

ORIGINAL

IN THE SUPREME COURT OF OHIO

ROMAN CHOJNACKI,	:	
	:	Case Nos. 2008-0991 and 2008-0992
Appellant,	:	
	:	On Appeal from the Warren
v.	:	County Court of Appeals
	:	Twelfth Appellate District
[RICHARD CORDRAY], Ohio Atty. General,	:	Court of Appeals
in his Official Capacity,	:	Case No. CA200803040
	:	
Appellee.	:	

JOINT MOTION TO HOLD ORAL ARGUMENT ON THE SAME DAY AS CASE NUMBERS 2008-2502 AND 2008-1624

Office of the Ohio Attorney General

Office of the Ohio Public Defender

CHRISTOPHER P. CONOMY #0072094
Associate Assistant Attorney General
(COUNSEL OF RECORD)

SARAH M. SCHREGARDUS #0080932
Assistant State Public Defender
(COUNSEL OF RECORD)

150 E. Gay Street, 18th Floor
Columbus, Ohio 43215

250 E. Broad Street, Suite 1400
Columbus, Ohio 43215
(614) 466-5394
(614) 752-5167 – Fax
E-mail: sarah.schregardus@opd.ohio.gov

COUNSEL FOR RICHARD CORDRAY

COUNSEL FOR ROMAN CHOJNACKI

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**JOINT MOTION TO HOLD ORAL ARGUMENT ON THE SAME DAY AS CASE
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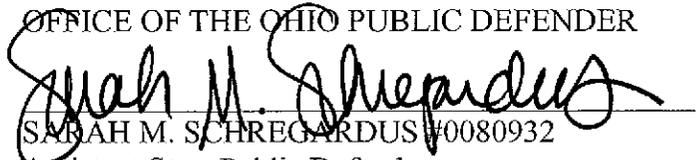
This case should be set for oral argument on the same day as *State v. Bodyke*, Case No. 2008-2502, and *In re Smith*, Case No. 2008-1624. On March 23, 2009, this Court ordered supplemental briefing in this case on two issues. First, “whether sex offender reclassification hearings conducted pursuant to the provision of Am.Sub.S.B. 10 are criminal or civil proceedings.” 3/23/09 Order. Second, “whether sex offenders are entitled to the appointment of counsel for Am.Sub.S.B. 10 reclassification hearings if those proceedings are civil in nature.” *Id.* On April 8, 2009, this Court accepted jurisdiction in *Bodyke*, and ordered that oral argument be held on the same day as *Smith*.

The parties request this Court to hold oral argument in this case on the same day as oral arguments for *Bodyke* and *Smith* so that all cases pertaining to the substantive questions about Am.Sub.S.B. 10 may be presented together. *Bodyke* and *Smith* present this Court with the opportunity to address the constitutionality of Am.Sub.S.B. 10. While *Chojnacki* presents other questions, e.g., the right to court-appointed counsel in reclassification hearings, there are some critical overlapping issues. For instance, the resolution of some of the constitutional questions posed in *Bodyke* and *Smith* will likely turn on the question presented in *Chojnacki*: are Am.Sub.S.B. 10 reclassification proceedings civil or criminal in nature. Therefore, judicial economy would be best served if the issues presented in *Chojnacki*, *Bodyke*, and *Smith* are argued on the same day.

Accordingly, to promote the interests in judicial economy, the parties jointly move the Court to hold oral argument in this case on the same day as *Bodyke* and *Smith*.

Respectfully submitted,

OFFICE OF THE OHIO PUBLIC DEFENDER

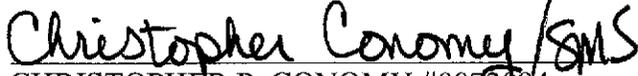


SARAH M. SCHREGARDUS #0080932
Assistant State Public Defender
(Counsel of Record)

250 E. Broad St., Suite 1400
Columbus, Ohio 43215
(614) 466-5394
(614) 752-5167 (Fax)
E-mail: sarah.schregardus@opd.ohio.gov

COUNSEL FOR ROMAN CHOJNACKI

and



CHRISTOPHER P. CONOMY #0072094
Associate Assistant Attorney General
Office of the Ohio Attorney General
150 E. Gay Street, 18th Floor
Columbus, Ohio 43215

per telephone authority

COUNSEL FOR RICHARD CORDRAY

CERTIFICATE OF SERVICE

Both parties acknowledge service of the foregoing Joint Motion to Hold Oral Argument on the Same Day as Case Numbers 2008-2502 and 2008-1624 on April 17, 2009.

Christopher Conomy/sms *per telephone authority* *Sarah M. Schregardus*
CHRISTOPHER P. CONOMY #0072094 SARAH M. SCHREGARDUS #0080932
Associate Assistant Attorney General Assistant State Public Defender

COUNSEL FOR RICHARD CORDRAY COUNSEL FOR ROMAN CHOJNACKI