

FILED

APR 22 2009

CLERK OF COURT  
SUPREME COURT OF OHIO

# The Supreme Court of Ohio

State of Ohio

Case No. 2008-2249

v.

ENTRY

John Rohrbaugh

This cause is pending before the Court on the certification of a conflict by the Court of Appeals for Logan 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' Judgment Entry filed November 13, 2008, as follows:

"May a defendant consent to a negotiated plea to an offense that was neither indicted, nor a lesser included offense of the indicted offense, without a waiver of indictment pursuant to Criminal Rule 7(A) and Section 10, Article I of the Ohio Constitution?"

It is ordered by this Court, sua sponte, that this cause is consolidated with Supreme Court Case No. 2008-2127, *State v. Rohrbaugh*.

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 Logan County.

It is further ordered that briefing in Case Nos. 2008-2249 and 2008-2127 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.

(Logan County Court of Appeals; No. 80728)



THOMAS J. MOYER  
Chief Justice