

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :
 :
 Plaintiff-Appellee, :
 :
 -vs- : Case No. 08-1012
 :
 DAVID B. CLINKSCALE, : On Appeal from the Franklin County
 : Court of Appeals, Tenth Appellate
 Defendant-Appellant. : District

APPELLANT DAVID B. CLINKSCALE'S RESPONSE TO APPELLEE'S
MOTION TO SUPPLEMENT RECORD ON APPEAL

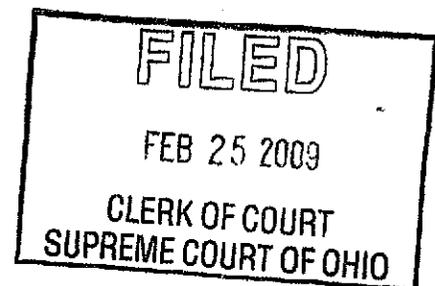
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**APPELLANT DAVID B. CLINKSCALE'S RESPONSE TO APPELLEE'S
MOTION TO SUPPLEMENT RECORD ON APPEAL**

In its Motion to Supplement Record on Appeal, the State moves to supplement the record with: 1) the jury instructions, and 2) the written jury questions and answers. The State indicates that these documents were mistakenly sent to the prosecutor's office at the conclusion of Clinkscale's direct appeal in the Court of Appeals, rather than being retained by the Court of Appeals Clerk's Office.

Appellant has no objection to the State's request.

Respectfully submitted,

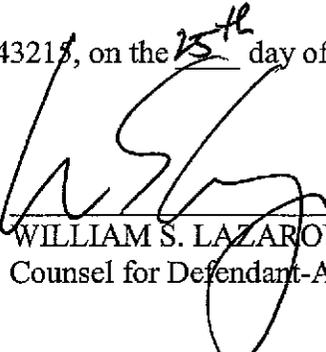


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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPELLANT DAVID B. CLINKSCALE'S RESPONSE TO APPELLEE'S MOTION TO SUPPLEMENT RECORD ON APPEAL was forwarded by regular U.S. mail to Ron O'Brien, Franklin County Prosecuting Attorney, and Steven L. Taylor, Assistant Prosecuting Attorney, 373 S. High Street, 13th Floor, Columbus, Ohio 43215, on the 15th day of February, 2009.



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