

an opinion to the Secretary of State, in which is considered this question, as well as others of a similar character. A copy of that opinion has been forwarded to you under separate cover.

Specifically answering the question which you have presented to me, I am of the opinion that where votes are cast for a person for office who has not been regularly nominated therefor, and who has not sought or aspired to such office, such votes should be counted for such person, even though he is a judge or clerk at the election at which said votes are cast.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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1297.

APPROVAL, FINAL RESOLUTION ON EXTRA WORK CONTRACT,  
DEFIANCE COUNTY.

COLUMBUS, OHIO, December 14, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

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1298.

PRISONER—SENTENCED BY COURT TO SERVE FOR ROBBERY A MIN-  
IMUM TERM THAT IS THE STATUTORY MAXIMUM FOR SUCH  
CRIME—WHEN ELIGIBLE FOR PAROLE.

SYLLABUS:

*Where a person is convicted of the crime of robbery and the court sentences such person to serve a minimum term of twenty-five years in the Ohio Penitentiary, which term is the same as the maximum term provided by statute defining the offense, such prisoner is eligible to parole after he serves ten years which is the minimum term fixed by the statute defining the offense of robbery.*

COLUMBUS, OHIO, December 16, 1929.

HON. RAY T. MILLER, *Prosecuting Attorney, Cleveland, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date which is as follows:

“Will you please give us an official opinion as to the effect of a sentence imposed after conviction of felony, wherein the trial court fixes the minimum sentence in the same term and number of years as provided by the statute for the maximum sentence.

We have a case in this county wherein the defendant was found guilty of robbery and the court sentenced him to serve a minimum term in the Ohio Penitentiary of twenty-five years, which is also the maximum provided by the statute.”