

IN THE SUPREME COURT OF OHIO

State of Ohio,	:	
	:	Case No. 2014-2028
Plaintiff-Appellant,	:	
v.	:	On Appeal From the Montgomery
	:	County Court of Appeals, Second
Terry Lee Martin,	:	Appellate District Case No. 26033
	:	
Defendant-Appellant.	:	

Motion to Reset Briefing Schedule

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Terry Martin asks this Court to reset the briefing schedule in his certified-conflict case. On November 21, 2014, the Second District Court of Appeals issued an order certifying a conflict in Mr. Martin's case, and simultaneously, Mr. Martin filed a motion for appointment of counsel. On January 28, 2015, this Court determined that a conflict exists and the record was then filed on February 10, 2015. On March 19, 2015, after receiving a stipulated to extension of time, previous counsel file a motion to withdraw as counsel. With the stipulated extension, Mr. Martin's brief is currently due to be filed on April 13, 2015. S.Ct.Pract.R. 3.03.

On March 23, 2015, the Office of the Ohio Public Defender was asked to represent Mr. Martin. On March 25, 2015, undersigned counsel received the case by assignment. Assistant State Public Defender Valerie Kunze files a notice of appearance alongside this motion. Because the Office of the Ohio Public Defender had no previous involvement in Mr. Martin's case, it is imperative that this Court reset the briefing schedule to allow additional time for counsel to prepare Mr. Martin's brief.

The requested reset of the briefing schedule is necessary to provide Mr. Martin with his constitutionally guaranteed right to the effective assistance of counsel. *Evitts v. Lucey*, 469 U.S. 387, 105 S. Ct. 830, 83 L. Ed.2d 821 (1985); *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed.2d 674 (1984). With additional time, counsel will have the opportunity to review the record, research the certified conflict issue, and prepare a merit brief.

Mr. Martin asks this Court to reset the briefing schedule to provide him forty days to file his merit brief from the granting of this motion. S.Ct.Prac.R. 16.02(A).

Respectfully submitted,

Office of the Ohio Public Defender

/s/Valerie Kunze

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Certificate of Service

I certify that a copy of this document was served by regular U.S. Mail, postage prepaid,
upon April Campbell, Assistant Montgomery County Prosecutor, P.O. Box 972, Dayton, Ohio

/s/Valerie Kunze

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