

IN THE SUPREME COURT OF OHIO
2016

STATE OF OHIO,

Case No.

Plaintiff-Appellant,

-vs-

On Appeal from the
Fifth District Court
of Appeals, Muskingum
County

TROY G. KEPLER,

Court of Appeals

Defendant-Appellee

Case No. CT2015-0021

NOTICE OF APPEAL

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and

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COUNSEL FOR DEFENDANT-APPELLEE

NOTICE OF APPEAL OF PLAINTIFF-APPELLANT STATE OF OHIO

Plaintiff-appellant, the State of Ohio, hereby gives notice of appeal to the Supreme Court of Ohio from the judgment of the Muskingum County Court of Appeals, Fifth Appellate District, entered in *State v. Kepler*, Court of Appeals No. CT2015-0021, on August 14, 2015. Further, the State of Ohio, requested an en banc consideration on August 24, 2015, pursuant to Appellate Rule 26(A)(2), which was granted. The Fifth District filed an entry for their en banc consideration on January 11, 2016, wherein they stated “a majority of the full-time judges of the appellate district is unable to concur in a decision.”

The State of Ohio invokes the jurisdiction of the Supreme Court on the grounds that the case involves questions of public or great general interest as would warrant further review by this Court. Further, the case involves a felony and warrants the granting of leave to appeal.

Respectfully submitted,

D. MICHAEL HADDOX 0004913
Muskingum County Prosecuting Attorney

/s Gerald Anderson

GERALD V. ANDERSON II 0092567
Assistant Prosecuting Attorney

Counsel for Plaintiff-Appellant

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was sent by regular US mail on this ____ day of February, 2016, to Katherine R. Ross-Kinzie, at 250 East Broad Street, Suite 1400, Columbus, Ohio 43215, Counsel for Defendant-Appellee.

/s Gerald Anderson

GERALD V. ANDERSON II 0092567
Assistant Prosecuting Attorney