

ORIGINAL

IN THE SUPREME COURT OF OHIO

State of Ohio, :
:
Plaintiff-Appellant, : Case Nos. 2008-1942 and 2008-2170
:
v. : On Appeal and Certified Conflict from
: the Union County Court of Appeals,
Raynell Robinson, : Third Appellate District, No. 14-07-20
:
Defendant-Appellee :

**Unopposed Motion of Appellee Raynell Robinson to
Take Judicial Notice of an Official, Certified Map of
the Meadows Apartment Complex in Marysville, Ohio**

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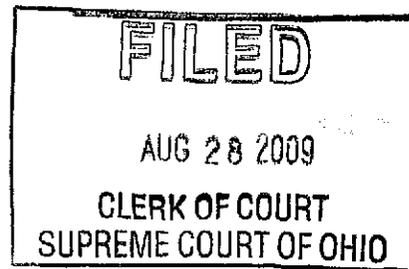
Counsel for Amicus,
the Ohio Attorney General

Office of the Ohio Public Defender

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Counsel for Appellee,
Raynell Robinson



**Unopposed Motion of Appellee Raynell Robinson to
Take Judicial Notice of an Official, Certified Map of
the Meadows Apartment Complex in Marysville, Ohio**

Pursuant to Evid.R. 202, Appellee Raynell Robinson asks this Court to take judicial notice of the attached map of the Meadows Apartment Complex in Marysville, Ohio, where the events that gave rise to this case occurred. The scaled map is certified by an affidavit from the Office of the Union County Engineer and is office based on that office's records. Counsel for the State informed undersigned counsel that the State will not oppose the motion.

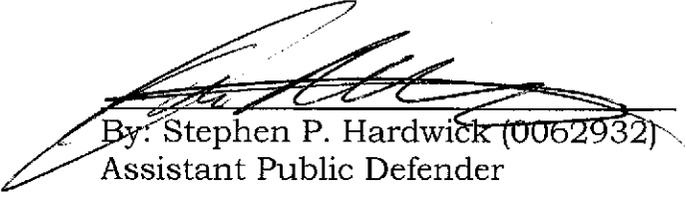
A court should take judicial notice of a fact that is "not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Evid.R. 201(B). Further, "[j]udicial notice may be taken at any stage of the proceeding." Evid.R. 201(F). See, e.g., State v. Mays, 83 Ohio App.3d 610. 615 N.E.2d 641 (at the State's request, the Fourth District took judicial notice that a chemical used in the blood drawing process did not contain alcohol).

The map meets the definition of a fact of which this Court can take judicial notice. According to the affidavit from the County Engineer's Office, the facts presented in the map are "cannot reasonably be questioned." Further, the State does not contest the accuracy of the map, and does not object to this motion.

Most importantly, the map can help this Court understand the testimony of the witnesses relating to this case.

Respectfully submitted,

Office of the Ohio Public Defender



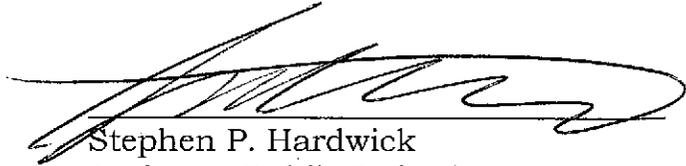
By: Stephen P. Hardwick (0062932)
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(614) 466-5394
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Counsel for Raynell Robinson

Certificate of Service

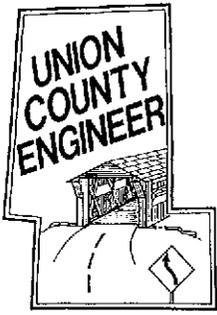
I certify that on August 28, 2009, a copy of the foregoing was served via regular mail and email to Melissa A. Chase, Assistant Prosecuting Attorney, mchase@co.union.oh.us, 221 West Fifth Street, Suite 333, Marysville, Ohio 43040; and to Benjamin C. Mizer, Solicitor General, benjamin.mizer@ohioattorneygeneral.gov, 30 East Broad Street, 17th Floor, Columbus, Ohio 43215.



Stephen P. Hardwick
Assistant Public Defender

Counsel for Raynell Robinson

#305908



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 Environmental Engineer
 Building Department
 233 W. Sixth Street
 Marysville, Ohio 43040
 P 937.645.3018
 F 937.645.3161
www.co.union.oh.us/engineer

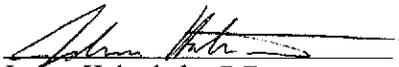
Marysville Operations Facility
 16400 County Home Road
 Marysville, Ohio 43040
 P 937.645.3017
 F 937.645.3111

Richwood Outpost
 190 Beatty Avenue
 Richwood, Ohio 43344

County of Union)
) ss:
 State of Ohio)

I, Joshua Holtschulte, swear that the following is true based:

