

In the
Supreme Court of Ohio

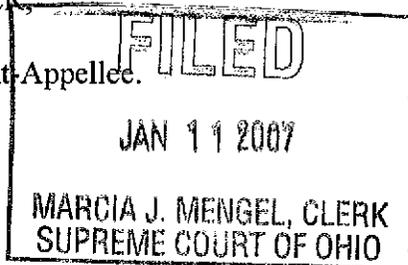
STATE OF OHIO,

Plaintiff-Appellant,

v.

LEE CRAGER,

Defendant-Appellee.



Case Nos. 2006-0294,
2006-0298

On Appeal from the
Marion County
Court of Appeals,
Third Appellate District

Court of Appeals Case
No. 9-04-54

**JOINT MOTION OF APPELLANT STATE OF OHIO AND
AMICUS CURIAE OHIO ATTORNEY GENERAL MARC DANN
FOR DIVIDED ARGUMENT TIME**

KEVIN P. COLLINS (0028911)
125 South Main Street
Marion, Ohio 43302
740-223-1470

Counsel for Defendant-Appellee
Lee Crager

WILLIAM SCHENCK (0015243)
Office of the U.S. Attorney
200 W. Second Street, Room 602
Dayton, Ohio 45402
937-225-2910

ELIZABETH ELLIS (0074332)
Greene County Prosecutor's Office
61 E. Greene Street, Second Floor
Xenia, Ohio 45385
937-562-5250

Counsel for *Amicus Curiae*
Ohio Prosecuting Attorney's Association

MARC DANN (0039425)
Attorney General of Ohio

ELISE PORTER (0055548)
Acting State Solicitor
STEPHEN P. CARNEY* (0063460)
Deputy Solicitor

**Counsel of Record*
30 E. Broad Street, 17th Floor
Columbus, Ohio 43215
614-466-8980
614-466-5087 fax

Counsel for *Amicus Curiae*
Ohio Attorney General Marc Dann

JIM SLAGLE (0032360)
Marion County Prosecutor
134 East Center Street
Marion, Ohio 43302
740-223-4290

Counsel for Plaintiff-Appellant
State of Ohio

ERIC ALLEN (0073384)
The Law Office of Eric J. Allen, Ltd.
713 South Front
Columbus, Ohio 43206
614-443-4840

Counsel for *Amicus Curiae*
Ohio Association of Criminal Defense
Lawyers

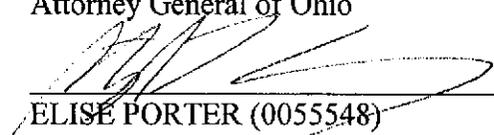
**JOINT MOTION OF APPELLANT STATE OF OHIO AND
AMICUS CURIAE OHIO ATTORNEY GENERAL MARC DANN
FOR DIVIDED ARGUMENT TIME**

Oral argument in this consolidated case is scheduled for January 24, 2007, with each side allotted 15 minutes. Jim Slagle will present oral argument for the Appellant State of Ohio.

As provided by Rule IX, Section 6 of the Court's Rules, counsel for Appellant State of Ohio and Counsel for Attorney General of Ohio, as *amicus curiae*, request the Court's permission to divide the Appellant's oral argument time between Appellant and the Attorney General of Ohio. If the Court grants this Motion, Jim Slagle will argue for 10 minutes, and Elise Porter, counsel for the Attorney General of Ohio, as *amicus curiae*, will argue for 5 minutes of Appellant's oral argument time.

Respectfully submitted,

MARC DANN (0039425)
Attorney General of Ohio


ELISE PORTER (0055548)
Acting State Solicitor
STEPHEN P. CARNEY* (0063460)
Deputy Solicitor
**Counsel of Record*
30 East Broad Street, 17th Floor
Columbus, Ohio 43215-3400
614-466-8980
614-466-5087 fax

/s/ Jim Slagle per phone authority
JIM SLAGLE (0032360)
Marion County Prosecutor
134 East Center Street
Marion, Ohio 43302
740-223-4290

Counsel for Plaintiff-Appellant
State of Ohio

Counsel for *Amicus Curiae*
Ohio Attorney General Marc Dann

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion of Appellant State of Ohio and *Amicus Curiae* Ohio Attorney General Marc Dann for Divided Argument Time was served by U.S. mail this 11th day of January, 2007, upon the following counsel:

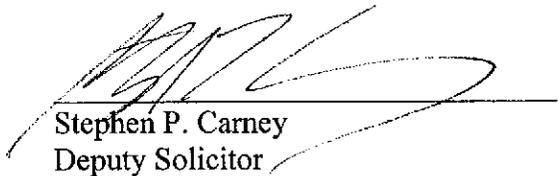
Jim Slagle
Marion County Prosecutor
134 East Center Street
Marion, Ohio 43302

Kevin P. Collins
125 South Main Street
Marion, Ohio 43302

William Schenck
Office of the U.S. Attorney
200 W. Second Street, Room 602
Dayton, Ohio 45402

Eric Allen
The Law Office of Eric J. Allen, Ltd.
713 South Front
Columbus, Ohio 43206

Elizabeth Ellis
Greene County Prosecutor's Office
61 E. Greene Street, Second Floor
Xenia, Ohio 45385



Stephen P. Carney
Deputy Solicitor