

State of Ohio

Case No. 2007-2186

v.

E N T R Y

Donald K. Malone, III

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

It is determined that a conflict exists. The parties are to brief the issue stated at page 1 of the court of appeals' Journal Entry filed November 15, 2007, as follows:

“Is a conviction for intimidation of a witness under R.C. 2921.04(B), which requires the witness to be involved in a criminal action or proceeding, sustainable where the intimidation occurred after the criminal act but prior to any police investigation of the criminal act, and thus, also prior to any proceedings flowing from the criminal act in a court of justice?”

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

(Marion County Court of Appeals; No. 90643)

THOMAS J. MOYER
Chief Justice