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April 24, 1992

Mr. Billy Scott  
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P.O. Box 45699  
Lucasville, Ohio 45699-0001

Dear Bill:

I got your letter postmarked April 6, 1992. I am still waiting on a decision from the Court of Appeals. I don't know if this is a good sign or not. As I had explained to your father one of the Judges was a visiting Judge, who is normally a Common Pleas Judge for Clark County. This Judge appeared to make faces and not be very impressed with the fact that Judge Abruzzo had tried to correct this transcript. I am very optimistic and hopeful that we will get a favorable decision. Once I have obtained the Decision I will forward that to you. At this late date it doesn't look like you are going to get it for your birthday.

I have tried numerous times (as you well know) to get ahold of Kevin Gray. Your dad did tell me about Kevin and I would be happy to get a notarized statement from him or a video tape statement from him; but, he is avoiding me like the plague.

I still have the chain and other than the last nasty phone call I received from Marge I have not heard anything further. I will at some point probably send the chain back but before doing so I will photograph it showing that it is in excellent condition should you get your new trial and should there be any questions about it.

I had talked with your father at length when he was here about filing another Motion for your new trial. I explained to him that we could file another Motion for new trial on newly discovered evidence. I would refer you to Criminal Rule 33 in Ohio Revised Code Section 2945.79. These sections set forth any limitations that might be. Obviously, the only time limitation on any newly discovered evidence is after it is discovered. I had suggested to your father that he try and work the angles getting a statement or some incriminating evidence against Mr. Johnson. While I understand that money may be tight now might be a real good time to do pursue that since business is slow for your father.

I think you received copies of the Notice of Appeal and a Motion for Transcript. The request for Transcript was granted but I have no idea as to the request for appointed counsel for the Appeal. I am anticipating that some body will get a hold of me at which point I will let you know and give him your address and you his.

Page 2

I really do think Judge Elliott was paying attention at the trial; however, I did disagree with his sentence obviously. The only ruling that I could truly argue with was the decision to allow me to further interrogate the Private Investigator.


Ms. Ferguson has hired Carol Lindstrom from Legal Aid to be First Assistant Prosecuting Attorney. It is my understanding that Mr. Bruns will be announcing his candidacy as an independent for the Prosecutor position any day now.

Cool your jets as far as the unit manager is concerned. You know that in the end you ultimately lose whenever you face off with those guys because there are no rules or restrictions that apply to them. Bide your time for a little bit and I'm sure your security status will be reduced. If not by winning this appeal then simply by your continued good behavior.

In the event that we should miss on this appeal and the Court of Appeals should deny our request then we have to talk about filing an appeal to the Ohio Supreme Court. If that is the case we will have 30 days from the date of decision by the Court of Appeals in which to file a Jurisdiction brief asking the Supreme Court to take jurisdiction. I think we have the grounds to do that but I would have to wait to see. I am still optimistic but I am trying to prepare you for all potential possibilities. The Supreme Court filing fee would be \$50.00. An appeal to the Supreme Court, unless it is a death penalty case, is not a right.

Keep me informed as the status whether you are going to hire an Attorney for the second appeal. If I hear anything else I will let you know. Hang in there. Just remember those that are successful in life always adapt to plan B.

Sincerely,

  
H. Steven Hobbs  
Attorney at Law

HSH/ha