

**IN THE SUPREME COURT OF OHIO**

**STATE OF OHIO**

Plaintiff-Appellee,

vs.

**HAMZA SHALASH**

Defendant-Appellant.

**CASE NO. 2015-1782**

**On Appeal from the  
Warren County Court of Appeals  
Twelfth Appellate District**

**Court of Appeals  
Case No. 2014-12-146**

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**MOTION TO WITHDRAW AS COUNSEL FOR  
APPELLANT, HAMZA SHALASH**

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**NICOLE RUTTER-HIRTH  
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Attorney for Plaintiff-Appellee**

## MEMORANDUM

### **MAY IT PLEASE THE COURT:**

Now comes undersigned counsel, **NICOLE RUTTER-HIRTH of RION, RION & RION, L.P.A., INC.**, and hereby respectfully requests this court to permit counsel to withdraw as counsel of record for the Defendant-Appellant, **HAMZA SHALASH**. In support, counsel asserts it has lost all contact with Appellant and Appellant's family since the filing of the Notice of Certified Conflict in this court. Counsel agreed with Mr. Shalash that he would pay additional legal fees and sign a new contract to represent Mr. Shalash in this matter. Counsel filed the Notice of Conflict based on that agreement. Since the filing, Appellant has failed to respond to all calls, letters and correspondence with undersigned counsel's office. Appellant also failed to comply with the conditions of his appellate bond, including appearing for a meetings with the Warren County probation department. As a result, a bond revocation hearing was held. Appellate counsel attempted to contact Appellant numerous times for this hearing and was unsuccessful. Undersigned counsel is requesting to be withdrawn as counsel of record as there is a complete breakdown in communication.

Undersigned counsel is requesting that counsel be appointed for Appellant. Counsel has a good faith belief that Appellant is indigent. He was incarcerated in this matter after his first conviction (which was overturned on appeal), and as a result lost his income. He has previously made statements to counsel that he personally had no assets or funds to pay for legal services. Counsel is requesting for this court to declare Appellant indigent and appoint counsel to continue with the appeal. Undersigned counsel has contacted the Office of the Public Defender and they have agreed to accept this case.

Respectfully submitted,



**NICOLE RUTTER-HIRTH(0081004)**  
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**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that a copy of this Notice of Certified Conflict was delivered to the Prosecuting Attorney, Michael Greer, Warren County Prosecuting Attorney, on the same day as filing.



**NICOLE RUTTER-HIRTH**  
**RION, RION & RION, L.P.A., INC.**