

Mallory Naftzger

From: Info
Sent: Monday, April 26, 2021 3:23 PM
To: Special Prosecutions Request
Subject: Request Assistance of the Special Prosecutions Section

RequestAssistanceOfTheSpecialProsecutionsSectionID: 178

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: Police Use of Deadly Force Investigation Date of incident: 1/5/2021 Victim: Vincent Belmonte
Occurred in East Cleveland, Ohio

Name of the suspect(s): Sgt. Larry McDonald

What stage the case is in: Investigative

OtherStage:

Form inserted: 4/26/2021 3:22:25 PM

Form updated: 4/26/2021 3:22:25 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

April 30, 2021

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

Re: *East Cleveland Use of Deadly Force Investigation 1/5/21*

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,

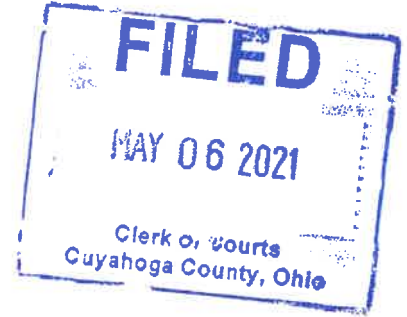
/s/ Christopher L. Kinsler

Christopher L. Kinsler
Assistant Section Chief
Special Prosecutions Section

CLK:mjn
cc: File

65935/

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



**In Re: Police Use of Deadly Force)
Investigation, East Cleveland,)
Ohio)**

Case No.

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, Lisa Reitz Williamson 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 East Cleveland in Cuyahoga County, Ohio on January 5, 2021.

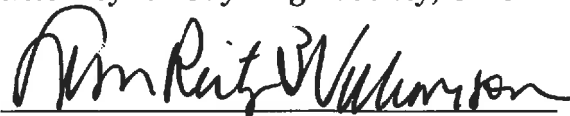
Special prosecutors may be appointed by the Common Pleas Court in accordance with Revised Code Sections §309.10. Moreover, the Court, under its inherent power, may appoint a special prosecutor whenever it comes to the Court's attention that the ability to administer justice in a fair and impartial manner 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 January 5, 2021 in the City of East Cleveland. 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



LISA REITZ WILLIAMSON (0041468)
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

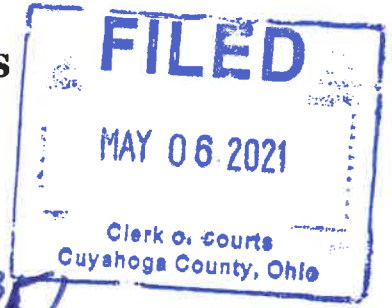
A true copy of the foregoing State's Motion for Appointment of Special Prosecutor has been filed with the Clerk of Courts and served via regular U.S. Mail, postage prepaid, this 4th day of May 2021 upon the following:

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

A handwritten signature in black ink that reads "Lisa Reitz Williamson". The signature is written in a cursive style and is positioned above a horizontal line.

Lisa Reitz Williamson
Assistant Prosecuting Attorney

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO



In Re: Police Use of Deadly Force)
Investigation, East Cleveland,)
Ohio)
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Case No. *059357*
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 May 4, 2021.

IT IS SO ORDERED.

Entered this 6 day of May 2021



JUDGE BRENDAN SHEEHAN
ADMINISTRATIVE JUDGE
CUYAHOGA COUNTY, OHIO