

ORIGINAL

NO. 2014-1091

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, EX REL. TIMOTHY J. MCGINTY,
Prosecutor of Cuyahoga County

Relator

-vs-

THE COURT OF APPEALS FOR THE EIGHTH APPELLATE DISTRICT
Cuyahoga County Court House, 1 Lakeside Ave. #202, Cleveland, OH 44113

Respondent

**MOTION TO FILE RELATOR'S MEMORANDUM IN RESPONSE TO PROPOSED
INTERVENING RESPONDENT MICHAEL MADISON'S MOTION TO DISMISS AND
MOTION FOR JUDGMENT ON THE PLEADINGS UNDER SEAL**

Counsel for Intervening Respondent
ROBERT TOBIK
Cuyahoga County Public Defender
ERIKA CUNLIFFE
JEFFREY GAMSO
Assistant Public Defenders
310 Lakeside Ave, Suite 200
Cleveland, OH 44113

Counsel for Relator
TIMOTHY J. MCGINTY (0024626)
Cuyahoga County Prosecutor
KATHERINE E. MULLIN (0084122)
Assistant Cuyahoga County Prosecutor
The Justice Center, 9th Floor
1200 Ontario Street
Cleveland, Ohio 44113
(216) 443-7800

Counsel for Respondent Eighth District Court of Appeals
RICHARD MICHAEL DEWINE
Ohio Attorney General
DARLENE FAWKES PETTIT
TIFFANY CARWILE
Assistant Attorneys General
Constitutional Offices Section
30 E. Broad Street, 16th Floor
Columbus, Ohio 43215

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SUPREME COURT OF OHIO

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MOTION FOR JUDGMENT ON THE PLEADINGS UNDER SEAL**

Relator, by and through undersigned counsel, hereby requests to submit his Memorandum in Response to Proposed Intervening Respondent Michael Madison's Motion to Dismiss/Motion for Judgment on the Pleadings under seal.

Respectfully submitted,

TIMOTHY J. MCGINTY (0024626)
CUYAHOGA COUNTY PROSECUTOR

BY:

Katherine Mullin (by SLT per authority)
KATHERINE MULLIN (0084122)
Assistant Prosecuting Attorney
Counsel for Appellee, State of Ohio
1200 Ontario St., 8th Floor
Cleveland, OH 44113

BRIEF IN SUPPORT

On July 31, 2014, proposed Intervening Respondent Michael Madison filed a motion with this Court in which he sought to supplement the record with the report of his retained psychiatric expert, Dr. Davis. Madison requested to file this document under seal. This document has also been submitted to Respondent under seal.

In order for Relator to thoroughly respond to Madison's argument, it was necessary for Relator to use quotes from Dr. Davis's report in Relator's memorandum in response. In order to maintain Madison's privacy, and due to the sensitive nature of the report, Relator respectfully requests to file his Memorandum in Response to Proposed Intervening Respondent Michael Madison's Motion to Dismiss/Motion for Judgment on the Pleadings under seal.

Relator notes that Madison has not been granted leave to file as an intervener. Nor has this Court granted Madison's motion to supplement the record. However, Relator has timely filed a response should this Court permit Madison to intervene in this matter.

Respectfully submitted,

TIMOTHY J. MCGINTY (0024626)
CUYAHOGA COUNTY PROSECUTOR

BY: *Katherine Mullin (by SCJ per authority)*
KATHERINE MULLIN (0084122)
Assistant Prosecuting Attorney
Counsel for Appellee, State of Ohio
1200 Ontario St., 8th Floor
Cleveland, OH 44113

CERTIFICATE OF SERVICE

A copy of the foregoing Motion to file Memorandum under seal has been mailed this

11th day of August, 2014, by ordinary U.S. mail to:

RICHARD MICHAEL DEWINE

Ohio Attorney General, Counsel for Respondent Eighth District

DARLENE FAWKES PETTIT

TIFFANY CARWILE

Assistant Attorneys General

Constitutional Offices Section

30 E. Broad Street, 16th Floor

Columbus, Ohio 43215

ROBERT TOBIK

Cuyahoga County Public Defender, Counsel for proposed Intervening Respondent

ERIKA CUNLIFFE

JEFFREY GAMSO

Assistant Public Defenders

310 Lakeside Ave., Suite 200

Cleveland, OH 44114

Catherine Mullin (by SET per authority)
Assistant Prosecuting Attorney