

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, :  
 :  
 -vs- : Case No. 2005-2264  
 :  
 NICOLE DIAR, :  
 :  
 Defendant-Appellant. : **DEATH PENALTY CASE**

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ON APPEAL FROM THE COURT OF  
APPEALS OF LORAIN COUNTY, CASE NO. 04CR065248

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**NOTICE OF ADDITIONAL AUTHORITY RELIED UPON DURING ORAL  
ARGUMENT OF APPELLANT NICOLE DIAR**

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DENNIS P. WILL - 0038129  
Lorain County Prosecuting Attorney

ANTHONY CILLO - 0062497  
Assistant Prosecuting Attorney  
Counsel of Record

Lorain County  
3rd Floor, Justice Center  
225 Court Street  
Elyria, Ohio 44035  
(440) 329-5389  
(440) 323-1015 (Fax)

COUNSEL FOR STATE OF OHIO

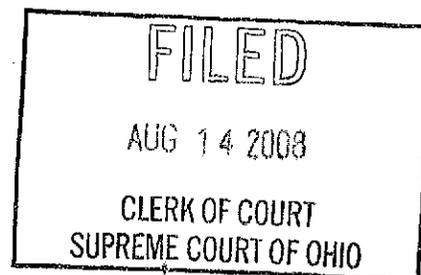
OFFICE OF THE OHIO PUBLIC DEFENDER

LINDA E. PRUCHA - 0040689  
Assistant State Public Defender  
Counsel of Record

JUSTIN C. THOMPSON - 0078817  
Assistant State Public Defender

Office of the Ohio Public Defender  
8 East Long Street – 11th Floor  
Columbus, Ohio 43215  
(614) 466-5394  
(614) 644-0708 (Fax)

COUNSEL FOR NICOLE DIAR



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Pursuant to Practice Rule IX § 8, Appellant, through counsel, submits the following  
authority in support of oral argument, scheduled for August 26, 2008.

State v. Lindsey, 87 Ohio St. 3d 479, 721 N.E.2d 995 (2000).

OFFICE OF THE OHIO PUBLIC DEFENDER



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Assistant State Public Defender  
Counsel of Record

JUSTIN C. THOMPSON - 0078817  
Assistant State Public Defender

8 East Long Street – 11th Floor  
Columbus, Ohio 43266-0587  
(614) 466-5394  
(614) 644-0708 - Fax

COUNSEL FOR NICOLE DIAR

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing NOTICE OF AUTHORITY RELIED UPON DURING ORAL ARGUMENT OF APPELLANT NICOLE DIAR was forwarded by regular U.S. Mail to Dennis P. Will, Prosecuting Attorney, and Anthony Cillo, Assistant Prosecuting Attorney, Lorain County, 3rd Floor, Justice Center, 225 Court Street, Elyria, Ohio 44035, on this 14<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
LINDA E. PRUCHA

COUNSEL FOR NICOLE DIAR