

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

THURSDAY

November 1, 2001

**MOTION DOCKET**

**01-963. State ex rel. Spengler v. Buckeye Bd. of Edn.**

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. A telephone mediation conference was scheduled for July 27, 2001. Whereas respondents have neither filed an application for dismissal nor requested that the case proceed before this court,

IT IS ORDERED by the court, *sua sponte*, that respondents show cause within ten days of the date of this entry why this case should not be returned to the regular docket and proceed before the court on the merits.

**01-1457. Edgbarton Invest. Co., L.L.C. v. Target Expediting, Inc.**

Lucas App. No. L-00-1358. Upon consideration of appellant's motion for stay of execution of trial court's and court of appeals' judgments pending Supreme Court of Ohio appeal,

IT IS ORDERED by the court that the motion for stay be, and hereby is, denied as moot.

**01-1589. State v. Leonard.**

Hamilton C.P. No. B0005891. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Hamilton County. Upon consideration of appellant's motion for extension of time to transmit the record,

IT IS ORDERED by the court that the motion for extension of time to transmit the record be, and hereby is, granted, and the time for transmitting the record is extended to January 4, 2002.

**MISCELLANEOUS DISMISSALS**

**01-1737. State v. Robinson.**

Cuyahoga App. No. 78827. This cause is pending before the court as a discretionary appeal. Upon consideration of 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.

**01-1892. State v. Justice.**

Fairfield App. Nos. 01CA14 and 01CA16. On October 24, 2001, appellant filed a notice of appeal and memorandum in support of jurisdiction, alleging an appeal of a September 17, 2001 judgment. It appears from the copies of the judgment entry and opinion of the court of appeals that the judgment being appealed in this case was entered on September 7, 2001. S.Ct.Prac.R. II requires that the notice of appeal and memorandum in support of jurisdiction be filed within forty-five days from the entry of the judgment being appealed. Whereas appellant was required to perfect his appeal by October 22, 2001,

IT IS ORDERED by the court, *sua sponte*, that appellant's notice of appeal and memorandum in support of jurisdiction be, and hereby are, stricken as being untimely filed.

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