

NO. 2012-0081

IN THE SUPREME COURT OF OHIO

APPEAL FROM
THE COURT OF APPEALS FOR CUYAHOGA COUNTY, OHIO
NO. 96373 & 96374

STATE OF OHIO

Plaintiff-Appellant

-vs-

DEMETRIUS DARMOND and IRIS OLIVER

Defendants-Appellees

NOTICE OF CERTIFIED CONFLICT PURSUANT TO S.CT.PRAC.R. 4.4(A) & (C)

Counsel for Defendants-Appellees

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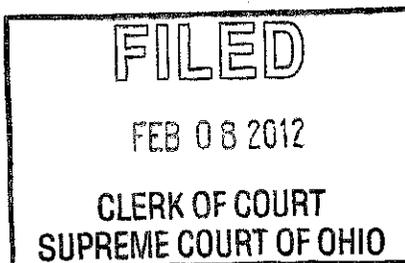
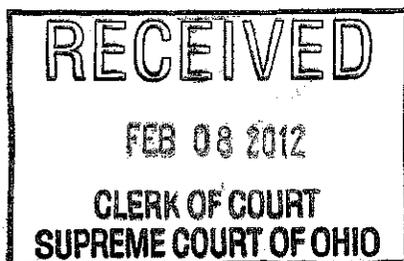
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**Notice of Pending Motion to Certify a Conflict
Pursuant to S.Ct. Prac. R. 4.4(A) & (C)**

Appellant, State of Ohio gives notice to the Supreme Court of Ohio, pursuant to S.Ct. Prac. 4.4(A) & (C), that the Eighth District Court of Appeals has certified a conflict in Eighth District Court of Appeals, Case Nos. CA-96373 & 96374 decided and journalized on December 1, 2011. On January 30, 2012, the Eighth District has certified the following question to this Court:

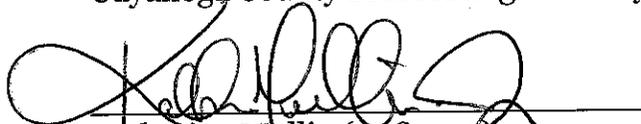
Does the holding in *Lakewood v. Papadelis*, 32 Ohio St.3d 1, 511 N.E.2d 1138 (1987), apply equally to instances where the state has committed a discovery violation?

The Eighth District has declared that its decision in *State v. Darmond* is in conflict with the Third District Court of Appeals opinion in *State v. Engle*, 166 Ohio App.3d 262, 2006-Ohio-1884, 850 N.E.2d 123, and the First District Court of Appeals opinion in *State v. Siemer*, 1st Dist. No. C-060604, C-060605, 2007-Ohio-4600.

Under Sup.Ct. R. 4.1, a notice of certified conflict has been filed in Sup. Ct. Case No. 2012-0195.

Respectfully submitted,

WILLIAM D. MASON
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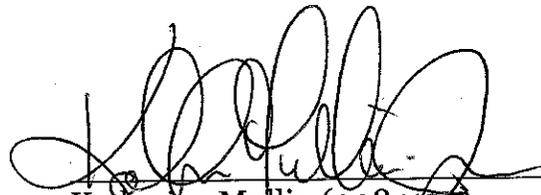
CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Certified Conflict was sent by regular U.S. mail this 7th day of February 2012 to:

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