

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO

CASE NO. 10-

10-0251

Plaintiff-Appellant,

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

VS.

JEFFREY L. LYNN

COURT OF APPEALS  
CASE NO: 22946

Defendant-Appellee.

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NOTICE OF APPEAL OF APPELLANT, THE STATE OF OHIO

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**MATHIAS H. HECK, JR.**

PROSECUTING ATTORNEY

By R. LYNN NOTHSTINE (COUNSEL OF RECORD)

REG. NO. 0061560

Assistant Prosecuting Attorney

Montgomery County Prosecutor's Office

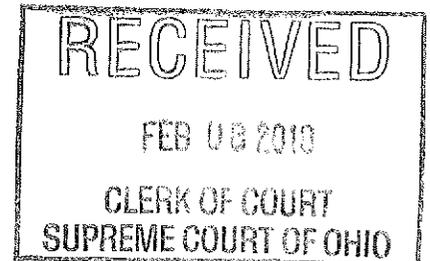
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**COUNSEL FOR APPELLANT, STATE OF OHIO**

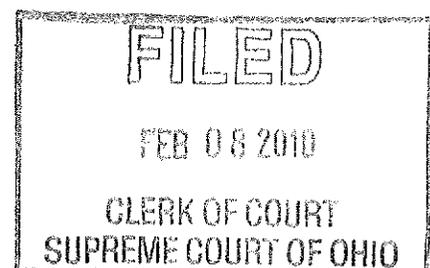
MICHAEL L. WRIGHT (COUNSEL OF RECORD)

1600 First National Plaza

130 West Second Street

Dayton, Ohio 45402

**COUNSEL FOR APPELLEE, JEFFREY L. LYNN**



**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. Jeffrey L. Lynn*, Case No. 22946 on December 23, 2009.

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

Respectfully submitted,

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

BY   
R. LYNN NOTHSTINE  
REG NO. 0061560  
Assistant Prosecuting Attorney  
APPELLATE DIVISION

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 5<sup>th</sup> day of February, 2010, to the following: Michael L. Wright, 1600 First National Plaza, 130 West Second Street, Dayton, Ohio 45402 and Timothy Young, Ohio Public Defender Commission, 250 East Broad Street, Suite 1400, Columbus, OH 43215-9311.

  
R. LYNN NOTHSTINE  
REG NO. 0061560  
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