

State of Ohio

Case No. 2008-0858

v.

E N T R Y

Jessica Derov

This cause is pending before the Court on the certification of a conflict by the Court of Appeals for Mahoning 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 April 29, 2008, as follows:

“Whether the results of a portable breath test are admissible to establish probable cause to arrest a suspect for a drunk driving offense.”

It is ordered by the Court, sua sponte, that this cause is consolidated with Supreme Court Case No. 2008-0853, *State v. Derov*.

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 Mahoning County.

It is further ordered that briefing in Case Nos. 2008-0858 and 2008-0853 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.

(Mahoning County Court of Appeals; No. 07MA71)

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THOMAS J. MOYER  
Chief Justice