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***IN THE SUPREME COURT OF OHIO***

**STATE OF OHIO**  
*Plaintiff-Appellant*

--vs--

**REGINALD GARDNER, JR.**  
*Defendant-Appellee*

CASE NUMBER **2007-0375**

ON APPEAL FROM THE MONTGOMERY  
COUNTY COURT OF APPEALS,  
SECOND APPELLATE DISTRICT

COURT OF APPEALS CASE NO. **21357**

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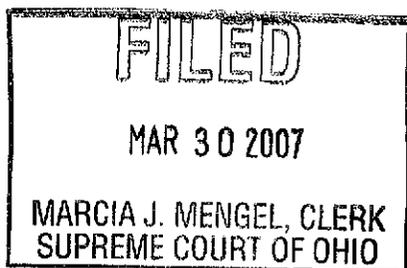
**APPELLEE'S NOTICE OF SUBSTITUTION OF COUNSEL**

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NOW COMES APPELLEE-DEFENDANT, by and through counsel, to give notice to this Honorable Court that he is now represented by the counsel identified below. The original appellate counsel for Appellee, Alan Gabel, is out of the country for a prolonged period of time and unavailable to respond in a timely manner in this matter. New counsel, identified below, was appointed by the Montgomery County Court of Appeals on 19 March 2007 and should be recorded as Counsel of Record henceforth.

Respectfully submitted for Appellee,

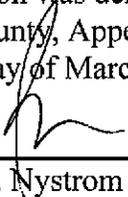
*RICHARD A. NYSTROM, JD, PhD*



  
Richard A. Nystrom, Ohio Registration 0040615  
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Dayton, Ohio 45402  
(937) 223-1011

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CERTIFICATE OF SERVICE: A copy of the foregoing Motion was delivered to Ms. R. Lynn Nothstine, Assistant Prosecuting Attorney for Montgomery County, Appellate Division, at 301 West Third Street, Suite 500, Dayton OH 45422, on this 29<sup>th</sup> day of March 2007.

  
Richard A. Nystrom