

08/06/97

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

WEDNESDAY

August 6, 1997

MISCELLANEOUS DISMISSALS

97-1039. State v. Lee.

Cuyahoga App. No. 70122. This cause is pending before the court as a discretionary appeal and claimed appeal of right. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction, due August 1, 1997, 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.

97-1088. Elkem Metals Co., L.P. v. Washington Cty. Bd. of Revision.

Board of Tax Appeals, No. 95-T-719. This cause is pending before the court as an appeal from the Board of Tax Appeals. It appears from the records of this court that appellants Washington County Auditor and Washington County Board of Revision have not filed a brief, due August 4, 1997, in compliance with the Rules of Practice of the Supreme Court and therefore have failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that the appeal of the Washington County Auditor and Washington County Board of Revision be, and hereby is, dismissed sua sponte.

The appeal of the Warren Local School District Board of Education remains pending.

97-1367. State v. Payton.

Portage App. No. 93-P-0121. This cause is pending before the court as a discretionary appeal and cross-appeal and claimed appeal of right. It appears from the records of this court that appellee/cross-appellant has not filed a combined memorandum in support of the cross-appeal and in response to appellant/cross-appellee's memorandum in support of jurisdiction, due August 4, 1997, 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 the cross-appeal of Mark S.

Payton be, and hereby is, dismissed.

The appeal of the state of Ohio remains pending.

97-1441. State ex rel. Giles v. O'Connor.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus and procedendo. Upon consideration of relator'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.