

In the Supreme Court of Ohio

STATE OF OHIO ex rel. DOUGLAS
PRADE,
Inmate No. A365399
Allen Correctional Institution
2238 North West Street
Lima, Ohio 45801

Relator,

v.

NINTH DISTRICT COURT OF APPEALS,
161 South High Street, Suite 504
Akron, Ohio 44308

and

HON. JUDGE CHRISTINE CROCE
Summit County Court of Common Pleas
209 South High Street
Akron, Ohio 44308

Respondents.

Case No. 16-0686

Original action for Writ of Prohibition

MOTION FOR LEAVE TO FILE REVISED MEMORANDUM IN SUPPORT OF WRIT OF PROHIBITION AND INCORPORATED MEMORANDUM IN SUPPORT

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Counsel for Relator Douglas Prade

Relator Douglas Prade hereby moves this Court for leave to file his Revised Memorandum of Law in Support of Writ of Prohibition. A memorandum in support of this motion for leave appears below.

Dated: May 12, 2016

Respectfully submitted,

Mark A. Godsey (Ohio Bar #74,484)
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/s David Booth Alden
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Counsel for Relator Douglas Prade

MEMORANDUM IN SUPPORT

Relator Douglas Prade hereby moves this Court for leave to file his Revised Memorandum of Law in Support of Writ of Prohibition. The consideration of a motion for leave is within the sound discretion of the court. *Clark v. Clark*, 20 Ohio St. 128, 135 (1870).

Mr. Prade filed this original action for writ of prohibition on May 4, 2016, and the Clerk's office mailed the Respondents a summons, the complaint, and the memorandum in support on May 5, 2016. Pursuant to Supreme Court Practice Rule 12.04(A)(1), Respondents have until May 26, 2016 to answer or move to dismiss. S.Ct. Prac. R. 12.04(A)(1).

Mr. Prade seeks to file the revised memorandum in support to clarify the application of the governing statute and add a discussion of a controlling decision from this Court. Relators have not responded and will not be prejudiced if this Court grants this motion. Therefore, Mr. Prade respectfully requests leave to file the Revised Memorandum of Law in Support of Writ of Prohibition.

Dated: May 12, 2016

Respectfully submitted,

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Counsel for Relator Douglas Prade

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May, 2016, I have caused a copy of this Motion for Leave to File Revised Memorandum in Support of Writ of Prohibition, and incorporated Memorandum in Support, to be served by U.S. Mail on the following:

Richard Michael DeWine
Ohio Attorney General
30 E. Broad Street, 16th Floor
Columbus, Ohio 43215

*Counsel for Respondents Ninth District
Court of Appeals and Hon. Christine Croce*

Dated: May 12, 2016

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