

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, : Case No. 2011-0990  
 Appellant, :  
 v. :  
 CARL SIMONS, : MOTION TO AFFIRM DECISION  
 Appellee, :

NOW COMES the Appellee, Carl Simons, *pro se*, and hereby moves this Court to affirm the September 28, 2011 decision of the Second District Court of Appeal, (Case No. 2010 CA 07), which the State appealed and was ordered by this Court to be stayed and held for the decision in Supreme Court Case No. 2011-0685, *State v. Davis*. This Court has made a decision in *Davis* on April 17, 2012. *State v. Davis*, 2012 Ohio 1654, 2012 LEXIS 866.

THEREFORE, the appellant asks that this motion to affirm be granted.

Respectfully submitted,

  
 Carl Simons, *pro se*  
 #625933  
 P.O. Box 740  
 London, Ohio 43140

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was sent to the Champaign County Prosecutor, 200 N. Main Street, Urbana, Ohio 43078 on this 23<sup>rd</sup> day of April, 2012.

  
 Carl Simons

RECEIVED  
 APR 25 2012  
 CLERK OF COURT  
 SUPREME COURT OF OHIO