

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO :
 :
 Appellee, :
 :
 -- vs -- :
 :
 JERRY BIRT :
 :
 :
 Defendant-Appellant. :

On Appeal from the Butler County Court
of Appeals, Twelfth Appellate District
Court of Appeals Case No.
CA 2012 02 0031

Supreme Court Case No. 2013-0825

**AMENDED NOTICE OF WITHDRAWAL AS COUNSEL OF RECORD FOR
DEFENDANT-APPELLANT, JERRY BIRT**

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FILED

JUN 14 2013

CLERK OF COURT
SUPREME COURT OF OHIO

Now comes Brian A. Smith, counsel of record for the Appellant, Jerry Birt in the above-captioned case, and hereby gives notice to all parties, and to this Court, of his withdrawal as counsel of record for the Appellant, Jerry Birt, effective June 13, 2013. The grounds for withdrawal are that withdrawal can be accomplished without material adverse effect on the Appellant. Appellant's new address is Jerry Birt, Inmate # 657-527, Warren Correctional Institution, P.O. Box 120, Lebanon, OH 45036-0120.

Respectfully submitted,

By: /s/Brian A. Smith

Brian A. Smith, Esq.

COUNSEL FOR DEFENDANT-APPELLANT,
JERRY BIRT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by regular U.S. mail on both Lina N. Alkanhawi and Michael T. Gmoser, Butler County Prosecutor's Office, 315 High Street, 11th Floor, Hamilton, Ohio 45011, on this 13th day of June, 2013.

/s/Brian A. Smith

Brian A. Smith, Esq.