

**ORIGINAL**

IN THE SUPREME COURT OF OHIO

State of Ohio,

Case No. 2009-0773

Plaintiff-Appellee,

vs.

Tyrone Noling,

Defendant-Appellant.

This is a death penalty case

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**Appellant Tyrone Noling's Second Notice of State Court Filing**

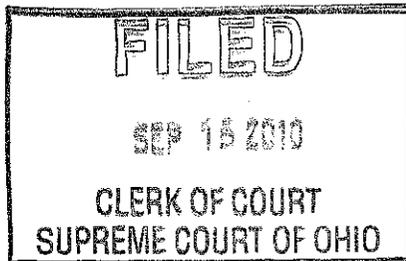
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On Appeal from the Portage County, Court of Common Pleas  
Case No. 95 CR 220

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Counsel for Tyrone Noling

IN THE SUPREME COURT OF OHIO

State Of Ohio,

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Plaintiff-Appellee,

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Defendant-Appellant.

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**Appellant Tyrone Noling's Corrected Notice Of State Court Filing**

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Appellant Tyrone Noling hereby gives notice to this Court of a pleading recently filed before the Portage County Court of Common Pleas, Case No. 95 CR 220. Noling has withdrawn his previously captioned Motion to Vacate a Void Sentence and to Issue a Final Appealable Order (Exhibit A) based on the authority of State v. Ketterer, 2010-Ohio-3831 (Aug. 25, 2010).

Respectfully submitted,

Mark Godsey (0074484)  
**Counsel of Record**

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By:   
Counsel for Appellant Tyrone Noling

**Certificate of Service**

This is to certify that a copy of the foregoing **Appellant Tyrone Noling's**  
**Second Notice of State Court Filing** was forwarded by regular U.S. Mail,  
postage prepaid to the offices of Victor Viglucci, Prosecuting Attorney, 241 S.  
Chestnut Street, Ravenna, Ohio 44266, and Richard Cordray, Ohio Attorney  
General, DNA Testing Unit, 150 East Gay Street, Columbus, Ohio 43215, this  
15th day of September 2010.



Kelly L. Schneider (0066394)  
Counsel for Appellant Tyrone Noling

PULL

In The Court Of Common Pleas  
Portage County, Ohio

State of Ohio,

Plaintiff,

vs.

Tyrone Noling,

Defendant.

FILED  
PORTAGE COUNTY COMMON PLEAS  
SEP 07 2010  
LINDA K. FANKHAUSER, CLERK  
RAVENNA, OH

Case No. 1995 CR 00220

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**Notice of Withdrawal of Motion to  
Vacate a Void Sentence and to Issue a Final Appealable Order**

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Tyrone Noling filed his Motion to Vacate a Void Sentence and to Issue a Final Appealable Order with this Court on June 25, 2010. On August 25, 2010, the Ohio Supreme Court issued its opinion in State v. Ketterer, 2010-Ohio-3831 (Aug. 25, 2010). Based on the authority of Ketterer, Noling hereby withdraws his Motion to Vacate a Void Sentence and to Issue a Final Appealable Order.

Respectfully Submitted,

Office of the  
Ohio Public Defender

Kelly L. Schneider - 0066394  
Supervisor, Death Penalty Division  
*Counsel of Record*

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EXHIBIT  
A  
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By: 

### Certificate of Service

I hereby certify that a true copy of the foregoing **Notice of Withdrawal of Motion to Vacate a Void Sentence and to Issue a Final Appealable Order** was forwarded by regular U.S. mail to Prosecutor Victor Viglucci, 241 South Chestnut St. Ravenna, Ohio 44266 on this 2nd day of September, 2010.

  
Kelly L. Schneider  
Supervisor, Death Penalty Division

#326859