-C-39. On November 18, 1996, appellant filed a notice of appeal of the judgment of the court of appeals entered in case No. 91-C-39 on October 2, 1996. Appellant asserted in his notice of appeal that the case originated in the court of appeals and is an appeal of right.

It is determined by the court that this case did not originate in the court of appeals but is an appeal of the court of appeals' decision denying appellant's application for reopening under App.R. 26(B). Whereas S.Ct.Prac.R. II(1)(A)(2) provides that an appeal from the decision of a court of appeals under App.R. 26(B) in a noncapital case shall be designated a claimed appeal of right and whereas appellant did not file a memorandum in support of jurisdiction as required by S.Ct.Prac.R. II(2)(A)(1),

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

