

State of Ohio

Case No. 2007-1802

v.

E N T R Y

Howard Clay

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

It is determined that a conflict exists. The parties are to brief the issue stated in the court of appeals' journal entry filed September 12, 2007, as follows:

“Whether knowledge of the pending indictment is required for a conviction for having a weapon while under disability pursuant to R.C. 2923.13(A)(3) when the disability is based on a pending indictment.”

It is further ordered by the Court, sua sponte, that this cause is consolidated with Supreme Court Case No. 2007-1852, *State v. Clay*.

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

It is further ordered that briefing in Case Nos. 2007-1802 and 2007-1852 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.

(Cuyahoga County Court of Appeals; No. 88823)

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THOMAS J. MOYER  
Chief Justice