

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,)	Case No.
)	
Appellee,)	On Appeal from the Cuyahoga
)	County Court of Appeals
vs.)	Eighth Appellate District, Case
)	No. CA-23-113105
ALBERT FONTANEZ,)	
)	
Appellant.)	

**APPELLANT ALBERT FONTANEZ'S
NOTICE OF CERTIFIED CONFLICT**

Katherine Clawson, Legal Intern
Charles LoBello, Legal Intern
Andrew Pollis (0046392) (Counsel
of Record)
MILTON A. KRAMER LAW CLINIC
CENTER
CASE WESTERN RESERVE UNIVERSITY
SCHOOL OF LAW
11075 East Boulevard
Cleveland, Ohio, 44106
Telephone: (216) 368-2766
Facsimile: (216) 368-5137
Email: Andrew.pollis@case.edu

Michael O'Malley (0059592)
Frank Zeleznikar (0088986) (Counsel
of Record)
CUYAHOGA COUNTY PROSECUTOR'S
OFFICE
THE JUSTICE CENTER
1200 Ontario Street
Cleveland, Ohio 44113
Tel: (216) 443-7800
Fax: (216) 698-2270
Email:
fzeleznikar@prosecutor.cuyahogacounty.us

Attorneys for Appellee, State of Ohio

Attorney and Legal Interns for
Appellant, Albert Fontanez

Appellant, Albert Fontanez, notifies the Court that the Cuyahoga County Court of Common Pleas, Eighth Appellate District, has issued an order certifying a conflict under Article IV, § 3(B)(4) of the Ohio Constitution, on the following question:

Does a trial court completely fail to comply with Crim.R. 11(C)(2) so as to render a guilty plea invalid when it fails to explicitly state that guilty plea [*sic*] constitutes a complete admission of guilty [*sic*] where the trial court otherwise complies with the requirements of Crim.R. 11(C)(2), the admission of guilt is obvious from the context of the plea colloquy, and the defendant does not assert actual innocence?

In compliance with S.Ct.Prac.R. 8.01, Mr. Fontanez files the following contemporaneously with this notice:

- 1) A date-stamped copy of the court of appeals order certifying a conflict, dated September 20, 2024;
- 2) A date-stamped copy of the en banc decision from the Cuyahoga County Court of Appeals, Eighth Appellate District, dated September 19, 2024;
- 3) A date-stamped copy of the original panel opinion from the Cuyahoga County Court of Appeals, Eighth Appellate District, dated April 25, 2024; and
- 4) Copies of the conflict cases: (a) *State v. Fox*, 2024-Ohio-349 (5th Dist.); and (b) *State v. Dumas*, 2024-Ohio-2731 (2d. Dist.).

Appellant will also file a timely jurisdictional appeal in connection with this case.

Respectfully submitted,

/s/ Katherine Clawson
KATHERINE CLAWSON
Legal Intern

/s/ Charles LoBello
CHARLES LOBELLO
Legal Intern

/s/ Andrew S. Pollis
ANDREW S. POLLIS (0046392)
MILTON A. KRAMER LAW CLINIC CENTER
CASE WESTERN RESERVE UNIVERSITY
SCHOOL OF LAW
11075 East Boulevard
Cleveland, Ohio, 44106
Telephone: (216) 368-2766
Facsimile: (216) 368-5137
Email: Andrew.pollis@case.edu

Attorney and Legal Interns for Appellant,
Albert Fontanez

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Appellant Albert Fontanez's
Notice of Certified Conflict was sent by email, this 18th day of October, 2024, to:

Frank Romeo Zeleznikar
Assistant Prosecuting Attorney
fzeleznikar@prosecutor.cuyahogacounty.us

/s/ Andrew Pollis
ANDREW S. POLLIS (0046392)