

PLEASE STAMP
& RETURN

IN THE SUPREME COURT OF OHIO

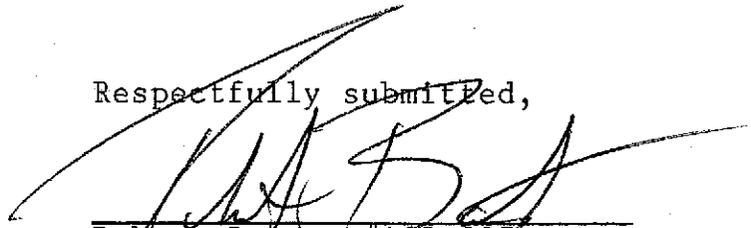
STATE OF OHIO, :
 Plaintiff-Appellee, :
 -vs- : Case No. **07-0293**
 ROBERT BATES, : 2nd Dist. No. 06CA08
 Defendant-Appellant. :

NOTICE OF PENDENCY OF MOTION TO CERTIFY CONFLICT

Now comes Appellant, Robert Bates, proceeding in pro se, and respectfully gives Notice to this Court of the pendency of a Motion to Certify a Conflict in the Second District Court of Appeals, filed January 4, 2007, regarding the conflict between the decision in the instant case and that in the case of **State v Thompson**, 2002-Ohio-4717, Fairfield App. No. 01CA62.

This Notice is presented pursuant to the requirements of S.Ct. Prac. R. IV Section 4(A).

Respectfully submitted,



Robert Bates, #469-323
 Lebanon Corr. Inst.
 P.O.B. 56
 Lebanon, Ohio 45036-0056
 Appellant, in pro se

FILED
FEB 12 2007
MARCIA J. MENGEL, CLERK SUPREME COURT OF OHIO

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was sent to the office of the Miami County Prosecutor, 201 W. Main St., Troy, Ohio 45272, via regular U.S. Mail, on this ~~7th~~ day of February, 2007.



Robert Bates
 Appellant, in pro se

**IN THE COURT OF APPEALS FOR MIAMI COUNTY, OHIO
SECOND APPELLATE DISTRICT**

STATE OF OHIO

: App. Case No. 06 CA 08

: Tr. Case No. 04 CR 333

Plaintiff-Appellee,

v.

ROBERT BATES

MOTION TO CERTIFY CONFLICT

Defendant-Appellant.

Now comes Appellant Robert Bates, by and through counsel, and moves this Court to certify that its Decision in the above captioned case, filed on December 29, 2006, is in conflict with the Judgment of the Fifth District Court of Appeals in *State v. Thompson*, Fairfield App. No. 01CA62, 2002-Ohio-4717. The issue proposed for certification is whether a trial court has authority to order a felony sentence imposed to be served consecutively to a felony sentence previously imposed by another Ohio court. This Court admitted to the conflict on this issue in its Decision.

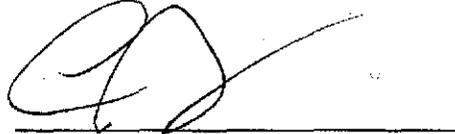
Respectfully submitted:



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Dayton, Ohio 45459
Phone: 937-438-0555
Email: bazeleyc@bazeleylaw.com
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the forgoing motion was served upon the Miami County Prosecutor's Office, 201 West Main Street, Troy, Ohio 45373 by regular U.S. Mail on this the 4th day of January, 2007.

A handwritten signature in black ink, appearing to be 'CB', written over a horizontal line.

Christopher Bazeley