

**IN THE
SUPREME COURT OF OHIO**

STATE OF OHIO

CASE NO. 2015-1427

Plaintiff-Appellant

ON APPEAL FROM CUYAHOGA
COUNTY COURT OF APPEALS,
EIGHTH APPELLATE DISTRICT

v.

DEMETRIUS JONES

COURT OF APPEALS CASE NO.
101258

Defendant-Appellee

NOTICE OF RULING ON MOTION TO CERTIFY A CONFLICT

Counsel for Plaintiff-Appellant

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NOTICE OF RULING ON MOTION TO CERTIFY A CONFLICT

Pursuant to S.Ct.Prac. R. 7.01(B)(2), the State of Ohio provided notice to this Court of a pending motion to certify a conflict was pending with the court of appeals. The Eighth District has now ruled upon that motion. A copy of the order has been attached. Pursuant to S.Ct.Prac. R. 8.01, the State of Ohio instituted a certified-conflict case under S.Ct. Case No. 2015-1612, *State v. Demetrius Jones*.

Respectfully submitted,

TIMOTHY J. MCGINTY

CUYAHOGA COUNTY PROSECUTOR

/s/ Daniel T. Van

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COUNSEL FOR STATE OF OHIO

CERTIFICATE OF SERVICE

A copy of the foregoing has been sent this 1st day of October 2015 to the following parties via U.S. Mail or electronic mail:

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/s/ Daniel T. Van _____
Daniel T. Van

Court of Appeals of Ohio, Eighth District

County of Cuyahoga
Nailah K. Byrd, Clerk of Courts

STATE OF OHIO

Appellant

COA NO.
101258

LOWER COURT NO.
CR-13-577686-A

COMMON PLEAS COURT

-VS-

DEMETRIUS JONES

Appellee

MOTION NO. 487719

Date 09/29/15

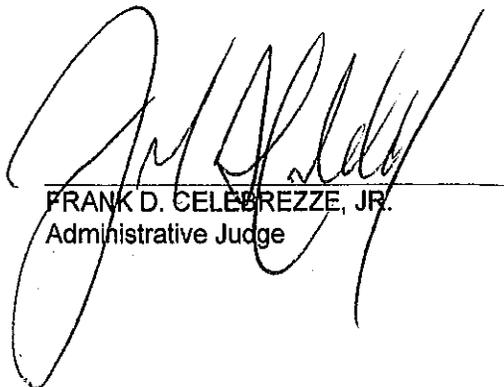
Journal Entry

Motion by appellant to certify a conflict pursuant to App. R. 25 and Article IV, Section 3(B)(4) of the Ohio Constitution is granted. See separate order of the en banc court of this same date.

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SEP 29 2015

CUYAHOGA COUNTY CLERK
OF THE COURT OF APPEALS
By _____ Deputy


FRANK D. CELEBREZZE, JR.
Administrative Judge

CA14101258

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Court of Appeals of Ohio, Eighth District
County of Cuyahoga
Nailah K. Byrd, Clerk of Courts

State of Ohio

Appellant

COA NO.
101258

LOWER COURT NO.
CP CR-13-577686-A

-vs-

COMMON PLEAS COURT

Demetrius Jones

Appellee

MOTION NO. 487719

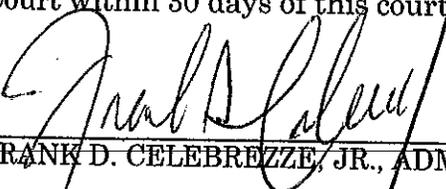
Date 09/29/2015

Journal Entry

Motion by appellant to certify a conflict pursuant to App. R. 25 and Article IV, Section 3(B)(4) of the Ohio Constitution is granted. We hereby find that this court's en banc decision in *State v. Jones*, 8th Dist. Cuyahoga No. 101258, 2015-Ohio-2853 is in conflict with the decision of the Tenth District Court of Appeals in *State v. Woods*, 10th Dist. Franklin No. 87AP-736, 1988 Ohio App. LEXIS 2967. We certify the following issue to the Supreme Court of Ohio:

Where a defendant claims to have been deprived of due process as a result of preindictment delay, in order to show that the defendant has suffered actual prejudice as a result of the delay, must the defendant demonstrate that he has been deprived of non-speculative, exculpatory evidence before the burden shifts to the state to establish a justification for the delay?

The parties are reminded that in order to institute a certified-conflict case in the Supreme Court of Ohio, a party must file a notice of certified conflict in the Supreme Court within 30 days of this court's order certifying the conflict. S.Ct. Prac.R. 8.01.


FRANK D. CELEBREZZE, JR., ADMINISTRATIVE JUDGE

Concurring:

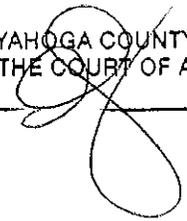
MARY J. BOYLE, J.,
PATRICIA A. BLACKMON, J.,
EILEEN A. GALLAGHER, J.,
EILEEN T. GALLAGHER, J.,
SEAN C. GALLAGHER, J.,
LARRY A. JONES, J.,
MARY EILEEN KILBANE, J.,
TIM MCCORMACK, J.,
ANITA LASTER MAYS, J., and
MELODY J. STEWART, J.

Recused:

KATHLEEN ANN KEOUGH, J.

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OF THE COURT OF APPEALS
By  Deputy