

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,)	Case No. 2012-0190
)	
Plaintiff-Appellee,)	On Appeal from the
)	Lake County Court of Appeals,
v.)	Eleventh Appellate District
)	
MARK W. WILFONG)	
)	Court of Appeals Case No. 2010-L-074
Defendant-Appellant.)	

MEMORANDUM IN RESPONSE OF APPELLEE STATE OF OHIO

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FILED
FEB 13 2012
CLERK OF COURT
SUPREME COURT OF OHIO

RECEIVED
FEB 13 2012
CLERK OF COURT
SUPREME COURT OF OHIO

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**EXPLANATION OF WHY THIS CASE DOES NOT INVOLVE
A SUBSTANTIAL CONSTITUTIONAL QUESTION, NOR A
QUESTION OF PUBLIC OR GREAT GENERAL INTEREST**

On February 1, 2012, appellant Mark W. Wilfong filed a pro se notice of appeal and memorandum in support of jurisdiction with this Court, appealing the judgment of the Eleventh District Court of Appeals in *State v. Wilfong*, 11th Dist. No. 2010-L-074, 2011-Ohio-6512, 2011 WL 6339821. In *Wilfong*, the court of appeals properly affirmed the trial court's denial of appellant's post-sentence motion to withdraw his guilty plea under Crim.R. 32.1. *Id.* at ¶9-32.

S.Ct.Prac.R. 3.1(B) requires, inter alia, a memorandum in support of jurisdiction to contain “[a] table of contents, which shall include the propositions of law” and “[a] brief and concise argument in support of each proposition of law.” S.Ct.Prac.R. 3.1(B)(1) and (4). Appellant's memorandum does not contain a table of contents, but more importantly, there are no propositions of law or arguments in support thereof presented. Thus, appellee is unable to provide, pursuant to S.Ct.Prac.R. 3.2(B)(2), “[a] brief and concise argument in support of the appellee's position regarding each proposition of law raised in the memorandum in support of jurisdiction.” Moreover, there is nothing presented for this Court to review that was not already thoroughly and properly addressed by the appellate court.

The Eleventh District Court of Appeals relied upon and applied well-established law regarding post-sentence motions to withdraw guilty pleas and claims of ineffective assistance of counsel before determining that the trial court did not abuse its sound discretion in overruling appellant's post-sentence motion under Crim.R. 32.1.

Appellant is simply unhappy with the appellate court's decision, and his case does not present a question of great general or public interest, nor a substantial constitutional question. Further review by this Court is not only impossible, but unnecessary.

STATEMENT OF THE CASE AND FACTS

The facts and procedural posture giving rise to this matter were thoroughly set forth by the Eleventh District Court of Appeals in *Wilfong* at ¶1-8.

CONCLUSION

For the foregoing reasons, the State of Ohio, Appellee herein, respectfully requests that this Honorable Court deny jurisdiction.

Respectfully submitted,

By: Charles E. Coulson, Prosecuting Attorney

By: Alana A. Rezaee (KRS)

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PROOF OF SERVICE

A copy of the foregoing Memorandum in Response of Appellee, State of Ohio, was sent by regular U.S. Mail, postage prepaid, to the appellant, Mark W. Wilfong, *Pro se*, #A562-095, Marion Correctional Institution, P. O. Box 57, Marion, OH 43302, on this 10th day of February, 2012.

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