

**IN THE SUPREME COURT OF OHIO**

**STATE OF OHIO**

**CASE NO. 15-0462**

**Appellant**

**ON APPEAL FROM THE  
SUMMIT COUNTY  
COURT OF APPEALS,  
NINTH APPELLATE DISTRICT**

**v.**

**MICHAEL R. WIREBAUGH**

**COURT OF APPEALS  
CASE NO. 27442**

**Appellee**

**MOTION TO DISMISS APPELLANT'S  
NOTICE OF APPEAL**

**SHERRI BEVAN WALSH**

Prosecuting Attorney

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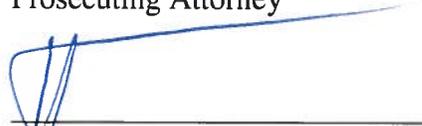
COUNSEL FOR APPELLEE, MICHAEL R. WIREBAUGH

**MOTION TO DISMISS APPELLANT'S NOTICE OF APPEAL**

This Court previously accepted this appeal for review, but held the cause pending decision in 2014-0563, *State v. South*. Appellant now moves the court to dismiss the instant appeal based on the Court's decision in *State v. South*, 2015-Ohio-3930, September 30, 2015.

Respectfully submitted,

**SHERRI BEVAN WALSH**  
Prosecuting Attorney



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**PROOF OF SERVICE**

I hereby certify that a copy of the foregoing Motion was sent by regular U.S. Mail to Attorney David M. Leneghan and Attorney K. Scott Carter, 200 Treeworth Blvd., Suite 200, Broadview Heights, Ohio 44147 on this 20<sup>th</sup> day of October, 2015.



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**HEAVEN DIMARTINO**  
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