

IN THE SUPREME COURT OF OHIO

Case No.: _____

CITY OF CLEVELAND,)	ON APPEAL FROM THE
)	EIGHTH DISTRICT COURT OF
Plaintiff-Appellant,)	APPEALS
)	CUYAHOGA COUNTY, OHIO
-vs.-)	CASE NO. CA-15-102835
)	
BENJAMIN OLES,)	
)	
)	
Defendant-Appellee.)	

**NOTICE OF CERTIFIED CONFLICT FILED BY
PLAINTIFF-APPELLANT CITY OF CLEVELAND**

Barbara Langhenry
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Kimberly G. Barnett-Mills
Interim Chief Prosecutor

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Counsel for Defendant-Appellee

Counsel for Plaintiff-Appellant

Now comes Plaintiff-Appellant City of Cleveland and hereby gives notice of a certified conflict between *City of Cleveland v. Benjamin S. Oles*, 8th Dist. No. 102835, 2016-Ohio-23 and *State v. Leonard*, 1st Dist. Hamilton No. C-060595, 2007-Ohio-3312, *State v. Rice*, 1st Dist. Hamilton Nos. C-090071, C-090072, C-090073, 2009-Ohio-6332, *State v. Kraus*, 1st Dist. Hamilton Nos. C-070428, C-070429, 2008-Ohio-3965; *State v. Simmons*, 2d Dist. Montgomery No. 23991, 2011-Ohio-5561; *State v. Crowe*, 5th Dist. Delaware No. 07CAC030015, 2008-Ohio-330, *State v. Mullins*, 5th Dist. Licking No. 2006-CA-00019, 2006-Ohio-4674; *State v. Coleman*, 7th Dist. Mahoning No. 06 MA 41, 2007-Ohio-1573; *State v. Serafin*, 11th Dist. Portage No.2011-P-0036, 2012-Ohio-1456, and *State v. Brocker*, 11th Dist. Portage No. 2014 -P-0070, 2015-Ohio-3412. As provided by S.Ct.Prac.R.8.01(B), Plaintiff-Appellant attaches the following:

- A copy of the court of appeals order certifying a conflict;
- A copy of the certifying court's opinion; and
- Copies of the conflicting courts of appeal opinions.

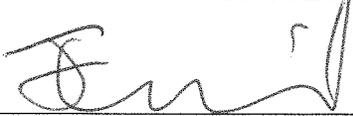
The Eighth District certified a conflict in this case on January 7, 2016.

Respectfully submitted,

BARBARA LANGHENRY
LAW DIRECTOR
CITY OF CLEVELAND

KIMBERLY G. BARNETT-MILLS
INTERIM CHIEF PROSECUTOR

By:



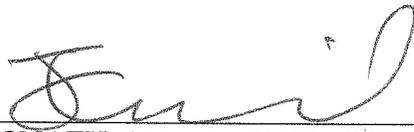
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CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Appeal was sent via regular U.S. Mail to Joseph Patituce, Esq., Attorney for Defendant, Benjamin Oles, 26777 Lorain Road, Suite 708, North Olmsted, Ohio, 44070, on this 4th day of February, 2016.

By:



JONATHAN L. CUDNIK (0077308)
ASSISTANT CITY PROSECUTOR