

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO )  
 )  
 Plaintiff/Appellant )  
 )  
 -vs- )  
 )  
 LASHAWN AMOS )  
 )  
 Defendant/Appellee )

CASE NO. 2012-2093

FILED  
SEP 10 2014  
CLERK OF COURT  
SUPREME COURT OF OHIO

MOTION FOR EXTRAORDINARY FEES

Counsel requests that the Court grant him extraordinary fees. Counsel was appointed to represent indigent defendant/appellee Lashawn Amos. Recently, counsel received a journal entry from this Court directing that he be paid \$750 in legal fees, which calculates to approximately \$19 per hour (38.4 hours submitted in counsel's fee bill). In discussing this matter with Court staff members, counsel was advised that this amount was selected because it represents the fee structure for the type of felony charged in this case (5<sup>th</sup> degree felony). In Cuyahoga County, where this case originated, there is a "cap" of \$750 for 5<sup>th</sup> degree felonies; hence, that amount was ordered to be paid.

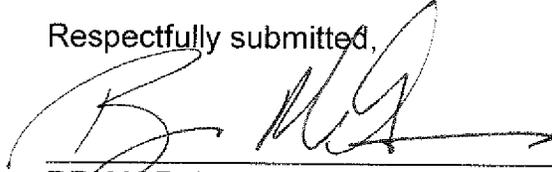
Counsel requests that he be paid extraordinary fees totaling \$1942.00 plus \$207.84 in expenses. This amount reflects actual work completed based on Cuyahoga County's hourly fee structure (36.2 hours out of court @ \$50 per hour and 2.2 hours in court @ \$60 per hour).

The legal issues involved did not relate in any way to typical 5<sup>th</sup> degree felony work. At issue was whether or not a Common Pleas Court could sentence a defendant to "time served" without the necessity of pre-sentence report. This legal issue is unrelated to the felony fee structure in Cuyahoga County, is sufficiently complex

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required substantial work as reflected in counsel's fee bill and counsel requests that the Court order that he be paid at the appropriate hourly rate without consideration of the 5<sup>th</sup> degree felony "cap"

Respectfully submitted,



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**SERVICE**

A copy of the foregoing Motion has been hand delivered to William Mason, Cuyahoga County Prosecutor, 1200 Ontario, 9<sup>th</sup> Floor Justice Center, Cleveland, Ohio 44113; this 5<sup>th</sup> day of Sept., 2014.



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**BRIAN R. McGRAW (0036799)**  
Attorney for Defendant