

ORIGINAL

NO. 12-1861  
IN THE SUPREME COURT OF OHIO

STATE OF OHIO	:	
Plaintiff-Appellant	:	
vs	:	On appeal from Cuyahoga County Court of Appeals Case No. 97697, Eighth District Court of Appeals
TIMOTHY TATE	:	
Defendant-Appellee	:	

**MOTION OF AMICUS CURIAE CUYAHOGA COUNTY PUBLIC DEFENDER  
FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT**

COUNSEL FOR AMICUS CURIAE:  
 ROBERT L. TOBIK, ESQ.  
 Cuyahoga County Public Defender  
 BY: JOHN T. MARTIN, ESQ. (0020606)  
 Assistant Public Defender  
 310 Lakeside Avenue, Ste 200  
 Cleveland, Ohio 44113  
 (216) 443-7580; (216) 443-6911 (fax)  
[jmartin@cuyahogacounty.us](mailto:jmartin@cuyahogacounty.us)

COUNSEL FOR APPELLANT:  
 TIMOTHY MCGINTY, ESQ  
 Cuyahoga County Prosecutor  
 BY: KRISTEN L. SOBIESKI, ESQ  
 Assistant Prosecuting Attorney  
 Office of the Cuyahoga County Prosecutor  
 Justice Center, 9<sup>th</sup> Floor  
 1200 Ontario Street  
 Cleveland, Ohio 44113  
 (216) 443-7800

COUNSEL FOR APPELLEE:  
 CHRISTOPHER R. FORTUNATO  
 13363 Madison Avenue  
 Lakewood, Ohio 44107  
 (216) 228-1166

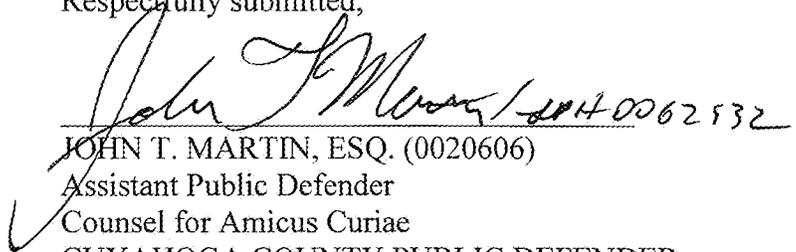
FILED  
 OCT 08 2013  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

NO. 12-1861  
IN THE SUPREME COURT OF OHIO

STATE OF OHIO :  
Plaintiff-Appellant :  
vs : Motion of Amicus Curiae Cuyahoga  
TIMOTHY TATE : County Public Defender for Leave to  
Defendant-Appellee : Participate in Oral Argument

Now Comes the Cuyahoga County Public Defender, Amicus Curiae, and, pursuant to S.Ct. Prac. R. 17.06, moves this Honorable Court for leave to participate in oral argument in the instant case. The Cuyahoga County Public Defender has filed his amicus brief in support of Appellee Timothy Tate, and this motion is made with the consent of counsel for Mr. Tate.

Respectfully submitted,

  
JOHN T. MARTIN, ESQ. (0020606)  
Assistant Public Defender  
Counsel for Amicus Curiae  
CUYAHOGA COUNTY PUBLIC DEFENDER

**CERTIFICATE OF SERVICE**

A copy of the foregoing was served via hand delivery upon Kristen Sobieski, counsel for the State of Ohio, 1200 Ontario Street, 9<sup>th</sup> Floor, Cleveland, Ohio 44114, and by mail to Christopher Fortunato, 13363 Madison Avenue, Lakewood, Ohio 44107, on this 8<sup>th</sup> day of October, 2013.

  
JOHN T. MARTIN, ESQ.