

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ROBERT BUTTERY, *Petitioner*

v.

STATE OF OHIO, *Respondent*

On Petition for a Writ of Certiorari to the
Supreme Court of Ohio

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Robert Buttery, respectfully requests leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis* pursuant to Rule 39.

Petitioner has previously sought and granted leave to proceed *in forma pauperis* in the following courts: General Division of Common Pleas, Hamilton County, Ohio; Ohio First District Court of Appeals, Hamilton County Ohio; Ohio Supreme Court. In an unrelated case, petitioner was also granted leave to proceed *in forma pauperis* in the Hamilton County Juvenile Court.

Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding. Based on the Hamilton County Court of Common Pleas finding petitioner to be indigent, counsel was appointed to represent him. A copy of the entry appointing public defender trial counsel in this case is attached. Undersigned counsel, an assistant public defender for the Law Office of the Hamilton County Public Defender, represents Mr. Butterly pursuant to Ohio Rev. Code Ann. § 120.16(A)(2), which states, in part, that the "county public defender shall provide legal representation to indigent adults and juveniles who are charged with the commission of an offense or act that is a violation of a state statute and for which the penalty or any possible adjudication includes the loss of liberty." A copy of Ohio Rev. Code Ann. § 120.16 (A) is also attached.

Respectfully submitted,

THE LAW OFFICE OF THE HAMILTON COUNTY
PUBLIC DEFENDER

/s/ Julie Kahrs Nessler

JULIE KAHRS NESSLER (0085189)*

RAYMOND T. FALLER

CHRISTINE Y. JONES

Law Office of the Hamilton County Public
Defender

125 East Court Street, Ninth Floor
Cincinnati, Ohio 45202
Phone: (513) 946-8256
Facsimile: (513) 946-8242
jknessler@cms.hamilton-co.org

Counsel for Petitioner Robert Butterly
*Counsel of Record

ENTERED
COMMON PLEAS COURT, HAMILTON COUNTY, OHIO
CRIMINAL DIVISION

JAN 11 2016

HON. MEGAN E. SHANAHAN

STATE OF OHIO
Plaintiff

-vs-

Robert Butterly
Defendant

ENTERED
JAN 11 2016

Case No.:

B 1506464

Designation of Trial Attorney

(GOAD)

Public Defender Assigned

Assess Public Defender Fee

(0 - Com S)
Waive

Reduce Fee to \$ _____

The undersigned attorney hereby states that he/she is the trial attorney for the above captioned defendant and shall remain so until he/she is relieved in accordance with the Rules. In accordance with RC 120.36, a \$25.00 fee will be assessed unless waived or reduced.

Marguerite Slagle
Attorney for Defendant

Attorney (Signature)

230 E 9th St
Suite 3000
Cincinnati, OH 45202

82217
Supreme Court Number

(513)946-3838
Telephone

APPROVED AND FILED
FOR JOURNALIZATION

Date

1/11/16

Judge

ENTERED

Date

Minute



D113182233

Report: CP_desig

Ohio Rev. Code Ann. § 120.16(A)

120.16 Powers of representation by county public defenders

(A)(1) The county public defender shall provide legal representation to indigent adults and juveniles who are charged with the commission of an offense or act that is a violation of a state statute and for which the penalty or any possible adjudication includes the potential loss of liberty and in postconviction proceedings as defined in this section.

(2) The county public defender may provide legal representation to indigent adults and juveniles charged with the violation of an ordinance of a municipal corporation for which the penalty or any possible adjudication includes the potential loss of liberty, if the county public defender commission has contracted with the municipal corporation to provide legal representation for indigent persons charged with a violation of an ordinance of the municipal corporation.