

IN THE SUPREME COURT
OF OHIO

IN RE: J.F.,
A MINOR CHILD

Supreme Court Case No. 2007-2239

On Appeal from the Greene County
Court of Appeals, Second District

Court of Appeals Case No. 06-CA-123

**MOTION OF APPELLEE - STATE OF OHIO TO STRIKE ADDITIONAL
AUTHORITY**

STEPHEN K. HALLER #0009172
Greene County Prosecuting Attorney
61 Greene Street, 2nd Floor
Xenia, Ohio 45385

ELIZABETH A. ELLIS #0074332 (COUNSEL OF RECORD)
Assistant Prosecuting Attorney

TX: (937) 562-5669
FX: (937) 562-5107

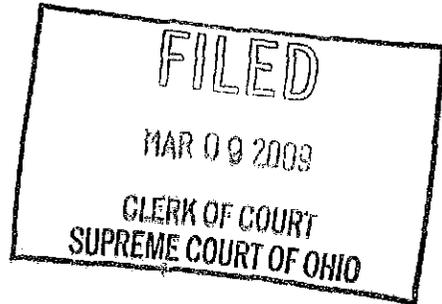
**COUNSEL FOR APPELLEE,
STATE OF OHIO**

DAVID H. BODIKER, #0016590
State Public Defender
8 East Long Street, 11th Floor
Columbus, Ohio 43215

TX:(614) 466-5394
FX:(614) 752-5167

ANGELA MILLER #0064902 (OF RECORD)
Assistant State Public Defender

COUNSEL FOR J.F.



KATHERINE HUNT FEDERLE, #0069334
Ohio State University Moritz College of Law
Justice for Children Project
55 W. 12th Ave
Columbus, Ohio 43210
TX:(614) 292-9177
FX:(614) 292-5511

**COUNSEL FOR AMICUS CURIAE,
THE JUSTICE FOR CHILDREN
PROJECT**

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Pursuant to S. Ct. R. IX § 9, which is entitled Supplemental Filings After Oral Argument, unless ordered by the Court, the parties shall not tender for filing any additional briefs or other materials relating to the merits of the case after the case has been orally argued. If a relevant authority is issued after oral argument, a party may file a citation to the relevant authority *but shall not file additional argument. (Emphasis added.)* Initially, the State submits that the sentence in Appellant's motion which reads that, *In the Matter of Thomas Von Stein*, 3rd Dist. No. 5-08-22, 2009-Ohio-913, cites to this Court's decision in *In Re J.F.* for the proposition that a court does not need to provide a child with notice of a probation violation, before invoking a suspended commitment, if the condition allegedly violated was mentioned in an earlier entry, constitutes argument. ~~The~~ State disagrees with this statement of the 3rd District's holding, and submits it is crafted to support the Appellant's position. It is thus, argument and the Appellant's Motion should be stricken. In the alternative, the State believes if this Court wants to consider Appellant's new argument, the State should be allowed to respond.

Further, the State submits that S.Ct. R. IX does not apply to a motion for reconsideration. S. Ct. R. IX governs procedures for oral argument, not motions for reconsideration. S. Ct. R. XI §2-3 govern motions for reconsideration and do not allow for supplementing authorities for reconsideration motions. Moreover, this Appellant cites an inferior court's interpretation of this Court's opinion, which is hardly grounds for reconsideration. If the 3rd District misapplied this Court's holding, the appropriate remedy is to appeal that decision, and not reconsideration in the case at bar. Accordingly, the Notice of Additional Authority in Support of Appellant's Motion for Reconsideration is improper and

should be stricken from the record.

Respectfully submitted,
OFFICE OF THE GREENE COUNTY
PROSECUTING ATTORNEY

By: Stephen K. Haller
Stephen K. Haller (#0009172)
Prosecuting Attorney

By: Elizabeth A. Ellis
Elizabeth A. Ellis (#074332)
Assistant Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent by regular U. S. Mail the date same as filed of record above to David Bodiker and Angela Miller, State Public Defender, 8 East Long St., 11th Floor, Columbus, Ohio 43215 and Katherine Hunt Federle, The Justice for Children Project, The Ohio State University College of Law, 55 W. 12th Ave, Columbus, Ohio 43210..