

IN THE SUPREME COURT OF OHIO

STATE OF OHIO)	CASE NO. 2007-1640
)	
Plaintiff-Appellant)	
)	On Appeal from the Cuyahoga County
vs.)	Court of Appeals for the Eighth
)	Appellate District, Case No. 88759
RITA RODDY)	
)	
Defendant-Appellee)	

MOTION OF DEFENDANT-APPELLEE FOR THE APPOINTMENT OF APPELLATE COUNSEL

FORBES, FIELDS & ASSOCIATES CO., L.P.A.


DENNIS N. LOCONTI, ESQ. #0019348
700 Rockefeller Building
614 West Superior Avenue
Cleveland, Ohio 44113-1818
(216) 696-7170
(216) 696-8076 (telecopier)
dloconti@forbes-fields.com

Counsel for Defendant-Appellee

WILLIAM D. MASON
Cuyahoga County Prosecuting Attorney
Matthew E. Meyer, Esq. #0075253
Assistant Prosecuting Attorney
The Justice Center, Courts Tower
1200 Ontario Street; 8th Floor
Cleveland, Ohio 44113
(216) 443-7821
(216) 443-7806 (telecopier)
p4m4@cuyahogacounty.us

Counsel for Plaintiff-Appellant

FILED
APR 07 2008
CLERK OF COURT
SUPREME COURT OF OHIO

NOW COMES the Defendant-Appellee, Rita Roddy, by and through counsel, and respectfully moves this Honorable Court for the appointment of appellate counsel to represent her in this appeal for the purpose of responding to the Appellant's forthcoming Appellate Brief.

As grounds for this Motion, the Defendant-Appellee submits the following for the Court's consideration:

1. Appellant has acknowledged in lower court filings that the State of Ohio does not seek to appeal the actual judgment of acquittal and that the State only seeks to appeal on "substantive issues of law".

2. The Appellee is unable to continue paying for private legal counsel and is already indebted to her counsel for the trial that took place in an amount that will take years to pay. Appellee is currently unemployed and lives with her Mother (age 82) and her disabled son. Appellee was provided appointed counsel for the lower appellate court proceedings by the Eighth District Court of Appeals.

3. This Appellate Court should order the appointment of the State Public Defenders Office, the Cuyahoga County Public Defender's Office, Appellate Division, or other appropriate appellate counsel to take over the representation of the Appellee in this matter because important issues of law need to be addressed even though the State claims that the appeal does not affect the acquittal that was granted to Appellee. This Honorable Court should act to allow an appropriate responsive brief to be prepared and filed to address the forthcoming arguments of the State of Ohio without placing the financial burden for that brief upon the shoulders of the Appellee.

4. The undersigned counsel for Appellee has spoken to John Martin, Esq. of the Cuyahoga County Public Defender's Office, Appellate Division, and Mr. Martin indicated that

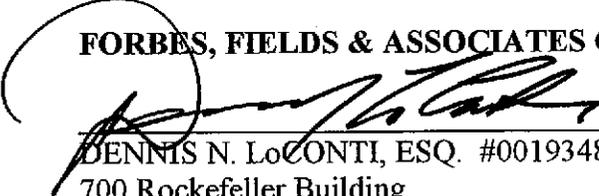
his office would accept an appointment on this case. Since the Appellant's brief has not yet been filed, no prejudice will befall the State of Ohio if the appointment of counsel requested in this motion is granted at this time.

In further support of this motion the Appellee attaches her sworn affidavit of indigency marked as Exhibit "A" and fully incorporated by reference.

WHEREFORE, Defendant-Appellee prays this Honorable Court grant this motion.

Respectfully submitted,

FORBES, FIELDS & ASSOCIATES CO., L.P.A.


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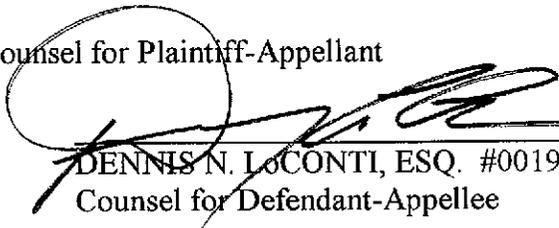
Counsel for Defendant-Appellee

CERTIFICATE OF SERVICE

A copy of the foregoing Motion was served upon the following on this 15th day of April, 2008 by Regular U.S. Mail.

1. WILLIAM D. MASON
Cuyahoga County Prosecuting Attorney
Matthew E. Meyer, Esq. #0075253
Assistant Prosecuting Attorney
The Justice Center, Courts Tower
1200 Ontario Street; 8th Floor
Cleveland, Ohio 44113

Counsel for Plaintiff-Appellant


DENNIS N. LoCONTI, ESQ. #0019348

Counsel for Defendant-Appellee

STATE OF OHIO)
)
COUNTY OF CUYAHOGA)

SS.

AFFIDAVIT

Now comes RITA RODDY, who, being first duly sworn according to law, deposes and states the following:

1. Affiant states that she is the Defendant-Appellee in the case captioned State of Ohio v Rita Roddy, Supreme Court No. 2007-1640.
2. Affiant further states that she is providing this Affidavit in support of her Motion for Appointment of Appellate Counsel.
3. Affiant further states that she is currently unemployed and has no current source of income. Affiant has been unemployed since sometime in 2003 and spends most of her time caring for her disabled son. Affiant is not on public assistance, although her disabled son receives food stamps and medical coverage. Affiant's 82 year old Mother lives on her social security checks.
4. Affiant further states that she is unable to continue paying for private legal counsel and is already indebted to her counsel for the trial that took place in an amount that will take years to pay. Affiant lives with her Mother (age 82) and her disabled son. Affiant's Mother is currently trying to assist her with the legal fees she has already incurred.
5. Affiant has no money in savings accounts or checking accounts, no bonds or stocks, and has been unsuccessful in recent attempts to obtain back child support from her son's father through the local juvenile court.
6. Affiant understands that the present appeal filed by the State of Ohio cannot affect the status of her acquittal and is unable to justify creating more debt for her in this matter that she will never be capable of paying.
7. Affiant respectfully requests that this Honorable Supreme Court order the appointment of the Ohio Public Defenders Office or other suitable appointed appellate counsel to take over the representation of the Affiant/Appellant in this matter.

AFFIANT FURTHER SAYETH NAUGHT

Rita Roddy
RITA RODDY

SWORN TO BEFORE ME and subscribed in my presence on this 27th day of March, 2008

[Signature]
NOTARY PUBLIC

DEPARTMENT OF REVENUE
NOTARY PUBLIC
My commission expires 12/31/2010
Securities 157,500.00

EXHIBIT "A"