

State of Ohio

Case No. 2007-0472

v.

E N T R Y

D.H.

This cause is pending before the Court on the certification of a conflict by the Court of Appeals for Franklin County. On review of the order certifying a conflict,

It is determined that a conflict exists. It is ordered by the Court that the parties brief the issue stated in the court of appeals' journal entry filed February 27, 2007, as follows:

“Do constitutional jury trial rights, as articulated under the Sixth Amendment to the United States Constitution and Sections 5 and 10, Article I of the Ohio Constitution, and as applied to an adult felony sentencing in accordance with *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, and *Blakely v. Washington* (2004), 542 U.S. 296, also apply, in a pre-*Foster* sentencing, to findings that a juvenile court has made under Ohio's adult felony sentencing statutes when the juvenile court imposed the adult portion of a blended juvenile/adult sentence under R.C. 2152.13 of Ohio's serious youthful offender statutes?”

It is ordered by the Court, sua sponte, that this cause is consolidated with Supreme Court Case No. 2007-0291, *State v. D.H.*

It is further ordered that briefing in Case Nos. 2007-0472 and 2007-0291 shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. VI and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

It is further ordered by the Court that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Franklin County.

(Franklin County Court of Appeals; No. 06AP250)

THOMAS J. MOYER
Chief Justice