

**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 VAN (OH Reg. # 0084614) (USSC Bar No. 289632)**  
Assistant Prosecuting Attorney  
The Justice Center, 8<sup>th</sup> 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:



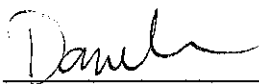
Assistant Prosecuting Attorney

### **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 8<sup>th</sup> 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 8<sup>th</sup> 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