

In the Supreme Court of Ohio

STATE OF OHIO, :
 Appellee, : Case No. 2014-0273
 -v- :
 CURTIS L. CLINTON, :
 Appellant. : **This Is A Capital Case.**

On Appeal From the Court Of
 Common Pleas of Erie County
 Case No. 2012 CR 0383

Appellant's First Motion for Extension of Time of Thirty Days to File
 Transcript with Clerk of the Supreme Court

Ohio Attorney General

Office of the Ohio Public Defender

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Counsel of Record

Thomas E. Madden - 0077019
Special Prosecutor

Kimberly S. Rigby - 0078245
Supervisor, Death Penalty Division

Stephen E. Maher - 0032279
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Elizabeth Arrick - 0085151
Assistant State Public Defender

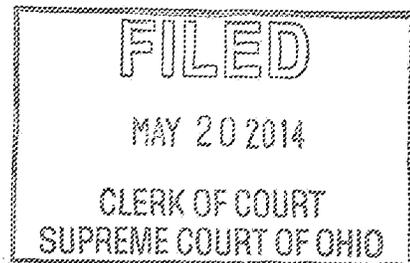
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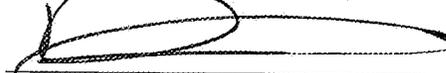
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Appellant's First Motion for Extension of Time of Thirty Days to File Transcript
with Clerk of the Supreme Court

Appellant Curtis Clinton, through counsel, requests an extension of time of thirty days to file the transcript with the clerk of this Court. See Sup. Ct. Prac. R. 11.04(C)(2). Appellant's motion is supported by an affidavit as required by Sup. Ct. Prac. R. 11.04(C)(2). (See Exhibit A). The reasons for this request are explained in the attached Memorandum.

Respectfully submitted,

Office of the Ohio Public Defender



Robert K. Lowe - 0072264
Assistant State Public Defender
Counsel of Record

Kimberly S. Rigby - 0078245
Supervisor, Death Penalty Division



Elizabeth Arrick - 0085151

Assistant State Public Defender

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Counsel for Appellant

MEMORANDUM

Appellant Curtis Clinton was convicted of capital murder and sentenced to death in the Court of Common Pleas of Erie County. He timely filed his notice of appeal on February 21, 2014, and the record is currently due to be filed by appellant on May 22, 2014. See Sup. Ct. Prac. R. 11.04. However, appellant cannot file the record on May 22, 2014, because the Clerk of Courts is unable to compile the record and file it with this Court without a thirty day extension of time.

Exhibit A, attached to this motion, is the affidavit of undersigned counsel who talked with the clerk in charge of preparing the record. See Sup. Ct. R. Prac. 11.04(C)(2). The Erie County Clerk's Office recently received all of the transcripts from the court reporters. (Exhibit A). Further, the Clerk's Office started preparing and organizing the record on May 19, 2014. (Exhibit A). However, due to the length the record and staff illness, the Erie County Clerk's Office will not be able to file the record by May 22, 2014.

The Clerk's Office should be able to file the record within thirty days. (Exhibit A). Accordingly, appellant Curtis Clinton, through counsel, requests a thirty day extension of time to file the record with the Clerk of this Court. Appellant does not foresee any other extension of time for filing the record.

Respectfully submitted,

Office of the Ohio Public Defender



Robert K. Lowe - 0072264
Assistant State Public Defender
Counsel of Record

Kimberly S. Rigby - 0078245
Supervisor, Death Penalty Division



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Counsel For Appellant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Appellant's Motion for Extension of Time of Thirty Days to File Transcript with Clerk of the Supreme Court was forwarded by regular U.S. Mail to Thomas E. Madden and Stephen E. Maher, Special Prosecuting Attorneys, 150 East Gay St. 16th Floor, Columbus, Ohio 43215 and Kevin Baxter, Erie County Prosecuting Attorney, 247 Columbus Ave., Suite 319, Sandusky, Ohio 44870, this 20th day of May, 2014.



Robert K. Lowe - 0072264
Assistant State Public Defender
Counsel of Record

Counsel for Appellant

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Exhibit A

AFFIDAVIT OF ROBERT K. LOWE

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

I, Robert K. Lowe, being duly sworn, hereby state as follows:

1. I am an attorney licensed to practice law in the State of Ohio.
2. I am an Assistant State Public Defender employed by the Office of the Ohio Public Defender.
3. As part of my duties, I have been assigned to represent Curtis Clinton in his direct appeal of his capital conviction and death sentence along with Kimberly Rigby and Elizabeth Arrick.
4. I have been the contact person with the court reporters and the Erie County Clerk of Courts regarding the completion of the transcript and transmission of the record to the Ohio Supreme Court.
5. The court reporters finished the transcript and delivered it to the Erie County Clerk's Office on May 16, 2014.
6. On May 19, 2014, I talked with Lori Foxworth of the Erie County Clerk's Office. She indicated that she is in charge of preparing the record and would not be able to file it by May 22, 2014, and will need additional time. When I tried to contact Ms. Foxworth on May 20, 2014 to find out how much additional time was needed to complete the record, I was told that she was not in the office due to illness. On May 20, 2014, Ms. Foxworth was out sick. This record will not be transmitted to this Court by May 22, 2014. An additional thirty days should be sufficient time for the Erie County Clerk's Office to file the record with this Court.

Further Affiant sayeth naught.


Robert K. Lowe

Sworn to and subscribed before me on this 20th day of May, 2014.


Notary Public, State of Ohio



TRACY L. SMITH
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 5-18-16