

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, } Case No. 08-0488  
 }  
 Appellant, } On Appeal from the Champaign  
 } County Court of Appeals,  
 v. } Second Appellate District  
 }  
 KEVIN L. BRADLEY, } Court of Appeals Case No.  
 } 2006-CA-31  
 Appellee. }

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NOTICE OF RESOLUTION OF APPELLANT STATE OF OHIO'S MOTION TO  
CERTIFY A CONFLICT

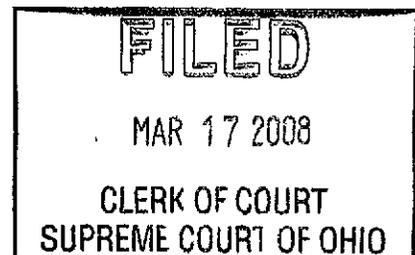
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Kevin L. Bradley, Inmate No. 475-445  
London Correctional Institution  
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London, Ohio 43140

APPELLEE *PRO SE*

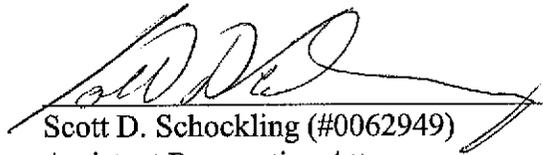


Notice of Resolution of Pending Motion to Certify a Conflict

In accordance with S. Ct. Prac. R. IV, § 4(B), Appellant, the State of Ohio, hereby gives notice to the Supreme Court of Ohio that Appellant's motion to certify a conflict as to the first issue set forth in its Memorandum in Support of Jurisdiction, to wit: whether the principles of *North Carolina v. Pearce* (1969), 395 U.S. 711, are implicated when a defendant's sentence for a particular crime is increased following a successful appeal, yet his effective sentence does not exceed that imposed originally, was denied by the Champaign County Court of Appeals, Second Appellate District, in *State of Ohio v. Kevin L. Bradley*, Case No. 2006-CA-31. A copy of said decision is attached to this pleading.

Respectfully submitted,

NICK A. SELVAGGIO, CHAMPAIGN COUNTY  
PROSECUTING ATTORNEY (#0055607)



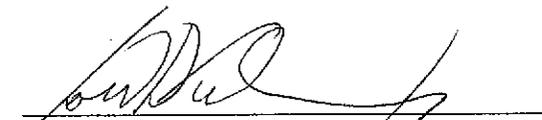
Scott D. Schockling (#0062949)  
Assistant Prosecuting Attorney  
Counsel for Appellant State of Ohio

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 13, 2008, a copy of the foregoing was served via regular first class mail on:

Appellee Pro Se:

Kevin L. Bradley, Inmate No. 475-445  
London Correctional Institution  
P.O. Box 69  
London, Ohio 43140

  
\_\_\_\_\_  
Scott D. Schockling (#0062949)  
Counsel for Appellant State of Ohio

In accordance with Sup. Ct. Prac. R. XIV, § 2(A), a copy of this notice of cross-appeal was also served, on March 13, 2008, via regular first class mail on the Ohio Public Defender, 8 East Long Street, 11<sup>th</sup> Floor, Columbus, Ohio 43215.

  
\_\_\_\_\_  
Scott D. Schockling (#0062949)  
Counsel for Appellant State of Ohio

IN THE COURT OF APPEALS OF CHAMPAIGN COUNTY, OHIO

STATE OF OHIO

:

Plaintiff-Appellee

:

C.A. CASE NO. 06CA31

vs.

:

T.C. CASE NOS. 06CR234  
06CR06

KEVIN L. BRADLEY

:

**FILED**

Defendant-Appellant

:

MAR 11 2008

.....  
DECISION AND ENTRY

*EDWARD L. PRESTON*

CHAMPAIGN COUNTY OHIO  
CLERK OF COURT OF APPEALS

Rendered on the 11th day of March, 2008.  
.....

PER CURIAM:

This matter is before us on an App.R. 25 motion filed by the State, asking us to certify a conflict between our judgment herein on reconsideration, *State v. Bradley* (Feb. 11, 2008), Champaign App. No. 06CA31, and judgments in two other cases.

The State first argues that our judgment is in conflict with our prior holding in *State v. Nelloms* (2001), 144 Ohio App.3d 1. However, intra-district conflicts are not subject to certification to the Supreme Court. *In re J.J.*, 111 Ohio St.3d 205, 2006-Ohio-5484.

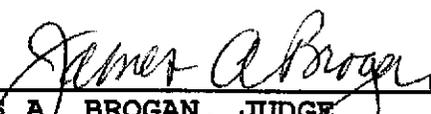
The State next argues that our decision is in conflict

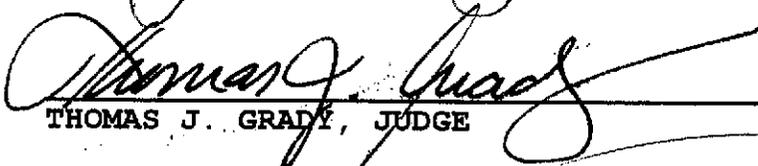
COA 15. pg 223

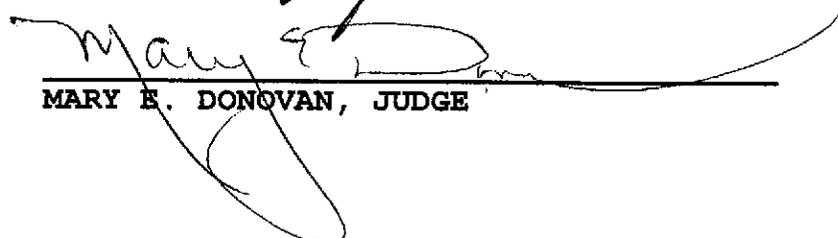
with the holding of the Third District Court of Appeals in *State v. Troglin*, Union App. No. 14-06-57, 2007-Ohio-4368, concerning the effect of the holding in *State v. Saxon*, 109 Ohio St.3d 176, 2006-Ohio-1245, on our holding in *Nelloms*.

We have reviewed the court's opinion in *Troglin*, and we cannot find that the Third District addressed the issue, much less that it decided *Troglin* on a rule of law that is in conflict with our holding in the present case on reconsideration. There must be an actual conflict between appellate districts on a rule of law before certification of a conflict. *Whitlock v. Gilbane Bldg. Co.*, 66 Ohio St.3d 594, 1993-Ohio-223.

The motion is Denied.

  
\_\_\_\_\_  
JAMES A. BROGAN, JUDGE

  
\_\_\_\_\_  
THOMAS J. GRADY, JUDGE

  
\_\_\_\_\_  
MARY E. DONOVAN, JUDGE

Copies mailed to:

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see pg 2100

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