

ORIGINAL

NO. 13-0910

IN THE SUPREME COURT OF OHIO

APPEAL FROM
THE COURT OF APPEALS FOR CUYAHOGA COUNTY, OHIO
NO. 97804

STATE OF OHIO,
Plaintiff-Appellant

-vs-

JAMES TATE, II,
Defendant-Appellee

NOTICE OF APPEAL TO THE SUPREME COURT OF OHIO

Counsel for Plaintiff-Appellant

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FILED
JUN 06 2013
CLERK OF COURT
SUPREME COURT OF OHIO

RECEIVED
JUN 06 2013
CLERK OF COURT
SUPREME COURT OF OHIO

Now comes the State of Ohio and hereby give Notice of Appeal to the Supreme Court of Ohio from a judgment and final order of the Court of Appeals for Cuyahoga County, Ohio, Eighth Judicial District, entered February 21, 2013. The State filed a timely motion for reconsideration, en banc on March 1, 2013. On April 26, 2013, the Eighth District denied the motion for reconsideration, en banc. The State is appealing the opinion and judgment entry announced on February 21, 2103, which the Eighth District declined to reconsider on April 26, 2013. S.Ct. Prac. R. II, §2(A)(5)(a).

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

Respectfully submitted,

TIMOTHY J. MCGINTY
CUYAHOGA COUNTY PROSECUTOR

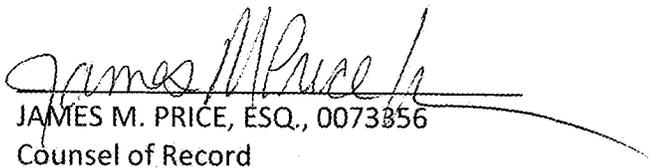
BY:


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CERTIFICATE OF SERVICE

I certify that a copy of this *Notice of Appeal* was sent via ordinary U.S. mail to Rick L. Ferrara, Esq., 2077 East 4th Street, 2nd Floor, Cleveland, Ohio 44114; and Donald R. Murphy, Esq., 12800 Shaker Blvd., Cleveland, Ohio 44120, on this 5TH day of June, 2013.


JAMES M. PRICE, ESQ., 0073356
Counsel of Record