

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

WEDNESDAY
June 5, 1996

MISCELLANEOUS DISMISSALS

96-581. State ex rel. Wykoff v. Indus. Comm.
Franklin County, No. 95APD03-331. This cause is pending before the court as a cross-appeal from the Court of Appeals for Franklin County. Upon consideration of cross-appellant'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.

96-627. State ex rel. Blubaugh v. Anchor Tool & Die Co.
Franklin County, No. 95APD05-514. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. On May 28, 1996, appellant filed his merit brief. Appellant's brief does not comply with S.Ct.Prac.R. VI(1), in that, inter alia, the brief does not contain a table of contents, a table of authorities, or a copy of the judgment or order from which the appeal is taken. Accordingly,

IT IS ORDERED by the court, sua sponte, that appellant's brief be, and hereby is, stricken. Whereas appellant has not timely filed a merit brief in compliance with the Rules of Practice, he has failed to prosecute this cause with the requisite diligence, and therefore,

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

IT IS FURTHER ORDERED that the appellees recover from the appellant their costs herein expended; and that a mandate be sent to the Court of Appeals for Franklin 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 Franklin County for entry.

96-1239. State v. Luna.
Huron County, No. H-93-24. This cause is pending before the court as an appeal from the decision of the Court of Appeals for Huron County denying appellant's application for reopening under App.R. 26(B). Appellant filed his notice of appeal on May 28, 1996; however, appellant did not file a memorandum in support of jurisdiction. Under S.Ct.Prac.R. II(1)(A)(2), an appeal from the decision of a court of appeals under App.R. 26(B) shall be designated as a claimed appeal of right and, under S.Ct.Prac.R. II(2)(A)(1), if an appeal is a claimed appeal of right, the appellant shall file a memorandum in support of jurisdiction at the time the notice of appeal is filed. Section 2(A)(1) further prescribes that the failure to file the memorandum in support of jurisdiction within the forty-five-day time period for perfecting the appeal divests the Supreme Court of

jurisdiction to hear the appeal. Whereas appellant did not file a memorandum in support of jurisdiction within the time period for perfecting his appeal,

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