

ORIGINAL

IN THE SUPREME COURT OF OHIO

IN RE: MEREDITH POLING,
a minor child

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Case No. 2008-1562

On Appeal from the Hardin
County Court of Appeals
Third Appellate District

C.A. Case No. 60809

EXPEDITED REVIEW REQUESTED

**APPELLEE'S MOTION TO REVIEW
AND COPY DOCUMENTS FILED UNDER SEAL**

BRADFORD BAILEY #0017814
Hardin County Prosecutor

OFFICE OF THE OHIO PUBLIC DEFENDER

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COUNSEL FOR STATE OF OHIO

COUNSEL FOR MEREDITH POLING

FILED
JUL 30 2009
CLERK OF COURT
SUPREME COURT OF OHIO

MEMORANDUM IN SUPPORT

On August 8, 2008, the State filed a Notice of Appeal and a Memorandum in Support of Jurisdiction with this Court, and on December 31, 2008, this Court accepted review. On January 29, 2009, the complete record was filed in this Court and part of the record was filed under seal. Specifically, State's Exhibit "94" and Joint Exhibits "A," "B," and "D" were filed under seal.

On July 30, 2009, undersigned counsel contacted Hardin County Prosecutor, Mr. Bradford Bailey, to find out if he could provide undersigned counsel with copies of these documents or in the alternative, to determine if he objected to undersigned counsel's obtaining copies of the documents with this Court's approval. Mr. Bradford indicated that one or two of the documents are long and detailed and therefore, it would be difficult to fax them to undersigned counsel; thus, he did not object to counsel obtaining the documents through this Court.

In order to preserve Meredith's rights to appeal and to the effective assistance of counsel as guaranteed by the Sixth Amendment to the United States Constitution, undersigned counsel must review the complete appellate record. See *Evitts v. Lucey* (1985), 469 U.S. 387. Further, because one or two of these documents are long and detailed, undersigned counsel requests this Court grant her the ability to obtain copies of the sealed documents so she can refer to them while drafting Appellee's Answer Brief and have them for review prior to oral argument in this case. Because Appellee's Answer Brief is due on August 5, 2009, expedited review of this motion is requested.

Respectfully submitted,

The Office of the Ohio Public Defender


By: _____

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COUNSEL FOR APPELLEE
MEREDITH POLING

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing APPELLEE'S MOTION TO REVIEW AND COPY DOCUMENTS FILED UNDER SEAL has been sent by regular U.S. mail, postage prepaid, this 30th day of July, 2009 to the office of Colleen P. Limerick, Hardin County Assistant Prosecutor, One Courthouse Square, Suite #50, Kenton, Ohio 43326.



ELIZABETH R. MILLER #0077362
Assistant State Public Defender