

FILED

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CRIMINAL DIVISION

FEB 13 2024

Clerk of Courts
Cuyahoga County, Ohio

IN RE: Investigation, Cleveland)	
Ohio, 01/17/2024)	SPECIAL DOCKET
)	
)	
)	ADMINISTRATIVE JUDGE
)	JUDGE BRENDAN SHEEHAN
)	
)	STATE'S MOTION FOR
)	APPOINTMENT OF
)	SPECIAL PROSECUTOR

689185


Now comes the State of Ohio, by and through Michael C. O'Malley, the Prosecuting Attorney for Cuyahoga County, and his assistant, Diane Russell, and herby applies to this Honorable Court for the appointment of Ohio Attorney General Dave Yost, and any of his designees, assistants or deputies, as special prosecutor to investigate and prosecute, if necessary, involving an alleged Use of Deadly Force ("UDF") investigation originating in the City of Cleveland (Slavic Village) in Cuyahoga County, Ohio on January 17, 2024. This investigation is being conducted by the Cuyahoga County Sheriff's Department.

Special prosecutors may be appointed by the Common Pleas Court in accordance with Revised Code Sections §309.10 and §2941.63. 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.

Wherefore, the Prosecuting Attorney respectfully requests this Honorable Court exercise its authority and appoint Dave Yost, Ohio Attorney General, and any of his designees, assistants or deputies, as special prosecutor to investigate and prosecute, if necessary, the matter involving the alleged use of deadly force investigation in Cleveland (Slavic Village), Ohio.

Respectfully Submitted,



Diane Russell (0074674)
Assistant Prosecuting Attorney
Cuyahoga County Prosecutor's Office
Justice Center, Court Towers
1200 Ontario Street, 9th Floor
Cleveland, Ohio 44113
(216) 443-7800

CERTIFICATE OF SERVICE

A true copy of the foregoing Application to Appoint Special Prosecutor has been filed with the Clerk of Courts and served via regular U.S. Mail, postage prepaid, this 16 day of February, 2024 upon the following:

Ohio Attorney General Dave Yost
Ohio Attorney General's Office
615 West Superior Avenue, 11th Floor
Cleveland, Ohio 44113



Diane Russell (0074674)
Assistant Prosecuting Attorney
Cuyahoga County Prosecutor's Office
Justice Center, Court Towers
1200 Ontario Street, 9th Floor
Cleveland, Ohio 44113
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**In Re: Appointment of Special
Prosecuting Attorney**

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**SPECIAL DOCKET
CASE NO.**

6909105

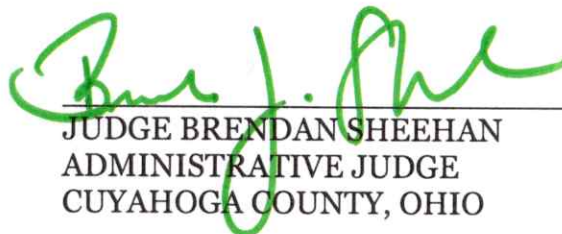
JUDGE BRENDAN SHEEHAN

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. Attorney General Dave Yost, and any of his designees, assistants or deputies, is hereby appointed special prosecutor to represent the State with the same power and authority granted by law to the Cuyahoga County Prosecutor to investigate and prosecute, if necessary, a Use of Deadly Force that occurred on January 17, 2024 in Cleveland (Slavic Village), Ohio.

IT IS SO ORDERED.

Entered this 13 day of February, 2024.



JUDGE BRENDAN SHEEHAN
ADMINISTRATIVE JUDGE
CUYAHOGA COUNTY, OHIO