

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL STUMPH, PETITIONER

V.

THE STATE OF OHIO, RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO THE OHIO COURT OF APPEALS, FIRST APPELLATE DISTRICT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

**LAW OFFICE OF THE HAMILTON COUNTY
PUBLIC DEFENDER**

Krista M. Gieske, Esq.
Assistant Public Defender
(*Counsel of Record*)

Raymond T. Faller, Esq.
Hamilton County Public Defender

Christine Y. Jones, Esq.
Appellate Director

230 East Ninth Street, Second Floor
Cincinnati, Ohio 45202
513.946.3713 voice
513.946.3840 facsimile
kgieske@hamiltoncountypd.org

Counsel for Petitioner, Michael Stumph

MOTION

Petitioner Michael Stumph (“Stumph”) respectfully requests leave to file the attached Petition for a Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*.

This relief is warranted because during all phases of the proceedings below Stumph sought similar relief and counsel was appointed to him. Counsel was appointed by the Hamilton County Court of Common Pleas on January 6, 2017 to represent Stumph in the capital trial proceedings for *State v. Stumph*, No. B-1607280. *Entry attached at Apx. 0001*. On September 21, 2017, the Hamilton County Court of Common Pleas appointed a mitigation specialist for the case to be paid at public expense. *Entry attached at Apx. 0002*.

Counsel was appointed by the Hamilton County Court of Common Pleas on May 21, 2019 and May 29, 2019, respectively, to represent Stumph in his direct appeal before the Court of Appeals of Ohio, First Appellate District in *State v. Stumph*, No. C-190318. *Entries attached at Apx. 0004 & 0005*.

As further grounds for relief, Stumph has been incarcerated in the Warren Correctional Institution on a sentence of life without the possibility of parole without the opportunity to maintain employment during the years-long pendency of these proceedings. He therefore remains indigent and unable to hire counsel.

For the foregoing reasons, Stumph respectfully requests leave to file the attached Petition for a Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*.

Respectfully Submitted,

**LAW OFFICE OF THE HAMILTON COUNTY
PUBLIC DEFENDER**

/s/ Krista M. Gieske

Krista M. Gieske, Esq.
Assistant Public Defender
(*Counsel of Record*)

Raymond T. Faller, Esq.
Hamilton County Public Defender

Christine Y. Jones, Esq.
Appellate Director

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Counsel for Petitioner, Michael Stumph

ENTERED
AUG 20 2018

JUDGE ROBERT P. RUEHLMAN
COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

THE SUPREME COURT OF OHIO

In the Common Pleas Court of HAMILTON County

Appointment of Trial Counsel in a Capital Case

*NUNC PRO TUNC
1-6-17*

This form is used pursuant to Rule 20 of the Rules of Superintendence for the Courts of Ohio to report the appointment of trial counsel where the defendant is indigent, counsel is not privately retained by or for the defendant, and the death penalty can be or has been imposed upon the defendant. **Return this form within two weeks of appointment to: Tammy White, Supreme Court of Ohio, 65 S. Front Street, 5th Floor, Columbus, OH 43215-3431. A copy of the indictment must be attached.**

State of Ohio v. MICHAEL STUMPH Case No. B1607280

Trial Judge: ROBERT RUEHLMAN Atty. Registration No. #0021463

Lead Counsel

Co-Counsel

Name: WILLIAM WELSH

Name: SCOTT RUBENSTEIN

Atty. Reg. No. 0059973

Atty. Reg. No. 0071655

Address: 215 E. 9TH STREET, STE 100
CINCINNATI, OHIO 45202

Address: 125 E. COURT STREET, STE 1000
CINCINNATI, OHIO 45202

Telephone: (513) 241-1989

Telephone: (513) 241-7460

Certified Under Sup.R. 20 as:

Lead Counsel ☒
Co-Counsel ☐
Appellate Counsel ☐

Certified Under Sup.R. 20 as:

Lead Counsel ☐
Co-Counsel ☒
Appellate Counsel ☐

Date of Appointment: 1-6-17

Date of Appointment: 1-6-17

ATTORNEY CERTIFICATION

We hereby accept appointment as trial counsel in this case. We affirm that we are currently certified under Sup.R. 20 to accept appointment as lead counsel or co-counsel, and certify that this appointment will not create a total workload so excessive that it interferes with or prevents the rendering of quality representation in accordance with constitutional and professional standards.

