

IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
ASHTABULA COUNTY, OHIO

STATE OF OHIO : OHIO SUPREME COURT
 : CASE NO. 2008-0045
 :
 PLAINTIFF-APPELLANT :
 :
 -VS- :
 :
 SONNY HATFIELD :
 :
 DEFENDANT-APPELLEE :

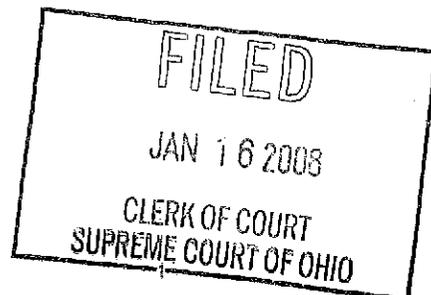
APPELLEE'S OBJECTION TO STAY

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Counsel for Appellant



Objection for Stay

Sonny Hatfield through his appointed counsel of record hereby objects to the motion for a stay that was filed by the State of Ohio in this case on January 7, 2008. Counsel submits that the December 31, 2007 opinion and Judgement Entry of the Eleventh District Court of Appeals was a well reasoned application of the law to the facts that were found in the record before it.

For the record, the court found for Mr. Hatfield, Appellee herein, on four assignments of error, overruled him on five and left four undecided because it ruled in his favor and ordered his case remanded to begin with. It also came with in one vote of reversing his case altogether because Appellee's conviction wasn't supported by the manifest weight of the evidence.

Counsel also submits that if the errors that the State of Ohio appeals from were harmless, the Appellate Court would have said so. Accordingly, the court held that Appellee was entitled to a new trial for reasons that were too significant to overlook.

Thus for all of these reasons, counsel submits that this court should overrule Appellant's motion for a stay, so that Mr. Hatfield can proceed on to receive a new trial and release him on bond as soon as possible.

Ashtabula County Public Defender, Inc.
Attorney for Defendant-Appellant

By  _____
Joseph A. Humpolick, Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing personally delivered to the office of Thomas L. Sartini, Ashtabula County Prosecutor, 25 W. Jefferson St., Courthouse, Jefferson, Ohio, on this the 17th day of January, 2008.

Ashtabula County Public Defender, Inc.
Attorney for Defendant-Appellant

By  _____
Joseph A. Humpolick, Attorney