

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO

:

Case No.:

2011-2075

2011-2178

Appellant/Cross-Appellee

:

On appeal from the Hamilton County
Court of Appeals, First Appellate District

-vs-

:

JULIAN STEELE

:

Court of Appeals
Case No.: B0903495

Appellee/Cross-Appellant

:

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

Daniel Breyer, 0008683
Special Prosecuting Attorney
Clermont County Prosecutor's Office
123 North 3rd 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
JUL 24 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 3rd Street, Batavia, OH 43103 on this 24th day of July, 2012.



Gloria L. Smith (0061231)

IN THE SUPREME COURT OF OHIO

Affidavit of Indigency

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

I DO NOT HAVE A JOB OR ACCESS TO ANY OTHER MONEY TO PAY AN ATTORNEY TO REPRESENT ME ON THIS CASE.

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 Steele
Affiant

Sworn to, or affirmed, and subscribed in my presence this 16th day of July, 2012. **

Kristin Steele
Notary Public

My Commission Expires: January 14, 2014



KRISTIN STEELE
Notary Public, State of Ohio
My Commission Expires Jan. 14, 2014

*** 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.**

