

In the Court of Common Pleas

Summit, Ohio

Judge: Allison Bress

Case No. 2019-11-3893-A

2020 MAR 23 PM 1:05
SANDRA KUH
Motion to dismiss and discharge according to
Crim 7(A), pursuant to RC 3903.04

SUMMIT COUNTY
CLERK OF COURTS

State of Ohio
Plaintiff
v.
Aaron A. Cole
pro se
Defendant

Now comes the defendant who is pro se, who moves to dismiss the indictment, the complaint and discharge the defendant.

Memorandum in Support

When an indictment or information is not filed within 14 days of arrest, the complaint is to be dismissed and the defendant discharged according to Criminal 7(A). Criminal 7(D) is not sufficient to withstand a dismissal, since the rule only gives the prosecutor the ability to [amend] in respect to a defect, imperfection, or omission in form or substance. Rule 7(D) does not provide a substitute on neglect the 14 day provision in which Rule 7(A) prescribes. It also does not supersede Criminal 7(A) and its provisions. In fact, the 14 day provision in Criminal 7(A) is about "the actions" that has to be taken after the indictment is issued, not about the form or substance of the indictment itself. On 12/17/19, both defendants were presented with supplemental indictments while in Allison Bress court room. They were waived by both defense counsel. Defendant has his complete docket and family has been on the Clerk of Court website and has taken screenshots of both defendants complete dockets. No indictment or information was filed within 14 days from the date of the arrest of the Supplemental indictment on 12/17/19. According to Criminal 7(A) the complaint should be dismissed and the defendants discharged. Defendant now demands that the complaint be dismissed and the defendant discharged.

cc: Jay Cole
Assistant Prosecutor
cc: Tyler Wintney
Defense Attorney
cc: John Chapman
Advisory Counsel

CERTIFICATE OF SERVICE

I hereby certify that a copy was served upon the Summit County Prosecutor addressed to his/her office at 53 University Ave Akron, OH on the 30 day of March 2020.