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**IN THE SUPREME COURT OF OHIO**

**STATE OF OHIO**

Plaintiff-Appellee

vs.

**DUANE ALLEN SHORT**

Defendant-Appellant

**CASE NO. 06-1366**

On Appeal from the  
Montgomery County  
Court of Appeals,  
Second Appellate District

Common Pleas Court  
Case No. 04-CR-2635

**DEATH PENALTY CASE**

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**APPELLEE'S NOTICE of STIPULATED  
EXTENSION OF TIME TO FILE MERIT BRIEF**

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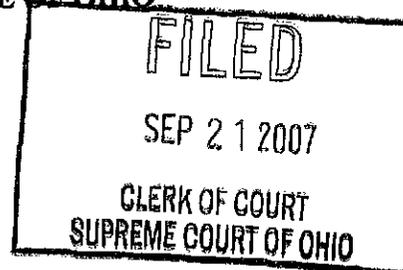
**MATHIAS H. HECK, JR.**  
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APPELLEE**

**ATTORNEYS FOR  
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APPELLANT**



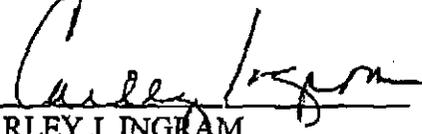
**Notice of Stipulated Extension  
of Time to File Merit Brief**

Pursuant to Ohio Supreme Practice Rule XIV § (3)(B)(2)(a), the State of Ohio and counsel for Appellant Duane Allen Short, have agreed to a stipulated 20 day extension of time to file Appellee's Merit Brief.

This stipulated extension makes the Appellee's Merit Brief, originally due on October 29, 2007, due on November 19, 2007.

Respectfully submitted,

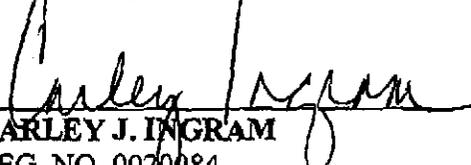
**MATHIAS H. HECK, JR.  
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By:   
**CARLEY J. INGRAM**  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Stipulated Extension of Time to File Merit Brief was sent by first class on this 21 day of September, 2007, to Opposing Counsel: Gary W. Crim, 943 Manhattan Avenue, Dayton, Ohio 45406-5141 and Dennis J. Adkins, Altick & Corwin, L.P.A., 1700 One Dayton Centre, One South Main Street, Dayton, Ohio 45402.

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