

The Supreme Court of Ohio

FILED

NOV 30 2011

CLERK OF COURT
SUPREME COURT OF OHIO

State of Ohio

Case No. 2011-1664

v.

ENTRY

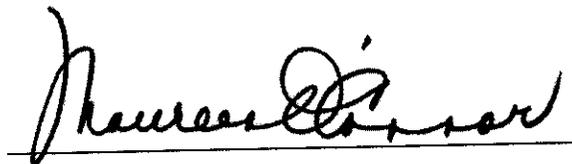
Robert Moore III

This cause is pending before the Court on the certification of a conflict by the Court of Appeals for Cuyahoga County. On review of the order certifying a conflict, it is determined that a conflict exists. The parties are to brief the issue stated on the court of appeals' Judgment Entry filed September 26, 2011, as follows:

"Whether a trial court's failure to impose the statutorily mandated fine required by R.C. 2925.11(E) and 2929.18(B)(1) when no affidavit of indigency is filed with the clerk of court prior to the filing of the trial court's journal entry of sentencing renders that part of the sentence waiving the fine void."

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 Cuyahoga County.

(Cuyahoga County Court of Appeals; Nos. 96111 and 96112)



Maureen O'Connor
Chief Justice