IN THE SUPREME COURT OF OHIO

07-1831

State ex rel. William L. Ridenour,	:	Supreme Court No.
Relator-Appellant,	:	Appeal Court No. 07CA2979
v.	:	**MOTION FOR APPOINTMENT OF COUNSEL**
Timothy Brunsman, Warden,	:	
Respondent-Appellee.	:	

NOW COMES the Relator-Appellant, William L. Ridenour (hereinafter "Ridenour"), In Propria Persona, to respectfully move this Honorable Court to appoint counsel at State expense to represent Ridenour in an appeal to the Supreme Court of Ohio in the above-captioned matter. Ridenour submits that good cause exists for this motion.

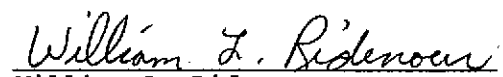
The record in this case shows that Ridenour is indigent according to Ohio law, and he cannot afford expenses or to hire an attorney to represent him in these proceedings. Furthermore, Ridenour's appeal to the Supreme Court of Ohio contains (1) factually and legally complex issues, (2) he does not have the financial or physical ability to properly investigate the facts in his appeal, (3) he will need extensive discovery in his appeal to prove his claims, (4) he is financially and physically unable to properly present his appeal to the court because he does not have meaningful access to the Ohio Revised Code in effect at the time of his conviction, which is an indispensable and complex part of his appeal, and (5) the appointment of counsel will prevent a grave miscarriage of justice in this case. See Abdullah

FILED
OCT 04 2007
CLERK OF COURT
SUPREME COURT OF OHIO

v. Gunter, 949 F.2d 1032, (8th Cir. 1991), cert. denied, 112 S.Ct. 1995 (1992); Bounds v. Smith, 430 U.S. 817, 828 (1977); Tucker v. Dickey, 613 F.Supp. 1124, 1133-34 (W.D. Wis. 1985)(need for discovery supported appointment of counsel); Rayes v. Johnson, 969 F.2d 700, 703-04 (8th Cir. 1992)(citing lack of ready access to a law library and research materials as factors supporting appointment of counsel); Toussaint v. McCarthy, 926 F.2d 800, 803-04 (9th Cir. 1990)(many intelligent prisoners can pick up the lingo of the law; very few of them can put it all together and present a persuasive petition or claim); Besser v. Griffey, 88 Ohio App.3d 379, 623 N.E.2d 1326, (4 Dist. 1993); State ex rel. Peeples v. Anderson, 73 Ohio St.3d 559, 653 N.E.2d 371 (1995); State ex rel. Collier v. Farley, 2006 WL 2692573, (4 Dist. 2006)(Sua Sponte dismissal of writ of mandamus is inappropriate without notice and an opportunity to respond).

WHEREFORE, based upon good cause shown herein, Ridenour respectfully urges this Honorable Court to appoint counsel at State expense to represent him in these proceedings.

Respectfully submitted,



William L. Ridenour,
Chillicothe Corr. Inst.
15802 State Route 104N
Chillicothe, Ohio 45601-0990

Appellant, In Propria Persona

CERTIFICATE OF SERVICE

I, William L. Ridenour, do hereby certify that a copy of the foregoing MOTION FOR APPOINTMENT OF COUNSEL was sent, via regular U.S. Mail, postage prepaid, to counsel for appellee, Laura D. Wood (#0081872), Assistant Attorney General of Ohio, Corrections Litigation Section, 150 East Gay Street, 16th Floor, Columbus, Ohio 43215, on this 1st day of October, 2007.

William L. Ridenour
William L. Ridenour,
Appellant, In Propria Persona