

IN THE SUPREME COURT OF OHIO

STATE OF OHIO : **Case No.**
Appellant, :
vs. : **On appeal from the Montgomery County**
: **Court of Appeals, Second Appellate**
: **District**
CLINTON RICHARDSON :
Appellee. : **Court of Appeals Case No. 26191**

NOTICE OF CERTIFIED CONFLICT

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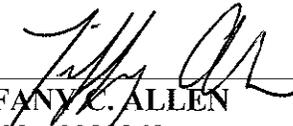
Appellant the State of Ohio, by and through the Office of the Prosecuting Attorney of Montgomery County, hereby gives notice to this Court, pursuant to S.Ct. Prac. R. 8.01, of a certified conflict of the judgment of the Second District Court of Appeals for Montgomery County entered in *State v. Clinton Richardson*, Case No. 26191. The court of appeals' order certifying a conflict was filed on May 27, 2015 pursuant to Article IV, Section 3(B)(4) of the Ohio Constitution. The issue certified by the court of appeals is:

Once the State presents evidence that a person is impaired and has taken a specific prescription medication, is the trier of fact able to draw a reasonable inference that the driver has violated R.C. 4511.19(A)(1)(a) or R.C. 4511.19(A)(2), without evidence (lay or expert) as to how the medication actually affects the driver and/or expert testimony about whether the particular medication has the potential to impair a person's judgment or reflexes?

Respectfully submitted,

MATHIAS H. HECK, JR.
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By: _____


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Certified Conflict was sent by regular U.S. mail to counsel for Appellee: Kristin Arnold, 1502 Liberty Tower, 120 W. Second Street, Dayton, Ohio 45402, and Timothy Young, Ohio Public Defender Commission, 250 East Broad Street, Suite 1400, Columbus, Ohio 43215, on the 23rd day of June 2015.



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