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IN THE OHIO SUPREME COURT

<b>STATE OF OHIO,</b>	:	<b>CASE NO.: 2012-0216</b>
	:	
<b>Plaintiff/Appellee</b>	:	
	:	<b>ON APPEAL FROM THE</b>
vs.	:	<b>SUMMIT COUNTY COURT OF</b>
	:	<b>APPEALS, NINTH DISTRICT</b>
<b>DAVID WILLAN</b>	:	
	:	<b>COURT OF APPEALS</b>
<b>Defendants/Appellant</b>	:	<b>CASE NO.: CA-24894</b>
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**APPELLANT/CROSS-APPELLEE’S MOTION TO REMAND TO THE TRIAL COURT**

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Now comes Appellant/Cross-Appellee David Willan (“Willan”) and respectfully requests that this Court remand this case to the trial court in this matter. On April 13, 2014, the Supreme Court of the United States (“SCOTUS”) granted Mr. Willan’s Petition for Certiorari, vacated this Court June 11, 2013 Opinion, and remanded the case to this Court “for further consideration in light of *Alleyne v. United States*, 570 U. S. \_ (2013). On May 23, 2014, SCOTUS issued its Mandate. By this Motion, Mr. Willan requests that this Court remand this matter to the Trial Court in order to initially consider the case in light of *Alleyne* and, if necessary pursuant to that consideration, resentence Mr. Willan. Mr. Willan has served nearly six years of the mandatory ten-year sentence that may no longer be applicable. Allowing this matter to be remanded to the

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trial court would save judicial resources as the Trial Court will have to resentence him after the

application of *Alleyne*. Additionally, the Court of Appeals is currently holding a case involving the Trial Court's initial resentencing of Mr. Willan after this Court's June 2013 Opinion. Finally, this Court, depending on the rulings below, may again be asked to address this matter. If the Court remands to the Trial Court, this Court may not need to rule on Mr. Willan's case or may only be called upon to make one ruling. If this Court keeps the SCOTUS remand, it will be issuing a decision now regarding *Alleyne* and then potentially again depending on how that ruling is applied and interpreted below and what is the nature of his resentencing.

For the foregoing reasons, Mr. Willan asks this Court to remand this matter to the Trial Court to consider the ruling from SCOTUS.

Respectfully submitted,  
WILLIAM T. WHITAKER CO., L.P.A.



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**CERTIFICATE OF SERVICE**

A copy of the foregoing was served by regular U.S. mail this 30<sup>th</sup> day of July, 2014 upon:

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William T. Whitaker