

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :
 :
 PLAINTIFF-APPELLEE, : CASE NO. 2014-1377
 :
 v. : ON DISCRETIONARY APPEAL FROM THE
 : PORTAGE COUNTY COURT OF COMMON
 TYRONE NOLING, : PLEAS PURSUANT TO R.C. 2953.73(E)(1),
 : CASE NO. 95-CR-220
 DEFENDANT-APPELLANT. : **THIS IS A CAPITAL CASE.**

NOLING'S REQUEST FOR EXTENSION OF TIME TO FILE MERIT BRIEF

Victor V. Vigluicci (0012579)
Portage County Prosecutor
Pamela Holder (0072427)
Assistant Prosecuting Attorney
Counsel of Record
466 South Chestnut Street
Ravenna, OH 44266
(330) 297-3850
(330) 297-4595 (Fax)

COUNSEL FOR APPELLANT
STATE OF OHIO

Professor Mark Godsey (0074484)
Counsel of Record
Ohio Innocence Project
University of Cincinnati
College of Law
P.O. Box 210040
Cincinnati, Ohio 45221-0040
(513) 556-0752
(513) 556-0702 (Fax)

Office of the Ohio Public Defender
Carrie Wood (0087091)
Assistant State Public Defender
250 East Broad Street, Suite 1400
Columbus, Ohio 43215
(614) 466-5394
(614) 644-0708 (Fax)

COUNSEL FOR APPELLANT
TYRONE NOLING

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Pursuant to S.Ct.Prac.R 3.03(B)(2)(b), Mr. Noling is requesting a 10-day extension of time for Mr. Noling to file his merit brief in the instant case. Mr. Noling’s merit brief is currently due on November 25, 2015. Appellant has not previously sought or obtained an extension of time from the Ohio Supreme Court in the instant appeal. Mr. Noling, through undersigned counsel, reached out to the State to seek a stipulated 20-day extension of time. However, the State informed Mr. Noling that they would not agree to a stipulation pursuant to S.Ct.Prac.R 3.03(B)(2)(a).

Undersigned counsel had a large filing due on November 4, 2015. This was an immoveable deadline. This filing included completion of expert reports, witness interviews and affidavits, etc. Undersigned counsel also has two merit briefs due in the Fourth District Court of Appeals on November 20, 2015, which require transcript and record reviews, and client consultations. At least one extension of time has previously been obtained in both of these cases. In addition, undersigned counsel had a merit brief due in the Eighth District Court of Appeals on November 9, 2015, and was scheduled for trial in Monroe County the week of November 9,

2015. Also, undersigned counsel has an amicus brief due with this Court on November 23, 2015, for which counsel of record has already requested an extension of time. Moreover, undersigned counsel is scheduled to conduct a deposition in Toledo on December 7, 2015.

In addition, undersigned counsel was out of the office all day on November 6 for a previously scheduled training in Ann Arbor, Michigan. Also, as a result of the scheduled trial, undersigned counsel was out of the office all day on November 5th and 9th. Finally, the mother of Mr. Godsey, lead counsel for Mr. Noling, passed away on October 22, 2015. In the two weeks prior, she had been admitted to hospice care. After her passing, the next week was taken up with funeral planning, visits from family from out of town, paperwork, the funeral itself, and grieving.

Therefore, Mr. Noling requests an extension of time of 10 days to file his merit brief. The filing date for Mr. Noling's merit brief would then be Monday, December 7, 2015.

Respectfully submitted,

Office of the Ohio Public Defender

/s/ Carrie Wood

Carrie Wood - 0087091

Assistant State Public Defender

250 E. Broad Street, Suite 1400

Columbus, Ohio 43215

Voice: (614) 466-5394

Facsimile: (614) 752-5167

Email: carrie.wood@opd.ohio.gov

Co-counsel for Tyrone Noling

Mark Godsey (0074484)
Ohio Innocence Project
University of Cincinnati College of Law
Clifton Ave. at Calhoun St.

PO Box 210040
Cincinnati, OH 45221 – 0040
(513) 556-0752
(513) 556-1236 – fax

Counsel for Tyrone Noling

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **NOLING’S REQUEST FOR EXTENSION OF TIME TO FILE MERIT BRIEF** was forwarded by first class U.S. mail to Pamela J. Holder, Assistant Prosecuting Attorney, 241 South Chestnut Street, Ravenna, Ohio 44266, and to Mike DeWine, Ohio Attorney General, DNA Testing Unit, 150 East Gay Street, 16th Floor, Columbus, Ohio 43215 on this the 12th day of November 2015.

/s/ Carrie Wood

Carrie Wood (0087091)
Assistant Public Defender

Co-Counsel for Tyrone Noling

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