

SANDRA KURT

2023 JUL 20 PM 1:25

SUMMIT COUNTY
CLERK OF COURTS

**IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO**

In the Matter of Appointment of
Special Prosecutor

:
:

Case Number **CM 23-07-0094**
JUDGE SUSAN BAKER-ROSS

**MOTION FOR APPOINTMENT OF A
SPECIAL PROSECUTOR**

Now comes Summit County Prosecutor Sherri Bevan Walsh, by and through Chief Counsel Brad Gessner, and moves the court to appoint, Ohio Attorney General Dave Yost and any of his Assistant Attorneys General as special prosecutor for Summit County, to independently review the investigation into the Akron Police Department Officer involved shooting/critical incident occurring on December 22, 2022. Section 2941.63 provides in the pertinent part:

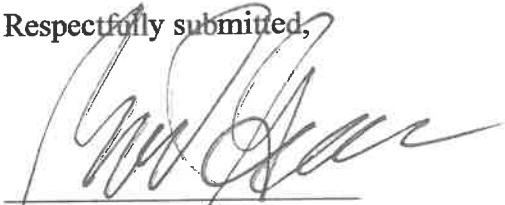
The court of common pleas, or the court of appeals, whenever it is of the opinion that that public interest requires it, may appoint an attorney to assist the prosecuting attorney in the trial of a case pending in such court.

The statute, therefore, vests the court of common pleas with broad discretion in appointing prosecutorial counsel in criminal matters. *State v. Bunyan* (1988), 51 Ohio App.3d 190 (Ohio Ct. App., Auglaize County July 21, 1988).

The court also has the inherent authority to make such appointments under R.C. 2941.63. see also *State v. Bunya*, 51 Ohio App. 3d 190 (1998) and R.C. 309.10. The aforementioned Assistant Attorney General has specialized training and experience, and would assist the undersigned in the discharge of his duties with regards to particular matters

which are currently under investigation and not yet public. The aforementioned Assistant Attorney General would assist with all necessary actions to further prosecution and any related appellate work. The appointment as special assistant prosecutor is without compensation by this county.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brad Gessner", written over a horizontal line.

Brad Gessner (#0033677)
Chief Counsel
Summit County Prosecutor's Office
53 University Avenue
Akron, OH 44308

**IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO**

SANDRA KURT

2023 JUL 20 PM 1:25

SUMMIT COUNTY
CLERK OF COURTS

In the Matter of Appointment of :
Special Prosecutor :

CM 23-07-0094

ORDER

For good cause shown upon the motion of the prosecuting attorney, the Court appoints Ohio Attorney General Dave Yost and any of his Assistant Attorneys General, as special prosecutors for Summit County. Such appointment is without compensation by this county.

It Is So Ordered



JUDGE SUSAN BAKER-ROSS

I certify this to be a true copy of the original
Sandra Kurt, Clerk of Courts.



Deputy Clerk