

IN THE SUPREME COURT OF OHIO  
2015

STATE OF OHIO,

Case No. 15-774

Plaintiff-Appellant,

-vs-

On Appeal from the  
Franklin County Court  
of Appeals, Tenth  
Appellate District

GHASSAN MOHAMMAD,

Court of Appeals  
Case No. 14AP-662

Defendant-Appellee

**SUPPLEMENTAL AUTHORITY OF PLAINTIFF-APPELLANT STATE OF OHIO**

RON O'BRIEN 0017245  
Franklin County Prosecuting Attorney  
373 South High Street, 13th Floor  
Columbus, Ohio 43215  
Phone: 614-525-3555  
Fax: 614-525-6103  
E-mail: staylor@franklincountyohio.gov

and

STEVEN L. TAYLOR 0043876 (Counsel of Record)  
Chief Counsel, Appellate Division

**COUNSEL FOR APPELLANT STATE OF OHIO**

DAVID H. THOMAS 0071492 (Counsel of Record)  
KATHRYN S. WALLRABENSTEIN 0092172  
Taft Stettinius & Hollister LLP  
65 East State Street, Suite 1000  
Columbus, OH 43215-4213  
Phone: 614-221-2838  
Fax: 614-221-2007  
E-mail: dthomas@taftlaw.com

**COUNSEL FOR DEFENDANT-APPELLEE**

Other Counsel on Certificate of Service

**SUPPLEMENTAL AUTHORITY OF  
PLAINTIFF-APPELLANT STATE OF OHIO**

Pursuant to S.Ct.Prac.R. 7.04(A)(2), plaintiff-appellant State of Ohio hereby cites the following as supplemental authority: Entry Granting Motion to Certify Conflict, *State v. Shalash*, Warren App. No. CA2014-12-146 (Oct. 22, 2015) (attached).

Respectfully submitted,

RON O'BRIEN 0017245  
Prosecuting Attorney  
/s Steven L. Taylor  
STEVEN L. TAYLOR 0043876  
(Counsel of Record)  
Chief Counsel, Appellate Division  
Counsel for Plaintiff-Appellant

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing was sent by e-mail on November 2, 2015, to David H. Thomas, dthomas@taftlaw.com, Taft Stettinius & Hollister LLP, 65 East State Street, Suite 1000, Columbus, OH 43215-4213, counsel for defendant, and to Eric E. Murphy, State Solicitor, eric.murphy@ohioattorneygeneral.gov, 30 East Broad Street, 17th Floor, Columbus, Ohio 43215, counsel for amicus curiae Ohio Attorney General Michael DeWine.

/s Steven L. Taylor  
STEVEN L. TAYLOR

COURT OF APPEALS  
WARREN COUNTY  
FILED

OCT 22 2015

IN THE COURT OF APPEALS OF WARREN COUNTY, OHIO  
*James P. Saath*, Clerk  
LEBANON OHIO

STATE OF OHIO, : CASE NO. CA2014-12-146  
Appellee, : REGULAR CALENDAR  
vs. : ENTRY GRANTING MOTION  
HAMZA SHALASH, : TO CERTIFY CONFLICT  
Appellant. :

The above cause is before the court pursuant to a motion to certify a conflict to the Supreme Court of Ohio filed by counsel for appellant, Hamza Shalash, on September 28, 2015, and a responsive memorandum filed by counsel for appellee, the State of Ohio, on September 30, 2015. Section 3(B)(4), Article IV of the Ohio Constitution provides that whenever the judges of a court of appeals find that a judgment upon which they have agreed is in conflict with a judgment pronounced upon the same question by another court of appeals of the state, the judges shall certify the record of the case to the supreme court for review and final determination. *Whitlock v. Gilbane Building Co.*, 66 Ohio St.3d 594, 1993-Ohio-223.

The motion for certification states that this court's decision is in conflict with three Tenth District Court of Appeals cases, *State v. Smith*, 10th Dist. Franklin Nos. 14AP-154 and 14AP-155, 2014-Ohio-5303, *State v. Mohammad*, 10th Dist. Franklin No. 14AP-662, 2015-Ohio-1234; and *State v. Mobarek*, 10th Dist. Franklin No. 14AP-517, 2015-Ohio-3007.

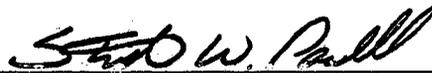
Upon consideration, the court finds that its decision is in conflict with the Tenth District's decisions in *Smith*, *Mohammad* and *Mobarek*. The motion for certification is therefore GRANTED. The question certified is whether "controlled substance analogs" were criminalized as of October 17, 2011, the effective date of House Bill 64.

IT IS SO ORDERED.



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Robin N. Piper, Presiding Judge



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Stephen W. Powell, Judge



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Robert P. Ringland, Judge