

ORIGINAL

IN THE OHIO SUPREME COURT

State of Ohio, :
 Plaintiff-Appellant, :
 v. :
 Donald Lee Johnson, :
 Defendant-Appellee. :

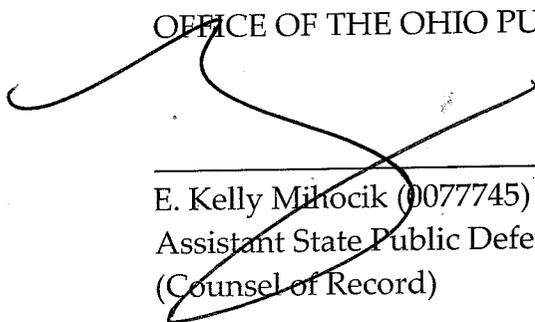
Case No. 2013- 332
 On appeal from the Butler
 County Court of Appeals
 Twelfth Appellate District
 Case No. CA2011-11-212

MOTION TO APPOINT THE OFFICE OF THE OHIO PUBLIC DEFENDER

On April 24, 2013, this Court determined that a conflict in the law exists and accepted jurisdiction over Appellant Donald Johnson's case so that it could resolve that conflict. Entry, attached. Mr. Johnson is indigent; therefore, he asks that this Court appoint the Office of the Ohio Public Defender to represent him in the above-captioned case. See Copy of Entry of Appointment of Counsel, attached.

Respectfully Submitted,

OFFICE OF THE OHIO PUBLIC DEFENDER



 E. Kelly Mihocik (0077745)
 Assistant State Public Defender
 (Counsel of Record)

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 Columbus, Ohio 43215
 (614) 466-5394
 (614) 752-5167 (Fax)
 kelly.mihocik@opd.ohio.gov

Counsel for Appellant Donald Lee Johnson

FILED
 APR 29 2013
 CLERK OF COURT
 SUPREME COURT OF OHIO

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing was sent by regular U.S. Mail, to the office of Michael A. Oster, Jr., Assisting Prosecuting Attorney, Butler County Prosecutor's Office, 315 High Street, 11th Floor, Hamilton, Ohio 45011 this 29th day of April, 2013.



E. Kelly Mihocik (0077745)

Assistant State Public Defender

Counsel for Appellant Donald Lee Johnson

#392236

The Supreme Court of Ohio

FILED

APR 24 2013

CLERK OF COURT
SUPREME COURT OF OHIO

State of Ohio

Case No. 2013-0332

v.

ENTRY

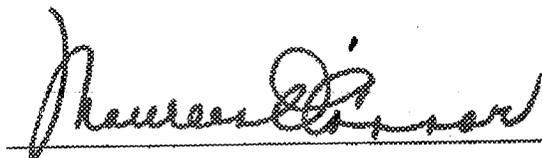
Donald Lee Johnson

This cause is pending before the court on the certification of a conflict by the Court of Appeals for Butler County. On review of the order certifying a conflict, it is determined that a conflict exists. The parties are to brief the issue stated at page 1 of the court of appeals' Entry filed February 21, 2013, as follows:

“Whether, pursuant to R.C. 2951.03, newly-appointed appellate counsel is entitled to obtain a copy of the defendant's presentence investigation report.”

It is ordered by the court that the clerk shall issue an order for the transmittal of the record from the Court of Appeals for Butler County.

(Butler County Court of Appeals; No. CA2011-11-212)



Maureen O'Connor
Chief Justice

ORIGINAL

IN THE COURT OF APPEALS FOR BUTLER COUNTY, OHIO

2012 SEP 21 PM 1:51
MARY L. SWAIN
BUTLER COUNTY
CLERK OF COURTS

13-0332

STATE OF OHIO,
Appellee,

CASE NO. CA2011-11-212
REGULAR CALENDAR

vs.

ENTRY GRANTING MOTION TO
REINSTATE APPEAL

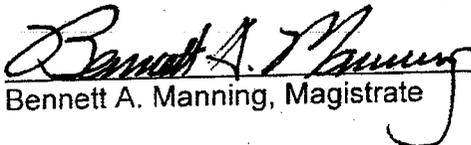
DONALD LEE JOHNSON
Appellant.

FILED BUTLER CO.
COURT OF APPEALS
SEP 21 2012
MARY L. SWAIN
CLERK OF COURTS

The above cause is before the court pursuant to a motion to reconsider the dismissal of appeal and appoint the office of the Ohio Public Defender filed by the Ohio Public Defender's Office on behalf of appellant, Donald Lee Johnson, on August 31, 2012.

Upon due consideration of the foregoing, the motion is GRANTED. This appeal is reinstated; the office of the Ohio Public Defender is appointed to represent appellant.

IT IS SO ORDERED.


Bennett A. Manning, Magistrate

FILED
FEB 25 2013
CLERK OF COURT
SUPREME COURT OF OHIO