Supreme Court of Ohio Clerk of Court - Filed November 04, 2015 - Case No. 2015-1782

IN THE SUPREME COURT OF OHIO

STATE OF OHIO	**CASE NO.**
Plaintiff-Appellee,	**On Appeal from the Warren County Court of Appeals Twelfth Appellate District**
vs.	
HAMZA SHALASH	**Court of Appeals Case No. 2014-12-146**
Defendant-Appellant.	

NOTICE OF CERTIFIED CONFLICT BY APPELLANT HAMZA SHALASH

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Now comes the Defendant-Appellant, **HAMZA SHALASH,** by and through his attorney, **NICOLE RUTTER-HIRTH of RION, RION & RION, L.P.A., INC.**, and hereby gives notice to the Supreme Court of Ohio pursuant to S.Ct.Prac.R.8.01(B) that the Twelfth District Court of Appeals has certified a conflict in *State v. Shalash,* 12th Dist.Warren County No.2014-12-146, 2015-Ohio-3836. The question certified is whether controlled substance analogs were criminalized as of October 17, 2011. The effective date of House Bill 64 *State v. Shalash* found they were.

The appellate court found that the following decisions were in conflict with the above-captioned case:

State v. Smith, 10 Dist. Franklin Nos. 14AP-154 and 14AP-155, 2014-Ohio-5303
State v. Mohammad, 10th Dist. Franklin No. 14AP-662, 2015-Ohio-1234
State v. Mobarak, 10th Dist. Franklin No. 14AP-517, 2015-Ohio-3007.

Each of these cases found controlled substance analogs were not criminalized at that time.

Copies of these opinions have been provided to this Court as required by S.Ct.Prac.R.8.01(B)(3).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a copy of this Notice of Certified Conflict was delivered to the Prosecuting Attorney, Michael Greer, Warren County Prosecuting Attorney, on the same day as filing.

NICOLE RUTTER-HIRTH
RION, RION & RION, L.P.A., INC.

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