

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY

September 20, 1996

MOTION DOCKET

96-1656. State ex rel. Toledo Hosp. v. Ohio Bur. of Workers' Comp. Franklin County, No. 95APD04-424. This cause is pending before the court as an appeal by John E. Kanary from a decision of the Court of Appeals for Franklin County. On September 11, 1996, counsel for Administrator, Bureau of Workers' Compensation, and the Industrial Commission of Ohio, filed documents titled "Brief of appellant, Industrial Commission of Ohio" and "Supplement of appellant, Industrial Commission of Ohio." Whereas the Industrial Commission of Ohio did not perfect an appeal pursuant to the Rules of Practice of the Supreme Court, and therefore is not permitted to proceed as an appellant,

IT IS ORDERED by the court, sua sponte, that the brief and supplement filed by the Industrial Commission of Ohio on September 11, 1996, be, and hereby is, stricken.

MISCELLANEOUS DISMISSALS

96-2109. State v. Crabtree.

Franklin County, No. 94APA09-1286. On September 13, 1996, appellant filed a notice of appeal of the judgment of the court of appeals entered in case No. 94APA09-1286 on August 1, 1996. Appellant asserted in his notice of appeal that the case originated in the court of appeals.

Upon review of the court of appeals' opinion attached to appellant's notice of appeal, 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). Under S.Ct.Prac.R. II(1)(A)(2), an appeal of a decision of a court of appeals under App.R. 26(B) in a noncapital case shall be designated as a claimed appeal of right. Whereas this appeal is a claimed appeal of right and 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 case be, and hereby is, dismissed for lack of jurisdiction.

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09/20/96