

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, )  
 )  
 Plaintiff-Appellant, )  
 )  
 v. )  
 )  
 JOSEPH PEPKA, )  
 )  
 Defendant-Appellee. )

Case No. **09-0678**  
 On Appeal from the  
 Lake County Court of Appeals,  
 Eleventh Appellate District  
 Court of Appeals Case No. 2008-L-016

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**NOTICE OF APPEAL OF APPELLANT STATE OF OHIO**

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 LAKE COUNTY, OHIO

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**RECEIVED**  
 APR 14 2009  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

**FILED**  
 APR 14 2009  
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 SUPREME COURT OF OHIO

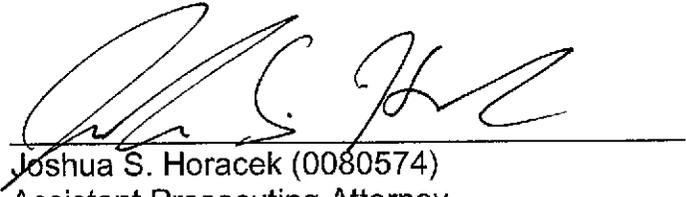
**Notice of Appeal of Appellant State of Ohio**

Appellant State of Ohio, gives notice of appeal to the Supreme Court of Ohio from the opinion judgment entry of the Lake County Court of Appeals, Eleventh Appellate District, entered in *State v. Pepka*, 11<sup>th</sup> Dist. No. 2008-L-016, 2009-Ohio-1440, on March 30, 2009.

This case is a Claimed Appeal of Right, pursuant to S.Ct. R. II, Section 1(A)(2) as it involves a substantial constitutional question, and/or this case is a Discretionary Appeal, pursuant to S.Ct. R. II, Section 1(A)(3) as it involves a felony and raises issues of public or great general interest.

Respectfully submitted,

By: Charles E. Coulson (0008667)  
Lake County Prosecuting Attorney

By:   
Joshua S. Horacek (0080574)  
Assistant Prosecuting Attorney  
Counsel of Record

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**PROOF OF SERVICE**

A copy of the foregoing Notice of Appeal was sent by regular U.S. Mail, postage prepaid, to counsel for the appellee, Mr. Albert L. Purola, Esquire, 38108 Third Street, Willoughby, Ohio 44094, and, pursuant to S.Ct.R. XIV, Section 2(A)(3), the Ohio Public Defender, Mr. Timothy Young, Esquire, 250 East Broad Street, Suite 1400, Columbus, Ohio 43215, on this 13<sup>th</sup> day of April, 2009.

  
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Joshua S. Horacek (0080574)  
Assistant Prosecuting Attorney

JSH/klb