

ORIGINAL

IN THE SUPREME COURT OF OHIO

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

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

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Office of the Ohio Public Defender

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

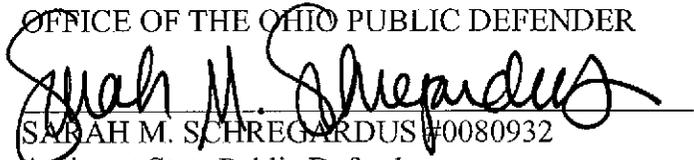
This case should be set for oral argument on the same day as *State v. Bodyke*, Case No. 2008-2502, and *In re Smith*, Case No. 2008-1624. On March 23, 2009, this Court ordered supplemental briefing in this case on two issues. First, “whether sex offender reclassification hearings conducted pursuant 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

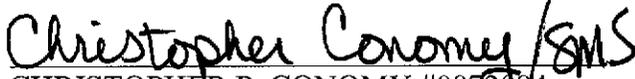


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CERTIFICATE OF SERVICE

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.

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