

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

TUESDAY
January 2, 1996

MOTION DOCKET

95-2639. Kayser v. Hutman.
Lorain County Court of Common Pleas, No. 95CV115361. This cause is pending before the court as an appeal of an election contest pursuant to R.C. 3515.15 from the Court of Common Pleas of Lorain County.

IT IS ORDERED by the court, sua sponte, effective December 28, 1995, that the parties shall file briefs on the merits in accordance with S.Ct.Prac.R. VI and supplement(s) to the briefs in accordance with S.Ct.Prac.R. VII. The appellant's brief and supplement to the briefs shall be due within forty days from the date the Clerk of the Supreme Court receives and files the record from the court of common pleas.

MISCELLANEOUS DISMISSALS

95-2287. State v. Davis.
Wood County, No. WD95069. This cause is pending before the court as an appeal from the Court of Appeals for Wood County. It appears from the records of this court that appellant has not filed a merit brief, due December 27, 1995, 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 December 29, 1995.

95-2469. State ex rel. Aust v. McDonald.
In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration of relators' application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted, effective December 28, 1995.

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

95-2601. State v. Boone.

Lorain County, No. 93CA005557. Appellant has filed an untimely appeal of the court of appeals' decision on reconsideration of its denial of appellant's motion for reopening under App.R. 26(B) 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, effective December 28, 1995, 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, effective December 28, 1995.