

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JOHN G. SPIRKO, JR.,

Petitioner-Appellant,

vs.

MARGARET BRADSHAW,
Warden,

Respondent-Appellee.

Case No. 05-4356

(District Court Case No. 3:95CV7209)

Death Penalty Case

**Appellant's Notice of Preference and
Willingness To Appear in Person at
Oral Argument on December 6, 2005**

Petitioner-Appellant John G. Spirko, Jr., who is scheduled to be executed by the State of Ohio on January 19, 2006, has been notified by the Clerk of the Court that the Court has scheduled oral argument to be held by telephone conference at 4:00 p.m. EST on December 6, 2005.

Mr. Spirko files this Notice in order to inform the Court that his counsel prefers and would be willing to appear in person at the oral argument on December 6, 2005 (of course, at no expense to the Court or the State).

Mr. Spirko's counsel has discussed this matter with counsel for the State, which has informed Mr. Spirko's counsel that he would likewise be willing to appear in person at the oral argument on December 6, 2005.

DATED: November 21, 2005

Respectfully submitted,

Thomas Hill Jamo

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Attorneys for Petitioner-Appellant

John G. Spirko, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November, 2005, a true and correct copy of the foregoing Appellant's Notice of Preference and Willingness To Appear at Oral Argument on December 6, 2005, was served email and by U.S. first class mail on the following counsel of record:

Charles L. Wille, Esq.
Assistant Attorney General
State Office Tower, 26th Floor
30 East Broad Street
Columbus, OH 43215-7055

Thomas Hill /amd

Thomas C. Hill