

ORIGINAL

IN THE SUPREME COURT OF OHIO

State of Ohio,

Appellee,

Case No. 09-971

vs.

Byron Clayborn,

Appellant.

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

NOTICE OF INTENTION NOT TO FILE A SUPPLEMENT

Yeura R. Venters 0014879
Franklin County Public Defender

and

Allen V. Adair 0014851
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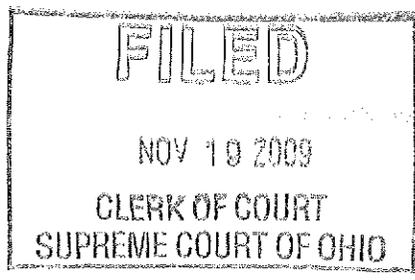
Counsel for Appellant Byron Clayborn

Ron O'Brien 0017245
Prosecuting Attorney
Franklin County, Ohio

and

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NOTICE OF INTENTION NOT TO FILE A SUPPLEMENT

Appellant Byron Clayborn gives this court notice of his intention not to file a supplement to the record as provided by the Franklin County Clerk of Courts. Though this case is captioned as a criminal case, appellant relied upon App. R. 4(A) and Civ.R. 58(B) in filing the initial notice of appeal to the Franklin County Court of Appeals.

Respectfully submitted,

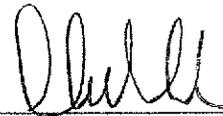
Yeura R. Venters 0014879
Franklin County Public Defender

By  _____

Allen V. Adair 0014851
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Counsel for Appellant
Byron Clayborn

PROOF OF SERVICE

I hereby certify that a copy of this notice was hand delivered to the office of the Franklin County Prosecuting Attorney, Counsel for Appellee, 373 South High Street, 13th Floor, Columbus, Ohio 43215, this 19th day of November, 2009.

 _____

Allen V. Adair, Counsel of Record
Counsel for Appellant,
Byron Clayborn