# IN THE SUPREME COURT OF OHIO

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| **STATE OF OHIO,** | * | **Case No. 2014-1862** |
| | * | |
| **Plaintiff-Appellee,** | * | |
| | * | |
| **v.** | * | |
| | * | |
| **AUSTIN GREGORY MYERS,** | * | |
| | * | |
| **Defendant-Appellant.** | * | |
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## STATE OF OHIO'S RESPONSE TO THE DEFENDANT-APPELLANT'S MOTION TO STRIKE THE COURT'S JUNE 22, 2015 NOTICE OF FILING THE RECORD; MOTION TO COMPLETE RECORD; AND MOTION TO ORDER WARREN COUNTY COMMON PLEAS COURT CLERK TO COMPLETE RECORD

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Austin Gregory Myers

Plaintiff-Appellee, State of Ohio, herein responds to Defendant-Appellant, Austin Gregory Myers, pursuant to S.Ct.Prac.R.[1] 11.03(E), regarding Defendant-Appellant's various motions regarding completion of the record. The State cannot dispute Defendant-Appellant's assertions that the record is not complete and cannot dispute that the record may need supplementation. However, Defendant-Appellant does not set forth with much specificity which portions of the record are allegedly missing. He merely states that "the arraignment, motion to suppress, conference, and other hearings" are missing. Since Defendant-Appellant specifically mentions the arraignment and the joint suppression motion filed by Defendant-Appellant and his co-defendant, the State does not object to the record being supplemented pursuant to S.Ct.Prac.R. 11.03(E) regarding those portions of the record. But the State does object to the record being supplemented regarding "conference" and "other hearings" since those terms do not sufficiently apprise the Clerk of the Warren County Court of Common Pleas what portions of the record Defendant-Appellant claims are missing.

[1] Rules of Practice of the Supreme Court of Ohio.

## CONCLUSION

For the foregoing reasons, the State does not object in part and objects in part to Defendant-Appellant's pending motions regarding the record.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I, hereby certify that a copy of the foregoing was mailed by ordinary U.S. mail to Defendant-Appellant's counsel: Mr. Timothy J. McKenna, 125 East Court Street, Suite 950, Cincinnati, Ohio 45202, and Mr. Roger W. Kirk, 114 East Eighth Street, Cincinnati, Ohio 45202 on this 30th day of September, 2015.

**MICHAEL GREER, #0084352**
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