

IN THE SUPREME COURT OF OHIO

STATE OF OHIO : Case No. B-0808784 **09-1148**
 Appellee : On Appeal from the Court
 v. : of Appeals, First Appellate
 JOSEPH KUENZLER : Court of Appeals
 Appellant : Case No. C-090181

MOTION FOR DELAYED APPEAL

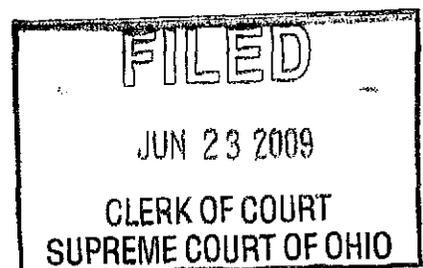
S. Ct. Prac. R.

Rule 2, Section 2 (4) (A)

Now comes the Appellant pro se pursuant to **S. Ct. Prac. R. Rule 2, Section 2 (4) (A)** and respectfully requests this Honorable Court to allow him to file a delayed appeal from the decision of the First Appellate District on April 15, 2009 denying appellant Appeal for the Court of Common Pleas. The reasons for this motion are more fully set forth in the Memorandum in Support Attached hereto and made a part hereof by this reference.

Respectfully submitted,


 Appellant Joseph Kuenzler Pro se #596-361
 Madison Correctional Institution
 P.O. Box 740
 London, Ohio 43140-0740



AFFIDAVIT IN SUPPORT

Joseph Kuenzler, being first duly sworn says that he is the defendant in the above captioned matter and that the following is true to be best of his knowledge.

This is a felony case that arose out Hamilton County and Appellant was convicted of gross sexual imposition.

Appellant, who is a Layman in law, did not have the assistance of counsel after the court of Appeals denied his appeal, nor the experience to adequately present and prepare his cause to the honorable Court.

Since that time appellant has received some assistance in getting the material together that is required by this Court.

Appellant feels he has substantial violation that should be considered by this Honorable Court in the interest of justice and equal protection of the law.

Appellant prays that this Honorable Court will accept and grant this notion.

I hereby represent that the information set forth above is true and complete to the best of my knowledge and belief.



Defendant

Sworn to and subscribed in my presence this 16th day of June 2009.



Notary
Melanie K. Eastwood
Notary Public-State of Ohio
My Commission Expires
5-4-13



IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,

APPEAL NO. C-090181
TRIAL NO. B-0808784

Appellee,

vs.

ENTRY OVERRULING MOTION
FOR LEAVE TO APPEAL

JOSEPH KUENZLER,

Appellant.

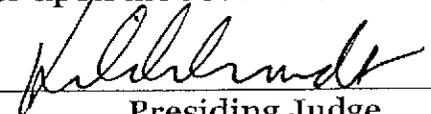
This cause came on to be considered upon the *pro se* motion of the appellant for leave to file a delayed appeal and upon the memorandum in opposition.

The Court finds that the motion is not well taken and is overruled as the appellant has failed to provide sufficient reasons for failure to perfect an appeal as of right. In addition, there was an agreed sentence. [See R.C. 2953.08(D)]

Further, all other pending motions are overruled as being moot.

To The Clerk:

Enter upon the Journal of the Court on APR 15 2009 per order of the Court.

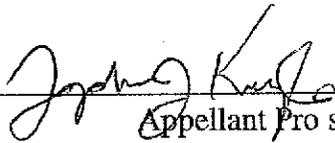
By: 

Presiding Judge

(Copies sent to all counsel)

PROOF OF SERVICE

I certify that a copy of this Motion For Delayed Appeal was sent by ordinary U.S. Mail to Counsel for Appellees, Hamilton County Prosecutor's Office at 230 East 9th Street Cincinnati, Ohio 45202 on 4 JUNE, 2009.


Appellant Pro se