

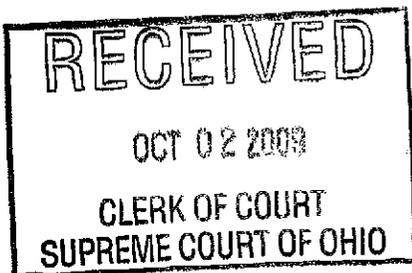
ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO)	CASE NO. 06-1502
)	
Appellee)	
)	On Appeal from the Summit
Vs.)	County Common Pleas Court,
)	Case No. CR05-08-3007
CLARENCE FRY, JR.)	
)	
Appellant)	<u>CAPITAL CASE</u>

Now comes the Appellant, Clarence Fry, Jr., by and through undersigned counsel, and respectfully moves this Court for a continuance for the oral hearing scheduled for November 17, 2009. This counsel had been scheduled to be out of the state at that time. Therefore, it is respectfully requested that another date be set for mid-December if that is convenient for the Court.

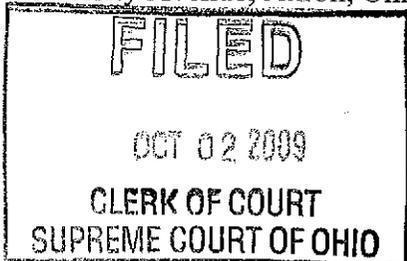
Respectfully Submitted,



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 Akron, Ohio 44308
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PROOF OF SERVICE

I hereby certify that a copy of the foregoing has been mailed by regular U.S. Mail this 1st day of October, 2009 to Summit County Prosecutor, 53 University Avenue, Akron, Ohio 44308.



George C. Pappas
 George C. Pappas #00373714
 Attorney for Appellant