

**ORIGINAL**

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, : Case Number **13-0807**  
Appellant, : On Appeal from the Richland  
County Court of Appeals,  
v. : Fifth Appellate District  
BYRON YAMBRISAK, : Court of Appeals  
Appellee. : Case No. 2012-CA-50

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APPELLANT, STATE OF OHIO'S  
NOTICE OF PENDING MOTION TO CERTIFY A CONFLICT

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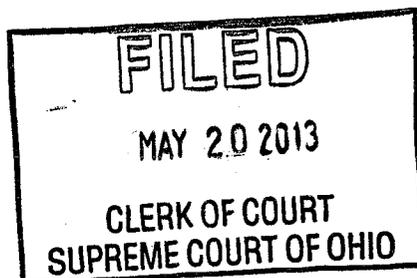
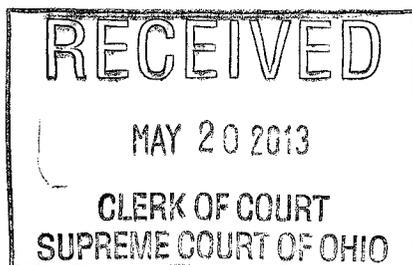
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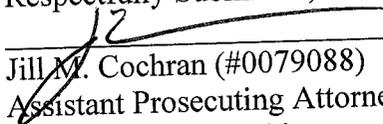


**NOTICE OF PENDING MOTION TO CERTIFY A CONFLICT**

Appellant, State of Ohio, hereby gives notice that it has timely moved the Fifth District Court of Appeals to certify the issue presented in this case as a conflict.

Therefore, the State respectfully requests that the Court stay consideration of the jurisdictional memorandum filed in its discretionary appeal until the Fifth District has ruled on the State's motion.

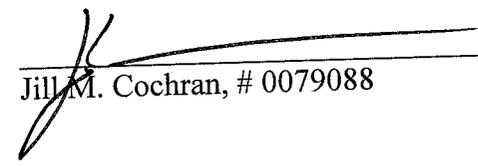
Respectfully Submitted,

  
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Jill M. Cochran (#0079088)  
Assistant Prosecuting Attorney  
Richland County, Ohio

Counsel for Appellant, State of Ohio

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Notice of Appeal was sent to Attorney R. Paul Cushion, III, 75 Public Square, Suite 1111, Cleveland, Ohio 441133 by regular U.S. Mail this 15th day of May, 2013.

  
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Jill M. Cochran, # 0079088