

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	:
	:
Plaintiff-Appellee,	: Case No.
	:
v.	: On discretionary appeal from the
	: Lake County Court of Appeals,
THOMAS WRIGHT, JR.,	: Eleventh Appellate District,
	: Case No. 2013-L-089
Defendant-Appellant.	:

NOTICE OF CERTIFIED CONFLICT

Lake County Prosecutor's Office

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Counsel for Thomas Wright, Jr.

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Under S.Ct.Prac.R. 4.1, Defendant-Appellant Thomas Wright, Jr., gives notice that the Eleventh District Court of Appeals, Lake County, has certified that its decision in *State v. Wright*, 11th Dist. No. 2013-L-089, 2015-Ohio-2601, is in conflict with the decision of the Eighth District Court of Appeals, Cuyahoga County, in *State v. Klembus*, 8th Dist. Cuyahoga No. 100068, 2014-Ohio-3227. The judgment entry reflecting the appellate court's determination that a conflict exists and the conflicting decisions of the appellate courts are attached. The certified question is:

Whether Ohio Revised Code 2941.1413, the repeat OVI offender specification, violates a defendant's constitutional right to Equal Protection under: Article I, Section 2 of the Ohio Constitution and the Fourteenth Amendment of the United States Constitution to the extent that it affords a prosecutor the discretion to include the specification and thereby obtain a harsher prison sentence for the underlying offense without proof of any additional element or fact?

Respectfully submitted,

OFFICE OF THE OHIO PUBLIC DEFENDER

/s/ Stephen A. Goldmeier

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF CERTIFIED CONFLICT** was forwarded by regular U.S. Mail to Charles E. Coulson, Lake County Prosecutor, 105 E. Main Street, P.O. Box 490, Painesville, Ohio 44077, this 13th day of August, 2015.

/s/ Stephen A. Goldmeier
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