

**ORIGINAL**

IN THE  
SUPREME COURT OF OHIO

STATE OF OHIO : Case No. 2010-0854  
Plaintiff-Appellee : On Appeal from the Hamilton County  
Court of Common Pleas Case Nos.  
vs. : B-0901629 and B-0904028  
ANTHONY KIRKLAND : THIS IS A CAPITAL CASE  
Defendant-Appellant :

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JOINT MOTION/STIPULATION BY THE PARTIES TO SUPPLEMENT  
THE RECORD PURSUANT TO SUPREME COURT RULE V, SECTION 6

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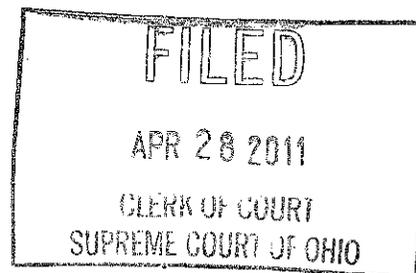
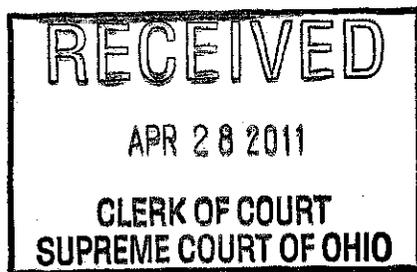
**COUNSEL FOR APPELLANT:**

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**COUNSEL FOR APPELLEE:**

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Attorney at Law  
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The parties move this Court to supplement the record in this matter pursuant to S.Ct. R. V, Section 6, to include the juror questionnaires filled out by prospective jurors and used by the parties to assist in the voir dire process. Counsel for both parties have signed this pleading indicating their agreement and stipulation that this should be done.

Ohio Supreme Court Rule V, Section 6 provides as follows:

**Section 6. Supplementation of the record**

If any part of the record is not transmitted to the Supreme Court but is necessary to the Supreme Court's consideration of the questions presented on appeal, the Supreme Court, on its own initiative or upon stipulation of the parties or motion of a party, may direct that a supplemental record be certified and transmitted to the Clerk of the Supreme Court.

In this capital case, prior to trial the prospective jurors filled out detailed questionnaires dealing with pertinent issues. The trial court placed of record an entry making these questionnaires part of the record. (See attached Exhibit A.) However, the questionnaires were not forwarded to this Court by the Clerk.

The issues raised on appeal to this Court include a challenge to the conduct of the voir dire. The questionnaires are pertinent to the resolution of this claim. Therefore, the State moves and both parties stipulate by their signature below that these questionnaires be added to the record and that the Court direct the Hamilton County Clerk of Courts to forward them to the Clerk of this Court.

Respectfully submitted,

William E. Breyer

William E. Breyer [0002138]  
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Bruce K. Hust

Bruce K. Hust [0037009]  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 27 day of April, 2011, a copy of the foregoing Joint Motion/Stipulation by the Parties to Supplement the Record Pursuant to S.Ct. R. V, Section 6, was served by regular U.S. mail upon Herbert E. Freeman, Co-Counsel for Appellant, at 114 E. Eighth Street, Cincinnati, Ohio 45202, and Bruce K. Hust, Co-Counsel for Appellant, 917 Main Street, 2<sup>nd</sup> Floor, Cincinnati, OH 45202.

William E. Breyer

William E. Breyer (0002138)  
Chief Assistant Prosecuting Attorney

Exhibit A

**ENTERED**  
MAR 23 2010

**ENTER**  
MAR 23 2010

CHARLES J. KUBICKI, Judge

**COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO**

STATE OF OHIO	:	Case No. B 0901629
	:	
Plaintiff,	:	Judge Charles J. Kubicki, Jr.
	:	
vs.	:	<b>ENTRY REGARDING COMPLETED</b>
	:	<b>JURY QUESTIONNAIRES</b>
	:	
ANTHONY KIRKLAND	:	
	:	
Defendant.	:	

The court reporter shall retain, as part of the record, the jury questionnaires completed by all prospective jurors.

**IT IS SO ORDERED.**

COPIES SENT VIA HAND DELIVERY:

Joseph Deters, Esq., & Mark Piepmeier, Esq., Prosecuting Attorneys  
A. Norman Aubin, Esq., & William Welsh, Esq., Attorney for Defendant

