

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,

Plaintiff-Appellant,

vs.

CARL M. MORRIS, JR.,

Defendant-Appellee.

ON APPEAL FROM THE MEDINA
COUNTY COURT OF APPEALS,
NINTH JUDICIAL DISTRICT

SUPREME COURT OF OHIO
CASE NO. 2010-1842

COURT OF APPEALS CASE
NO. 09CA0022-M

NOTICE OF PENDING MOTION TO CERTIFY CONFLICT

Pursuant to S.Ct. Prac. R. 4.4(A)

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FILED
NOV 08 2010
CLERK OF COURT
SUPREME COURT OF OHIO

RECEIVED
NOV 08 2010
CLERK OF COURT

Now comes the State of Ohio, Plaintiff and Appellant, by and through the office of the Prosecuting Attorney for Medina County, Ohio, and respectfully submits this notice pursuant to S.Ct. Prac. R. 4.4(A) of a timely motion to certify a conflict of authority among appellate districts pending in the Ninth District Court of Appeals. The State filed said motion on September 23, 2010. Also on that date, the State filed a motion for *en banc* reconsideration. To date, neither motion has been adjudicated.

Respectfully submitted,



RUSSELL A. HOPKINS (#0063798)
Assistant Prosecuting Attorney

PROOF OF SERVICE

The undersigned hereby certifies that a copies of the foregoing State's Notice of Appeal was sent by ordinary, prepaid U.S. Mail on this 5th day of November, 2010 to: David C. Sheldon, 669 W. Liberty St., Medina, OH 44256 and Office of the Ohio Public Defender at 250 E. Broadway St., suite 1400, Columbus, OH 43215.


