

IN THE SUPREME COURT OF OHIO

SCT NO. 2022-0969

STATE OF OHIO

:

Appellee

: On Appeal from the Cuyahoga County Court
of Appeals, Eighth Appellate District Court of

vs.

: Appeals, CA: 109927

TERRY K. GIANCATERINO

:

Appellant

:

MEMORANDUM OF APPELLANT TERRY K. GIANCATERINO IN RESPONSE TO
CROSS-APPEAL OF APPELLEE STATE OF OHIO

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**EXPLANATION OF WHY THE CROSS-APPEAL IN THIS CASE DOES NOT RAISE A
SUBSTANTIAL CONSTITUTIONAL QUESTION AND IS NEITHER A MATTER OF
GREAT GENERAL NOR GREAT PUBLIC INTEREST**

Relying upon a distinction raised sua sponte by the dissent in the instant case, the State of Ohio for the first time argues to this Court that the trial court failed to issue a final appealable order because it imposed a three-to-four-and-one-half-year sentence on "all" sixteen counts in this case, to run concurrently, as opposed to imposing that sentence on "each" of the sixteen counts. Whether the cross-appeal should be accepted reduces to the following:

How much of this Court's resources should be devoted to an exegetical analysis of the distinction between "all" and "each?"

The answer is none.

Respectfully submitted,

 /s/ John T. Martin
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Attorney for Defendant

CERTIFICATE OF SERVICE

A copy of the foregoing was served electronically on the Office of the Cuyahoga County Prosecutor at the time of filing on October 7, 2022, via email to APA Daniel T. Van, dvan@prosecutor.cuyahogacounty.us.

 /s/ John T. Martin
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