

In the  
**Supreme Court**  
of the  
**State of Ohio**

STATE OF OHIO,

*Plaintiff-Appellant,*

v.

WILLIAM NUCKLOS, M.D.,

*Defendant-Appellee.*

ON APPEAL FROM THE CLARK COUNTY COURT OF APPEALS  
2<sup>ND</sup> APPELLATE DISTRICT, COURT OF APPEALS CASE NO. 06-CA-23

**MOTION FOR ORAL ARGUMENT**

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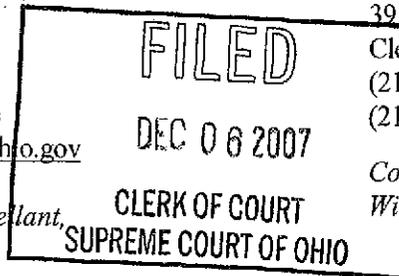
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**In the  
Supreme Court of Ohio**

STATE OF OHIO,	:	Case No. 2007-0754
	:	
Plaintiff- Appellant	:	
	:	On Appeal from the
vs.	:	Clark County
	:	Court of Appeals
WILLIAM NUCKLOS, M.D.	:	2 <sup>nd</sup> Appellate District
	:	
Defendant-Appellee.	:	Court of Appeals Case
	:	No. 06-CA-23

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**MOTION FOR ORAL ARGUMENT**

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COMES NOW Defendant-Appellee William Nucklos, M.D., by undersigned counsel, to move this Honorable Court to grant oral argument in the above-captioned matter; in support of this motion, Defendant-Appellee states as follows:

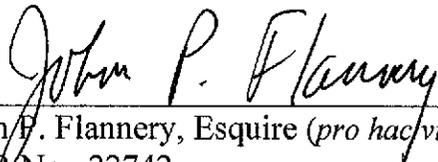
Oral argument is respectfully requested because this Court has, by granting this discretionary appeal to the State, already concluded that it is an important question of law and fact for this Court to consider, whether the State or the Accused must shoulder the burden of persuasion in a drug “trafficking” prosecution that involves a physician prescribing controlled substances;

In addition, there is no question that, if this Court does modify the law, particularly if it is in accord with the State’s demand, that the effect will be significant and adverse to physicians who treat chronic pain, and patients who require treatment for chronic pain;

Accordingly, Defendant-Appellee Nucklos, by his counsel, requests the opportunity to address this Honorable Court to argue that the State's argument is constitutionally infirm and to respond to such inquiries as this Court may have, after reviewing the Merit Briefs submitted herein, at oral argument.

WHEREFORE, for the reasons stated herein and in the accompany Merit Brief, and the pleadings herein, thus does Defendant-Appellee request the opportunity to appear before this Court to make an oral argument, and for such other relief as this Court deems fit and just.

WILLIAM NUCKLOS  
By Counsel



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State of California )  
County of Los Angeles )  
)

Proof of Service by:  
✓ US Postal Service  
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I, Stephen Moore, declare that I am not a party to the action, am over 18 years of age and my business address is: 354 South Spring St., Suite 610, Los Angeles, California 90013.

On 12/04/07 declarant served the within: Motion for Oral Argument  
upon:

1 Copies FedEx ✓ USPS  
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the address(es) designated by said attorney(s) for that purpose by depositing **the number of copies indicated above**, of same, enclosed in a postpaid properly addressed wrapper in a Post Office Mail Depository, under the exclusive custody and care of the United States Postal Service, within the State of California, or properly addressed wrapper in an Federal Express Official Depository, under the exclusive custody and care of Federal Express, within the State of California

I further declare that this same day the **original and** copies has/have been hand delivered for filing OR the **original and** 12 copies has/have been filed by ✓ third party commercial carrier for next business day delivery to:

Office of the Clerk  
Supreme Court of Ohio  
65 South Front Street  
Eighth Floor  
Columbus, Ohio 43215-3431

I declare under penalty of perjury that the foregoing is true and correct:

Signature: Stephen Moore