

**SUPREME COURT OF THE
UNITED STATES**

NO. 18-6752

STATE OF OHIO
Respondent

-vs-

DAVID MCGUIRE
Petitioner

**MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO
PETITIONERS WRIT OF CERTIORARI**

Now comes Michael C. O'Malley, Prosecuting Attorney for Cuyahoga County, Ohio, and respectfully requests this Honorable Court grant a thirty-day (30) extension of time to file a response to Petitioner's Writ of Certiorari in the above entitled case. This is the first request made for extension of time and the original due date for Respondent's response is December 20, 2018.

Respectfully submitted,

**MICHAEL C. O'MALLEY (OH Reg. # 0059592)
CUYAHOGA COUNTY PROSECUTOR**

Daniel
DANIEL VAN (OH Reg. # 0084614) (USSC Bar No. 289632)
Assistant Prosecuting Attorney
The Justice Center, 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113
(216) 443-7800

CERTIFICATE OF SERVICE

A copy of the foregoing Motion for Extension of Time was mailed or electronically sent this December 14, 2018, to: John Q. Lewis, Esq., Tucker Ellis, LLP 950 Main Avenue, Suite 1100, Cleveland, OH 44113.

By:

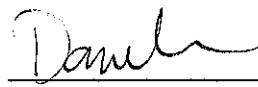
Daniel
Assistant Prosecuting Attorney

BRIEF IN SUPPORT OF MOTION

Daniel Van, assistant prosecuting attorney, respectfully requests a thirty-day (30) extension of time to file a response in the above-entitled case. Undersigned counsel is unable to complete the response in time due to an overwhelming caseload, including but not limited to: APA Van prepared a Brief of Appellant in the 8th District Court of Appeals for *State of Ohio v. Justin Robinson/Terrence Lanier Jr.* (CA-18-107547/107548/107604) which was due on 12/7/2018. APA Van has also prepared and attended Oral Arguments in the 8th District Court of Appeals for *State of Ohio v. Michael Frierson* (CA-18-106841) held on 12/5/2018, *State of Ohio v. Jermaine Williams* (CA-18-106820) held on 12/4/2018, *State of Ohio v. Carlton Logan* (CA-18-106868) held on 11/28/2018 and *State of Ohio v. Victor Hartness* (CA-18-106810) held on 11/27/2018.

This request for extension of time is not being made for the purpose of delay.

The State respectfully requests this Honorable Court grant the requested extension in which to file its response.



DANIEL VAN (OH Reg. # 0084614)
Assistant Prosecuting Attorney