

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

THURSDAY
October 25, 2001

MISCELLANEOUS DISMISSALS

01-1473. State v. Novak.

Cuyahoga App. No. 78482. This cause is pending before the court as an appeal and cross-appeal from the Court of Appeals for Cuyahoga County. It appears from the records of this court that appellee/cross-appellant has not filed a memorandum in response and in support of cross-appeal, due September 13, 2001, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute the cross-appeal with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that the cross-appeal be, and hereby is, dismissed, *sua sponte*.

The appeal of the state of Ohio remains pending.

01-1692. State ex rel. Johnson v. Ohio Adult Parole Auth.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relator's motion to hold case in abeyance pending the decisions in Supreme Court case Nos. 01-1253/01-1266, *Layne v. Ohio Adult Parole Auth.*, and 01-1443, *Houston v. Wilkinson, Dir. of O.D.R.C.*, or, in the alternative, motion to dismiss without prejudice,

IT IS ORDERED by the court that the motion to dismiss be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that this case be dismissed without prejudice.

01-1775. Chin's Pagoda, Inc. v. Ohio Liquor Control Comm.

Franklin App. No. 01AP-981. This cause is pending before the court as a discretionary appeal and a claimed appeal as of right. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction, due October 22, 2001, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this case with the requisite diligence. Upon consideration thereof,

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

01-1863. Evans v. Evans.

Franklin App. Nos. 00AP-1459 and 00AP-1466. On October 19, 2001, appellant filed a memorandum in support of jurisdiction without a copy of the court of appeals opinion being appealed. S.Ct.Prac.R. III(1)(D) requires that a copy of the court of appeals opinion being appealed shall be attached to the memorandum. Accordingly,

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