

IN THE SUPREME COURT OF OHIO

08-2133

STATE OF OHIO

CASE NO. 08-

Plaintiff-Appellant,

ON APPEAL FROM THE  
MONTGOMERY COUNTY COURT  
OF APPEALS, SECOND  
APPELLATE DISTRICT

VS.

RICHARD L. UNDERWOOD, JR.

COURT OF APPEALS  
CASE NO: 22454

Defendant-Appellee.

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NOTICE OF APPEAL OF APPELLANT, THE STATE OF OHIO

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**MATHIAS H. HECK, JR.**

PROSECUTING ATTORNEY

By KELLY D. CRAMMER (COUNSEL OF RECORD)

REG. NO. 0079994

Assistant Prosecuting Attorney

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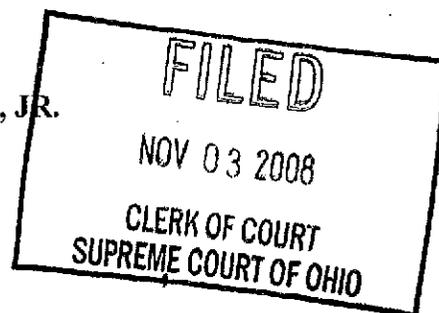
**COUNSEL FOR APPELLANT, STATE OF OHIO**

GRIFF M. NOWICKI

5613 Brandt Pike

Huber Heights, Ohio 45424

**COUNSEL FOR APPELLEE, RICHARD L. UNDERWOOD, JR.**



**NOTICE OF APPEAL OF APPELLANT, THE STATE OF OHIO**

Appellant, the State of Ohio, through the Office of the Prosecuting Attorney for Montgomery County, hereby gives notice of appeal to the Supreme Court of Ohio, from the judgment of the Montgomery County Court of Appeals, Second Appellate District, entered in *State of Ohio v. Richard L. Underwood, Jr.*, Case No. 22454 on September 19, 2008.

This case involves a felony and presents a substantial constitutional question and a question of public or great general interest.

Respectfully submitted,

**MATHIAS H. HECK, JR.**  
PROSECUTING ATTORNEY

BY   
KELLY D. CRAMMER  
REG NO. 0079994  
Assistant Prosecuting Attorney  
APPELLATE DIVISION

COUNSEL FOR APPELLANT,  
STATE OF OHIO

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this notice of appeal was sent by first class mail on this 31<sup>st</sup> day of October, 2008, to the following: Griff M. Nowicki, 5613 Brandt Pike, Huber Heights, Ohio 45424; Richard L. Underwood, Jr., Inmate #A559-433, London Correctional Institution, P. O. Box 69, London, Ohio 43140 and Timothy Young, Ohio Public Defender Commission, 8 East Long Street – 11<sup>th</sup> Floor, Columbus, OH 43266-0587.

  
KELLY D. CRAMMER  
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