

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,

Plaintiff-Appellee,

-VS-

Elvis Wooten

Defendant-Appellant,

09-1975

On appeal from the Stark  
County Court of Appeals, 5th,  
Appellate District, Case No.

Court of Appeals  
Case Number 2008CA00103

NOTICE OF APPELLANT Elvis Wooten

Elvis Wooten #544-101  
(Trumbull C.I.)  
5701 Burnett Rd. P.O. Box 901  
Leavittsburg, OH. 44430

DEFENDANT-APPELLANT, PRO SE

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Stark County prosecutor

110 Central Plaza South, Suite 510

Canton, OH. 44702

COUNSEL FOR APPELLEE, STATE OF OHIO

RECEIVED  
OCT 29 2008  
CLERK OF COURT  
SUPREME COURT OF OHIO

FILED  
OCT 29 2008  
CLERK OF COURT  
SUPREME COURT OF OHIO

NOTICE OF APPEAL OF APPELLANT Elvis Wooten

The appellant hereby gives notice of appeal to the Ohio Supreme Court of Ohio from the judgment of the Stark County Court of Appeals, 5<sup>th</sup> Appellate District, entered in the Court of Appeals case number 2008CA00103 on September 16, 2009.

This case raises a substantial constitutional question, involves a felony, and is one of great public or general interest.

Respectfully Submitted,

Elvis Wooten

544-101, # - , pro se  
T.C.I. P.O. Box 901  
Leavittsburg, OH 44430

**CERTIFICATE OF SERVICE**

I hereby certify a copy of the foregoing Notice of Appeal has been sent by U.S. mail to the prosecuting attorney of Stark County on this October day of October, 2009, at the following address 110 Central Plaza South Suite 510  
Canton, O.H. 44430

Elvis Wooten

544-101, # - , pro se

IN THE COURT OF APPEALS FOR STARK COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

NANCY S. REINBOLD  
CLERK OF COURT OF APPEALS  
STARK COUNTY, OHIO  
SEP 16 PM 1:40

STATE OF OHIO

Plaintiff-Appellee

-vs-

ELVIS WOOTEN

Defendant-Appellant

JUDGMENT ENTRY

CASE NO. 2008CA00103

This matter came on for consideration upon defendant-appellant Elvis Wooten's Application for Reopening, which he filed on July 20, 2009. The State of Ohio filed a memorandum in opposition on August 6, 2009.

Appellant was convicted of one count of complicity to aggravated robbery and one count of complicity to aggravated burglary. On April 20, 2009, this Court affirmed Appellant's convictions. Appellant now seeks to reopen his appeal.

Ohio App. Rule 26 provides:

**"(B) Application for reopening**

"(1) A defendant in a criminal case may apply for reopening of the appeal from the judgment of conviction and sentence, based on a claim of ineffective assistance of appellate counsel. An application for reopening shall be filed in the court of appeals where the appeal was decided within ninety days from journalization of the appellate judgment unless the applicant shows good cause for filing at a later time.

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A TRUE COPY TESTE:  
NANCY S. REINBOLD, CLERK  
By *T. F. Ludwig* Deputy  
Date *9/17/09*

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FILED