

State of Ohio

Case No. 2008-1304

v.

E N T R Y

Jermaine Baker

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

It is determined that a conflict exists. The parties are to brief the issues stated at page 1 of the court of appeals' journal entry filed June 11, 2008, as follows:

(1) Does *Old Chief v. United States* (1997), 519 U.S. 172, apply to Ohio, state law, criminal prosecutions?

(2) Are parties required to object to avoid waiver of criminal sentencing issues on appeal?

(3) Is the issue of merger waived if a trial court imposes concurrent sentences?"

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 Summit County.

It is further ordered that briefing in Case Nos. 2008-1304 and 2008-1094 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, sua sponte, that Donald Gallick of Akron, Ohio is appointed counsel for appellant.

(Summit County Court of Appeals; No. 23840)

THOMAS J. MOYER
Chief Justice