

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
OTTAWA COUNTY

State of Ohio

Court of Appeals No. OT-10-038

Appellee

Trial Court Nos. CRB 1000080 A-Z
CRB 1000081 A-P

v.

Robin Vess

DECISION AND JUDGMENT

Appellant

Decided: October 21, 2011

* * * * *

Leonard W. Yelsky, for appellant.

* * * * *

PER CURIAM.

{¶ 1} This matter is before the court on appellant Robin Vess's App.R. 8(B) application for release on bail and suspension of execution of sentence. Upon consideration, we deny appellant's motion.

{¶ 2} On June 24, 2011, this court issued *State v. Vess*, 6th Dist. No. OT-10-038, 2011-Ohio-3118, in which we affirmed appellant's conviction in the trial court. On

July 1, 2011, appellant filed an application for reconsideration and for en banc consideration of our decision. Appellant then moved this court, on July 18, 2011, for release on bail pending the resolution of her application to reconsider. On August 3, 2011, we denied appellant's motion for release on bail because it failed to comply with 6th Dist.Loc.App.R. 17. Shortly thereafter, appellant filed a renewed motion for release on bail, which complied with the local rule, and which indicated that appellant was seeking the suspension of her sentence to facilitate the transfer of her possessions off her recently sold horse ranch so that the new owners could fully use the property. On August 18, 2011, we granted appellant's renewed motion for release on bail.

{¶ 3} Subsequently, on September 8, 2011, we issued our decision granting appellant's application for reconsideration, but denying her application for en banc review. Further, upon reconsideration, we again affirmed the judgment of the Ottawa County Municipal Court, holding that appellant failed to demonstrate ineffective assistance of trial counsel. Her application for reconsideration having been resolved, appellant was ordered to report to the Ottawa County Detention Facility on October 1, 2011, to begin serving the remaining ten days of her sentence. Appellant now moves this court pursuant to App.R. 8(B) to release her on bail and suspend the execution of her sentence "[f]or the reason that [appellant] is in the process of Appealing [sic] this Court's September 8, 2011, Decision and Judgment to the Ohio State Supreme Court, which was the date [appellant's] Application for Reconsideration in *State of Ohio v. Robin Vess*, 6th District No. OT-10-038, 2011-Ohio-3118 was denied." In support of her motion,

appellant "incorporates herein all of [her] former applications as if fully rewritten herein;" appellant makes no additional arguments.

{¶ 4} We note that appellant's sentence has been suspended for nearly one and one-half months from August 18, 2011, until October 1, 2011, which we believe to be more than sufficient time to remove her possessions. Accordingly, upon due consideration, appellant's motion for release on bail and suspension of execution of sentence is found not well-taken, and is denied.

{¶ 5} It is so ordered.

MOTION DENIED.

Peter M. Handwork, J.

JUDGE

Thomas J. Osowik, P.J.

JUDGE

Stephen A. Yarbrough, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.