

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,

Appellee,

v.

AARON K. RICHEY,

Appellant.

Supreme Court Case No.:

09-1423

On Appeal from the
Franklin County Court of Appeals,
Tenth Appellate District

Court of Appeals No:

08AP-923

NOTICE OF PENDING MOTION TO CERTIFY A CONFLICT

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and

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Counsel for Appellee

FILED
AUG 07 2009
CLERK OF COURT
SUPREME COURT OF OHIO

NOTICE OF PENDING MOTION TO CERTIFY A CONFLICT

NOTICE is hereby given that Aaron K. Richey, Appellant, has filed a MOTION TO CERTIFY A CONFLICT in the Franklin County Court of Appeals, Tenth Appellate District. The Motion identifies a conflict between the Tenth Appellate District's holding in this matter and a decision rendered by the Carroll County Court of Appeals, Seventh Appellate District, in *State v. Glasure* (1999), 132 Ohio App.3d 227, 724 N.E.2d 1165. Appellant has identified conflicts as to the following questions:

Does a criminal court have an independent duty to conduct its *own* inquiry into a defendant's indigency, before relying on a purported failure to provide documentation of eligibility, and on that basis, permitting appointed counsel to withdraw and denying further appointment?

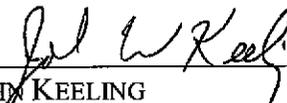
After a court informs a criminal defendant that his appointed counsel has been permitted to withdraw, based on a purported failure to provide documentation of eligibility, does the court err by construing the defendant's decision to proceed *without* retaining counsel as a complete waiver of his right to *appointed* counsel?

These questions correspond in subject matter with Appellant's Propositions of Law I and II, as explained in his Memorandum in Support of Jurisdiction, concurrently filed.

Respectfully submitted:

Yeura R. Venters
Franklin County Public Defender

By: _____


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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing NOTICE was hand-delivered to the offices of Richard C. Pfeiffer, Jr., Columbus City Attorney, at 375 South High Street, 17th Floor, Columbus, Ohio 43215, this 7th day of August, 2009.

By: 
JOHN KEELING 0014860
Counsel for Appellant Richey