

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	:	
	:	Case No. 2014-1278
Plaintiff-Appellee,	:	
	:	On Appeal from the Cuyahoga County
v.	:	Court of Appeals,
	:	Eighth Appellate District
ANTONIA EARLEY,	:	Case No. 100482
	:	
Defendant-Appellant.	:	

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**MOTION FOR APPOINTMENT OF COUNSEL**

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TIMOTHY J. MCGINTY (0024626)  
 Cuyahoga County Prosecutor

TRACY REGAS (0067336)  
 Assistant Cuyahoga County Prosecutor  
 (COUNSEL OF RECORD)

BRETT HAMMOND (0091757)  
 Assistant Cuyahoga County Prosecutor

The Justice Center, Courts Tower  
 1200 Ontario Street – 9th Floor  
 Cleveland, Ohio 44113  
 (216) 443-7800  
 (216) 698-2270 – Fax

**COUNSEL FOR STATE OF OHIO**

OFFICE OF THE OHIO PUBLIC DEFENDER

NIKKI TRAUTMAN BASZYNSKI (0091085)  
 Assistant State Public Defender

250 E. Broad Street – Suite 1400  
 Columbus, Ohio 43215  
 (614) 466-5394  
 (614) 752-5167 – Fax  
 nikki.baszynski@opd.ohio.gov

**COUNSEL FOR ANTONIA EARLEY**

**FILED**

OCT 17 2014

CLERK OF COURT  
 SUPREME COURT OF OHIO

## MOTION FOR APPOINTMENT OF COUNSEL

Appellant Antonia Earley respectfully asks this Court to appoint the Office of the Ohio Public Defender to represent her in this appeal. This Court accepted her discretionary appeal and the certified conflict from the court of appeals. October 8, 2014 Entry, Case No. 2014-1278; October 8, 2014 Entry, Case No. 2014-1454. The Office of the Ohio Public Defender filed both the jurisdictional memorandum and the notice of certified conflict.

This Court should appoint the Office of the Ohio Public Defender because Ms. Earley is indigent and was appointed counsel for her direct appeal. And, Ms. Earley has submitted an affidavit of indigency to this Court recently. *See Ex. A, Affidavit of Indigency.* 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, Ms. Earley 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



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NIKKI TRAUTMAN BASZYNSKI (0091085)  
Assistant State Public Defender

250 E. Broad Street – Suite 1400  
Columbus, Ohio 43215  
(614) 466-5394  
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nikki.baszynski@opd.ohio.gov

COUNSEL FOR ANTONIA EARLEY

**CERTIFICATE OF SERVICE**

A copy of the foregoing **Motion for Appointment of Counsel** was sent by regular U.S. mail to Tracy Regas, Assistant Cuyahoga County Prosecutor, The Justice Center, Courts Tower, 1200 Ontario Street – 9th Floor, Cleveland, Ohio 44113, on this 17th day of October 2014.



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NIKKI TRAUTMAN BASZYNSKI (0091085)  
Assistant State Public Defender

COUNSEL FOR ANTONIA EARLEY

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :  
 Plaintiff-Appellee, : **14-1278**  
 vs. : Case No. CR13571171  
 ANTONIA EARLEY, :  
 Defendant-Appellant. :

**AFFIDAVIT OF INDIGENCY**

I, Antonia Earley, do hereby state that I am without the necessary funds to pay the costs of this action for the following reasons:

I am currently incarcerated at the Northeast Pre-Release Center and I have been incarcerated since Sep 19, 2013. I work at the prison but receive only \$18.00 dollars per month.

Pursuant to Rule 3.06, of the Rules of the Supreme Court of Ohio, I am requesting that the filing fee and security deposit, if applicable, be waived.

*Antonia M. Earley*  
 ANTONIA EARLEY

Sworn to, or affirmed, and subscribed in my presence this 17 day of July, 2014.

*Karen L. Seach*  
 Notary Public  
 My Commission Expires: 12/19/17



**KAREN L. SEACH**  
 NOTARY PUBLIC  
 STATE OF OHIO  
 Recorded in  
 Cuyahoga County  
 My Comm. Exp. 12/19/17

[Note: 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. 3.06. Affidavits not in compliance with that section will be rejected for filing by the Clerk.]

#421566

**FILED**  
 JUL 25 2014  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

**EXHIBIT**  
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