

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO

CASE NO. 09-1878

Plaintiff-Appellant,

ON APPEAL FROM THE  
MONTGOMERY COUNTY COURT  
OF APPEALS, SECOND  
APPELLATE DISTRICT

VS.

FRANK ROBERT HAMILTON, III

COURT OF APPEALS  
CASE NO: 22895

Defendant-Appellee.

NOTICE OF APPEAL OF APPELLANT, THE STATE OF OHIO

**MATHIAS H. HECK, JR.**

PROSECUTING ATTORNEY

By KIRSTEN A. BRANDT (COUNSEL OF RECORD)

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RECEIVED  
OCT 16 2009  
CLERK OF COURT  
SUPREME COURT OF OHIO

FILED  
OCT 16 2009  
CLERK OF COURT  
SUPREME COURT OF OHIO

**NOTICE OF APPEAL OF APPELLANT, THE STATE OF OHIO**

Appellant, the State of Ohio, through the Office of the Prosecuting Attorney for Montgomery County, hereby gives notice of appeal to the Supreme Court of Ohio, from the judgment of the Montgomery County Court of Appeals, Second Appellate District, entered in *State of Ohio v. Frank Robert Hamilton, III*, Case No. 22895 on September 4, 2009.

This case involves a felony and presents a substantial constitutional question and a question of public or great general interest.

Respectfully submitted,

**MATHIAS H. HECK, JR.**  
PROSECUTING ATTORNEY

BY 

KIRSTEN A. BRANDT  
REG NO. 0070162  
Assistant Prosecuting Attorney  
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COUNSEL FOR APPELLANT,  
STATE OF OHIO

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this notice of appeal was sent by first class mail on this 15<sup>th</sup> day of October, 2009, to the following: Daniel J. O'Brien, 1210 Talbott Tower, 131 North Ludlow Street, Dayton, Ohio 45402 and Timothy Young, Ohio Public Defender Commission, 250 East Broad Street, Suite 1400, Columbus, OH 43215-9311.



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