

**IN THE OHIO SUPREME COURT**

<b>STATE OF OHIO,</b>	:	<b>CASE NO.: 2012-0216</b>
	:	
<b>Plaintiff/Appellee</b>	:	
	:	<b>ON APPEAL FROM THE</b>
<b>vs.</b>	:	<b>SUMMIT COUNTY COURT OF</b>
	:	<b>APPEALS, NINTH DISTRICT</b>
<b>DAVID WILLAN</b>	:	
	:	<b>COURT OF APPEALS</b>
<b>Defendants/Appellant</b>	:	<b>CASE NO.: CA-24894</b>
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**APPELLANT'S OPPOSITION TO STATE'S MOTION FOR STAY  
OF EXECUTION OF JUDGMENT**

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**FILED**  
FEB 27 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

David Willan, through counsel, hereby opposes Plaintiff/Appellee's request for a Stay of Execution of Judgment during the pendency of this matter in this Court. Plaintiff/Appellee gives no reason for the necessity of a Stay other than to "to ensure the integrity of the existing convictions and sentence pending a determination by this Court," claiming that "[t]he ultimate determination of these issues by this Court could plainly affect the nature and scope of any sentence that the trial court would fashion in order to comply with the mandate of the court of appeals . . ."

The Plaintiff/Appellant does not address how the integrity of the existing convictions and sentence would in any way be adversely affected or impaired in the absence of a Stay. That is, the Plaintiff/Appellant has advanced no reason as to why a stay is necessary. While it is certainly possible that the nature and scope of a sentence could be affected by a ruling of this Court, the Trial Court would, as is often the case, revisit the sentence and issue a sentence consistent with this Court's determination. The Plaintiff/Appellee has certainly not advanced a reason or a concern that the Trial Court could not or would not, if necessary, insure that any sentence is adjusted to conform to the determinations made by this Court. There is no threat to the integrity of the existing convictions or sentence. The Plaintiff/Appellee has not even raised a concern about how the integrity of the original convictions or sentence would be impaired. In fact, there is no threat of any kind to the integrity of the convictions and sentence in this case.

Additionally, Plaintiff/Appellee failed to address "relevant information regarding bond" as required by S.Ct. Prac. R. 14.4.

As the Plaintiff/Appellee has advanced no reason a Stay is necessary in this case, and, in fact, there is no necessity for a Stay in this case, this Court is requested to deny the Plaintiff/Appellees Motion for a Stay of Execution of Judgment.

Respectfully submitted,

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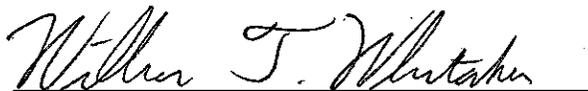
### CERTIFICATE OF SERVICE

A copy of the foregoing was served by regular U.S. mail this 27<sup>th</sup> day of February, 2012

upon:

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