

**IN THE SUPREME COURT OF OHIO**

**Supreme Court Case Number 10-1373**

**STATE OF OHIO**

Appellee

v.

**ASHFORD L. THOMPSON**

Appellant

On Appeal from the Summit  
County Court of Common Pleas  
Case No. CR 08 07 2390

**CAPITAL CASE**

**STATE'S MOTION FOR DETERMINATION OF JURISDICTION**

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**FILED**

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CLERK OF COURT  
SUPREME COURT OF OHIO

**RECEIVED**

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SUPREME COURT OF OHIO

## STATE'S MOTION FOR DETERMINATION OF JURISDICTION

The State moves the Court for a determination of jurisdiction. Appellant Ashford L. Thompson filed his Merit Brief on July 26, 2011. In his first Proposition of Law he argues that there is no final order under Crim.R. 32(C) consequently this Court has no jurisdiction to consider and correct any error. Thompson Merit Brief, 24.

The State filed its Merit Brief on December 12, 2011 in part responding to the jurisdictional argument and contending that there is a final order. State Merit Brief, 7-11.

Thompson filed his Reply Brief on January 25, 2012 continuing his argument that there is no final order and that the case must be remanded for a new sentencing hearing. Thompson Reply Brief, 2-4. Thompson has not filed a motion to dismiss the appeal even though he contends this Court has no jurisdiction.

It will be likely be around two years before the case is scheduled for oral argument. Additional months will pass before the decision. See *State v. Wesson*, Case Number 2009-0739 (Reply Brief filed August 12, 2010); *State v. Jones*, Case Number 2008-0525 (State Merit Brief filed June 15, 2009, no Reply Brief filed); *State v. Fry*, Case Number 2006-1502 (Reply Brief filed November 15, 2007, oral argument held November 17, 2009, Decision released March 23, 2010).

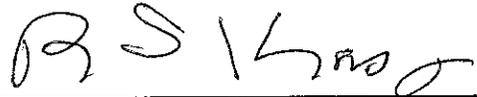
If Thompson is correct in his jurisdictional argument the case will be remanded causing additional delay. If there is to be additional delay better that it occurs sooner rather than later. Thompson's failure to file a motion to dismiss indicates he is looking to cause as much delay as possible. The State requests that the jurisdictional issue be addressed prior to oral argument scheduled in normal course. The State believes that

the issue can be determined on the briefs but has no objection to oral argument on the issue.

For these reasons the State requests that the jurisdictional issue be addressed prior to issues on the merits.

Respectfully submitted,

**SHERRI BEVAN WALSH**  
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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing document has been sent via regular U.S. mail to Kimberly S. Rigby, Rachel, Troutman, and Robert Barnhart, Assistant State Public Defenders, Office of the Ohio Public Defender, 250 East Broad Street, Suite 1400, Columbus, Ohio, 43215, on this 31st day of January, 2012.



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