

IN THE  
SUPREME COURT OF OHIO

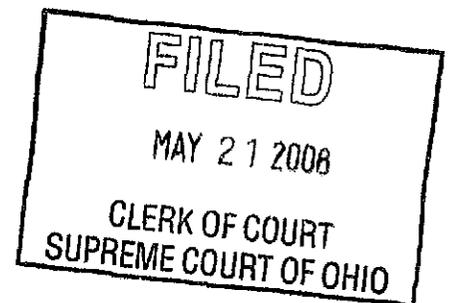
STATE OF OHIO : NO. 2008-0234  
Plaintiff-Appellee : On Appeal from the Twelfth District  
Court of Appeals for Clermont  
County  
vs. :  
LIZ CARROLL : Court of Appeals  
Case Number CA2007-02-030  
Defendant-Appellant :

**STATE OF OHIO'S MEMORANDUM IN OPPOSITION  
TO DEFENDANT-APPELLANT'S MOTION FOR RECONSIDERATION**

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**COUNSEL FOR DEFENDANT-APPELLANT, LIZ CARROLL**



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SUPREME COURT OF OHIO

STATE OF OHIO	:	NO. 2008-0234
Plaintiff-Appellee	:	
vs.	:	
LIZ CARROLL	:	<u>MEMORANDUM IN</u> <u>OPPOSITION TO MOTION FOR</u> <u>RECONSIDERATION</u>
Defendant-Appellant	:	

Defendant has filed a motion for reconsideration of this Court's decision not to accept jurisdiction. Defendant relies on *State v. Cabrales*, Slip Opinion 2008-Ohio-1625, \_\_\_ N.E.2d \_\_\_ (2008), to support this argument. She incorrectly alleges *Cabrales* is "directly on point."

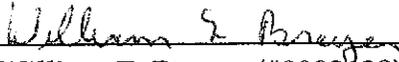
In fact, *Cabrales* is not on point. It dealt with a very narrow issue involving certain drug offenses, and in that instance only carved out a minor exception to the rule in *State v. Rance*, 85 Ohio St.3d 632, 1999-Ohio-291 (1999). The *Cabrales* decision indicates *Rance*, *supra*, is still the law in this area. The logic of *Cabrales* is not in point in defendant's case. Obviously, this Court was well aware of *Cabrales* and chose not to accept defendant's case even after the release of *Cabrales*. The State submits that the motion to reconsider raises no new issues and should be denied.

Respectfully submitted,

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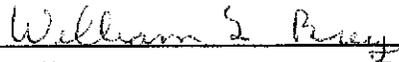
  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of May, 2008, I have sent a copy of the foregoing State of Ohio's Memorandum in Opposition to Defendant-Appellant's Motion for Reconsideration, by regular United States mail, addressed to counsel for Defendant-Appellant, Elizabeth E. Agar, 0002766, 1208 Sycamore Street, Olde Sycamore Square, Cincinnati, Ohio 45210.

  
\_\_\_\_\_  
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