

NO. 12-1861

IN THE SUPREME COURT OF OHIO

APPEAL FROM THE COURT OF APPEALS  
FOR CUYAHOGA COUNTY, OHIO  
CASE NO. 97697

STATE OF OHIO,  
Plaintiff-Appellant

-vs-

TIMOTHY TATE,  
Defendant-Appellee

**NOTICE OF APPEAL TO THE SUPREME COURT OF OHIO**

Now comes the State of Ohio to hereby give Notice of Appeal to this Supreme Court of Ohio from a Journal Entry of the Court of Appeals for Cuyahoga County, Ohio, Eighth Judicial District, journalized September 20, 2012, which reversed and remanded the trial court's decision. S.Ct. Prac. R. II, §2(A)(1).

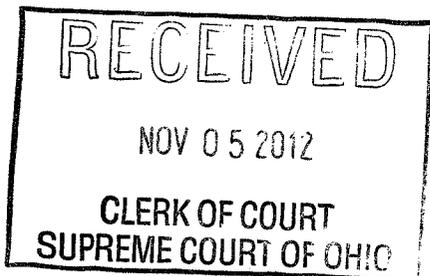
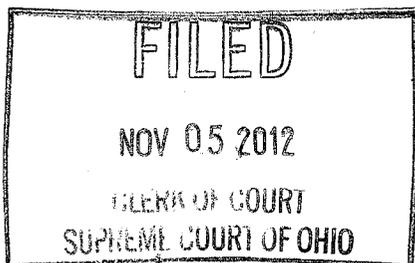
This cause did not originate in the Court of Appeals, it is a felony, it involves a substantial constitutional question, and it is of great general and public interest.

Respectfully submitted,

TIMOTHY J. McGINTY (0024626)  
CUYAHOGA COUNTY PROSECUTOR

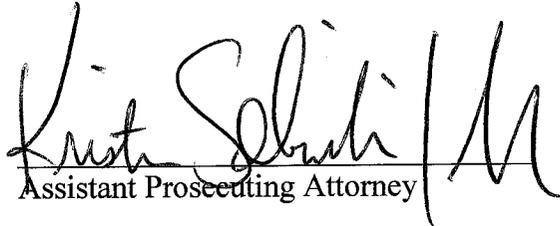
BY:

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**CERTIFICATE OF SERVICE**

A foregoing copy of the Notice of Appeal has been mailed via U.S. regular mail this 2<sup>nd</sup> day of November 2012 to Christopher Fortunato, 13363 Madison Avenue, Lakewood, Ohio 44017 and via email to the Ohio Public Defender's Office, through Kenneth Spiert at, [ken.spiert@opd.gov](mailto:ken.spiert@opd.gov).

  
Assistant Prosecuting Attorney