

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

MONDAY

October 23, 1995

MOTION DOCKET

94-1102. Schoenrade v. Tracy.

Board of Tax Appeals, No. 91-X-1365. On October 2, 1995, appellee filed a notice of waiver of oral argument. To the extent that appellee's notice contains additional argument related to the merits of the case, it violates the prohibition against untimely filing of a merit brief as provided in S.Ct.Prac.R. XIV(1)(C). Accordingly,

IT IS ORDERED by the court, sua sponte, effective October 19, 1995, that appellee's notice be and hereby is, stricken, except to the extent it provides notice of appellee's waiver of oral argument.

94-1780. Hack v. Gillespie.

Hamilton County, No. C-930235. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. Upon consideration of the motion of amicus curiae, Northern Ohio Fire Fighters' Association, to participate in oral argument on November 8, 1995,

IT IS ORDERED by the court, effective October 19, 1995, that the motion for leave to participate in oral argument on November 8, 1995, be, and hereby is, granted, provided that amicus curiae, Northern Ohio Fire Fighters' Association, shares the time allotted to appellants.

95-1479. State v. Jackson.

Cuyahoga County, No. 60435. On October 12, 1995, appellant filed a motion for relief from judgment. Appellant's motion is, in substance, a request for reconsideration of this court's entry of September 8, 1995, and as such, is untimely. Rule XIV, Section 1(C) of the Rules of Practice of the Supreme Court of Ohio, prohibits the filing of a document that is not timely tendered for filing. Accordingly,

IT IS ORDERED by the court, sua sponte, effective October 19, 1995, that appellant's motion for relief from judgment be, and hereby is, stricken.

95-1703. Nehls v. Quad-K Advertising, Inc.

Cuyahoga County, No. 67358. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's motion for leave to submit additional authority,

IT IS ORDERED by the court, effective October 19, 1995, that the motion for leave to submit additional authority be granted to the extent that appellant may submit a citation to the additional authority and denied to the extent that appellant seeks leave to file additional argument.

IT IS FURTHER ORDERED that the citation to the additional authority shall be filed on or before October 26, 1995.

MISCELLANEOUS DISMISSALS

95.2108. Turner v. McAninch.

Ross County, No. 95CA2105. Appellant has filed an untimely appeal of the court of appeals decision affirming the trial court's dismissal of his habeas corpus petition 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 October 19, 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.

95-2108. State v. Williams.

Hamilton County, No. C-941024. Appellant has filed an untimely appeal of the court of appeals' decision affirming the dismissal of his post-conviction petition 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 October 19, 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.