

In the Supreme Court of Ohio

State of Ohio, :
Appellee, : Case No. 06-1126
-vs- :
Jason Dean, : **Capital Case**
Appellant. :

On Appeal From The Court Of
Common Pleas Of Clark County, Case No. 05-CR-348

Motion to Supplement the Record

David H. Bodiker
Ohio Public Defender

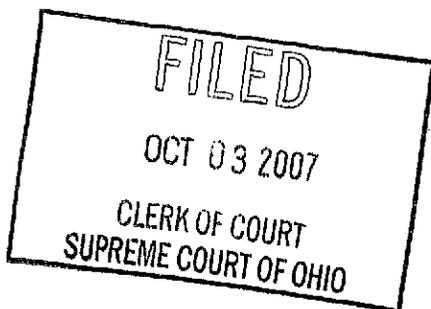
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Counsel For Appellant



In the Supreme Court of Ohio

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| Appellee, | : | Case No. 06-1126 |
| -vs- | : | |
| Jason Dean, | : | Capital Case |
| Appellant. | : | |

Motion to Supplement the Record

Appellant Jason Dean moves to supplement the record with the transcript of the criminal contempt hearing held on June 19, 2007, in the Court of Common Pleas of Clark County in case number 05-CR-348. (Exhibit A, attached.) The contempt hearing was held following allegations of unethical conduct levied by the presiding trial judge against Dean's appointed counsel, John Butz and Richard Mayhall. The hearing was held to determine if attorneys Butz and Mayhall behaved improperly by attempting to recuse the trial judge following a certification hearing under Criminal Rule 16 (B)(1)(e). Attorneys Butz and Mayhall were acquitted of the contempt charges at the contempt hearing.

Dean moves to supplement the record with this transcript because several issues in his appeal follow from the presiding trial judge's accusations of unethical behavior against defense counsel. Dean claims in his first proposition of law that his Sixth Amendment right to represent himself was denied. This claim is closely related to the trial judge's ethical complaint against defense counsel. Dean sought to represent himself because he feared his appointed counsel

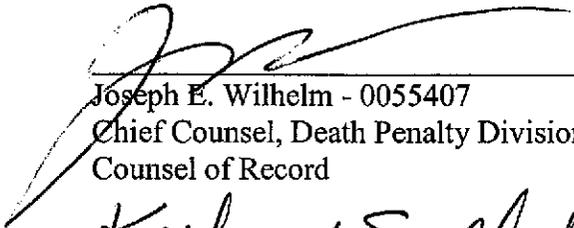
would be too distracted by the judge's threat to hold them in contempt after the trial was completed.

The contempt transcript is also relevant to Dean's second proposition of law, in which he claims that attorneys Butz and Mayhall should have been granted leave to withdraw after the judge threatened them with contempt charges. Dean claims in his third proposition of law that the trial judge was biased against his defense as the result of the conflict between the trial judge and defense counsel. And in Dean's fourth proposition of law, he claims error from the trial judge's failure to recuse himself from the Criminal Rule 16 certification hearing under State v. Gillard, 40 Ohio St.3d 226, 533 N.E.2d 272 (1988).

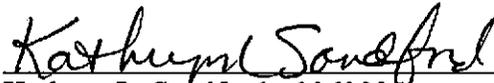
The transcript from the contempt hearing should be added to the record because it will inform the Court as to a significant factual development from the trial. And this transcript involves a core set of facts from the trial record that has evolved into multiple claims in this appeal. Accordingly, Jason Dean moves to supplement the record with the transcript of the contempt hearing in case no. 05-CR-348, which is attached as Exhibit A. See Ohio Sup. Ct. Prac R. 19 § 3(D).

Respectfully submitted,

David H. Bodiker
Ohio Public Defender



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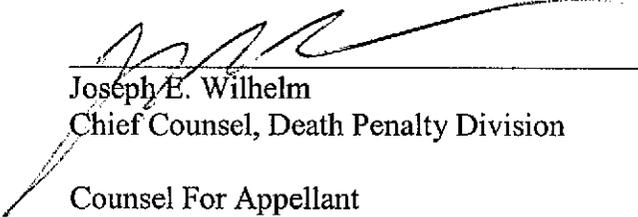
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Certificate Of service

I hereby certify that a true copy of the foregoing Motion to Supplement the Record was forwarded by regular U.S. Mail to Stephen Shumaker, Prosecuting Attorney, Darnell Carter, Assistant Prosecuting Attorney, and David Wilson, Assistant Prosecuting Attorney, Clark County, 50 E. Columbia Street, Springfield, Ohio 45502, on this 3rd day of October, 2007.



Joseph E. Wilhelm
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Attachment not scanned