

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

State of Ohio

Court of Appeals No. L-09-1262

Appellee

Trial Court No. CR0200803575

v.

Levoyd Jones

**DECISION AND JUDGMENT**

Appellant

Decided: June 21, 2011

\* \* \* \* \*

Sarah K. Skow, for appellant.

\* \* \* \* \*

PER CURIAM.

{¶ 1} This matter is before the court on appellant Levoyd Jones' motion for appointment of counsel for the purpose of appeal to the Supreme Court of Ohio. In *State v. Jones*, 6th Dist. No. L-09-1262, 2011-Ohio-2173, we affirmed appellant's judgment of conviction of two counts of rape of a minor under ten years of age.

{¶ 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.

Peter M. Handwork, J.

Mark L. Pietrykowski, J.

Thomas J. Osowik, P.J.  
CONCUR.

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
JUDGE

<p>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: <a href="http://www.sconet.state.oh.us/rod/newpdf/?source=6">http://www.sconet.state.oh.us/rod/newpdf/?source=6</a>.</p>
---