

IN THE SUPREME COURT OF OHIO

STATE OF OHIO

Plaintiff-Appellant,

vs.

RICHARD L. UNDERWOOD, JR.

Defendant-Appellee.

CASE NO. 08-

08-2133
ON APPEAL FROM THE
MONTGOMERY COUNTY COURT
OF APPEALS, SECOND
APPELLATE DISTRICT

COURT OF APPEALS
CASE NO: 22454

NOTICE OF PENDING MOTION TO CERTIFY A CONFLICT

MATHIAS H. HECK, JR.

PROSECUTING ATTORNEY

By KELLY D. CRAMMER (COUNSEL OF RECORD)

REG. NO. 0079994

Assistant Prosecuting Attorney

Montgomery County Prosecutor's Office

Appellate Division

P.O. Box 972

301 West Third Street - Suite 500

Dayton, Ohio 45422

(937) 225-4117

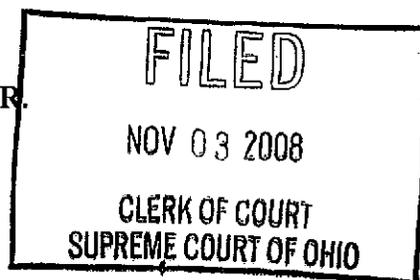
COUNSEL FOR APPELLANT, STATE OF OHIO

GRIFF M. NOWICKI

5613 Brandt Pike

Huber Heights, Ohio 45424

COUNSEL FOR APPELLEE, RICHARD L. UNDERWOOD, JR.



NOTICE OF PENDING MOTION TO CERTIFY A CONFLICT

Appellant, the State of Ohio, through the Office of the Prosecuting Attorney for Montgomery County, hereby gives notice of a pending motion to certify a conflict under App. R. 25 to the Supreme Court of Ohio, of 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.

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 pending motion to certify a conflict was sent by first class mail on or before this 31st 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 – 11th Floor, Columbus, Ohio 43266-0587.


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