

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
WOOD COUNTY

State of Ohio

Court of Appeals No. WD-10-008

Appellee

Trial Court No. 2008CR0529

v.

Cory Mendoza aka Waltz

DECISION AND JUDGMENT

Appellant

Decided: May 26, 2011

* * * * *

Mollie B. Hojnicky, for appellant.

* * * * *

PER CURIAM.

{¶ 1} This matter is before the court on appellant Cory Mendoza's motion for appointment of counsel for the purpose of appeal to the Supreme Court of Ohio. In *State v. Mendoza*, 6th Dist. No. WD-10-008, 2011-Ohio-1971, we affirmed appellant's judgment of conviction of two counts of aggravated vehicular homicide, two counts of aggravated vehicular assault, one count of operation of a motor vehicle while under the influence, one count of endangering children, one count of failure to comply with the order or signal of a police officer and one count of failure to stop after an accident.

{¶ 2} An indigent defendant has the right to appointed counsel at every stage of criminal proceedings through an appeal as of right. The Sixth Amendment to the United States Constitution; Section 10, Article I, Ohio Constitution; Crim.R. 44. However, there is no constitutional right to appointed counsel for a discretionary appeal. *Ross v. Moffitt* (1974), 417 U.S. 600; *State v. Watts* (1989), 57 Ohio App.3d 32, 33.

{¶ 3} An appeal by appellant to the Ohio Supreme Court in this case would be discretionary. S.Ct.Prac.R. II(1)(A)(1)-(3). Thus, appointment of counsel is unwarranted. This motion is therefore not well-taken and is denied.

MOTION DENIED.

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, J.

JUDGE

Thomas J. Osowik, P.J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.