

NO.

IN THE SUPREME COURT OF OHIO

APPEAL FROM
THE COURT OF APPEALS FOR CUYAHOGA COUNTY, OHIO
NO. 100779

STATE OF OHIO
Plaintiff-Appellant

-vs-

DAVID MACE
Defendant-Appellee

NOTICE OF CERTIFIED CONFLICT

Counsel for Plaintiff-Appellant

Timothy J. McGinty
Cuyahoga County Prosecutor

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NOTICE OF CERTIFIED CONFLICT

Appellant, the State of Ohio, gives notice of a certified conflict to the Ohio Supreme Court from the Eighth District Court of Appeals, Case No. 100779, 2014-Ohio-3040. The decision in *Mace*, was adopted by the en banc 8th District in *State v. Mace*, 8th Dist. Cuyahoga No. 100779, 2014-Ohio-5036. On December 3, 2014, the Eighth District has certified the following question to this Court:

Even in presuming the regularity of the sentencing hearing, i.e., that the defendant was properly advised of postrelease control sanctions, can those sanctions be imposed when the judgment entry of sentence does not state the specifics of the sanction, and the defendant has finished serving his or her prison term for the conviction under which the sanctions were imposed?

The Eighth District found its decision in conflict with *State v. Murray*, 6th Dist. Lucas No. L-10-1059, 2012-Ohio-4996. The Sixth District granted reopening in *State v. Murray*, 6th Dist. Lucas No. L-10-1059, 2013-Ohio-133 and the conviction affirmed in *State v. Murray*, 6th Dist. Lucas No. L-10-1059, 2014-Ohio-1898. Under S.Ct.Prac.R. 5.03 and S.Ct.Prac.R. 8.01, a copy of the court of appeals order certifying a conflict and a copy of the certifying court's opinion and copies of all conflicting opinions (and subsequent appellate history related to those cases) are filed with this Court.

Respectfully Submitted,

Timothy J. McGinty
Cuyahoga County Prosecutor

By: /s/ Daniel T. Van
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SERVICE

A copy of the foregoing notice of certified conflict has been sent this 10th day of December, 2014 to Kristopher Haines via electronic mail at Kristopher.Haines@opd.ohio.gov and Jim Foley at Jim.Foley@opd.ohio.gov.

/s/ Daniel T. Van