

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :
 : CASE No.
 PLAINTIFF-APPELLEE, :
 : ON DISCRETIONARY APPEAL FROM THE
 V. : GALLIA COUNTY COURT OF APPEALS,
 : FOURTH APPELLATE DISTRICT,
 MARY MARCUM, : CASE No. 13CA11
 :
 DEFENDANT-APPELLANT. :

NOTICE OF CERTIFIED CONFLICT OF APPELLANT MARY MARCUM

Gallia County Prosecutor's Office

Office of the Ohio Public Defender

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Counsel for Appellant, Mary Marcum

NOTICE OF CERTIFIED CONFLICT OF APPELLANT MARY MARCUM

Appellant Mary Marcum, hereby gives notice to the Supreme Court of Ohio that on November 24, 2014, the Gallia County Court of Appeals, Fourth Appellate District, in Court of Appeals Case No. 13CA11, certified a conflict with *State v. Hill*, 7th Dist. Carroll No. 13CA892, 2014-Ohio-1965, and *State v. Simmons*, 9th Dist. Summit No. 27197, 2014-Ohio-4191. The Fourth District certified the following question: "Does the test outlined by the court in *State v. Kalish* apply in reviewing felony sentences after the passage of R.C. 2953.08(G)?"

Respectfully submitted,

Office of the Ohio Public Defender

/s/ Stephen P. Hardwick

By: Stephen P. Hardwick (0062932)

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Counsel for Appellant, Mary Marcum

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been sent by regular U.S. mail, postage prepaid upon C. Jeffrey Adkins, Gallia County Prosecutor, Gallia County Courthouse, 18 Locust Street, Rm. 1267, Gallipolis, Ohio 45631 on this 11th day of December, 2014.

/s/ Stephen P. Hardwick
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