

IN THE SUPREME COURT OF OHIO

07-1759

STATE OF OHIO, : Supreme Court #:

PLAINTIFF-APPELLANT, : On Appeal from the Crawford  
County Court of Appeals, Third  
vs. : Appellate District

SCOTT MASTERS, : Court of Appeals Case #: 3-06-0020

DEFENDANT-APPELLANT. :

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NOTICE OF APPEAL OF THE STATE OF OHIO

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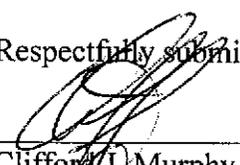
COUNSEL FOR APPELLEE, SCOTT MASTERS

FILED  
 SEP 24 2007  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

## NOTICE OF APPEAL OF THE STATE OF OHIO

Appellant, the State of Ohio, hereby gives notice of Appeal to the Supreme Court of Ohio from the Judgement of the Third District Court of Appeals which over-ruled Appellee's Trial Conviction for Felonious Assault. The Third District Court of Appeals ruled that a defendant is not required to expressly retract a time waiver of unlimited duration and demand a Trial within the confines of Ohio Revised Code Section 2945.71. The Third District Court of Appeals further ruled that upon an implied retraction of an unlimited time waiver, that the remaining time to bring an accused too Trial is under 2945.71 not a reasonable time period pursuant to **Barker v. Wingo** (1972) 407 U.S. 514 as applied by other Ohio Appellate Districts. This issue raises a substantial Constitutional question and is of public or great general concern. The State has also filed a motion to certify a conflict with decisions rendered from other Ohio Districts. No decision has yet been rendered on this application to certify a conflict.

Respectfully submitted,

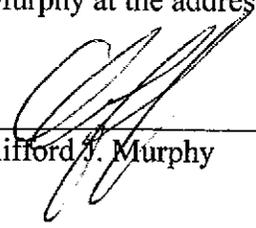


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Clifford J. Murphy 0063519  
Asst. Crawford County Prosecutor  
(COUNSEL OF RECORD)  
COUNSEL FOR APPELLANT, STATE OF  
OHIO

## CERTIFICATE OF SERVICE

The undersigned certifies that true copies of the foregoing Notice of Appeal to the Supreme Court of Ohio has been served via Ordinary U.S. Mail, postage pre-paid, this 21<sup>st</sup> day of September 2007 upon Appellee's Counsel Patrick T. Murphy at the address listed in the cover page.



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Clifford J. Murphy