

Please see Decision and Journal Entry at *State v. Allen*, 2003-Ohio-1129.

STATE OF OHIO)
)ss:
COUNTY OF WAYNE)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO

Appellee

v.

ISAAC T. ALLEN

Appellant

C.A. No. 02CA0059

JOURNAL ENTRY

{¶1} Appellant has moved this court to reconsider our decision and journal entry which was journalized on March 12, 2003. Appellee has not responded to the motion.

{¶2} In determining whether to grant a motion for reconsideration, a court of appeals must review the motion to see if it calls to the attention of the court an obvious error in its decision or if it raises issues not considered properly by the court. *Garfield Hts. City School Dist. v. State Bd. of Edn.* (1992), 85 Ohio App.3d 117. Appellant has argued that the decision should be reconsidered because an error by a court employee precluded the filing of the relevant transcript. Attached to the motion is an affidavit from the Official Court Reporter stating that, in spite of a letter which she sent to

Appellant indicating that she had filed the transcript, she did not actually file the transcript of the hearing on the motion to suppress.

{¶3} Upon consideration, the motion is granted. The appeal is reinstated. Appellant shall cause the transmission of the transcript of the suppression hearing to be filed within ten days of the journalization of this order. The decision and journal entry in C.A. No. 02CA0059 that was journalized on March 12, 2003, is vacated. The case shall be resubmitted. If the transcript is not filed, the March 12, 2003 decision shall be reissued. If the transcript is filed, this Court will issue its determination on the merits of this appeal by a subsequent decision and journal entry.

Judge

Judge

A copy of this journal entry is being mailed to the following:

Robert C. Gorman, Elizabeth Krieder Wright, Attorneys at Law, 225 North Market Street, P.O. Box 599, Wooster, Ohio 44691.

John Williams, Prosecuting Attorney, 115 West Liberty Street, Wooster, Ohio 44691.