

In the
Supreme Court of Ohio

STATE OF OHIO,	:	Case No. 2015-0677
	:	
Appellee,	:	On Appeal from the
	:	Montgomery County
v.	:	Court of Appeals,
	:	Second Appellate District
MATTHEW AALIM,	:	
	:	Court of Appeals
Appellant.	:	Case No. 26249
	:	

**REQUEST OF *AMICUS CURIAE* OHIO ATTORNEY GENERAL
MICHAEL DEWINE TO PARTICIPATE IN ORAL ARGUMENT**

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Amicus Curiae Ohio Attorney General Michael DeWine seeks leave from the Court to participate in the oral argument scheduled for April 20, 2016. *See* Supreme Court Practice Rule 17.06(A)(2). The Attorney General requests 5 minutes of time *not deducted from the prosecutor's* full 15 minutes. The Attorney General further proposes that counsel for the appellant be awarded an additional 5 minutes so that each side of the case has 20 total minutes.

The Attorney General has been unable to obtain consent from Montgomery County Assistant Prosecutor Andrew French, who wishes to use his full argument time. The Attorney General respects that choice. The Attorney General's desire not to subtract from the prosecutor's allotted time, combined with his general statutory authority to address constitutional challenges to Ohio statutes, creates "extraordinary circumstances" that justify amicus participation in the oral argument as proposed above.

First, as "the chief law officer for the state and all of its departments," the Attorney General has the right to "appear for the state in the trial and argument of all civil and criminal causes in the supreme court in which the state is directly or indirectly interested." R.C. 109.02. The Attorney General has an interest in defending legislation duly enacted by the General Assembly against constitutional challenges like those at issue in this case. Additionally, the Attorney General often acts as special counsel in juvenile cases of significant importance. In those contexts, the Attorney General is directly involved in the application of Ohio's mandatory bindover statute.

Second, because of this duty to defend legislation against constitutional challenges and frequent involvement in juvenile cases, the Attorney General presents a unique perspective on various aspects of the due-process and equal-protection claims at issue in this case. In particular, the Attorney General devoted substantial portions of its brief to the history and nature of juvenile

proceedings, which bear on the question of whether a constitutional right to juvenile proceedings exists. Att’y Gen. Br. 3-5, 10-13. Additionally, the Attorney General addressed at length the “mitigating factor” and “irrebuttable presumption” doctrines invoked by Aalim, *id.* 20-24, as well as the policy arguments presented by the *amici* supporting Aalim, *id.* 31-35. Permitting the Attorney General to participate in argument will ensure that adequate time exists for these important issues to receive a full airing at argument.

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/s/ Eric E. Murphy

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Request of *Amicus Curiae* Ohio Attorney General Michael DeWine to Participate In Oral Argument was served this 5th day of April, 2016, by U.S. mail and e-mail on the following:

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