

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

TUESDAY

November 23, 1999

**MOTION DOCKET**

**97-1312. State v. Cowans.**

Clermont C.P. No. 96-CR-005394. On November 12, 1999, appellee filed a memorandum opposing appellant's motion for reconsideration that was due November 8, 1999. Whereas S.Ct.Prac.R. XIV(1)(C) prohibits untimely filings,

IT IS ORDERED by the court, *sua sponte*, that appellee's memorandum opposing motion for reconsideration be, and hereby is, stricken.

**99-1430. State ex rel. DeBrosse v. Cool.**

In Mandamus. This cause came on for further consideration upon relators' request to withdraw application for attorney fees and expenses. Upon consideration thereof,

IT IS ORDERED by the court that the request to withdraw application for attorney fees and expenses be, and hereby is, granted.

**99-1452. State v. Braden.**

Franklin C.P. No. 98CR084601. This cause is pending before the court as an appeal from the Court of Common Pleas of Franklin 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 December 10, 1999.

## DISCIPLINARY DOCKET

**97-1278. Disciplinary Counsel v. Utacht.**

On Application for Termination of Probation. The probation of Edward Carl Utacht is terminated.

## MISCELLANEOUS DISMISSALS

**99-1566. Whitehall City School Dist. Bd. of Edn. v. Franklin Cty. Bd. of Revision.**

Board of Tax Appeals, Nos. 98-T-384 and 98-T-385. 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 appellant has not filed a merit brief, due November 16, 1999, 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*.

**99-1703. State ex rel. Smith v. Cyclops Corp.**

Franklin App. No. 98AP-1099. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. It appears from the records of this court that appellant has not filed a merit brief, due November 15, 1999, 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*.

**99-1762. State ex rel. Leist v. Montgomery Cty. Bd. of Elections.**

Montgomery App. No. 17870. This cause is pending before the court as an appeal from the Court of Appeals for Montgomery County. It appears from the records of this court that appellants have not filed a merit brief, due November 17, 1999, 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 this cause be, and hereby is, dismissed *sua sponte*.

**99-2046. State v. Duncan.**

Fairfield App. No. 99-CA-32. On November 15, 1999, appellant filed a notice of certified conflict without a copy of the court of appeals' order certifying a conflict. Whereas S.Ct.Prac.R. IV(1) requires that a copy of the court of appeals' order certifying a conflict be attached to the notice,

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