

NO. 2012-1514 & 2012-1528

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IN THE SUPREME COURT OF OHIO

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APPEAL FROM  
THE COURT OF APPEALS FOR CUYAHOGA COUNTY, OHIO  
NO. 97636

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STATE OF OHIO  
Plaintiff-Appellant

-vs-

STEVEN C. DAVIS  
Defendant-Appellee

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MOTION FOR RECONSIDERATION

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Counsel for Plaintiff-Appellant

Timothy J. McGinty  
Cuyahoga County Prosecutor

Daniel T. Van (#0084614)  
Assistant Prosecuting Attorney  
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Counsel for Defendant-Appellee

Cullen Sweeney  
310 Lakeside Avenue, Suite 200  
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**MOTION FOR RECONSIDERATION**

Pursuant to S.Ct. Prac. R. 11.2, the State of Ohio respectfully asks this Court to reconsider the judgment in *State v. Davis*, Slip Opinion No. 2012-Ohio-5761. Specifically, this Court affirmed the judgment of the court of appeals based on the authority of *State v. Howard*, Slip Opinion No. 2012-Ohio-5738.

On December 13, 2012, a motion for reconsideration was filed in Sup. Ct. Case No. 2011-2126, *State v. Howard*. Ultimately, the judgment in this case should be consistent with the decision in *Howard*. A decision on this motion for reconsideration should be stayed pending a decision on the motion for reconsideration in *Howard*. Therefore, the State would ask this court to reconsider the judgment in this case should reconsideration be granted in *Howard*.

Respectfully Submitted,  
Timothy J. McGinty  
Cuyahoga County Prosecutor  
By: Daniel T. Van (by Superior Judge 004387  
per authority)  
Daniel T. Van (#0084614)  
Assistant Prosecuting Attorney  
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**SERVICE**

A copy of the foregoing motion for reconsideration has been sent on this 17<sup>th</sup> day of December 2012 via electronic mail to Cullen Sweeney at [csweeney@cuyahogacounty.us](mailto:csweeney@cuyahogacounty.us).

Daniel T. Van (by SI per authority)  
Daniel T. Van (#0084614)