

From: [Info](#)
To: [Special Prosecutions Request](#)
Subject: Request Assistance of the Special Prosecutions Section
Date: Thursday, June 17, 2021 12:49:10 PM

RequestAssistanceOfTheSpecialProsecutionsSectionID: 192

Name: Michele Tolar

Email address: mtolar@prosecutor.cuyahogacounty.us

County: Cuyahoga County

Requesting Authority: Prosecutor

Type of assistance you are requesting: Conflict

OtherType:

Details of the offense: Alleged Use of Deadly Force involving Parma Police Officer(s).
Occurred 6/14 in Parma, OH in parking lot of BP/7-11 at State & Brookpark Rds.

Name of the suspect(s): Deceased: Kevin Richard Giesel

What stage the case is in: Investigative

OtherStage:

Form inserted: 6/17/2021 12:48:25 PM

Form updated: 6/17/2021 12:48:25 PM



DAVE YOST

OHIO ATTORNEY GENERAL

Special Prosecutions Section
Office number: 614-629-8340
Direct Number: 614-466-2226
Office Fax 866-483-1104

30 E. Broad St., 23rd Floor
Columbus, OH 43215

www.OhioAttorneyGeneral.gov

June 21, 2021

Michele Tolar
Cuyahoga County Prosecutor's Office
Sent via email to: mtolar@prosecutor.cuyahogacounty.us

Re: *Parma Use of Deadly Force Investigation Incident 6/14/21*

Ms. Tolar:

Your request for the Special Prosecutions Section to handle the above-captioned matter is accepted.

Could you please file a motion with the court to appoint Dave Yost, Ohio Attorney General and any of his assistant attorneys general as Special Prosecutor? The Assistant Attorneys General acting as special prosecutor will serve without compensation by Cuyahoga County. Absent preapproved and extraordinary circumstances the Ohio Attorney General's Office cannot pay for basic criminal justice expenses, including but not limited to: juror fees, witness fees, witness mileage, witnesses travel expenses, court costs including but not limited to staff costs, transcript fees, jail costs, subpoena fees, costs of indigent defense, etc. These costs remain the responsibility of Cuyahoga County as they would be in any other case. Please contact me at the above number if you have any questions.

I thank you for the opportunity to assist you and the citizens of Cuyahoga County. If we can be of any help in any other cases please feel free to contact us.

Truly Yours,

/s/ Christopher L. Kinsler

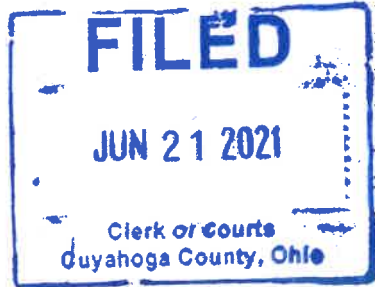
Christopher L. Kinsler
Assistant Section Chief
Special Prosecutions Section

CLK:mjn
cc: File

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

In Re: Police Use of Deadly Force)
Investigation, Parma, Ohio)

Case No. 660620



JUDGE BRENDAN SHEEHAN

STATE'S MOTION FOR
APPOINTMENT OF
SPECIAL PROSECUTOR

Now comes the State of Ohio, by and through Michael C. O'Malley, the Prosecuting Attorney for Cuyahoga County, Ohio and his assistant, Diane P. Russell and hereby applies to this Honorable Court for the appointment of Ohio Attorney General Dave Yost, or any of his designees, assistants or deputies, as special prosecutor to investigate and prosecute matters involving an alleged Use of Deadly Force ("UDF") investigation originating in the City of Parma at State and Brookpark Roads in Cuyahoga County, Ohio on June 14, 2021.

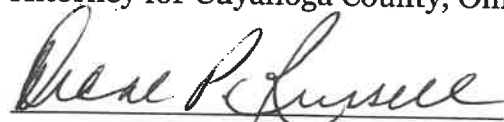
Special prosecutors may be appointed by the Common Pleas Court in accordance with Revised Code Sections §309.10. Moreover, the Court, under its inherent power, may appoint a special prosecutor whenever it comes to the Court's attention that the ability to administer justice in a fair and impartial manner could be called into question. Such a case exists when there is a conflict or appearance of conflict of interest between the parties. Where a special prosecutor has been appointed under the Court's inherent power, that special prosecutor acts independently of the duly elected prosecutor. The Cuyahoga County Prosecutor's Office has adopted a policy that requires an independent

prosecutor to prosecute any allegation of police-related use of unlawful deadly force that results in a death. This policy was developed to ensure that there is no conflict or appearance of conflict of interest between the Cuyahoga County Prosecutor's Office and the various police departments within Cuyahoga County, Ohio.

Wherefore, the Prosecuting Attorney respectfully requests this Honorable Court exercise its authority and appoint Ohio Attorney General Dave Yost, or any of his designees, assistants or deputies, as special prosecutor to prosecute the matter involving the alleged use of deadly force investigation that occurred on June 14, 2021 in the City of Parma. Should this Court sign said order, upon the signing of the order appointing Ohio Attorney General Dave Yost, or any of his designees, a copy of said order will be provided to the investigating agency to ensure that investigative materials are provided directly to Ohio Attorney General Dave Yost. Wherefore, Ohio Attorney General Dave Yost is hereby appointed to represent the State with the same power and authority granted by law to the Cuyahoga County Prosecutor and may utilize the support services of the Cuyahoga County Prosecutor's Office.

Respectfully Submitted,

MICHAEL C. O'MALLEY, Prosecuting
Attorney for Cuyahoga County, Ohio




DIANE P. RUSSELL (0074674)
Assistant Prosecuting Attorney
Cuyahoga County Prosecutor's Office
Justice Center, Courts Tower
1200 Ontario Street, 9th Floor
Cleveland, Ohio 44113
(216) 443-7800

Certificate of Service

A true copy of the foregoing State's Motion for Appointment of Special Prosecutor has been filed with the Clerk of Courts and served via regular U.S. Mail, postage prepaid, this _____ day of June 2021 upon the following:

Ohio Attorney General Dave Yost
Ohio Attorney General's Office
30 E. Broad Street
Columbus, Ohio 43215

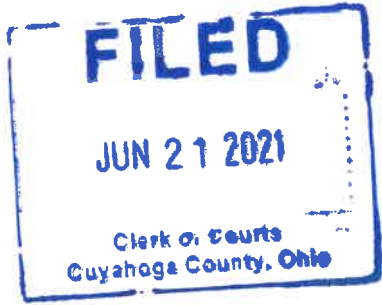


Diane P. Russell
Assistant Prosecuting Attorney

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

In Re: Police Use of Deadly Force
Investigation, Parma, Ohio

Case No. 660620




JUDGE BRENDAN SHEEHAN

ORDER

This matter came on for consideration upon the State's Motion for Appointment of a Special Prosecutor. The Court finds the Motion to be well-taken. Ohio Attorney General Dave Yost or any attorneys deemed necessary by him, are hereby appointed special prosecutor to represent the State with the same power and authority granted by law to the Cuyahoga County Prosecutor and may utilize the support services of the Cuyahoga County Prosecutor's Office commencing on June 21, 2021.

IT IS SO ORDERED.

Entered this 24 day of June 2021.



JUDGE BRENDAN SHEEHAN
ADMINISTRATIVE JUDGE
CUYAHOGA COUNTY, OHIO