

Court of Appeals of Ohio, Eighth District

County of Cuyahoga
Nailah K. Byrd, Clerk of Courts

STATE OF OHIO

Appellee

COA NO.
110172

LOWER COURT NO.
CR-19-638518-A

COMMON PLEAS COURT

-vs-

DOMINIQUE C. SWOPES

Appellant

MOTION NO. 543556

Date 02/08/21

Journal Entry

Motion by appellee to dismiss appeal for lack of a final appealable order is granted. The trial court's pretrial discovery order allowing the State's consumption of the remaining DNA source does not constitute an order pursuant to Crim.R. 42(E), which allows for appeal of the trial court's refusal to appoint an expert in a capital case. Here, the trial court is permitting the appellant to have an expert observe the testing of the DNA. The order also does not constitute a provisional remedy. Should appellant be convicted, he will be afforded a meaningful and effective remedy upon review of his direct appeal. See *State v. Gaines*, 8th Dist. Cuyahoga No. 91179, 2009-Ohio-622; *State v. Abercrombie*, 8th Dist. Cuyahoga No. 88625, 207-Ohio-5071, P23-26; *State v. Warren*, 11th Dist. Trumbull No. 2010-T-027, 27-29. Appeal dismissed.

Judge Sean C. Gallagher, Concur



Mary J. Boyle
Administrative Judge

Court of Appeals of Ohio, Eighth District

County of Cuyahoga
Nailah K. Byrd, Clerk of Courts

STATE OF OHIO

Appellee

COA NO.
110172

LOWER COURT NO.
CR-19-638518-A

COMMON PLEAS COURT

-vs-

DOMINIQUE C. SWOPES

Appellant

MOTION NO. 544343

Date 03/08/21

Journal Entry

Motion by Appellant for reconsideration is denied.

Judge Sean C. Gallagher, Concurs



Mary J. Boyle
Administrative Judge

The Supreme Court of Ohio

FILED

JUL -6 2021

CLERK OF COURT
SUPREME COURT OF OHIO

State of Ohio

Case No. 2021-0394

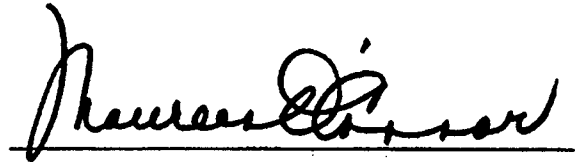
v.

ENTRY

Dominique C. Swopes

Upon consideration of the jurisdictional memoranda filed in this case, the court declines to accept jurisdiction of the appeal pursuant to S.Ct.Prac.R. 7.08(B)(4).

(Cuyahoga County Court of Appeals; No. 110172)



Maureen O'Connor
Chief Justice

The Supreme Court of Ohio

FILED

SEP 14 2021

CLERK OF COURT
SUPREME COURT OF OHIO

State of Ohio

v.

Dominique C. Swopes

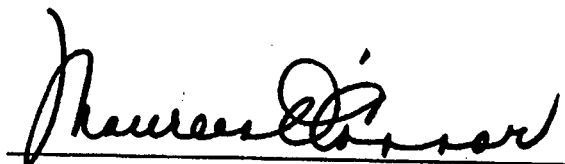
Case No. 2021-0394

RECONSIDERATION ENTRY

Cuyahoga County

It is ordered by the court that the motion for reconsideration in this case is denied.

(Cuyahoga County Court of Appeals; No. 110172)



Maureen O'Connor
Chief Justice