

IN THE SUPREME COURT OF OHIO

08-1351

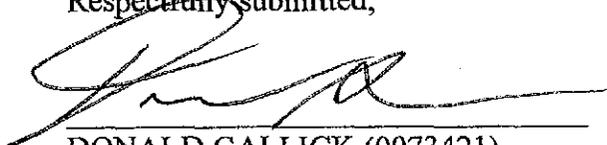
STATE OF OHIO,)
)
Plaintiff-Appellee,)
v.)
ROBERT EGLI,)
)
Defendant-Appellant.)
)
)
)

OSC CASE NO
On appeal from the Eleventh District Court
of Appeals, Portage County Ohio, 2007-P-0052
Trial Court Case 2006 CR 0666
**NOTICE OF PENDING MOTION
TO CERTIFY CONFLICT.**
Supreme Court Rule IV, 4(A).

Counsel for Defendant-Appellant Robert Egli now notifies this Honorable Court, as required by Supreme Court Rule of Practice IV, 4(A), that Counsel has presented a Motion to Certify a Conflict pursuant to Article IV, Section 3(B)(4) of the Ohio Constitution and Appellate Rule 25, asserting that there is a conflicts between the legal holdings of the Third District Court of Appeals and the Eleventh District Court of Appeals regarding the issue of " * * a defendant's right to confrontation require that evidence of prior sexual contact with an alleged rape be admitted or does R.C. 2907.02(D) bar its introduction to the jury, if consent is sole issue of dispute in a trial for rape?"

Counsel, filed the Motion to Certify a Conflict on June 6, 2008 and that motion remains pending at the time of mailing of this Notice.

Respectfully submitted,



DONALD GALLICK (0073421)
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FILED
JUL 11 2008
CLERK OF COURT
SUPREME COURT OF OHIO

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of this Notice of Pending Certified Conflict was sent via regular U.S. mail to the Office of Assistant Prosecutor Pamela Holder at the Portage County Prosecutor's Office, 466 South Chestnut Street, Ravenna, Ohio 44226 on this 10 day of July, 2008.

A handwritten signature in black ink, appearing to read 'D. Gallick', written over a horizontal line.

DONALD GALLICK (OH - 0073421)
ATTORNEY FOR APPELLANT