

**IN THE SUPREME COURT OF OHIO**

STATE OF OHIO,	:	
	:	
Appellant,	:	<b>Case No. 2014-1174</b>
	:	
v.	:	On Appeal from the
	:	Cuyahoga County Court of Appeals,
DELTA ROSARIO,	:	Eighth Appellate District, Case No.
	:	101558
Appellee.	:	

---

**NOTICE OF ADDITIONAL AUTHORITY**

---

**TIMOTHY J. McGINTY (#0024626)**  
**CUYAHOGA COUNTY PROSECUTOR**  
**MARY H. McGRATH (#0041381) (COUNSEL OF RECORD)**  
**T. ALLAN REGAS (#0067336)**  
**FRANK R. ZELENZIKAR (#0088986)**  
Assistant Prosecuting Attorneys  
The Justice Center, 8<sup>th</sup> Floor  
1200 Ontario Street  
Cleveland, Ohio 44113  
(216) 443-7872  
[mmcgrath@prosecutor.cuyahgoacounty.us](mailto:mmcgrath@prosecutor.cuyahgoacounty.us)  
**COUNSEL FOR APPELLANT STATE OF OHIO**

**CULLEN SWEENEY (#0077187) (COUNSEL OF RECORD)**  
Assistant Public Defender  
310 Lakeside Avenue, Suite 200  
Cleveland, Ohio 44113  
(216) 443-7583  
**COUNSEL FOR APPELLEE DELTA ROSARIO**

**IN THE SUPREME COURT OF OHIO**

STATE OF OHIO,	:	<b>Case No. 2014-1174</b>
	:	
Appellant	:	On Appeal from the
	:	Cuyahoga County Court of Appeals,
	:	Eighth Appellate District, Case No.
v.	:	101558
	:	
DELTA ROSARIO,	:	<b><u>Notice of Additional Authority</u></b>
	:	
Appellee	:	

In compliance with Appellant’s duty to notify this Honorable Court and counsel for appellee of additional authority, the undersigned counsel, assistant prosecuting attorney in the Office of Cuyahoga County Prosecutor Timothy J. McGinty, respectfully provides notice of the Eighth District Court of Appeals’ August 13, 2015 opinion in *State v. Christopher Wheeler*, 8<sup>th</sup> Dist. Nos. 102182 and 102183, 2015-Ohio-3231 in which the Eighth District affirmed the trial court’s judgment denying an assistant prosecutor the opportunity to represent the State and be heard at Wheeler’s community control violation hearing.

Respectfully submitted,

**TIMOTHY J. McGINTY**  
**CUYAHOGA COUNTY PROSECUTOR**

/s/ Mary McGrath  
**MARY H. McGRATH (0041381)**  
Assistant Prosecuting Attorney  
1200 Ontario Street, 8<sup>th</sup> Floor  
Cleveland, Ohio 44113  
(216) 443-7800  
[mmcgrath@prosecutor.cuyahogacounty.us](mailto:mmcgrath@prosecutor.cuyahogacounty.us)

**CERTIFICATE OF SERVICE**

A copy of the foregoing Notice of Additional Authority has been sent by regular U.S. Mail and/or electronic service this 17<sup>th</sup> day of August, 2015, to Cullen Sweeney, Esq., Assistant Public Defender, 310 Lakeside Avenue, Suite 200, Cleveland, Ohio 44113.

**/s/ Mary McGrath**  
**MARY H. McGRATH (0041381)**