

IN THE SUPREME COURT OF OHIO

CINCINNATI BAR ASSOCIATION, :  
:   
**Relator,** : **Case No. 2008-412**  
:   
v. :   
:   
**PATRICK E. MOEVES,** :   
:   
**Respondent.** :

NOTICE TO THE COURT

This Court's order filed January 26, 2011, found Respondent, Patrick E. Moeves, in contempt and further ordered that determination of the appropriate punishment would be made when the Court was provided with information necessary to determine the status of the criminal proceedings against Respondent in the State of Kentucky, Kenton County District Court. In response to the Court's order, Relator, the Cincinnati Bar Association, hereby submits certified copies of the Indictment and the Arraignment Order from the Kenton Circuit Court in Case No. 11-CR-00163.

Respectfully submitted,

CINCINNATI BAR ASSOCIATION

By: John G. Slauson  
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By: Rosemary D. Welsh  
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Fax: (513) 852-8449

**FILED**  
MAR 21 2011  
CLERK OF COURT  
SUPREME COURT OF OHIO

**RECEIVED**  
MAR 21 2011  
CLERK OF COURT  
SUPREME COURT OF OHIO

By: Richard L. Creighton by vdu  
Richard L. Creighton, Jr. (#0021806)  
1 E. Fourth St., Suite 1400  
Cincinnati, OH 45202  
Phone: (513) 579-6513  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Relator's Notice to the Court was mailed by first class U.S. mail, postage prepaid, to Patrick E. Moeves, Esq., 178 Tando Way, Covington, KY. 41017 and Kenton County Detention Center, 3000 Decker Crane Lane, Covington, KY 41017 on this 18<sup>th</sup> day of March, 2011.

Rosemary D. Welsh  
Rosemary D. Welsh

FILED IN OPEN COURT

MAR 03 2011

JOHN C. MIDDLETON, CLERK  
BY: \_\_\_\_\_ D.C.

COMMONWEALTH OF KENTUCKY  
KENTON CIRCUIT COURT  
THIRD DIV. DIVISION

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS

No. 11-CR-103

PATRICK MOEVES

DEFENDANT(S)

INDICTMENT

THE GRAND JURY CHARGES:

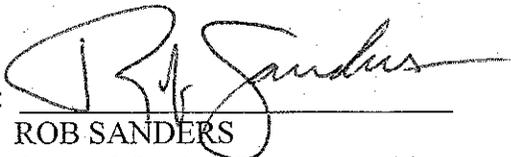
That between December 29, 2009 and March 30, 2010 in Kenton County, Kentucky, the Defendant committed the offense of **THEFT BY DECEPTION, VALUE \$500 OR MORE**, a felony, when he obtained property or services of another by deception with the intent to deprive the lawful owner of said property, and that the property in question was valued at \$500 or more; in violation of KRS 514.040 and **AGAINST THE PEACE AND DIGNITY OF THE COMMONWEALTH OF KENTUCKY.**

WITNESS(ES):

DET. ANDREW SCHIERBERG, KENTON COUNTY P.D.

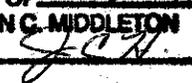
ROB SANDERS  
COMMONWEALTH'S ATTORNEY

A TRUE BILL

By:   
ROB SANDERS  
Counsel for the Commonwealth

  
FOREPERSON

10-F-1870

STATE OF KENTUCKY  
COUNTY OF KENTON  
I, JOHN C. MIDDLETON, CLERK OF THE  
CIRCUIT/DISTRICT COURTS, DO HEREBY  
CERTIFY THAT THE FOREGOING IS A TRUE  
AND CORRECT COPY OF THE ORIGINAL  
AS RECORDED IN MY OFFICE  
THIS 11 DAY OF March 2011  
JOHN C. MIDDLETON  
BY:  D.C.

COMMONWEALTH OF KENTUCKY  
KENTON CIRCUIT COURT  
FIRST DIVISION  
CASE NO. 11-CR-00163

ENTERED KENTON CIRCUIT/DISTRICT COURT MAR 09 2011 JOHN C. MIDDLETON BY <u>JK</u> D.C.
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COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

ARRAIGNMENT & DISCOVERY ORDER

PATRICK MOEVES

DEFENDANT

\* \* \* \* \*

**ARRAIGNMENT ORDER:**

This matter came before the Court on March 8, 2011, for arraignment. The Commonwealth was present and represented by the Hon. James Redwine covering for the Hon. Rob Sanders. The Defendant was present and not represented. Thereafter, a public defender was appointed herein. Having appeared in open Court, the Defendant was informed of the charges, waived formal arraignment, and entered a plea of **not guilty**.

IT IS THEREFORE ORDERED that the plea be entered, reserving all other motions that might be made pre-arraignment.

IT IS FURTHER ORDERED that within twenty-one (21) day following arraignment, the attorney for the Commonwealth shall submit to the Defendant a written offer on a plea of guilty and provide an *in camera* copy of the same to the Court

Within fourteen (14) days thereafter the Defendant shall notify the attorney for

the Commonwealth whether its offer on a plea of guilty is to be accepted or rejected. An *in camera* copy of such notification shall be provided to the Court.

