

IN THE SUPREME COURT OF OHIO**STATE EX REL. DAVID A. PEOPLES,**

Relator-Appellant, : Case No 2016-1233

v.

JUDGE DAVID L. JOHNSON,

Respondent-Appellee.

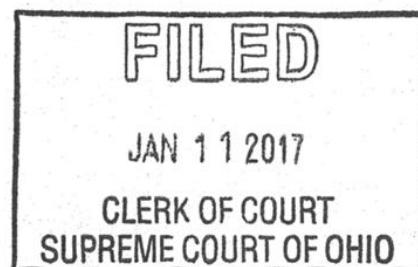
: On Appeal from the Franklin County
Court of Appeals, Tenth Appellate
District No. 15AP765

**MOTION FOR DEFAULT JUDGEMENT
OF APPELLANT DAVID A. PEOPLES**

David A. Peoples
A576-128
Ross Correctional Institution
P.O. Box 7010
Chillicothe, Ohio 45601

RELATOR-APPELLANT

Ron O'Brien
(0017245)
Franklin County Prosecutor
373 South High Street, 13th Floor
Columbus, Ohio 43215

**COUNSEL FOR RESPONDENT-APPELLEE**

MOTION FOR DEFAULT JUDGMENT OF APPELLANT DAVID A. PEOPLES

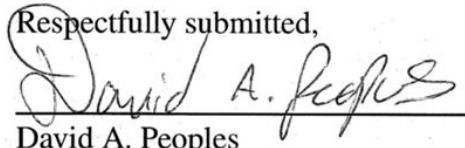
S.Ct.Prac.R.16.07(B), Reversal of Judgment, provides:

"If the appellee fails to file a merit brief within the time provided by S.Ct.Prac.R.16.03 or as extended in accordance with S.Ct.Prac.R.3.03, the Supreme Court may accept the appellant's statement of the facts and issues as correct and reverse the judgment if the appellant's brief reasonably appears to sustain reversal.

In the instant case, Appellant filed his merit brief on September 27, 2016. Approximately four months has passed and Appellee has failed to file a merit brief. As fully argued in Appellant's Brief, the Tenth District erred in dismissing Appellant's petition for writ of mandamus. Therefore, this honorable Court should reverse the judgment of the Tenth District.

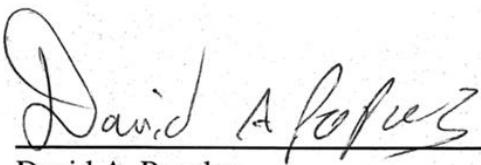
CONCLUSION

WHEREFORE, Appellant, David A. Peoples, respectfully moves this honorable Court to enter a default judgment in his favor and reverse the judgment of the Tenth District denying the petition for writ of mandamus.

Respectfully submitted,

David A. Peoples

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent, via ordinary US. Mail, to counsel of record for Appellee on this 9th day of January, 2017.


David A. Peoples