

IN THE SUPREME COURT OF OHIO

State of Ohio, :

Appellee, :

v. : **Case No. 09-2028**

Roland T. Davis, : **Death Penalty Case**

Appellant. :

Additional Authority of Appellant Roland T. Davis

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Additional Authority of Appellant Roland T. Davis

Pursuant to S.Ct. Prac. R. 9.8, Appellant submits the following additional authority:

Appellant's Brief on Merits (submitted by the Special Prosecutors Appointed to Case No. 75-CR-054, Belmont County Common Pleas Court), *State ex rel. Special Prosecutors v. Judges*, Ohio Sup. Ct. No. 1977-1447, served January 24, 1978 (including appendix), with specific attention to pp. 6-7:

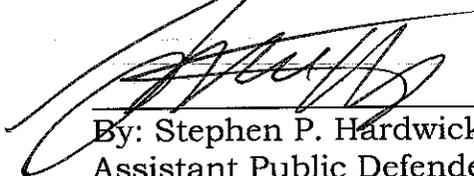
No question exists that the motion to withdraw guilty plea encompassed the same issues argued before the Court of Appeals on Asher's appeal to that court concerning the voluntariness of his plea.

* * *

Intervenor's counsel argues that new and additional evidence was brought forth at the hearing on the motion to withdraw guilty plea that was not before the Court of Appeals on Asher's appeal. Such evidence was in the form of statements made and advice given by Asher's attorney prior to entering into his guilty plea, in addition to information relayed to Asher by his attorney from the prosecutor and court. Such evidence was known at the time of Asher's appeal, and was in fact argued to the Court of Appeals by Asher's attorney. . . . Based upon the foregoing, no questions should exist that the hearing on the motion to withdraw guilty plea did not uncover any additional facts or issues which were not already known and argued before the court of appeals.

Respectfully submitted,

Office of the Ohio Public Defender



By: Stephen P. Hardwick (0062932)
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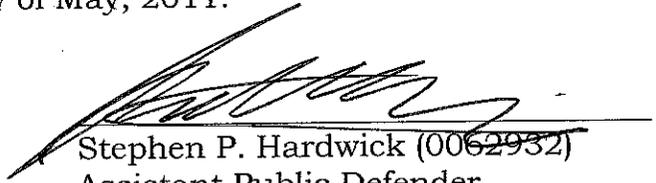
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing, along with a courtesy copy of the cited brief, was forwarded by regular U.S. mail to Kenneth W. Oswalt, Prosecuting Attorney, Licking County, 20 South Second Street, Newark, Ohio 43055, on the 18th day of May, 2011.



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