

IN THE SUPREME COURT OF THE UNITED STATES

JUSTICE ELENA KAGAN

APPEAL FROM
THE SUPREME COURT OF OHIO
NO. 2018 Ohio 4002

STATE OF OHIO
Plaintiff-Appellee

-vs-

EDWIN A. VEGA
Defendant-Appellant

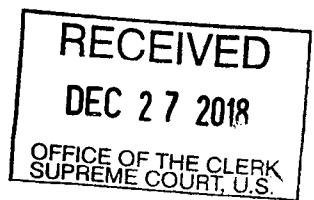
APPELLANT'S APPLICATION FOR EXTENTION OF TIME TO FILE PETITION FOR
WRIT OF CERTIORARI

Counsel for Defendant-Appellant

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BRIEF IN SUPPORT

Now comes Defendant-Appellant Edwin C. Vega, by and through undersigned counsel, Justin M. Weatherly, Esq., and pursuant to Supreme Court Rule 13.5 herein hereby respectfully moves this Honorable Court for an Order granting Defendant-Appellant an extension of sixty (60) days to submit a petition for writ of certiorari to the United States Supreme Court for the following reasons.

On or about January 25, 2016, Judge Dick Ambrose of the Cuyahoga County Court of Common Pleas issued an order in the matter of the State of Ohio v. Edwin C. Vega (Case No. 15 CR 599025) granting Defendant's motion to suppress evidence, thus deeming any and all evidence recovered by the police in that matter inadmissible at trial. In granting the motion, the trial court judge cited both United States v. Ross, 456 U.S. 798 (1982) and Rodriguez v. U.S., 135 S.Ct. 1609 (2015) as court precedents which served as a basis warranting the granting of the motion to suppress.

The State of Ohio appealed that decision to the Eighth District Court of Appeals. In a two to one decision the Eighth District Court of Appeals for Ohio affirmed the trial court's decision (Case No. 16 CA 104058), again citing the two aforementioned Supreme Court decisions as grounds for the decision. The State of Ohio again appealed this decision to the Supreme Court of Ohio. In a slip opinion decided October 3, 2018 the Supreme Court of Ohio unanimously reversed both lower court decisions, denying Defendant's motion to suppress evidence and remanding the case for trial. Because the Supreme Court of Ohio is a court of last resort for Defendant-Appellant, and because this case involves an important federal question which conflicts with U.S. Supreme Court precedent, this Honorable Court is the appropriate jurisdiction for Defendant-Appellant's petition pursuant to Supreme Court

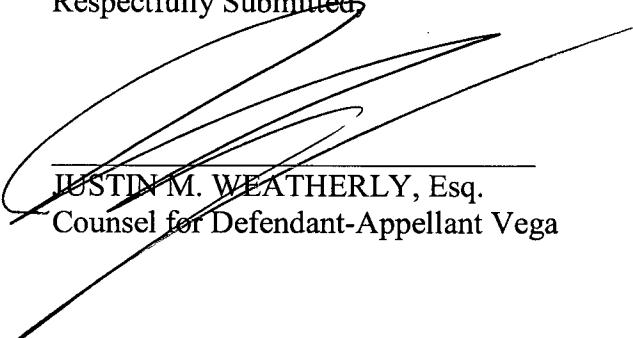
Rule 10(b).

Defendant-Appellant respectfully requests a sixty (60) day extension to submit a petition for writ of certiorari. The opinion sought for review is that of the Ohio Supreme Court in its decision in State of Ohio v. Vega, Slip Opinion No. 2018 Ohio 4002, decided October 3, 2018, attached hereto. Grounds for this extension include the timing of the publishing of the Ohio Supreme Court's Opinion. As of October 3, 2018 undersigned counsel was in the midst of preparing for a rape trial which commenced the last week of October and consumed all of undersigned counsel's time. Following that trial, undersigned counsel has prepared for no less than three (3) additional trials, two of which commenced. This busy trial schedule, which was supplemented by undersigned counsel's regular court schedule, has left almost no additional time to draft an appropriate writ to this Honorable Court. This is true despite the use of weekends and evenings as additional time to complete projects with even more imminent deadlines.

Though undersigned counsel is set for trial in several other matters during the period of extension requested, such an extension would at least allow undersigned counsel the opportunity of court closings during the holiday season to devote more time to this matter of utmost importance. In over fourteen years of practicing criminal defense, this is by far the busiest trial schedule of undersigned counsel's career. Simply put, the timing of the decision of the Supreme Court of Ohio could not have been less convenient. The Supreme Court of Ohio has essentially reversed the previously decided opinions of both United States v. Ross, 456 U.S. 798 (1982) and Rodriguez v. U.S., 135 S.Ct. 1609 (2015). A sixty (60) day extension in the above captioned matter would at least allow the citizens of Ohio the opportunity to petition this Honorable Court to remedy this judicial error.

WHEREFORE, Defendant-Appellant Edwin C. Vega, by and through undersigned counsel, for the foregoing reasons, and pursuant to Supreme Court Rule 13.5, herein hereby respectfully move this Honorable Court for an Order granting Defendant-Appellant an extension of sixty (60) days to submit a petition for writ of certiorari to the United States Supreme Court in the above captioned matter.

Respectfully Submitted,


JUSTIN M. WEATHERLY, Esq.
Counsel for Defendant-Appellant Vega