

**IN THE SUPREME COURT OF OHIO
COLUMBUS, OHIO**

STATE OF OHIO,)	OHIO SUPREME COURT
)	CASE NO. 2014-1295
Plaintiff-Appellant,)	
)	On Appeal from the Ashtabula County
-vs-)	Court of Appeals, Eleventh Appellate
)	District
MICHAEL D. BAKER,)	
)	Ashtabula County Court of Appeals
Defendant-Appellee.)	Case No. 2013-A-0020

**STATE OF OHIO'S RESPONSE TO MOTION OF AMICUS CURIAE, THE OHIO
PUBLIC DEFENDER, TO ORDER THE STATE TO SERVE A COPY OF ITS NOTICE
OF APPEAL ON THE OHIO PUBLIC DEFENDER AND FOR LEAVE TO FILE A
JURISDICTIONAL MEMORANDUM IN RESPONSE PURSUANT TO S.CT.PRAC.R.
3.11(E)**

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COUNSEL FOR AMICUS CURIAE
THE OHIO PUBLIC DEFENDER

Now comes the State of Ohio, by and through its counsel, Shelley M. Pratt, Assistant Prosecutor to Nicholas A. Iarocci , the duly qualified, elected and acting Prosecuting Attorney for Ashtabula County, Ohio, and for reasons more fully set forth in the Memorandum attached hereto and incorporated herein by reference, respectfully requests this Honorable Court to overrule the Motion of Amicus Curiae, the Ohio Public Defender, to Order the State to Serve a Copy of its Notice of Appeal on the Ohio Public Defender and for Leave to File a Jurisdictional Memorandum in Response Pursuant to S.Ct.Prac.R. 3.11(E).

Respectfully submitted,
NICHOLAS A. IAROCCI (0042729)
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MEMORANDUM IN SUPPORT

S.Ct.Prac.R. 3.11 provides, in pertinent part:

(B) Service requirement

* * *

- (3) In a case involving a felony, when a county prosecutor files a notice of appeal under S.Ct.R. 7.01 or an order certifying a conflict under S.Ct.Prac.R. 8.01, the county prosecutor shall also serve a copy of the notice or order on the Ohio Public Defender.

In the present case, appellee was charged with a violation of R.C. 4511.19(A)(1)(B) which is a misdemeanor of the first degree. S.Ct.Prac.R. 3.11(B)(3) requires the State to serve the Ohio Public Defender with a notice of appeal in cases involving felonies. As the present case does not involve a felony, the State was not required to serve the Ohio Public Defender. Accordingly, the State of Ohio requests that this Honorable Court overrule the Motion of Amicus Curiae, the Ohio Public Defender, to Order the State to Serve a Copy of its Notice of Appeal on the Ohio Public Defender and for Leave to File a Jurisdictional Memorandum in Response Pursuant to S.Ct.Prac.R. 3.11(E).

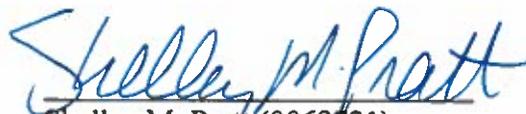
Respectfully submitted,
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Shelley M. Pratt (0069721)

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COUNSEL FOR APPELLANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing STATE OF OHIO'S RESPONSE TO MOTION OF AMICUS CURIAE, THE OHIO PUBLIC DEFENDER, TO ORDER THE STATE TO SERVE A COPY OF ITS NOTICE OF APPEAL ON THE OHIO PUBLIC DEFENDER AND FOR LEAVE TO FILE A JURISDICTIONAL MEMORANDUM IN RESPONSE PURSUANT TO S.CT.PRAC.R. 3.11(E) has been served via ordinary U.S. Mail, postage prepaid, this 21st day of January, 2015, upon William P. Bobulsky, 1612 East Prospect Road, Ashtabula, Ohio 44004, Cuyahoga County Prosecutor's Office, Katherine Mullin and Daniel T. Van, The Justice Center, 8th Floor, 1200 Ontario Street, Cleveland, Ohio 44113, Office of the Ohio Public Defender, Stephen P. Hardwick, 250 E. Broad Street, Suite 1400, Columbus, Ohio 43215.


Shelley M. Pratt (0069721)
Assistant Prosecutor