

**IN THE  
SUPREME COURT OF OHIO**

STATE OF OHIO	:	S.C. Case No. 2006-1126
Plaintiff-Appellee,	:	On Appeal from the Clark County
-vs-	:	Court of Common Pleas
JASON DEAN	:	Case No. 05-CR-0348
Defendant-Appellant	:	<b>Death Penalty Case</b>

---

**NOTICE OF FILING OF TRANSCRIPT EXCERPT OF PROCEEDINGS  
PERTINENT TO APPELLANT'S DIRECT APPEAL**

---

**STEPHEN A. SCHUMAKER\***  
(0014643)  
*\*Counsel of Record*  
Clark County Prosecutor

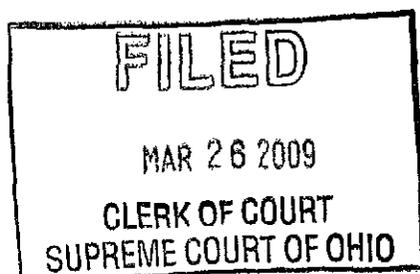
50 E. Columbia Street, 4<sup>th</sup> Floor  
P.O. Box 1608  
Springfield, Ohio 45501  
(937) 521-1770

COUNSEL FOR APPELLEE

**JOSEPH E. WILHELM\***  
(0055407)  
*\*Counsel of Record*  
Assistant State Public Defender

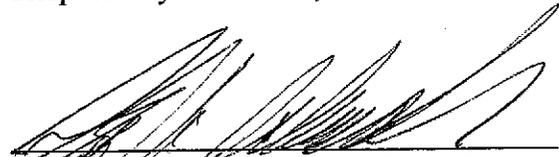
Office of the Ohio Public Defender  
8 East Long Street, 11<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 466-5394

COUNSEL FOR APPELLANT



Now comes Appellee, State of Ohio, and hereby submits an excerpt of the hearing transcript on Appellant's motion to terminate post conviction proceedings filed in Clark County Case No. 05-CR-0348. The State of Ohio is concerned as to its duty to notify this Court of the Appellant's position regarding his direct appeal and, therefore, submits this excerpt for this Court's review. Appellant made statements on the record during his hearing to terminate post conviction proceedings that his direct appeal was filed against his will.

Respectfully Submitted,



**Stephen A. Schumaker\* (0014643)**

*\* Counsel of Record*

Clark County Prosecutor

50 E. Columbia St., 4<sup>th</sup> Floor

P.O. Box 1608

Springfield, Ohio 45501

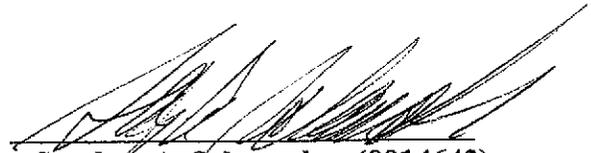
Phone: (937) 521-1770

Fax: (937) 328-2657

**Counsel for Appellee, State of Ohio**

### **CERTIFICATE OF SERVICE**

This is to certify that a copy of this Notice of Substitution was mailed by regular U.S. mail to counsel of record for appellant, Joseph Wilhelm; Office of the Ohio Public Defender; 8 East Long Street, 11<sup>th</sup> Floor; Columbus, OH 53215 on this 25<sup>th</sup> day of March, 2009.



**Stephen A. Schumaker (0014643)**

Clark County Prosecutor

Counsel of Record for Appellee



A-P-P-E-A-R-A-N-C-E-S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

On behalf of the State of Ohio:

STEVE SCHUMAKER, Prosecutor  
AMY SMITH, Asst. Prosecutor  
ANDY WILSON, Asst. Prosecutor  
Clark County Prosecutor's Office  
50 E. Columbia Street, 4th Floor  
Springfield, Ohio 45502

On behalf of the Defendant:

JOSEPH WILHELM, Asst. Public Defender  
JENNIFER A. PRILLO, Asst. Public Defender  
Ohio Public Defender's Office  
8 East Long Street, 11th Flr.  
Columbus, Ohio 43215

- - -

1 proceeding that, as Mr. Schumaker said, in the future  
2 you will not be able to reinitiate these proceedings?  
3 Do you understand that?

4 THE DEFENDANT: I was never concerned with  
5 the appeal to begin with. I never filed an appeal.  
6 Everything that's been filed in my case has been filed  
7 against my will. I wasn't concerned with an appeal. I  
8 can understand that this is just something, you know,  
9 that is to be done because it's part of the proceeding,  
10 you know.

11 THE COURT: Do you understand that if you  
12 waive, give up your right to these post conviction  
13 proceedings, that your direct appeal in the Ohio Supreme  
14 Court will still be pending?

15 THE DEFENDANT: Yes.

16 THE COURT: And as your attorney indicated,  
17 he doesn't believe that you are able to waive your right  
18 to proceed on that direct appeal, that that direct  
19 appeal will go through the process. And so before any  
20 other actions are taken on your case we'll have to wait  
21 on a decision from the Ohio Supreme Court. Do you  
22 understand that?

23 THE DEFENDANT: Yeah.

24 THE COURT: Do you understand the nature of  
25 these proceedings? I mean, do you understand that your