

**In the Supreme Court of Ohio**

**FILED**  
SEP 07 2011  
CLERK OF COURT  
SUPREME COURT OF OHIO

State of Ohio,

Plaintiff-Appellee,

Case No. 2006-1366

v.

Duane Allen Short,

Defendant-Appellant.

**RECEIVED**  
SEP 07 2011  
CLERK OF COURT  
SUPREME COURT OF OHIO

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On Appeal from the  
Montgomery County Court of Common Pleas  
Case No. 2004 CR 02635

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**Motion for Fees in Excess of  
County Cap**

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**The Case Involves a Sentence  
of Death**

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*Attorney for Duane Allen Short*

*Attorney for Plaintiff-Appellee*

***Motion for Fees in Excess of County Caps***

Gary W. Crim, counsel for Duane Allen Short, moves this Court for an order allowing him fees in excess of the cap of \$6,250 for capital appeals.

***Memorandum in Support of Motion***

Montgomery County has a cap for fees in capital appeals of \$6,250. The application accompany this motion is for more than that amount.

Montgomery County also does not employ court reporters. Thus counsel has additional responsibilities in preparing the transcripts for review by the Court. Further, in this capital case, counsel did not divide the work evenly, so applying counsel did more of the briefing and the oral argument preparation than did co-counsel.

For these reasons, the Court should grant the Motion for Fees in Excess of the County Caps and pay the application in full.

Respectfully Submitted,



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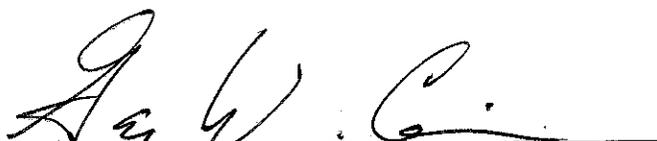
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**Certificate of Service**

I certify that on September 2, 2011, I served a copy of this Motion for Fees in Excess of County Cap by depositing it in the United States mail, first class postage prepaid, addressed to:

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