

CLAIM NUMBER 2

[Use copies of this page to list any additional constitutional claims. List each claim individually. Use the same format used in the first claim for all other claims. Continue to number all paragraphs consecutively, beginning with Paragraph 10 for Claim Number Two.]

(10)a. Statement of constitutional claim: Defendant was deprived
of his sixth amendment right to counsel because
trial counsel was ineffective.

(10)b. Short statement of facts supporting the claim: Trial Counsel
failed to hire approved forensic accountant to
audit financial records in question proving that
funds were accounted for. Trial counsel lied
to defendant.

(10)c. The following evidence and/or affidavits are attached to support the claim:
1. Email exchange between counsel & defendant 2.
Defendant affidavit. 3. Accountant affidavit. 4.
Evidence/report by accountant.

(10)d. Evidence supporting this claim is not attached because Petitioner needs
the assistance of an attorney, investigator, psychologist and/or _____
to produce the evidence. (See Petitioner's Motions for Expert Assistance and for
Appointment of Counsel, filed with this petition.)

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Notes

W. Alex Smith Dear Harold; This is Ashley, Alex's assis Thu, Oct 24, 2019 at 9:54 AM

W. Alex Smith <walex@smithjd.com> To: Harold Thu, Oct 31, 2019 at 9:32 AM

Jason,

I need to update you on developments on your case. Late yesterday, I received a call from the prosecutor that the AG's office provided almost 700 more pages of discovery that they had not already provided to the prosecutors office. These documents largely consist of meeting minutes, quickbook records, and receipts. I believe that you provided me some of these but at that volume, I need time to go over everything. Also, these are documents that were not available to the expert that Justin previously had on your case to review. Both the prosecutor and myself are not comfortable going forward Monday with trial with the late appearance of these documents. I especially because these records could very well help us in trial if they fill if for the "questionable" transactions. Obviously we can object to a continuance but I do not believe that it is in our best interest to object. I need time to review these doc and potentially have our own expert look at them. Please call me ASAP 419.740.1274 and leave a message if im not available or text me. I am meeting with the judge at 11:30 today.

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W. Alex Smith, Esq.
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W. Alex Smith <walex@smithjd.com> To: Harold Fri, Nov 1, 2019 at 4:25 PM

Will do.

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W. Alex Smith, Esq.
SmithJD, LLC

