

FILED
AUG 31 2011
CLERK OF COURT
SUPREME COURT OF OHIO

IN THE SUPREME COURT OF OHIO

State of Ohio

-v-

Christopher Barker

Appellant/ Defendant,

* Case No. 2010-1448
*
* App. Case No. CL 2009-1139
*
* Trial Case No. CR200901024
*
*
*

MOTION FOR EXTRAORDINARY FEES

*
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Attorney for Appellant/Defendant

Now comes Movant, Stephen D. Long, appointed counsel for Appellant, Christopher Barker, and hereby requests an award of fees in excess of the maximum assigned counsel fees as set forth in the Lucas County Court of Common Pleas, Gen.R., Appendix B, 7. Said appendix provides a fee cap of \$1000.00 for appeals as to all felonies other than Aggravated Murder, Murder and Rape, with possible life sentence. The local rule does not distinguish between appeals to the district court of appeals and the Ohio Supreme Court. Said appendix also provides that "the Court may award extraordinary fees not to exceed \$2000.00 when appropriate."

Counsel herein suggests that extraordinary fees are appropriate as the instant matter required defense of the Decision of the 6th District Court of Appeals against both Appellant and

an Amicus and the issues presented to the Ohio Supreme Court for argument emanated from a long and evolving line of decisions related to interpretation of a Criminal Rule of Procedure which required counsel to devote a greater amount of time and effort to adequately address.

THEREFORE, Movant, Stephen D. Long, respectfully requests an award of fees in excess of the maximum allowable fees pursuant to Lucas County Court of Common Pleas, Gen.R., Appendix B, 7.

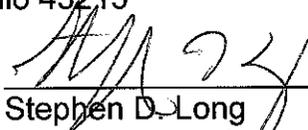
Respectfully submitted,



Stephen D. Long
Attorney for Appellee

CERTIFICATION

This is to certify that a copy of the foregoing was delivered in person to Evy M. Jarrett, Asst. Prosecuting Attorney, Lucas Co. Prosecutor, Lucas Co. Courthouse, 700 Adams Street, Toledo, Ohio 43624-1678, and by ordinary U.S. Mail to MIKE DEWINE, Attorney General of Ohio, and ALEXANDRA T. SHIMMER, ERIK D. GALE, MICHAEL J. SCHULER, Assistant Attorneys General, 30 East Broad Street, 17th Floor, Columbus, Ohio 43215



Stephen D. Long
Attorney for Defendant-Appellant