

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**JOHN W. SLAGLE,**

**Case No. 3:-08-cv-146**

**Petitioner,**

**-vs-**

**District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz**

**COURT OF COMMON PLEAS OF  
MONTGOMERY COUNTY, OHIO**

**Respondent.**

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**ENTRY AND ORDER ADOPTING THE REPORT AND  
RECOMMENDATIONS IN ITS ENTIRETY (Doc. #36); GRANTING  
SLAGLE A CONDITIONAL WRIT OF HABEAS CORPUS AND  
TERMINATING THIS CASE**

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This matter is before the Court pursuant to Petitioner John W. Slagle's ("Slagle's") objections (doc. #38) to Magistrate Judge Merz's Report and Recommendations (doc. #36). This Report and Recommendations addresses Slagle's Petition for a Writ of Habeas Corpus. Respondent Court of Common Pleas of Montgomery County, Ohio, has responded to Slagle's Objections (doc. #39) and the matter is now ripe for decision.

The District Judge has made a de novo review of the record on this matter pursuant to 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b). Upon consideration of the foregoing, the Court finds that Slagle's Objections are not well-taken and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is ADOPTED in its entirety.

A Conditional Writ of Habeas Corpus is hereby issued to Slagle. Slagle shall be discharged from further responding to the Indictment unless the Common Pleas Court renders a

decision on the video record already created not later than 180 days from the date judgment is entered in this matter. The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio, this Fifteenth day of September, 2009.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record