

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,)	
)	Case Nos. 2009-0893
Appellant,)	
)	On Appeal from the
vs.)	Court of Appeals, Ninth
)	Appellate District
STEPHEN J. MCCONVILLE,)	
)	Court of Appeals Case Number
Appellee.)	08CA009444

MOTION FOR THE APPOINTMENT OF COUNSEL, JOHN M. PRUSAK

Now comes the undersigned counsel and respectfully moves this Honorable Court to appoint John M. Prusak as counsel for Appellee, Stephen J. McConville, in the above-captioned case. This Court has accepted jurisdiction of the State's appeal. (August 26, 2009 Decision). The above captioned case involves a felony, and Mr. McConville is incarcerated and indigent. Counsel has mailed an Affidavit of Indigency to Mr. McConville and will provide it to this Honorable Court upon receipt. Supreme Court Practice Rule III, Section 7 states that:

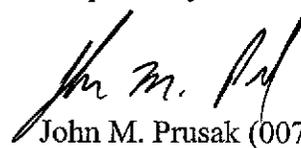
If the Supreme Court grants leave to appeal in a discretionary appeal involving a felony and an unrepresented party to the appeal is indigent, the Supreme Court will appoint the Ohio Public Defender or other counsel to represent the indigent party or order the court of appeals to appoint counsel as provided in S. Ct. Prac. R. II, Section 2(D)(2).

<p>FILED</p> <p>SEP 04 2009</p> <p>CLERK OF COURT SUPREME COURT OF OHIO</p>	<p>RECEIVED</p> <p>SEP 04 2009</p> <p>CLERK OF COURT SUPREME COURT OF OHIO</p>
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In accordance with S. Ct. Prac. R. III, Section 7, counsel requests that this Court appoint John M. Prusak as counsel in the above-captioned case. Attorney Prusak was previously appointed to represent Mr. McConville at the trial level in the Lorain County Court of Common Pleas and represented Appellee *pro bono* in the Ninth District Court of Appeals.

WHEREFORE, the undersigned counsel respectfully moves this Honorable Court to be appointed to continue his representation of Mr. McConville in the Ohio Supreme Court.

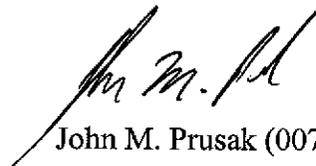
Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **Motion for the Appointment of Counsel, John M. Prusak**, was forwarded by regular U.S. Mail to Billie Jo Belcher, Lorain County Prosecutor's Office, 225 Court Street, Third Floor, Elyria, Ohio 44035 on this the 2nd day of September, 2009.



John M. Prusak (0071897)