

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY
March 29, 1996

MOTION DOCKET

96-658. Adkins v. McFaul.
Cuyahoga County, No. 70210. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. Upon consideration of appellant's motion for stay of execution/proceedings and release on bond,

IT IS ORDERED by the court that the motion for stay of execution/proceedings and release on bond be, and hereby is, denied, effective March 28, 1996.

MISCELLANEOUS DISMISSALS

95-1600. Morey v. Cincinnati Ins. Co.
Warren County, No. CA94-08-075. This cause is pending before the court as an appeal from the Court of Appeals for Warren County. Upon consideration of the joint application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted, effective March 28, 1996.

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

96-166. Newingham v. Indus. Comm.
Franklin County, No. 95APD01-113. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. It appears from the records of this court that appellant has not filed a merit brief, due March 18, 1996, 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 March 28, 1996.

96-188. Fifth Street Realty Co. v. Zalenski.

Lorain County, No. 95CA006209. This cause is pending before the court as an appeal from the Court of Appeals for Lorain County. It appears from the records of this court that appellant has not filed a merit brief, due March 19, 1996, 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 March 28, 1996.

96-550. State v. Smith.

Hamilton County, No. C-950079. Appellant has filed an untimely appeal of the court of appeals' decision affirming the trial court's denial of his petition for post-conviction relief. This appeal involves a civil 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, effective March 28, 1996, 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.

96-613. State v. Grandberry.

Lorain County, No. 95CA006138. Appellant has filed an untimely appeal of the court of appeals' decision affirming the trial court's denial of his petition for post-conviction relief. This appeal involves a civil 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, effective March 28, 1996, 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.

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