

SANDRA KURT

IN THE COURT OF COMMON PLEAS

2022 JAN -5 PM 2:41

SUMMIT COUNTY, OHIO

SUMMIT COUNTY
CLERK OF COURTS

In the Matter of Appointment of

Special Prosecutor

:

Case Number CM-2022-01-0030

:

JUDGE CORRIGALL-JONES

**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 critical incident occurring on December 23, 2021. 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,

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

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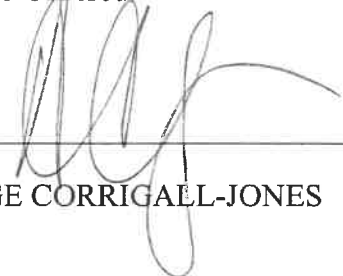
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SANDRA KUPTI

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 CORRIGALL-JONES