

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 PENDING MOTION TO CERTIFY A CONFLICT

MATHIAS H. HECK, JR.

PROSECUTING ATTORNEY

By KIRSTEN A. BRANDT (COUNSEL OF RECORD)

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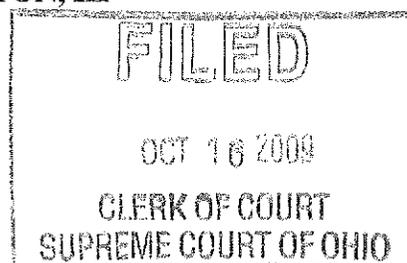
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131 North Ludlow St.

Dayton, OH 45402

COUNSEL FOR APPELLEE, FRANK ROBERT HAMILTON, III



NOTICE OF PENDING MOTION TO CERTIFY A CONFLICT

Appellant, the State of Ohio, through the Office of the Prosecuting Attorney for Montgomery County, hereby gives notice of a pending motion to certify a conflict under App. R. 25 to the Supreme Court of Ohio, of 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 4th, 2009.

Respectfully submitted,

MATHIAS H. HECK, JR.
PROSECUTING ATTORNEY

BY



KIRSTEN A. BRANDT
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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 pending motion to certify a conflict was sent by first class mail on or before this 15th day of October, 2009, to the following: Daniel J. O'Brien, 1210 Talbott Tower, 131 North Ludlow Street, Dayton, OH 45402 and Timothy Young, Ohio Public Defender Commission, 250 East Broad Street, Suite 1400, Columbus, OH 43215-9311.



KIRSTEN A. BRANDT
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