

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO : Case No.: 2011-2075  
 Appellant/Cross-Appellee : 2011-2178  
 -vs- : On appeal from the Hamilton County  
 Court of Appeals, First Appellate District  
 JULIAN STEELE : Court of Appeals  
 Appellee/Cross-Appellant : Case No.: B0903495

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MOTION TO APPOINT COUNSEL  
 FOR APPELLEE/CROSS-APPELLANT, JULIAN STEELE

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Daniel Breyer, 0008683  
 Special Prosecuting Attorney  
 Clermont County Prosecutor's Office  
 123 North 3<sup>rd</sup> Street  
 Batavia, OH 43103  
 (513) 732-7588  
 Fax: (513) 732-7592

Counsel for Appellant/Cross-Appellee

Gloria L. Smith (0061231)  
 Byron L. Potts & Co., L.P.A.  
 415 E. Broad Street, Suite 112  
 Columbus, OH 43215  
 (614) 228-2154

Former Counsel for Appellee/Cross-Appellant

FILED  
 JUN 26 2012  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

Until now, Appellee/cross-appellant, Julian Steele, has been represented by counsel in the Court of Appeals proceeding in this felony case.

The Appellee/cross-appellant has been advised that this Court accepted a discretionary appeal pursuant to the Entry journalized on June 20, 2012.

The Appellee/cross-appellant has advised the undersigned counsel that he is unable to afford any additional attorney fees for legal representation before this honorable Court.

Rule 3.7 of the Rules of Practice of the Supreme Court of Ohio provides that “[i]f 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. 2.2(D)(2).”

This Motion is procedurally brought pursuant to S. Ct. Prac. R. 14.4(A).

The Appellee/cross-appellant respectfully moves this Court for an Order appointing her as attorney or directing the First District Court of Appeals to appoint her as attorney for all further proceedings before this Court. Appended hereto as Exhibit “A” and incorporated herein by reference is an Affidavit of Appellee establishing his indigency.

Respectfully submitted,



Gloria L. Smith (0061231)  
Former Attorney for Appellee  
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**PROOF OF SERVICE**

I certify that a copy of this Motion was sent by ordinary U.S. Mail to counsel for Appellant/cross-appellee, Daniel Breyer, Special Prosecuting Attorney, Clermont County Prosecutor's Office, 123 North 3<sup>rd</sup> Street, Batavia, OH 43103 on this 2<sup>nd</sup> day of June, 2012.

  
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Gloria L. Smith (0061231)



IN THE SUPREME COURT OF OHIO

Affidavit of Indigency

I, JULIAN T STEELE SR, do hereby state that I am without the necessary funds to pay the costs of this action for the following reason(s):

UNEMPLOYED

*If you require additional space for your statement of reasons, you may continue on the back side of this form.*

Pursuant to Rule 15.3, of the Rules of Practice of the Supreme Court of Ohio, and for the reasons stated above, I am requesting that the filing fee and security deposit, if applicable, be waived.

Julian T Steele Sr  
Affiant

Sworn to, or affirmed, and subscribed in my presence this 22 day of March, 2012.\*\*

[Signature]  
Notary Public

My Commission Expires: Dec 2 2012



AARON J. BROWN  
Notary Public, State of Ohio  
My Commission Expires Dec. 2, 2012

\* S.Ct. Prac. R. 15.3(A) requires your affidavit of indigency to state the reason(s) you are unable to pay the docket fees and/or security deposit. Failure to state specific reasons that you are unable to pay will result in your affidavit being rejected for filing by the Clerk.

\*\*This affidavit must be executed not more than six months prior to being filed in the Supreme Court in order to comply with S.Ct. Prac. R. 15.3(A). Affidavits not in compliance with that section will be rejected for filing by the Clerk.