

NO. 2010-2160

IN THE SUPREME COURT OF OHIO

STATE OF OHIO

Plaintiff-Appellee

vs.

TONY C. QUINONES

Defendant-Appellant

**MOTION TO FILE UNDER SEAL APPELLANT'S MEMORANDUM IN
SUPPORT OF JURISDICTION**

Counsel for Plaintiff-Appellee

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MOTION TO FILE UNDER SEAL APPELLANT’S MEMORANDUM IN SUPPORT OF JURISDICTION

Appellee the State of Ohio respectfully asks this Honorable Court to seal the Memorandum in Support of Jurisdiction filed by appellant Tony C. Quinones on or about December 13, 2010.

The grounds for this Motion are that the victim, L.E. was fifteen years old at the time of the incident. *State v. Quinones*, 8th Dist. No. 94082, 2010-Ohio-5240, ¶ 3. The Memorandum in Support of Jurisdiction identifies the victim by her full name. A “Google” search of [*Victim’s Name*] Ohio causes a link to the Memorandum in Support of Jurisdiction in this matter to appear on with the first page of search results.

Sup. R. 45(E) provides:

(1) Any party to a judicial action or proceeding or other person who is the subject of information in a case document may, by written motion to the court, request that the court restrict public access to the information or, if necessary, the entire document. Additionally, the court may restrict public access to the information in the case document or, if necessary, the entire document upon its own order. The court shall give notice of the motion or order to all parties in the case. The court may schedule a hearing on the motion.

(2) A court shall restrict public access to information in a case document or, if necessary, the entire document, if it finds by clear and convincing evidence that the presumption of allowing public access is outweighed by a higher interest after considering each of the following:

(a) Whether public policy is served by restricting public access;

(b) Whether any state, federal, or common law exempts the document or information from public access;

(c) Whether factors that support restriction of public access exist, including risk of injury to persons, individual privacy rights and interests, proprietary business information, public safety, and fairness of the adjudicatory process.

The State respectfully maintains that the privacy rights of the victim, a minor at the time of the incident, outweigh any right to public access to the Memorandum in Support of Jurisdiction. This is especially true in light of the fact that the Memorandum was filed over five years ago.

Wherefore, appellee the State of Ohio respectfully moves this Honorable Court for an Order directing that the Memorandum in Support of Jurisdiction in this matter be filed under seal to protect the victim's identity. In the alternative, appellee moves the Court for an Order directing the Memorandum in Support of Jurisdiction be amended to use initials or other identifiers instead of the victim's full name.

Respectfully submitted,

Timothy McGinty
Cuyahoga County Prosecutor

/s/ Gregory Ochocki
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CERTIFICATE OF SERVICE

A copy of the foregoing Motion was sent by regular U.S. mail or electronic service this 24th day of February, 2016 to: Jonathan N. Garver, Esq., 4403 St. Clair Avenue, Cleveland, OH 44103

/s/ Gregory Ochocki
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