

State of Ohio

Case No. 2007-2426

v.

ENTRY

Kirk Sessler

This cause is pending before the Court on the certification of a conflict by the Court of Appeals for Crawford 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 2 of the court of appeals' Journal Entry filed November 30, 2007, as follows:

“Is the holding in *State v. Pelfrey*, 112 Ohio St.3d 422, applicable to charging statutes that contain separate sub-parts with distinct offense levels?”

It is ordered by the Court, sua sponte, that this cause is consolidated with Supreme Court Case No. 2007-2030, *State v. Sessler*.

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 Crawford County.

It is further ordered by the Court that the briefing in Case Nos. 2007-2426 and 2007-2030 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.

(Crawford County Court of Appeals; No. 30623)

THOMAS J. MOYER
Chief Justice