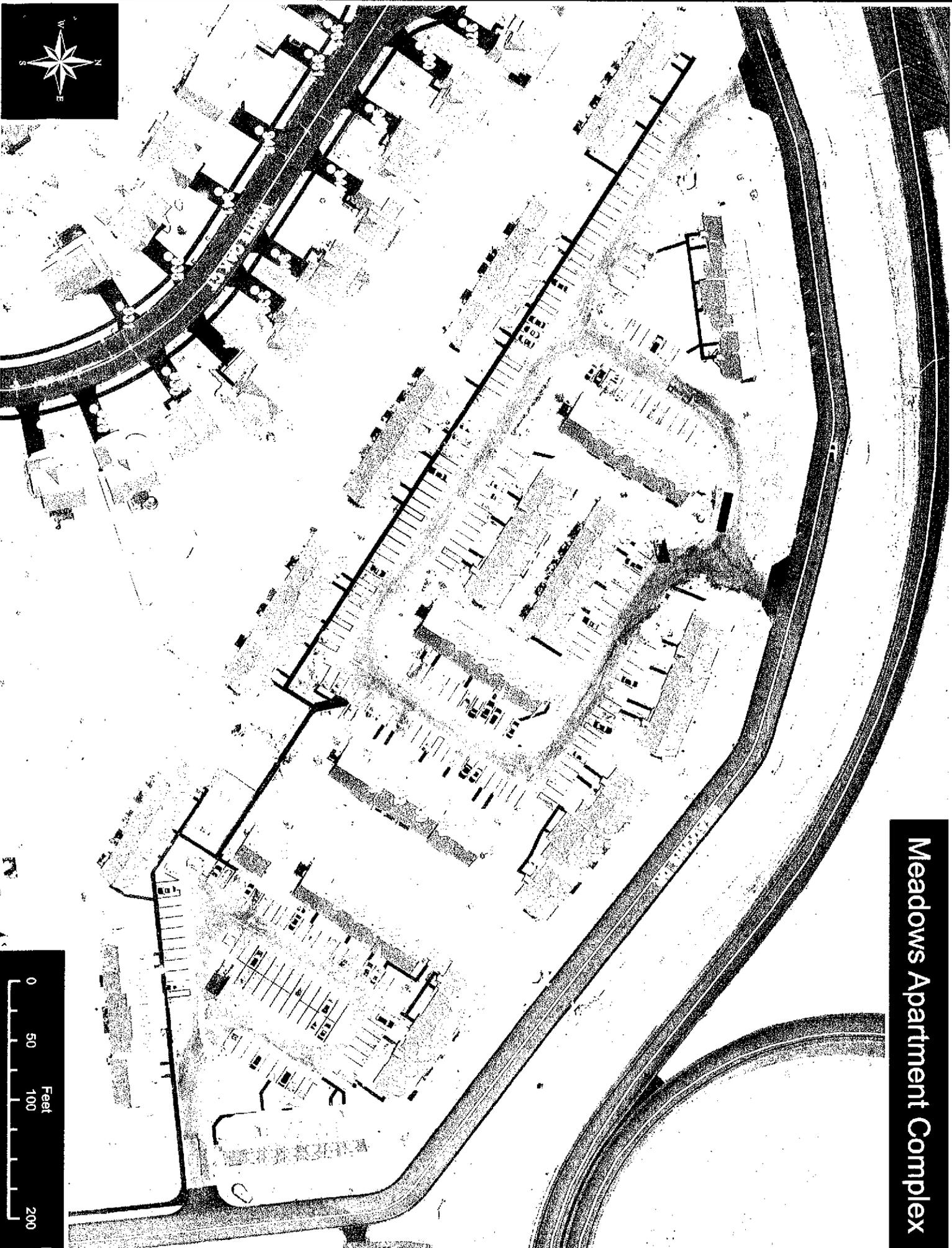
- 1) I am a design engineer in the office of the Union County Engineer's Office. I am familiar with the documents maintained in this office, including the documents used to compile the attached document.
- 2) Attached is a scaled map of the Meadows apartment complex in Union County, Ohio. The map shows aerial photography captured in the spring of 2006 by The Sanborn Map Company for Union County. This aerial photography was produced to National Map Accuracy Standards (NMAS) for mapping at a scale of 1"=100'. The address points and streets were constructed from Union County records. The accuracy of the sources of this information cannot reasonably be questioned.
- 3) The attached map is a compilation of information from public records maintained in the regular course of business by the Union County Engineer and kept in the regular course of the business of this office.
- 4) The data in the attached map are compiled from information kept in the regular course of the business of my office.


 Joshua Holtschulte, P.E.
 Design Engineer
 Union County Engineer's Office
 233 West Sixth Street
 Marysville, Ohio 43040

Signed and sworn before me this 14th day of August, 2009.


 Notary Public

RONDA J. CONRAD, Notary Public
 Union County, State of Ohio
 My Commission Expires 5-26-2014
 20



Meadows Apartment Complex

