

IN THE SUPREME COURT OF OHIO

ORIGINAL

State of Ohio,

Plaintiff-Appellant,

v.

Jason Singleton,

Defendant-Appellee.

Case No. 2008-1255

On appeal from the Cuyahoga County
Court of Appeals, Eighth Appellate
District, Case No. 90042

Additional Authority of Appellee Jason Singleton

William D. Mason, 0037540
Cuyahoga County Prosecutor

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(Counsel of Record)

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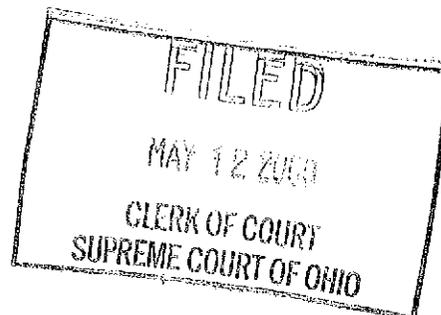
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Additional Authority of Appellee Jason Singleton

Appellee submits the following additional authorities pursuant to Rule IX, Section 8 of this Court's Rules of Practice:

State v. Petty, Slip Opinion No. 2009-Ohio-1906, at ¶2 ("The judgment of the court of appeals is reversed as to its ruling on appellant's eleventh assignment of error below, and the cause is remanded to the trial court for resentencing consistent with State v. Bezak, 114 Ohio St.3d 94, 2007-Ohio-3250, 868 N.E.2d 961.").

State v. Petty, Case No. 2009-132, Appellant's Memorandum in Support of Jurisdiction (Jan. 20, 2009), at page 7 (requesting de novo resentencing under Bezak).

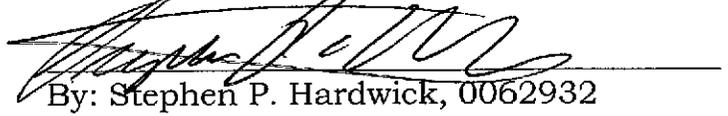
State v. Petty, Case No. 2009-132, State of Ohio's Memorandum in Opposition to Jurisdiction (Jan. 29, 2009), at page 4 (requesting that the case "be remanded back to the trial court for a hearing pursuant to R.C. 2929.191(B)(1) to notify the Appellant of the consequences for violating post-release control.").

State v. Hudson, 5th Dist. No. 08-CA-48, 2009-Ohio-1954, ¶27 ("Upon review of the record, we find Appellant's sentence was void; however, the trial court retained jurisdiction to resentence Appellant pursuant to the procedure set forth in R.C. 2929.191 and in accord with precedent set by the Ohio Supreme Court.").

State v. James, 12th Dist. No. CA2008-04-037, 2009-Ohio-1453, ¶12 ("Furthermore, R.C. 2929.191 authorizes the trial court to resentence an offender 'at any time before the offender is released from imprisonment,' and as a result, the trial court is not limited in its ability to correct a void sentence only on direct appeal by the state. [State v.] Watt [(3rd Dist.), 175 Ohio App.3d 613, 2008-Ohio-1009], at ¶20; see, also, State v. Powell, 3rd Dist. No. 10-07-12, 2008-Ohio-1012, ¶18. Therefore, because the trial court's failure to notify appellant about postrelease control at the time of his original sentence was void, we find that the state did not waive the issue by failing to raise it on direct appeal.").

Respectfully submitted,

Office of the Ohio Public Defender



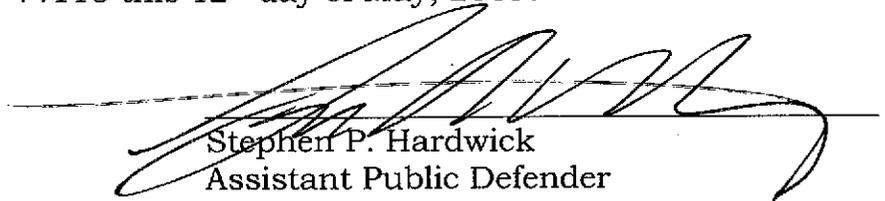
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Certificate of Service

I certify a copy of the foregoing has been sent by fax to T. Allan Regas,
Assistant Cuyahoga County Prosecutor, Justice Center, 9th Floor, 1200 Ontario
Street, Cleveland, Ohio 44113 this 12th day of May, 2009.



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