

FILED

OCT 08 2014

CLERK OF COURT
SUPREME COURT OF OHIO

The Supreme Court of Ohio

State of Ohio

Case No. 2014-1454

v.

ENTRY

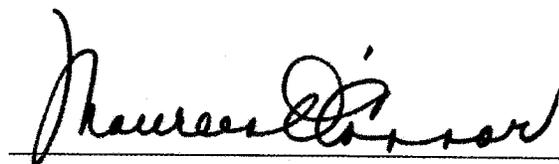
Antonia Earley

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 in the court of appeals' Journal Entry filed August 13, 2014, as follows:

“When the offense of operating a motor vehicle while under the influence in violation of R.C. 4511.19(A)(1) is the predicate conduct for aggravated vehicular assault in violation of R.C. 2903.08(A)(1), are the two offenses allied, and if so, does R.C. 2929.41 (B)(3) create an exception that allows a trial court to impose a sentence for both offenses?”

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; No. 100482)



Maureen O'Connor
Chief Justice