

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

Tiffany Wehring

Court of Appeals No. S-11-017

Appellee

Trial Court No. 97 DR 561

v.

Michael Sipsma

DECISION AND JUDGMENT

Appellant

Decided: May 12, 2011

* * * * *

Howard C. Whitcomb, III, for appellant.

* * * * *

PER CURIAM.

{¶ 1} This matter is before the court on a motion for stay of execution of sentence pending appeal filed by appellant, Michael Sipsma, on April 25, 2011. In support of his motion, appellant states that he has been sentenced and has been ordered to "report to the Sandusky County Jail on Wednesday, May 4, 2011 at 9:00 A.M. for the purpose of serving a thirty (30) day period of incarceration." Appellant further states that he filed a

timely notice of appeal in this case on April 25, 2011, and that the trial court has denied his request for release on bail pending the outcome of this appeal.

{¶ 2} App.R. 8, which governs the stay of execution of sentence and release on bail pending appeal in criminal cases states, in relevant part, that:

{¶ 3} "(B) Application for release on bail and for suspension of execution of sentence after a judgment on conviction shall be made in the first instance in the trial court. Thereafter, if such application is denied, a motion for bail and suspension of execution of sentence pending review may be made to the court of appeals * * *. The motion shall be determined promptly upon such papers, affidavits, and portions of the record as the parties shall present and after reasonable notice to the appellee."

{¶ 4} In addition, 6th Dist.Loc.App.R. 17 sets forth the following requirements:

{¶ 5} "When a party files an application for release on bail and suspension of execution of sentence pursuant to App.R. 8(B), a memorandum in support shall be filed with the application in this court. The party's memorandum shall contain, but is not limited to, the following information, which shall be supported by the papers, affidavits, and portions of the record referred to in App.R. 8(B): (1) confirmation that the motion for release on bail was denied by the trial court, (2) a statement of the offense for which the party was found guilty and the sentence imposed by the trial court, (3) a listing of the party's prior convictions, if any, and if there are none, a statement to that effect, (4) a listing of current charges pending against the party, if any, and if there are none, a statement to that effect, (5) a statement as to whether the party is currently employed, the

name of the party's employer and for how long the party has been employed, (6) a statement of the amount of bail the party is requesting and in what manner the bail will be secured, and (7) a statement of defendant's family or other community ties. Failure to comply with this rule may result in the automatic denial of the application."

{¶ 6} Appellant has not attached a copy of the trial court's denial of his motion for release on bail pending appeal to this motion, nor has he attached a memorandum setting forth the information required by 6th Dist.Loc.App.R. 17. Accordingly, appellant's motion for suspension of sentence and release on bail pending appeal is denied.

{¶ 7} It is so ordered.

MOTION DENIED.

Mark L. Pietrykowski, 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:
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