

IN THE SUPREME COURT OF OHIO

STATE OF OHIO

Appellant

vs.

JOSE A. RIVAS

Appellee

Case No. 2007-1611

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

Court of Appeals
Case No. 2005-CA-147

MOTION FOR EXTENSION/ ENLARGEMENT OF TIME

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FILED

FEB 19 2008

CLERK OF COURT
SUPREME COURT OF OHIO

Now comes the State of Ohio-Appellee, by and through its counsel, Greene County Assistant Prosecuting Attorney, Elizabeth A. Ellis, and respectfully moves this Court pursuant to Rule XIV, Section 3(B)(2)(b) for an extension of time in which to file the State's merit brief in the above matter. Specifically, said motion moves the Court for an extension of ten days from the previously scheduled due date for said brief, namely, February 19, 2008.

For cause, the State asserts that it neglected to attach the appendix as required by Rule VI, Section 2(B)(5) to the brief it submitted for filing via Federal Express on February 19, 2008. Counsel for the State was not aware of this oversight until after 2:00 pm on the day the brief was due. Given the distance between this office and the Court, counsel could not get the appendix to the Court before the close of business. Therefore, the State requests that it be granted this extension, so that it may properly file merit brief and its appendix.

The State of Ohio, through counsel, and represents to the Court that said request for an extension of time properly serves the interests of justice, and further, the State represents that it does intend to file a merit brief in said appeal.

Respectfully submitted,

OFFICE OF THE GREENE COUNTY
PROSECUTING ATTORNEY

By: Elizabeth A. Ellis
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PROOF OF SERVICE

It is hereby certified that a copy of the foregoing Motion, Memorandum and Affidavit has been served upon Marc Mezibov & Stacy Hanners, Mezibov & Jenkins, 401 E. Court Street, Suite 600, Cincinnati, OH 45202 by regular U.S. Mail the date same was filed of record.

Elizabeth Ellis