

ORIGINAL

IN THE  
SUPREME COURT OF OHIO

<b>STATE OF OHIO</b>	:	<b>NO. 2009-1481</b>
Plaintiff-Appellee	:	On Appeal from the Hamilton County Court of Appeals, First Appellate District
vs.	:	
<b>FRED JOHNSON</b>	:	
Defendant-Appellant	:	

APPELLEE'S AGREED EXTENSION OF TIME FOR FILING BRIEF  
TO FEBRUARY 23, 2010

Joseph T. Deters (0012084P)  
Prosecuting Attorney

Philip R. Cummings (0041497P)  
Assistant Prosecuting Attorney

230 East Ninth Street, Suite 4000  
Cincinnati, Ohio 45202  
(513) 946-3012  
Fax No. (513) 946-3021

COUNSEL FOR PLAINTIFF-APPELLEE, STATE OF OHIO

Lindsey R. Gutierrez  
Attorney at Law  
Law Offices of Raven J. Clark  
114 East Eighth Street, Suite 400  
Cincinnati, Ohio 45202  
(513) 587-2887  
Fax No. (513) 621-2525

COUNSEL FOR DEFENDANT-APPELLANT, FRED JOHNSON

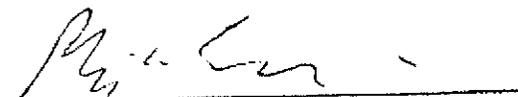
**FILED**  
JAN 28 2010  
CLERK OF COURT  
SUPREME COURT OF OHIO

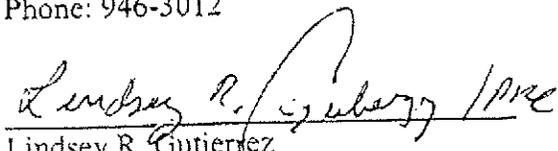
IN THE  
SUPREME COURT OF OHIO

STATE OF OHIO	:	NO. 2009-1481
Plaintiff-Appellee	:	
vs.	:	<u>APPELLEE'S AGREED</u>
FRED JOHNSON	:	<u>EXTENSION OF TIME FOR</u>
Defendant-Appellant	:	<u>FILING BRIEF TO FEBRUARY 23,</u>
	:	<u>2010</u>

Pursuant to Supreme Court Rule XIV, § 3(B)(2)(a), Appellee State of Ohio, through counsel, moves the Court for an extension of the deadline by which its brief must be filed from February 3, 2010 to February 23, 2010.

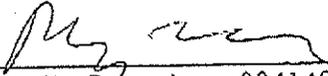
The record in the above captioned case was filed with the Clerk's Office on November 2, 2009. Appellant's brief was filed January 4, 2010. Counsel contacted Ms. Lindsey Gutierrez, who agreed to a 20 day extension of time. The parties agree Appellee's brief is now due February 23, 2010.

  
 Philip R. Cummings, 0041497P  
 Assistant Prosecuting Attorney  
 230 East Ninth Street, Suite 4000  
 Cincinnati, Ohio 45202  
 Phone: 946-3012

  
 Lindsey R. Gutierrez  
 Attorney at Law  
 Law Offices of Ravert J. Clark  
 114 East Eighth Street, Suite 400  
 Cincinnati, Ohio 45202

PROOF OF SERVICE

I hereby certify that I have sent a copy of the foregoing document, by United States mail, addressed to Lindsey R. Gutierrez , Law Offices of Ravert J. Clark, 114 East Eighth Street, Suite 400, Cincinnati, Ohio 45202, counsel of record, this 28 day of January, 2010.

  
\_\_\_\_\_  
Philip R. Cummings, 0041497P  
Assistant Prosecuting Attorney