

ORIGINAL

IN THE SUPREME COURT OF OHIO  
2012

STATE OF OHIO,

Case Nos. 12-1055

Appellee,

-vs-

On Appeal from the  
Franklin County Court  
of Appeals, Tenth  
Appellate District

SHAWN ALEXANDER,

Court of Appeals  
Case No. 11AP-752

Appellant

**MEMORANDUM OF APPELLEE STATE OF OHIO OPPOSING MOTION  
FOR DELAYED APPEAL**

RON O'BRIEN 0017245  
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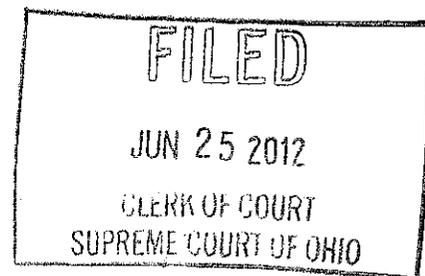
and

STEVEN L. TAYLOR 0043876 (Counsel of Record)  
Assistant Prosecuting Attorney

COUNSEL FOR APPELLEE

Shawn Alexander  
#487-776  
Ross Correctional Institution  
P.O. Box 7010  
Chillicothe, Ohio 45601

Pro se



**MEMORANDUM OF APPELLEE STATE OF OHIO OPPOSING MOTION  
FOR DELAYED APPEAL**

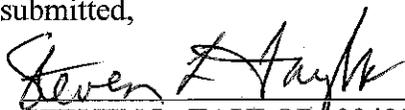
The State opposes defendant's motion for delayed appeal.

The lone reason he cites for the delay is that his access to the prison library and copy services was extremely limited from April 25, 2012 to May 15, 2012. But, given the appellate court's entry of judgment on March 15, 2012, defendant's memorandum supporting jurisdiction would have been due by April 30, 2012. Defendant is essentially claiming that he waited until the last few days before his appeal was due, at which point he faced some limited-access issues. Waiting until the last few days, and failing to anticipate potential limited-access issues, does not constitute good cause for missing the deadline. In addition, even with "extremely limited" access, there was still some access, and defendant does not say whether and to what extent he attempted to take advantage of the access that was available.

As the Tenth District's decision shows, defendant is attempting to appeal an issue that was decided in a previous round of appeals and which is now, literally, dead. The frivolity of this attempted appeal provides another reason to deny the motion for delayed appeal.

In all respects, the motion for delayed appeal lacks merit and should be denied.

Respectfully submitted,



STEVEN L. TAYLOR/0043876

(Counsel of Record)

Assistant Prosecuting Attorney

Counsel for Appellee

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing was sent by regular U.S. Mail on this 25<sup>th</sup> day of June, 2012, to Shawn Alexander, #487-776, Ross Correctional Institution, P.O. Box 7010, Chillicothe, Ohio 45601, pro se.

  
STEVEN L. TAYLOR 0043876