

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, : CASE NO. 2013-0332  
Appellee, :  
vs. :  
DONALD LEE JOHNSON : *Certified Conflict from the Butler*  
Appellant. : *County Court Of Appeals,*  
: *Twelfth Appellate District*  
: *Case No. CA2011-11-0212*

**APPELLEE'S RESPONSE TO APPELLANT'S EMERGENCY**  
**MOTION FOR STAY OF BRIEFING SCHEDULE**

Attorneys for Appellee:

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MAR 18 2013

CLERK OF COURT  
SUPREME COURT OF OHIO

OFFICE OF  
PROSECUTING ATTORNEY  
BUTLER COUNTY, OHIO

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Appellee,	:	
<b>vs.</b>	:	
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**APPELLEE’S RESPONSE TO APPELLANT’S EMERGENCY MOTION FOR  
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On February 25, 2013 Appellant filed a notice of certified conflict. On March 12, 2013 Appellant filed a motion to stay the briefing schedule in the lower appellate court until this Honorable Court decides whether in fact a conflict exists. This Court on March 13, 2013 “that appellee file a response to appellant’s emergency motion for stay of briefing schedule in the court of appeals pending resolution of the certified conflict filed in this court, if any, no later than Tuesday, March 19, 2013.” *03/13/2013 Case Announcements #2, 2013-Ohio-921.*

Pursuant to this Court’s directive, Appellee files its response. Appellee does not intend to take a position on whether briefing in the lower appellate court should be stayed. Appellee will leave the decision to the sound discretion of the Court.

Respectfully submitted,

**MICHAEL T. GMOSE** (0002132)  
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**PROOF OF SERVICE**

This is to certify that a copy of the foregoing Notice of Additional Authority was served upon E. Kelly Mihocik, Assistant State Public Defender, Counsel for Appellant, 250 East Broad Street, Suite 1400, Columbus, Ohio 43215, by ordinary U.S. mail this 13<sup>th</sup> day of March, 2013.



**LINA N. ALKAMHAWI** (0075462)

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