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Motion for Extension of Time to Submit Coroner's Expert Report(s)

William D. Mason
Cuyahoga County Prosecutor

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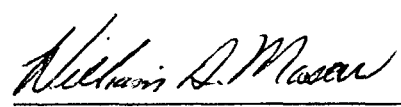
IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ALAN DAVIS, EXECUTOR, ET. AL.,	:	CASE NO. 312322
Plaintiff	:	
	:	JUDGE RONALD SUSTER
V	:	
	:	<u>MOTION FOR EXTENSION OF</u>
STATE OF OHIO,	:	<u>TIME TO SUBMIT CORONER'S</u>
Defendant	:	<u>EXPERT REPORT(S)</u>

Defendant, State of Ohio, by and through counsel, William D. Mason, Prosecuting Attorney for Cuyahoga County, and Marilyn B. Cassidy, Assistant Prosecutor, moves this honorable court for an extension of time in which to submit the expert report of the Cuyahoga County Coroner. The grounds in support of this motion are set forth in the attached memorandum and affidavit, which are attached hereto and expressly incorporated herein by reference.

Respectfully Submitted,

WILLIAM D. MASON, PROSECUTING
ATTORNEY, CUYAHOGA COUNTY



William D. Mason
 Prosecuting Attorney
 1200 Ontario Street
 Cleveland, Ohio 44113
 (216) 443-7800

MEMORANDUM IN SUPPORT

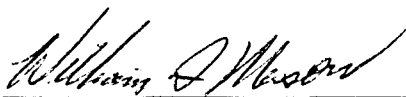
The Cuyahoga County Coroner, Elizabeth Balraj, M.D., appears on the list of expert witnesses submitted by both plaintiff and defendant in this case. The Coroner, as an independent elected county official and medical expert, can provide the trier of fact with valuable information in the following areas: autopsy protocol, pathology, injuries to the deceased, cause of death, manner of death. In addition, her staff members including Linda Luke, James Wetzell, Dr. Robinson, and Dr. Lovejoy, can provide similar specialized information to the court by drawing upon the discipline unique to each (DNA analysis, odontology, anthropology, imaging and crime scene analysis).

The Cuyahoga County Prosecutor learned from Dr. Balraj that her report, and those from her staff would be ready for submission to the court and to the parties on December 23, 1999. However, on December 22, 1999, Dr. Balraj communicated to the prosecutor that the reports cannot be ready until January 14, 2000. The reason for the delay is that the Coroner and her staff have not completed the analysis and written report.

Cuyahoga County Court of Common Pleas Loc. R. 21.1 provides in pertinent part, that for good cause shown, the court may grant the parties additional time in which to submit reports. The State of Ohio submits that the testimony of Dr. Balraj and her staff is material to the case and that neither party has control over the demands of day to day business of the Coroner's Staff.

Inasmuch as the information to be provided by the coroner is independent in nature and is extremely important to both parties in this case, the State of Ohio respectfully requests that the Coroner be granted an extension, until January 14, 2000.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "William D. Mason", written over a horizontal line.

William D. Mason
Cuyahoga County Prosecutor

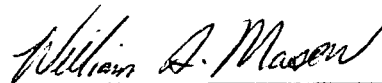
COUNTY OF CUYAHOGA
STATE OF OHIO

: AFFIDAVIT OF WILLIAM D. MASON,
: CUYAHOGA COUNTY PROSECUTOR
:

WILLIAM D. MASON, being first duly sworn, states that he is of sound mind, competent to testify, and has personal knowledge of the facts contained herein:

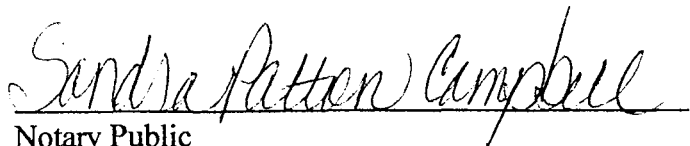
1. Affiant represents the State of Ohio in the within action, captioned, Alan Davis, Executor of the Estate of Samuel Sheppard v. State of Ohio, being Cuyahoga County Court of Common Pleas Case No. 312322;
2. The court has issued a case management order setting dates for submission by the parties of their expert reports. All supplemental reports are required to be submitted by December 31, 1999.
3. Both parties have listed the Cuyahoga County Coroner, Dr. Elizabeth Balraj, as an expert in this case.
4. Dr. Balraj had originally stated that her report(s) would be prepared and ready for submission as of today, December 23, 1999.
5. Affiant learned on the evening of December 22, 1999 that the Coroner will be unable to have her reports ready until January 14, 2000.

AFFIANT FURTHER SAYETH NAUGHT



William D. Mason
Cuyahoga County Prosecutor

SWORN TO AND SUBSCRIBED IN MY PRESENCE, this 23 day of December, 1999.

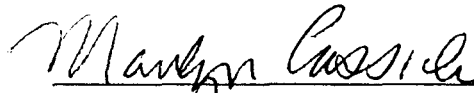


Notary Public
My Commission Expires October 18, 2003

CERTIFICATE OF SERVICE

A copy of the foregoing Motion for Extension of Time was served this 23 day of December, 1999 on Terry Gilbert, 1370 Ontario Street, Cleveland, Ohio, hand delivered.

Respectfully Submitted,



Marilyn Cassidy
Assistant Prosecutor