

ORIGINAL

In the
Supreme Court of Ohio

RICHARD L. HARTLEY,

Petitioner-Appellee,

v.

STATE OF OHIO,

Respondent-Appellant.

Case No. 11-0312

On Appeal from the
Licking County
Court of Appeals,
Fifth Appellate District

Court of Appeals
Case No. 10-CA-65

NOTICE OF APPEAL OF RESPONDENT-APPELLANT STATE OF OHIO

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RECEIVED
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SUPREME COURT OF OHIO

FILED
FEB 25 2011
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SUPREME COURT OF OHIO

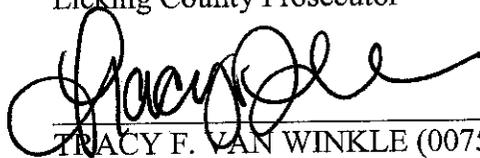
NOTICE OF APPEAL OF RESPONDENT-APPELLANT STATE OF OHIO

The State of Ohio gives notice of its discretionary appeal to this Court, pursuant to Ohio Supreme Court Rule 2.1(3), from a decision of the Licking County Court of Appeals, Fifth Appellate District, journalized in Case No. 10-CA-65 on January 12, 2011. Date-stamped copies of the Fifth District's Judgment and Decision are attached to the State of Ohio's Memorandum in Support of Jurisdiction.

For the reasons set forth in the accompanying Memorandum in Support of Jurisdiction, this case presents substantial constitutional questions and is one of public and great general interest.

Respectfully submitted,

KENNETH W. OSWALT (0037208)
Licking County Prosecutor



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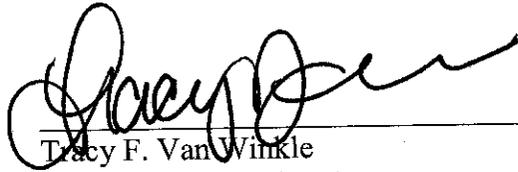
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Appeal was served by U.S. mail this 23rd

day of February 2011, upon the following counsel:

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FILED

IN THE COURT OF APPEALS FOR LICKING COUNTY, OHIO
FIFTH APPELLATE DISTRICT 2011 JAN 12 A 9 42

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OF APPEALS
LICKING COUNTY OH
GARY R. WALTERS

RICHARD L. HARTLEY

Petitioner-Appellee

-vs-

STATE OF OHIO

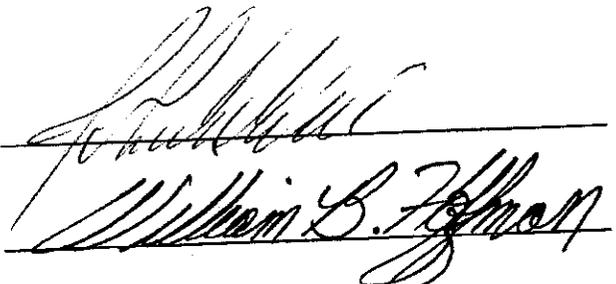
Respondent-Appellant

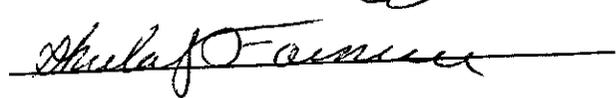
JUDGMENT ENTRY

Case No. 10 CA 65

For the reasons stated in our accompanying Memorandum-Opinion, the judgment of the Court of Common Pleas, Licking County, Ohio, is affirmed.

Costs assessed to Respondent-Appellant.



William B. Johnson


JUDGES