

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, : Supreme Court #: 07-1759
PLAINTIFF-APPELLANT, : Court of Appeals Case No. 3-06-0020
vs. : On Appeal from the Crawford
SCOTT MASTERS, : County Court of Appeals, Third
DEFENDANT-APPELLEE. : Appellate District

CERTIFICATION RESPONSE

For the Appellant:

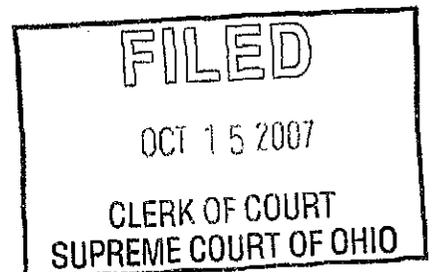
**Clifford J. Murphy #0063519
(COUNSEL OF RECORD)
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(419) 562-9782
Counsel for Appellant**

For the Appellee:

**Patrick T. Murphy # 007722
(COUNSEL OF RECORD)

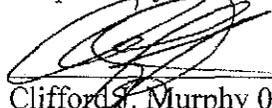
153 Washington Square
Bucyrus, Ohio 44820

(419) 562-4989
Counsel for Appellee**



Plaintiff-appellant, the State of Ohio, gives notice that the Third District Court of Appeals denied certification pursuant to the attached Judgment Entry.

Respectfully submitted,



Clifford S. Murphy 0063519
Asst. Crawford County Prosecutor
Attorney for the Appellee.
112 E. Mansfield St., Suite 305
Bucyrus, Ohio 44820

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing was sent by ordinary U.S. mail to Appellant's Counsel Patrick T. Murphy this 12th day of October 2007.



Clifford S. Murphy

SEP 25 2007

SUE SEEVERS
CRAWFORD COUNTY CLERK

IN THE COURT OF APPEALS OF THE THIRD APPELLATE JUDICIAL DISTRICT OF OHIO

CRAWFORD COUNTY

STATE OF OHIO,

PLAINTIFF-APPELLEE,

CASE NO. 3-06-20

v.

SCOTT MASTERS,

**JOURNAL
ENTRY**

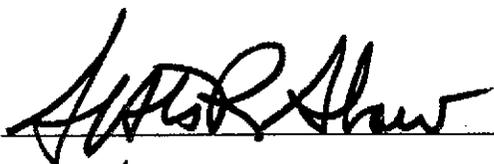
DEFENDANT-APPELLANT.

This cause comes on for determination of appellee's motion to certify a conflict to the Ohio Supreme Court as provided in App.R. 25 and Article IV, Sec. 3(B)(4) of the Constitution of Ohio, and appellant's memorandum in opposition to certification.

Upon consideration the court finds that there is no true and actual conflict on a rule of law between the decision in the instant case and the decisions cited by appellee. The court finds that a factual distinction exists with the cases cited by appellee that results in a rule of law that is not in conflict with the instant case. See *Whitelock v. Gilbane Bldg. Co.* (1993), 66 Ohio St.3d 594. Accordingly, the motion to certify is not well taken.

J. M.

It is therefore **ORDERED** that appellee's motion to certify a conflict be,
and the same hereby is, overruled.



Vernon Z. Burton



JUDGES

DATED: September 25, 2007

/jlr