

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	:	
Appellee	:	No. 2013-1010
	:	App. Case No. C-130079
vs.	:	
	:	
TERRELL VANZANDT,	:	
Appellant	:	

MEMORANDUM OF APPELLANT IN
 RESPONSE TO APPELLEE'S MOTION TO STRIKE

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ATTORNEY FOR APPELLEE

ATTORNEYS FOR APPELLANT

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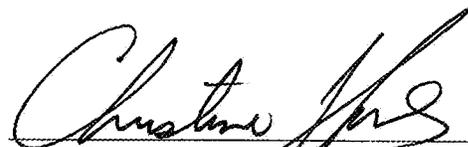
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Appellee : App. Case No. C-130079
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vs. : MEMORANDUM OF APPELLANT
 : IN RESPONSE TO APPELLEE'S
 : MOTION TO STRIKE
TERRELL VANZANDT, :
Appellant :

Now comes Appellant, by and through counsel, in response to Appellee's Motion to Strike, and states the following. Counsel for Appellant has, upon discovering that Appellee did not receive a copy of Appellant's Merit Brief, personally served a copy on January 2, 2014. Appellant is hopeful that this Court will decline to strike Appellant's brief, but instead allow Appellee additional time in which to file its Merit Brief.

Counsel for Appellant is in agreement with the State that we have had a long-standing, working relationship, and the failure of the State to receive its copy of the Merit Brief was due to some unfortunate mishap. Appellant is hopeful that his brief not be stricken. However, in the interests of justice and in accordance with S.Ct.Prac.R. 3.11(D)(2), he would also ask the Court to order relief for the State which has been adversely affected, by ordering a new deadline in which the State may file its Merit Brief.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was personally served upon Scott M. Heenan,
Assistant Hamilton County Prosecuting Attorney, this 6th day of January, 2014.


Christine Y. Jones #0055225
Attorney for Appellant