

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,

Case No. 2009-1661

Plaintiff-Appellee,

On Appeal from the Ashland County
Court of Appeals, Fifth Appellate District

v.

MAXWELL WHITE

Court of Appeals Case Nos.
07-COA-037, 07-COA-038

Defendant-Appellant

STATE'S RESPONSE TO APPELLANT'S REQUEST TO ATTEND

ORAL ARGUMENTS

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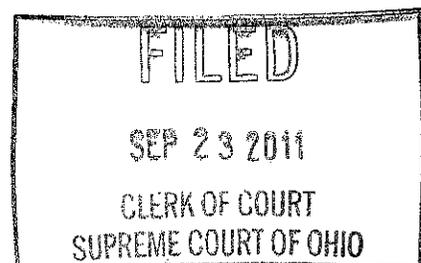
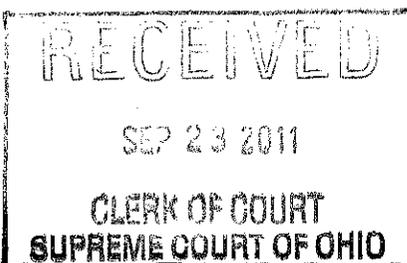
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Now comes the State of Ohio in opposition to the Appellant's pro se request to be permitted to attend the oral arguments in this case.

Pursuant to S.Ct. Prac. R. 14.4(A), litigants are required to state with particularity the grounds upon which motions are based. The Appellant has failed to cite any legal authority in support of his request to be transported from death row at the Ohio State Penitentiary to the Ohio Supreme Court for oral arguments. The Appellant's motion should be denied due to his failure to comply with this Court's rules of practice.

More importantly, the Appellant's history demonstrates that he poses a serious risk to the safety of the community and that he is most certainly a flight risk. As established during the guilt phase of this case, at the time the Appellant murdered Trooper Gross, he was on felony probation in Fairfield County for a 1998 conviction for Carrying a Concealed Weapon. That charge arose when the Appellant, during a previous traffic stop, attempted to pull a loaded, concealed firearm from underneath a car seat while the arresting officer instructed him to keep his hands on the steering wheel and exit his vehicle. Mercifully, the officer physically pulled the Appellant out of his vehicle before the Appellant was able to brandish the firearm. In the case sub judice, the Appellant fled the Reynoldsburg area after shooting his Mother in the foot. Rather than seeking help for his Mother, he left Mrs. Jean White and his sister, Dottie White, tied to a basement pole and fled North on 71 with multiple firearms in his possession.

The Appellant was pulled over by Trooper Gross as White drove through Ashland County. The Appellant shot Trooper Gross two times almost immediately upon the Trooper approaching the door of the Appellant's vehicle. After murdering the young Trooper, the Appellant again fled North on I-71, pursued by truck drivers and then, State

Highway Patrol officers. The chase of the Appellant only ended after the Appellant failed to negotiate the exit on State Route 18 and crashed his vehicle.

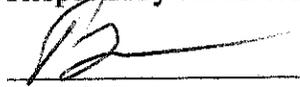
In 2005, after he was imprisoned for the present offenses, the Appellant escaped from detention on death row. On September 8, 2006, Appellant White was convicted of Escape, a felony of the second degree, by a Richland County Common Pleas Court jury. The Appellant was sentenced to the maximum of eight years by the Richland County Common Pleas Court on September 8, 2006, said sentence ordered to be served consecutive to the sentences imposed by Ashland County.

The jury has found that the Appellant is an aggravated murderer who planned, with prior calculation and design, to shoot a law enforcement officer. As set forth above, the Appellant has evidenced his disregard for the authority of law enforcement prior to killing Trooper Gross. White has exhibited his proclivity to flee whenever he believes it best suits his interests. Moreover, he has displayed his willingness to break prison detention with his 2005 escape from death row. The Defendant unquestionably presents special security and escape risks.

In regards to the Appellant's request for a "video up-link" or an electronic recording of the proceedings so that he may view the arguments from prison, the State is opposed to the request. Again, S.Ct. Prac. R. 14.4(A), requires that litigants set forth the particular grounds upon which their requests are to be made. The Appellant has failed to cite any authority in support of this request. The decision of whether this inmate should be provided access to the internet or other electronic means should be left to the Ohio State Penitentiary.

WHEREFORE, the State of Ohio opposes the Appellant's pro se request to be present for oral arguments.

Respectfully submitted,



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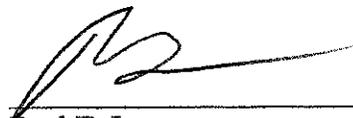
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a true and correct copy of the foregoing State's Response to Appellant's Request to Attend Oral Arguments upon the following by regular U.S. mail postage prepaid on the 22 day of September, 2011.

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