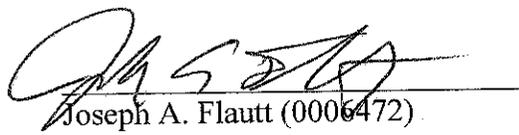


IN THE SUPREME COURT OF OHIO

State of Ohio, Ex. Rel :  
 James L. Chatfield, :  
 Relator, : Case No. 2011-1687  
 v. :  
 Joseph A. Flautt, :  
 Respondent. :

MOTION

Now comes Joseph A. Flautt the Respondent herein and moves that this appeal be dismissed for the reasons set forth in the attached memorandum.



Joseph A. Flautt (0006472)  
 Respondent  
 P.O. Box 569  
 111 N. High St.  
 New Lexington, Ohio 43764  
 (740) 342-4582

MEMORANDUM IN SUPPORT OF MOTION

The Relator filed his Notice of Appeal with this Court on October 5, 2011. Although the Notice of Appeal contains a Certificate of Service alleging service of the Notice on Respondent, such service was not actually completed. The Respondent was not aware of the appeal until he received a letter from this Court advising him that the record had been filed with the Court.

Additionally, the Relator failed to file a Memorandum in Support of Jurisdiction as required by Rule III, Section 1 (A) of the Supreme Court Rules of Practice. Without the

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 CLERK OF COURT  
 SUPREME COURT OF OHIO

FILED  
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 SUPREME COURT OF OHIO

Memorandum being filed it is virtually impossible for Respondent to know what issues the Relator intends to raise on appeal for purposes of addressing the jurisdictional issue.

For the foregoing reasons, Respondent asserts that the appeal of Relator must be dismissed.

Respectfully submitted,



Joseph A. Flautt, Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that of copy of the foregoing Motion and Memorandum has been served on James L. Chatfield, A#598109, P.O. Box 69, London Correctional Institute, London, Ohio 43140-0069 by mailing a copy ordinary U.S. mail this 8<sup>th</sup> day of November, 2011.



Joseph A. Flautt, Respondent