

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

ROGER DEAN GILLISPIE,

Petitioner,

:

Case No. 3:09-cv-471

:

-vs-

Magistrate Judge Michael R. Merz

DEB TIMMERMAN-COOPER, Warden,

:

Respondent.

**DECISION AND ORDER GRANTING PETITIONER'S
MOTION FOR BOND MODIFICATION**

This habeas corpus case is before the Court on Petitioner's Motion to Modify Terms of Release in Light of New Decision by Ohio Second District Court of Appeals (Doc. No. 87).

When this Court granted Petitioner a conditional writ, it stayed that judgment pending appeal and released Petitioner on a bond with substantial conditions in recognition of the substantial interest the State of Ohio had in the conviction it had obtained once and re-obtained on a second trial. However, that interest is substantially decreased by the decision granting a new trial in *State v. Gillispie*, No. 24456, 2012 Ohio 1656, 2012 Ohio App. LEXIS 1453 (Ohio App. 2nd Dist. Apr. 13, 2012). Unless the Ohio Supreme Court reinstates that judgment of conviction, the State's interest in the judgment will be completely extinguished. Moreover, Pretrial Services reports that Petitioner has been a model client on bond. The Court further notes that the instant Motion was filed April 16, 2012, and has drawn no opposition from the State.

Therefore the Motion is granted and Petitioner's bond in this Court is modified to include

only the required general conditions, to wit, that Petitioner appear whenever required in this case and abide by the law pending final disposition.

April 23, 2012.

s/ **Michael R. Merz**
United States Magistrate Judge