

**IN THE
SUPREME COURT OF OHIO**

STATE OF OHIO : **NO. 2011-2075 and 2011-2178**
Appellant/Cross-Appellee : On Appeal from the Hamilton County
vs. : Court of Appeals, First Appellate
District
JULIAN STEELE : Court of Appeals Case
Appellee/Cross-Appellant : Number C-100637

**APPELLANT/CROSS-APPELLEE'S
MOTION FOR CONTINUANCE OF ORAL ARGUMENT**

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RECEIVED
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CLERK OF COURT
SUPREME COURT OF OHIO

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SUPREME COURT OF OHIO

Counsel for the State of Ohio, appellant/cross-appellee, moves this Court for a continuance of the oral argument date for two-weeks or more; anytime after February 6, 2013.

Just yesterday, this Court issued its Notice of Oral Argument in these cases (consolidated), setting oral argument for Tuesday, January 22, 2013. Counsel, acting on behalf of the State of Ohio as a Special Prosecuting Attorney, has a conflict with the current oral argument date as he and his family will be out of the state on an extended vacation that has been planned for and scheduled for many months.

Counsel for the State contacted Gloria Smith, counsel for appellant/cross-appellee, regarding this request. Ms. Smith indicated that she has no opposition to the State's request for a continuance of the oral argument, and, in fact, suggested it be reset for a date after February 6, 2013.

If the date for oral argument is not continued, either counsel for the appellant/cross-appellee may incur significant personal financial loss due to canceling of non-refundable vacation plans, or Hamilton County will be forced to incur additional costs for airfare (currently \$400+) to fly counsel from his vacation in South Carolina, to Columbus, Ohio and back again, as well as hotel costs, so that counsel can be in Columbus to argue this case on its current oral argument date of January 22, 2013.

As mentioned above, notice of the oral argument was just placed of record yesterday. In fact, undersigned counsel has not even received the official Notice of Oral Argument in the mail yet, having only learned of its filing when checking the Court's online docket yesterday. Neither party would incur hardship or harm should the Court grant the State's motion for continuance of oral argument as: (1) appellee/cross-appellant is currently on bond pending appeal and therefore is not currently incarcerated on these charges; and, (2) the current oral argument date is more

than three months away; an additional two or more weeks should have no real impact if the oral argument is rescheduled.

Finally, the issues involved in this case are of great public interest and involve substantial constitutional issues. The undersigned was appointed by Hamilton County as a Special Prosecutor due to the conflicts associated with this case, tried this case before a jury in the Hamilton County Court of Common Pleas, handled the direct appeal to the First District Court of Appeals, including oral argument, and now those appeals currently before this Court. It is imperative and necessary that the undersigned counsel be able to argue this case personally before this Court, and a short continuance of the oral argument date will ensure that occurs.

CONCLUSION

For the above-referenced reasons, counsel for appellant/cross-appellee requests a continuance of the oral argument for anytime after February 6, 2013.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that on this 18 day of October, 2012, a copy of this Appellant/Cross-Appellee's Motion for Continuance of Oral Argument was sent by ordinary U.S. mail to counsel of record for appellee/cross-appellant addressed as follows:

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