

IN THE SUPREME COURT OF OHIO  
2015

STATE OF OHIO,

Case No. 2015-0818

Plaintiff-Appellee,

-vs-

On Appeal from the  
Franklin County Court  
of Appeals, Tenth  
Appellate District

ELLA VINSON,

Court of Appeals  
Case No. 08AP-381

Defendant-Appellant

**MEMORANDUM OF PLAINTIFF-APPELLEE STATE OF OHIO OPPOSING  
DEFENDANT-APPELLANT'S MOTION FOR RECONSIDERATION**

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Defendant-Appellant *Pro Se*

**STATE'S MEMORANDUM OPPOSING DEFENDANT'S  
MOTION FOR RECONSIDERATION**

In Franklin County Criminal Case 07CR-6859, defendant was tried and convicted for felonious assault, a second-degree felony. She was sentenced to a three-year term of community control. Her probation was terminated on June 29, 2009.

In her direct appeal, defendant challenged the evidence supporting her conviction as well as her trial counsel's performance. The Tenth District Court of appeals rejected her arguments and affirmed the judgment. *State v. Vinson*, 10th Dist. No. 08AP-381, 2008-Ohio-6430; *juris. declined*, *State v. Vinson*, 121 Ohio St.3d 1453, 2009-Ohio-1820.

Defendant again challenged her conviction in a post-conviction petition. The trial court denied that petition, and that decision was subsequently affirmed. *State v. Vinson*, 10th Dist. No. 09AP-163, 2009-Ohio-3751, *juris. declined*, *State v. Vinson*, 123 Ohio St.3d 1497, 2009-Ohio-6015.

Over the past several years, defendant has attempted to relitigate the facts underlying conviction through motions to reopen her direct appeal or through applications requesting reconsideration of the Tenth District's decision in her direct appeal. Defendant's pleadings have been consistently denied. *State v. Vinson* (May 7, 2009), 10th Dist. No. 08AP-381 (Memorandum Decision denying reopening); *State v. Vinson* (Dec. 29, 2011), 10th Dist. No. 08AP-381 (Memorandum Decision denying reopening); *State v. Vinson* (Aug. 21, 2013), 10th Dist. No. 08AP-381 (Memorandum Decision denying delayed reconsideration); *State v. Vinson* (Dec. 30, 2013), 10th Dist. No. 08AP-381 (Memorandum Decision denying reopening); *State v.*

*Vinson* (May 7, 2014), 10th Dist. No. 08AP-381 (Journal Entry denying delayed reconsideration).

On March 20, 2015, defendant filed her third untimely motion for reconsideration of the Tenth District's 2008 decision in her direct appeal. Again, as defendant did not provide an adequate explanation for her delay, that application was also denied. *State v. Vinson* (April 8, 2015), 10th Dist. No. 08AP-381 (Journal Entry denying delayed reconsideration). On July 22, 2015, this Court declined jurisdiction to review the appellate decision. Defendant now seeks reconsideration of this Court's decision.

The test generally used in ruling on a motion for reconsideration is "whether the motion calls to the attention of the court an obvious error in its decision, or raises an issue for consideration that was either not considered at all or was not fully considered by the court when it should have been." *Columbus v. Hodge* (1988), 37 Ohio App.3d 68, 68. Here, defendant is seeking reconsideration of this Court's discretionary decision to decline jurisdiction. Defendant, however, points to no error or abuse of discretion in that decision. Indeed, as with her other pleadings, defendant continues to debate the validity of her conviction. As there are no errors in this Court's decision, defendant's motion should be denied.

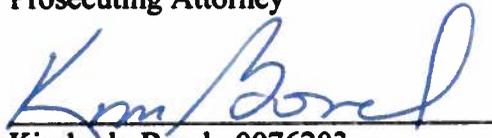
Furthermore, the Tenth District properly denied defendant's motion for reconsideration. It is undisputed that defendant's motion was filed well past the period allowed by Rule, and defendant did not provide the appellate court with any explanation for her delay. Instead, defendant points to documents that were available to her prior to her trial and seeks to raise and litigate claims related to her conviction.

Defendant's continued disagreement with the outcome of her trial is not a basis for reconsideration. As further appellate review is unwarranted, this Court properly declined jurisdiction.

The State respectfully requests that defendant's August 3, 2015 motion for reconsideration be denied.

Respectfully submitted,

RON O'BRIEN 0017245  
Prosecuting Attorney

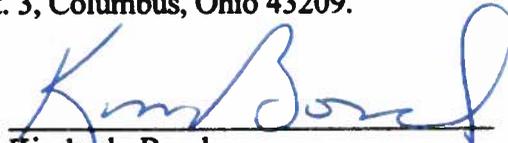


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Assistant Prosecuting Attorney

Counsel for Plaintiff-Appellee

### CERTIFICATE OF SERVICE

This is to certify that the foregoing was electronically filed and a copy was delivered via regular U.S. Mail on this 6th day of August, 2015, to Ella Vinson, defendant pro se, at 30 S. Kellner Road – Apt. 3, Columbus, Ohio 43209.



Kimberly Bond  
Assistant Prosecuting Attorney