

FILED

SEP 30 2009

CLERK OF COURT  
SUPREME COURT OF OHIO

# The Supreme Court of Ohio

State of Ohio

Case No. 2009-1481

v.

ENTRY

Fred Johnson

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

It is determined that a conflict exists. The parties are to brief the issue stated in the court of appeals' Entry filed July 29, 2009, as follows:

“Are the elements of child endangering [set forth in R.C. 2919.22(B)(1)] sufficiently similar to the elements of felony murder with child endangering as the predicate offense that the commission of the murder logically and necessarily also results in the commission of child endangering?”

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 Hamilton County.

(Hamilton County Court of Appeals; Nos. C080156 and C080158)



THOMAS J. MOYER  
Chief Justice