

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	:
	:
Plaintiff-Appellant,	: Case No. 2016-0215
	:
v.	: On discretionary appeal from the
	: Muskingum County Court of Appeals,
BRADLEY E. GRIMES,	: Fifth Appellate District,
	: Case No. CT2015-0026
Defendant-Appellee.	:

**DEFENDANT-APPELLEE BRADLEY E. GRIMES'S
MEMORANDUM IN OPPOSITION TO THE STATE OF OHIO'S MOTION TO STAY**

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**DEFENDANT-APPELLEE BRADLEY E. GRIMES'S
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Bradley E. Grimes respectfully opposes the State of Ohio's motion to stay the lower court's decision. Mr. Grimes has filed with this Court a memorandum in response to the State's request for jurisdiction.

First, the State's motion has detailed no extraordinary circumstances for which this Court should stay the decision below. It is comprised of a history of the prior litigation, and nothing else.

Second, this Court has declined nearly identical requests for jurisdiction at least five times in the past 26 months. *See 11/10/2015 Case Announcements*, 143 Ohio St.3d 1543, 2015-Ohio-4633, 40 N.E.3d 1180, 8 (*State v. Love*, 2015-0904); *5/20/2015 Case Announcements*, 142 Ohio St.3d 1465, 2015-Ohio-1896, 30 N.E.3d 974, 9 (*State v. Burroughs*, Case No. 2014-2106); *2/18/2015 Case Announcements*, 141 Ohio St.3d 1473, 2015-Ohio-554, 25 N.E.3d 1080, 7 (*State v. Pyne*, Case No. 2014-1471); *10/8/2014 Case Announcements*, 140 Ohio St.3d 1453, 2014-Ohio-4414, 17 N.E.3d 599, 7 (*State v. Elliott*, Case No. 2014-1093); *12/24/2013 Case Announcements*, 137 Ohio St.3d 1443, 2013-Ohio-5678, 999 N.E.2d 697, 11 (*State v. Viccaro*, Case No. 2013-1511). This Court has acknowledged that Ohio law requires complete, accurate postrelease-control language in sentencing entries. *See, e.g., State v. Billiter*, 134 Ohio St.3d 561, 2012-Ohio-5144, 980 N.E.2d 960, ¶ 2, 11-12; *State v. Ketterer*, 126 Ohio St.3d 448, 2010-Ohio-3831, 935 N.E.2d 9, ¶ 77-79; *State v. Bloomer*, 122 Ohio St.3d 200, 2009-Ohio-2462, 909 N.E.2d 1254, ¶ 69 *State v. Jordan*, 104 Ohio St.3d 21, 2004-Ohio-6085, 817 N.E.2d 864, paragraph one of the syllabus. Additionally, this Court requires postrelease-control imperfections in sentencing entries to be corrected before an inmate is released from prison. *See, e.g., State v. Qualls*, 131 Ohio St.3d 499, 2012-Ohio-1111, 967 N.E.2d 718, ¶ 16-17; *Hernandez*

v. Kelly, 108 Ohio St.3d 395, 2006-Ohio-126, 844 N.E.2d 301, ¶ 29-32; *State v. Holdcroft*, 137 Ohio St.3d 526, 2013-Ohio-5014, 1 N.E.3d 382, ¶ 18-19. Simply, the Fifth District's decision in this case was correct. It should not be stayed.

Third, the State's request to stay would subject Mr. Grimes to additional illegal imprisonment under his void judicial sanction, which would be unjust. Mr. Grimes has already served illegal imprisonment under that sanction, which is why the Fifth District's decision prompted his immediate release from prison.

CONCLUSION

The State's motion to stay the lower court's decision should be denied.

Respectfully submitted,

OFFICE OF THE OHIO PUBLIC DEFENDER

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **DEFENDANT-APPELLEE BRADLEY E. GRIMES'S MEMORANDUM IN OPPOSITION TO THE STATE OF OHIO'S MOTION TO STAY** was forwarded by regular U.S. Mail to D. Michael Haddox, Muskingum County Prosecutor, 27 North Fifth Street, P.O. Box 189, Zanesville, Ohio 43702, on this 12th day of February, 2016.

/s/ Kristopher A. Haines _____

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