[Signature] 0059973
Lead Counsel
Date: 1-6-17

[Signature] 0071655
Co-Counsel
Date: 1-6-17



ENTERED
SEP 21 2017

IN THE COMMON PLEAS COURT
HAMILTON COUNTY, OHIO

STATE OF OHIO,

Plaintiff,

vs.

MICHAEL STUMPH

Defendant.

Case B1607280

Judge Ruehlman

JUDGE ROBERT P. RUEHLMAN
COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

**ENTRY AUTHORIZING APPOINTMENT OF MITIGATION SPECIALIST AND
PAYMENT OF FEES FOR SAME**

This matter having come before the Court upon the motion of the Defendant for appointment of mitigation specialist and payment of fees for same, whereupon the Court finds this motion to be well-taken and hereby grants same.

IT IS THE ORDER of this Court that Koch and Associates, Linda Richter, is hereby appointed as mitigation specialist for the Mr. Stumph. All fees and costs relative to Koch and Associates are to be paid at public expense. Estimate for Koch and Associates fees are attached as Exhibit "A".


William M. Welsh 0059973

JUDGE ROBERT P. RUEHLMAN
COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

JUDGE ROBERT RUEHLMAN
COMMON PLEAS COURT

JUDGE ROBERT P. RUEHLMAN
COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO



KOCH & ASSOCIATES LLC

**Private Investigations
59 West Livingston Avenue
Columbus, Ohio 43215**

**Kathryn Koch 614-224-1515
Linda Richter 614-203-3116
Fax: 614-224-2418**

August 29, 2017

Will Welsh
via email

Re: Michael Stumph Case #B1607280

Dear Will:

Thank you for considering us to work with you and Mr. Stumph. Our fee is \$95.00 per hour plus expenses, which in this case should be mostly mileage at 50 cents per mile and database searches, anywhere from one to ten dollars.

It is optimal for us if your judge would set a cap to work toward and we submit billing for payment either every other month or a cap of \$2,500, whichever comes first.

We look forward to hearing from you and potentially working with you on this case.

Sincerely,

Kathy Koch

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,

Appellee,

vs.

MICHAEL STUMPH,

Appellant.

APPEAL NO. C-190318

TRIAL NO. B-1607280

ENTRY GRANTING MOTION OF
SCOTT A. RUBENSTEIN TO
WITHDRAW AND APPOINTING
WILLIAM F. OSWALL, JR., AS
NEW COUNSEL

This cause came on to be considered upon the motion of Scott A. Rubenstein, counsel for appellant, for leave to withdraw and for the appointment of new counsel.

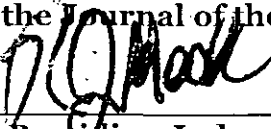
The motion is well taken and is granted.

Wherefore, the Court appoints William F. Oswall, Jr., #0080597, as new counsel for the appeal. Counsel shall file a docket statement on or before June 7, 2019.

To The Clerk:

Enter upon the Journal of the Court on MAY 21, 2019 per order of the Court.

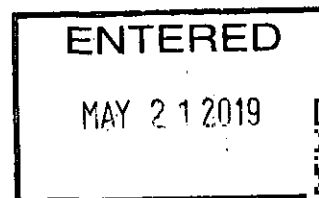
By: _____


Presiding Judge

(Copies sent to all counsel)



D125491750



Apx. 0004 VERIFY RECORD

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,

Appellee,

APPEAL NO. C-190318
TRIAL NO. B-1607280

vs.

MICHAEL STUMPH,

Appellant.

ENTRY APPOINTING OFFICE OF
THE HAMILTON COUNTY PUBLIC
DEFENDER AS APPELLATE
COUNSEL

This cause came on to be considered upon the appeal from the trial court.

The Court hereby appoints the Office of the Hamilton County Public Defender to represent appellant. The Public Defender shall designate counsel and file a docket statement on or before June 7, 2019. Attorney William F. Oswall, Jr., is hereby relieved of any further obligation in the matter.

To The Clerk:

Enter upon the Journal of the Court on MAY 29 2019 per order of the Court.

By: 
Presiding Judge

(Copies sent to all counsel)



D125560468