Thereafter, if no binding plea agreement has yet been reached, and the Commonwealth modifies its initial offer on a plea of guilty, or if the Defendant changes his/her position to accept/reject the Commonwealth's offer, the party modifying their position should be prepared to inform the Court, in detail, of the reasons underlying the change in position.

Failure to abide by the terms of this order may result in the imposition of contempt sanctions.

**IT IS FURTHER ORDERED that any motions by the Defendant claiming immunity from prosecution pursuant to KRS 503.085 and seeking a pretrial determination of the validity of such claimed immunity pursuant to Rogers v. Commonwealth, 285 S.W. 3d 740 (Ky. 2009), shall be filed prior to the date of the first pretrial conference. Failure to file such a motion prior to the first scheduled pretrial conference shall be deemed a waiver of the right to seek a pretrial determination of any claimed immunity from prosecution.**

IT IS FURTHER ORDERED that **this matter is set for a pretrial conference on April 18, 2011, at the hour of 9:00 am**, in Courtroom 6B, Kenton County Justice Center.

**DISCOVERY ORDER:**

Counsel for the Defendant having made a motion for Discovery and Inspection,

and this Court having heard arguments thereon, having found that the items ordered produced in Paragraph (3) hereunder may be material to the preparation of the Defendant's case and that the request for said items is reasonable, and the Court having been sufficiently advised,

IT IS HEREBY ORDERED, pursuant to RCr 7.24, that the attorney for the Commonwealth of Kentucky, shall within thirty (30) days after the entry of this Order, furnish to the Defendant, at the Defendant's expense, the items named in Paragraph 1 through 4 hereunder.

IT IS FURTHER ORDERED, that the Defendant shall provide reciprocal discovery and inspection within fifteen (15) days after the Commonwealth has provided its discovery and inspection.

(1) Relevant written or recorded statements or confessions made by the Defendant, or copies thereof, that are known by the attorney for the Commonwealth to be in possession or control of the Commonwealth.

(2) The substance of any oral incriminating statement known by the attorney for the Commonwealth to have been made by the Defendant to any witness, and to permit the Defendant to inspect and copy or photograph any relevant (a) written or recorded statements or confessions made by the Defendant, or copies thereof, that are known by the attorney for the Commonwealth to be in possession, custody or control of the Commonwealth, and (b) results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, or copies

thereof, that are known by the attorney for the Commonwealth to be in the possession, custody or control of the Commonwealth.

(3) A list of, and an opportunity to inspect and copy or photograph, all books, papers, documents and tangible objects pertaining to this matter now in the possession of the Commonwealth, but not including documents made by officers and agents of the Commonwealth in connection with the investigation or prosecution of this case.

(4) A copy of the tape of the testimony before the Grand Jury.

FURTHER, pursuant to RCr 7.26, the Commonwealth shall produce any statement of any witness for the Commonwealth in the form of a document or recording in its possession which related to the subject matter of the witness testimony and (a) has been signed or initialed by him, or (b) is or purports to be a substantially verbatim statement made by him. Such statement shall be made available for examination and use by the Defendant, and shall be provided not later than 48 hours prior to trial.

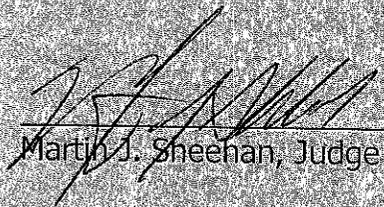
This order is conditioned on the Defendant providing a list of, and an opportunity to inspect, copy or photograph, all statements, scientific or medical reports, books, papers, documents or tangible objects which the Defendant intends to produce at the trial and are in his possession, custody or control, within fifteen (15) days after receiving discovery.

IT IS FURTHER ORDERED that all discovery ordered herein shall be reasonably supplemented as required by RCr 7.24(8).

IT IS FURTHER ORDERED that the Commonwealth shall file an acknowledgment of discovery provided to the Defense no later than 21 days prior to the scheduled trial date.

IT IS FURTHER ORDERED that the Defense shall file an acknowledgment of discovery provided to the Commonwealth pursuant to this reciprocal order no later than 7 days prior to the scheduled trial date.

DATED this 8 day of March, 2011.

  
\_\_\_\_\_  
Martin J. Sheehan, Judge

Original:      Kenton Circuit Clerk  
Copies:        Commonwealth Attorney - Hon. Rob Sanders  
                  Office of Kenton County Public Defenders

STATE OF KENTUCKY  
COUNTY OF KENTON  
I, JOHN C. MIDDLETON, CLERK OF THE  
CIRCUIT/DISTRICT COURTS, DO HEREBY  
CERTIFY THAT THE FOREGOING IS A TRUE  
AND CORRECT COPY OF THE ORIGINAL  
AS RECORDED IN MY OFFICE.  
THIS 11 DAY OF March 2011  
JOHN C. MIDDLETON  
BY: JCM D.C.