

COURT OF APPEALS
WARREN COUNTY
FILED

OCT 22 2015

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

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

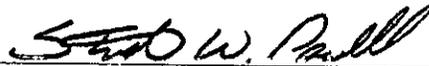
The motion for certification states that this court's decision is in conflict with three Tenth District Court of Appeals cases, *State v. Smith*, 10th Dist. Franklin Nos. 14AP-154 and 14AP-155, 2014-Ohio-5303, *State v. Mohammad*, 10th Dist. Franklin No. 14AP-662, 2015-Ohio-1234; and *State v. Mobarek*,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



Robin N. Piper, Presiding Judge



Stephen W. Powell, Judge



Robert P. Ringland, Judge