

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	:
	:
Plaintiff-Appellee,	: Case No. 2016-0049
	:
v.	: On discretionary appeal from the
	: Muskingum County Court of Appeals,
JARYD W. MOORE,	: Fifth Appellate District,
	: Case No. CT2015-0027
Defendant-Appellant.	:

**DEFENDANT-APPELLANT JARYD W. MOORE'S
MOTION FOR RECONSIDERATION**

Muskingum County Prosecutor's Office

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Jaryd W. Moore respectfully requests that this Court reconsider its May 4, 2016 decision to dismiss his discretionary appeal. S.Ct.Prac.R. 18.02(B). He proposed the following proposition of law in his memorandum in support of jurisdiction:

The portion of a sentencing entry imposing postrelease control is void if it fails to properly notify the defendant of the consequences of violating postrelease control or of committing a new felony while on it. A judicial-sanction sentence based on such void postrelease control is also void.

In *State v. Grimes*, Case No. 2016-0215, this Court accepted the State of Ohio's request for jurisdiction. That case is still pending, and the State's merit brief is due to be filed by May 23, 2016. *Grimes* involves the exact same issue and arguments that Mr. Moore presented in his memorandum in support of jurisdiction. The relevant facts in *Grimes* are indistinguishable from those involved in Mr. Moore's case. In fact, the alleged errors involved in both cases came from the same trial court. The erroneous sentencing-entry language in both cases regarding the consequences of violating postrelease-control conditions is identical.

The only pertinent difference between *Grimes* and Mr. Moore's case is that the Fifth District Court of Appeals ruled in Mr. Grimes's favor and he was released from prison. But, Mr. Moore remains in prison solely on his judicial-sanction sentence, and that sentence will not expire until September 22, 2018. Mr. Moore asks that this Court reconsider its May 4, 2016 decision to dismiss his appeal, and accept jurisdiction and hold his case for this Court's decision in *Grimes*.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **DEFENDANT-APPELLANT JARYD W. MOORE'S MOTION FOR RECONSIDERATION** was forwarded by regular U.S. Mail to Gerald V. Anderson II, Assistant Muskingum County Prosecutor, 27 North Fifth Street, P.O. Box 189, Zanesville, Ohio 43702, on this 5th day of May, 2016.

/s/: Kristopher A. Haines

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