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

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IN RE: Investigation, Cleveland, Ohio, January 27, 2022



Now comes the State of Ohio, by and through Michael C. O'Malley, the Prosecuting Attorney for Cuyahoga County, and his assistant, Lisa Reitz Williamson, 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, if necessary, and to prosecute, if necessary, an incident involving the alleged use of deadly force ("UDF") by a City of Cleveland employee that occurred in the City of Cleveland at 1940 West 96<sup>th</sup> Street in Cuyahoga County, Ohio on January 27, 2022. This investigation is being conducted by the Cleveland Police 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 in Cleveland, Ohio on January 27, 2022.

Respectfully Submitted,

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LISA REITZ WILLIAMSON (0041468) Assistant Prosecuting Attorney Cuyahoga County Prosecutor's Office Justice Center, Court Towers 1200 Ontario Street, 9<sup>th</sup> 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 3/2/

day of January, 2022, upon the following:

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

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LISA REITZ WILLIAMSON (0041468) Assistant Prosecuting Attorney Cuyahoga County Prosecutor's Office Justice Center, Court Towers 1200 Ontario Street, 9<sup>th</sup> Floor Cleveland, Ohio 44113 (216) 443-7800

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

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In Re: Appointment of Special Prosecuting Attorney



This matter came on for consideration upon the State's Motion for Appointment of a Special Prosecutor. The Court finds the Motion to be welltaken. 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, an alleged use of deadly force by a City of Cleveland employee that occurred on January 27, 2022 in Cleveland, Ohio.

IT IS SO ORDERED.

Entered this <u>3</u> day of January 2022.

**JE BR EEHAN** SH ADMINISTRATIVE JUDGE CUYAHOGA COUNTY, OHIO