

IN THE SUPREME COURT OF OHIO

STATE OF OHIO	:	
Plaintiff-Appellant,	:	
	:	ON APPEAL FROM THE
Vs.	:	MONTGOMERY COUNTY COURT
	:	OF APPEALS, SECOND
KEVIN PETERSON	:	APPELLATE DISTRICT
	:	
Defendant-Appellee	:	COURT OF APPEALS
	:	CASE NO.: 22008

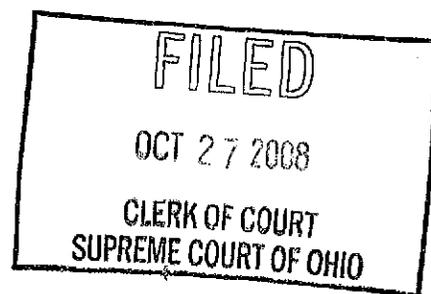
**MOTION FOR LEAVE OF DEFENDANT-APPELLEE, KEVIN PETERSON,
TO SUBMIT AUTHORITIES ERRONEOUSLY NOT PROVIDED AT ORAL
ARGUMENT**

DANIEL J. O'BRIEN
(Counsel of Record)
Reg. No. 0031461
131 North Ludlow Street
1210 – Talbott Tower
Dayton, Ohio 45402
(937) 228-6001
fax: 228-7448
danieljobrien@ameritech.net

COUNSEL FOR APPELLEE, KEVIN PETERSON

MATHIAS H. HECK, JR.
Prosecuting Attorney
R. Lynn Nothstine (Counsel of Record)
301 W. Third Street – Suite 500
Dayton, Ohio 45422
(937) 225-4117

COUNSEL FOR APPELLANT, STATE OF OHIO



Defendant-Appellee, Kevin Peterson, by and through counsel, moves the Court for leave, *in stanter*, in the interest of justice, to provide the following list of case law addressing the limitation on entrance by police into the curtilage of a home during a “knock and talk” (“knock and advise”) investigative technique, not provided in response to the question of Justice O’Donnell during oral argument:

1. *United States v. Hatfield* (10th Cir. 2003), 333 F.3d 1189, 1194 (in Ct. App. Op. and brief of appellee)
2. *United States v. Gomez-Moreno* (5th Cir. 2007), 479 F.3d 350 (in brief of appellee)
3. *Smith v. Marasco* (3d Cir. 2003), 318 F.3d 497 (in brief of appellee)
4. *United States v. Chambers* (6th Cir. 2005), 395 F.3d 563 (in Ct. App. brief)
5. *United States v. Miller* (M.D. N. Car. 1996), 933 F. Supp. 501 (in Ct. App. brief)
6. *United States v. Cruz-Roman* (W.D. Wash. 2004), 312 F. Supp.2d 1355.

Respectfully submitted,

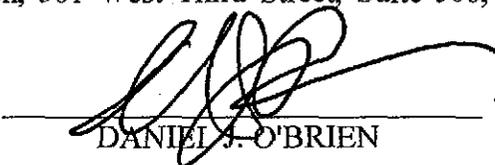


DANIEL J. O'BRIEN (0031461)
Attorney for Defendant
1210 Talbott Tower
131 North Ludlow Street
Dayton, Ohio 45402
(937) 228-6001

Attorney for Defendant-Appellee

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a file-stamped copy of the foregoing was mailed, via U.S. Ordinary mail, to R. Lynn Nothstine, Assistant Prosecuting Attorney, Appellate Division, 301 West Third Street, Suite 500, Dayton, Ohio 45422, on the 23rd day of October, 2008.



DANIEL J. O'BRIEN