

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	:	
	:	Case No. 2013-1174
Plaintiff-Appellee,	:	
	:	On Appeal from the Lawrence County
vs.	:	Court of Appeals
	:	Fourth Appellate District
DAVID L. LABER,	:	
	:	C.A. Case No. 12CA24
Defendant-Appellant.	:	

MOTION FOR APPOINTMENT OF COUNSEL

BRIGHAM ANDERSON #0078174
Lawrence County Prosecuting Attorney

OFFICE OF THE OHIO PUBLIC DEFENDER

MACK ANDERSON #0020454
Assistant Lawrence County
Prosecuting Attorney
(COUNSEL OF RECORD)

PETER GALYARDT #0085439
Assistant State Public Defender
(COUNSEL OF RECORD)

Lawrence County Courthouse
One Veterans Square
Ironton, Ohio 45638
(740) 533-46360
(740) 533-4387 - Fax

250 East Broad Street - Suite 1400
Columbus, Ohio 43215
(614) 466-5394
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E-mail: peter.galyardt@opd.ohio.gov

COUNSEL FOR STATE OF OHIO

COUNSEL FOR DAVID L. LABER

FILED

JAN 13 2014

CLERK OF COURT
SUPREME COURT OF OHIO

MOTION FOR APPOINTMENT OF COUNSEL

Defendant-Appellant, David Laber, respectfully asks this Court to appoint the Office of the Ohio Public Defender to represent him in this appeal. This Court accepted Mr. Laber's appeal. (December 24, 2013 Reconsideration Entry). The Office of the Ohio Public Defender filed the jurisdictional memorandum that this Court accepted.

This Court should appoint the Office of the Ohio Public Defender because Mr. Laber is indigent, and was appointed counsel for his trial and direct appeal. *See* Exs. A and B, Appointment Entries. Supreme Court Practice Rule 7.09 reads:

If the Supreme Court accepts a jurisdictional 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. 7.01(D)(2).

Accordingly, Mr. Laber requests that this Court appoint the Office of the Ohio Public Defender as counsel in this case. S.Ct.Prac.R. 7.09.

Respectfully submitted,

OFFICE OF THE OHIO PUBLIC DEFENDER



PETER GALYARDT #0085439
Assistant State Public Defender

250 East Broad Street - Suite 1400
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(614) 466-5394
(614) 752-5167 (Fax)
peter.galyardt@opd.ohio.gov

COUNSEL FOR DAVID LABER

CERTIFICATION OF SERVICE

A copy of the foregoing **Motion for Appointment of Counsel** was sent via regular U.S. mail, postage prepaid to Mack Anderson, Assistant Lawrence County Prosecuting Attorney, Lawrence County Courthouse, One Veterans Square, Ironton, Ohio 45638, this 13th day of January, 2014.



PETER GALYARDT #0085439
Assistant State Public Defender

COUNSEL FOR DAVID LABER

IN THE COURT OF COMMON PLEAS
GENERAL DIVISION - LAWRENCE COUNTY, OHIO

ORIGINAL

STATE OF OHIO,
PLAINTIFF,

COURT OF COMMON PLEAS
12 CR 219
2012 AUG 29 PM 2:48
ENTRY

-VS-

David Z. Zaher

MIKE RATTI
LAWRENCE COUNTY
CLERK OF COURTS

DEFENDANT.

APPOINTMENT OF COUNSEL
ARRAIGNMENT AND BOND ENTRY

13-1174

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715

This day came the Prosecuting Attorney on behalf of the State of Ohio and the Defendant
_____ in custody of the Sheriff of Lawrence County, Ohio; OR
_____ appearing upon summons.
The Defendant appeared before the Court and being found indigent, the Court hereby appoints
J. ENMAN as counsel for the Defendant.
The Defendant appeared before the Court and retained _____
as counsel.

The Defendant, having been duly served with a copy of the indictment and upon being arraigned in open Court for plea thereto, says that he/she is not guilty, as charged in the indictment and puts himself/herself on the court docket for trial and the Prosecuting Attorney does the same.

Bond is fixed at \$ 250,000; Cash \$ _____; 10% of Cash Posted with Clerk of Courts \$ _____
Surety _____ Property _____
Bond Continued _____ Recognizance \$ 20,000.
In home GPS Monitoring _____

NEXT PRETRIAL: 9.12.12

ANY WARRANT ISSUED IS HEREBY ORDERED RECALLED.

DEFENDANT TO HAVE NO CONTACT, DIRECT OR INDIRECT, WITH THE ALLEGED VICTIM, THE VICTIM'S FAMILY OR THE VICTIM'S PROPERTY.

AS A CONDITION OF BOND, YOU SHALL REFRAIN FROM USING ANY ILLEGAL CONTROLLED SUBSTANCES WITHOUT A LAWFUL PRESCRIPTION.

YOU WILL BE DRUG TESTED PRIOR TO ALL HEARINGS BEFORE THE COURT. IF YOU ARE TAKING PRESCRIPTION MEDICATIONS, YOU ARE ORDERED TO BRING THOSE PRESCRIPTION BOTTLES WITH YOU TO ALL HEARINGS.

Defendant must pay \$25.00 to the Clerk of Courts if any attorney is appointed to represent them. (See O. R. C. 120.36)

W. Mark Anderson
PROSECUTING ATTORNEY

Scott D. Ears
DEFENSE ATTORNEY

W.A. [Signature]
JUDGE

FILED
JUL 25 2013
CLERK OF COURT
PREMIER COURT OF OHIO

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EXHIBIT
A

IN THE COURT OF COMMON PLEAS
LAWRENCE COUNTY, OHIO

12 CR 219
2012 NOV -1 PM 1:18

STATE OF OHIO,
PLAINTIFF,

MIKE PATTERSON
LAWRENCE COUNTY
CLERK OF COURTS

-VS-

JUDGMENT ENTRY

DAVID L. LABER,
DEFENDANT.

CASE NO. 12-CR-219

7466
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Comes now the Court and appoints Attorney Michael Davenport to represent the Defendant in his appeal of this matter before the Fourth District Court of Appeals.


CHARLES COOPER
JUDGE

PROOF OF SERVICE

This is to certify that a copy of the foregoing Judgment Entry was sent to the Prosecuting Attorney's Office, by Interoffice Mail; and to Michael Davenport, Attorney for Defendant-Appellant, at P. O. Box 725, Ironton, OH 45638, by ordinary U.S. Mail; and to Michael Davenport, Attorney for Defendant-Appellant, by Interoffice Mail; and to Defendant-Appellant, David L. Laber, in care of the Lawrence County Jail, by Hand Delivery, this 1st day of November, 2012.

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EXHIBIT
B