



FRANKLIN COUNTY PROSECUTING ATTORNEY

November 4, 2022

Danny Bickell
Office of the Clerk
Supreme Court of the United States
One First Street, NE
Washington, DC 20543

Re: Application to Extend Time to Respond to Petition in
Robert Bethel, Petitioner v. State of Ohio, Respondent,
Case No. 22-5900

Dear Mr. Bickell,

The Franklin County Prosecutor's Office respectfully requests, pursuant to Rule 30.4, a 45-day extension of time in which to respond to the petition for writ of certiorari. This extension would move the response date from Friday November 25, 2022, to **Monday, January 9, 2023**.

Counsel seeks this extension because counsel carries a heavy appellate and trial court caseload. Counsel's caseload includes presenting oral argument in a double-murder appeal on October 25, 2022 and filing a merit brief in a murder appeal on October 31, 2022. In the upcoming weeks, counsel is scheduled to present multi-hour training sessions to Franklin County, Ohio, Sheriff's Detectives each day starting November 14, 2022 and ending November 18, 2022; has a post-hearing brief in a homicide case due December 2, 2022; and has another brief due in an attempted-murder appeal on December 2, 2022. For these and other office-related reasons, the additional time is necessary for counsel to prepare the response to the petition for writ of certiorari. This brief delay will not prejudice any party.

Counsel also wishes to inform the Court that Franklin County Prosecutor G. Gary Tyack previously served as a judge on the Ohio Tenth District Court of Appeals and presided over two earlier appeals involving Petitioner. *State v. Bethel*, 10th Dist. No. 09AP-924, 2010-Ohio-3837; *State v. Bethel*, 10th Dist. No. 07AP-810, 2008-Ohio-2697. Pursuant to Ohio Prof.Cond.R. 1.12(c), counsel hereby notifies the Court that Prosecutor Tyack has recused himself from all involvement in this matter, and the Prosecutor's Office will use an ethical wall to screen Mr. Tyack from all information concerning this matter. First Assistant Janet A. Grubb will assume all principal administrative and managerial decision-making authority over this matter in Mr. Tyack's stead.

Thank you in advance for your consideration of this request.

Respectfully,

/s/ Seth L. Gilbert
Seth L. Gilbert
Chief Counsel, Appeals Unit

cc: Rachel Troutman, Petitioner's Counsel