

IN THE SUPREME COURT OF OHIO

CASE NO. 2012-1861

On Appeal from the
Court of Appeals of Cuyahoga County, Ohio
Case No. 97697

STATE OF OHIO

Plaintiff-Appellant

vs.

TIMOTHY TATE

Defendant-Appellee

MOTION TO EXPEDITE DETERMINATION OF APPELLANT'S MEMORANDUM
IN SUPPORT OF JURISDICTION

Counsel for Defendant-Appellee

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IN THE SUPREME COURT OF OHIO

STATE OF OHIO)	CASE NO. 2012-1861
)	
Appellant)	
)	
vs.)	
)	
TIMOTHY TATE)	
)	
Appellee)	

MOTION TO EXPEDITE DETERMINATION OF APPELLANT'S MEMORANDUM
IN SUPPORT OF JURISDICTION

Now comes the Appellee, by and through counsel, and under Crim. R. 12, moves this Court to expedite its decision whether or not to confer jurisdiction in the instant case for the reasons stated in the attached memorandum which is incorporated by reference and made a part hereof, as if fully rewritten herein.

Respectfully submitted,


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MEMORANDUM OF LAW

The instant Appellee requests this Court to expedite determination of the Appellant's memorandum in support of jurisdiction.

The Appellee prevailed in the Court of Appeals with respect that his conviction was lowered from a third degree felony in which he would serve two years of incarceration to a first degree misdemeanor, in which only six months of incarceration is ordered.

The Appellee would have been released once the Court of Appeals case was beyond reconsideration. The Court of Appeals decision was announced September 20, 2012, seventy six days as of December 5, 2012, the date a memorandum in response is due.

If the Court should deny jurisdiction, as it should, the Appellee would have served approximately 14 months of what should be a six month sentence. For all the foregoing, the Appellee moves this Court expedite its decision in determining jurisdiction in this matter.

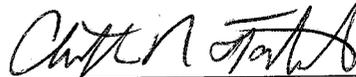
Respectfully submitted,


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CERTIFICATE OF SERVICE

A copy of the foregoing motion to expedite was sent by ordinary U.S. mail this 3 day of December 2012 to:

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