

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, Et REL.,  
DANIEL P. McKINNEY,

Appellant,

v.

DEFIANCE COUNTY COURT  
OF COMMON PLEAS,

Appellee.

:  
:  
: Case No. 08-1404  
:  
: On Appeal from the  
: Defiance County Court  
: of Appeals, Third  
: Appellate District  
:  
: Court of Appeals  
: Case No. 4-08-13

APPELLANT'S MOTION TO WAIVE ORAL ARGUMENT

Now comes the Appellant, Daniel P. McKinney, in pro se, and hereby respectfully submits with this Court his Motion to Waive Oral Argument pursuant Rule IX(3)(A) of the Rules of Ohio Supreme Court Practice.

Appellant McKinney is an indigent acting in pro se and without the means to retain an attorney in his behalf due to the nature of his present incarceration at an Ohio state correctional institution.

WHEREFORE, Appellant would respectfully requests that oral argument be waived in the above-captioned case and that the case be submitted to this Court on the basis as S.Ct.R. IX(3)(A) would so allow.

Respectfully submitted,

*Daniel McKinney*  
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Daniel P. McKinney  
P.O. Box 56 (468437)  
Lebanon, Ohio 45036

**RECEIVED**  
OCT 28 2008  
CLERK OF COURT  
SUPREME COURT OF OHIO

Certificate Of Service

I hereby certify that a copy to the foregoing Motion to Waive Oral Argument was sent to counsel for Appellee, Russell R. Herman, 607 W. Third, St., Defiance, OH 43512 via regular U.S. Mail on this 17<sup>th</sup> day of October, 2008.

**FILED**  
OCT 28 2008  
CLERK OF COURT  
SUPREME COURT OF OHIO

*Daniel McKinney*  
\_\_\_\_\_  
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