

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO

Appellant

-vs-

CARL MORRIS, JR.,

Appellee

CASE NO. 2010-1842

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

**CARL MORRIS JR.'S MEMORANDUM OPPOSING APPELLANT'S MOTION FOR
RECONSIDERATION**

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MEMORANDUM OPPOSING MOTION FOR RECONSIDERATION

Supreme Court Rule of Practice 11.2 (B) states, in relevant part: “A motion for reconsideration shall not constitute a reargument of the case and may be filed only with respect to the following” Despite the admonition from that rule, the State chooses to re-hash the same arguments it set forth in its previous memorandum in support of jurisdiction. These are the same arguments that this court carefully considered and chose not to accept this appeal for review.

Although a monkey may dress himself in silk, it remains a monkey. The State may file a new memorandum with some minor changes to the previous, but it doesn't change the arguments therein. They are the same. The court dismissed those arguments and declined jurisdiction.

There is no controversy created by the Ninth District Court of Appeals' decision. The court didn't apply the wrong standard of review. The court properly ruled that admission of other acts evidence in this case was erroneous and substantially affected the outcome of the trial. The net effect was that Mr. Morris was deprived of his right to a fair trial. That is what every defendant in a criminal trial deserves. That is what the Sixth Amendment to the United States Constitution guarantees.

This Honorable Court properly declined jurisdiction to hear this appeal. Mr. Morris deserves a fair trial. Hopefully, with the Ninth District Court of Appeals' decision, he will now receive a fair trial.

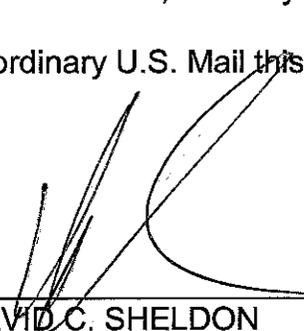
WHEREFORE, Carl M. Morris, Jr., respectfully requests that the Court deny the motion for reconsideration.



DAVID C. SHELDON #0040523
Attorney for Carl M. Morris, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Carl Morris, Jr.'s Memorandum Opposing Appellant's Motion For Reconsideration was forwarded to Dean Holman, Medina County Prosecutor, Attorney for Appellant, 72 Public Square, Medina, Ohio 44256 by ordinary U.S. Mail this 11th day of February, 2011.



DAVID C. SHELDON
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