

ORIGINAL

IN OHIO SUPREME COURT

STATE OF OHIO)	Case No: 2013-0910
Plaintiff/Appellant)	
vs.)	
JAMES TATE)	<u>MOTION TO WITHDRAW</u>
Defendant/Appellee)	<u>AND APPOINT COUNSEL</u>

MOTION TO WITHDRAW AND APPOINT COUNSEL

Now comes counsel for Appellee in the above-captioned matter, and respectfully requests that this Honorable Court allow him to withdraw as counsel of record for Appellee. The Appellee requests and appointed counsel pursuant to S.Ct. Prac.R. 3.7.

The undersigned makes such a request because his client is now indigent, having just been released from a state penitentiary, and cannot afford retained counsel. He is otherwise not represented in a case involving a felony, appealed by the State of Ohio to this Court. Jurisdiction has been granted by this Court to review his case. Without appointment of counsel, Defendant will be otherwise unable to defend against appeal by the State of Ohio.

WHEREFORE, Appellee respectfully requests that this Honorable Court grant its motion.

FILED
 DEC 12 2013
 CLERK OF COURT
 SUPREME COURT OF OHIO

Respectfully submitted,


Rick L. Ferrara, Esq. (0085953)
 Attorney for Appellee
 2077 East Fourth Street, 2nd Fl.
 Cleveland, OH. 44114
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 Rick@ohiolegalrep.com

RECEIVED
 DEC 12 2013
 CLERK OF COURT
 SUPREME COURT OF OHIO

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION TO APPOINT COUNSEL has been delivered by regular U.S. mail to the Prosecuting Attorney for Cuyahoga County.

Date: 12/10/13



Rick L. Ferrara, Esq. (0085953)
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STATE OF OHIO)
)
CUYAHOGA COUNTY)

SS. AFFIDAVIT

James Tate II, being duly sworn, states upon his oath as follows:

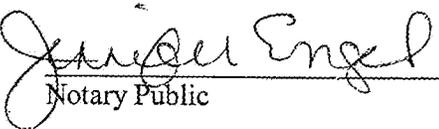
1. He is the sole, named Appellee in Ohio Supreme Court case number 2013-0910.
2. He was acquitted of all convictions in 8th District Court of Appeals case number 97804.
3. He has since been released from one year of incarceration in a penitentiary operated by the State of Ohio.
4. He has not been able to obtain employment since his release from prison, and currently has no personal income.
5. He currently receives food stamps.
6. He cannot afford to retain an attorney to defend the decision of the 8th District Court of Appeals' decision, appealed to the Ohio Supreme Court by the State of Ohio and having been accepted for review.
7. He requests that counsel be assigned to him to represent his interests against the State of Ohio.

FURTHER AFFIANT SAYETH NAUGHT.


James Tate II

State of Ohio)
) SS.
County)

Before me personally appeared James Tate II, who was duly sworn according to law and who did affirm and subscribe his name in my presence on this 9 day of December 2013.


Notary Public

My Commission expires:

JENNIFER ENGEL
NOTARY PUBLIC - STATE OF OHIO
Recorded in Adams County
My commission expires Sept. 2, 2018