

**IN THE SUPREME COURT OF OHIO**

**THE STATE OF OHIO ex rel.** )  
**CHELSEA J. PANZECA, ESQ.** )  
810 Sycamore Street, 5th Floor )  
Cincinnati, Ohio 45202, )

**CASE NO.**

and )

**ORIGINAL ACTION IN**  
**MANDAMUS**

**RONALD W. SHEPARD** )  
2278 Kay Road )  
Sardinia, Ohio 45171, )

**Relators,** )

**v.** )

**THE HIGHLAND COUNTY** )  
**COURT OF COMMON PLEAS,** )  
**GENERAL DIVISION; JUDGE** )  
**ROCKY A. COSS** )  
105 North High Street )  
Hillsboro, Ohio 45133, )

**Respondents.** )

**VERIFIED COMPLAINT IN MANDAMUS**

Relators, Chelsea J. Panzeca, Esq. and Ronald W. Shepard, in the name of the State of Ohio on relation, state as their Verified Complaint in Mandamus against Respondents, the Highland County Court of Common Pleas, General Division, and Judge Rocky A. Coss, as follows:

**JURISDICTION**

1. This Court possesses original jurisdiction over this Verified Complaint in Mandamus. Since the adoption of the Modern Courts Amendment in 1968, this Court’s original jurisdiction has extended to matters in “Mandamus” as that term was understood at the time. *Article IV, Section 2(B)(1)(b) of the Ohio Constitution.*

## **PARTIES**

2. Since November 7, 2016, Relator Chelsea J. Panzeca, Esq. (“Attorney Panzeca”) is and has been a duly licensed attorney at law in Ohio in good standing with this Court. *Certificate of Good Standing authenticated May 1, 2023 (“Cert. Good Standing”), attached at Apx. 0003.*

3. Relator Ronald W. Shepard (“Shepard”) is the sole named defendant in the matter captioned *State v. Shepard*, Highland C.P. No. 23CRO027 (the “Criminal Case”).

4. Shepard selected and retained Attorney Panzeca to defend him from criminal liability in the Criminal Case.

5. Attorney Panzeca is lead counsel of record in the Criminal Case.

6. Since August 25, 2008, Respondent Judge Rocky A. Coss (“Judge Coss”) has been, and continues to be, the only duly appointed and elected judge on the Highland County Court of Common Pleas, General Division and is charged with the responsibility of operating and administering the judicial office in accordance with the law.

7. Judge Coss is presently presiding over the Criminal Case.

## **BACKGROUND**

8. Attorney Panzeca works at the law firm of Bleile & Dawson, which focuses its practice on defending individuals who have been charged with sex crimes.

9. On February 7, 2023, the grand jury in Highland County, Ohio, indicted Shepard with one count of Gross Sexual Imposition against a child victim, a third-degree felony in violation of R.C. 2907.05(A)(4), giving rise to the Criminal Case.

10. The Criminal Case was initially scheduled for trial on April 27, 2023. *Journal entry filed February 14, 2023, attached at Apx. 0004.*

11. Judge Coss initially appointed counsel for Shepard. But after considering

his options, Shepard concluded that Attorney Panzeca possessed the skills, qualities, and experience as a lawyer that would be required to defend him from the State's charges.

12. Shepard was arraigned and released on bond on February 10, 2023.

13. On February 20, 2023, Shepard hired Attorney Panzeca and her firm to lead his defense.

14. Attorney Panzeca is pregnant with twins, and she had been working with the various courts where she has appeared to clear her schedule for a short maternity leave running from her approximate due date of May 25 and until August 15, 2023. She has been granted reasonable continuances for this purpose in the following matters:

*State v. Finley*, Hamilton C.P. No. B2205386;

*State v. Rodriguez*, Hamilton C.P. No. B2202282; and

*State v. Miller*, Butler C.P. No. CR2021 02 0181.

15. Attorney Panzeca made her appearance in the Criminal Case and represented Shepard at a pretrial hearing on March 8, 2023. *Transcript of March 8, 2023 Hearing ("3/8/23 Tr.")*, attached at *Apx. 0005-20*. She was joined by her co-counsel, named law firm partner Adam B. Bleile, Esq. ("Attorney Bleile"), who sits second chair for Attorney Panzeca to provide her with necessary support during jury trials. *3/8/23 Tr., Apx. 0006*.

16. During the March 8, 2023 hearing, Attorney Panzeca informed Judge Coss that she and Attorney Bleile each had a preexisting professional obligation on the April 27, 2023 trial date. *3/8/23 Tr., Apx. 0009-10*. After noting that there was no speedy-trial issue with Shepard out on bond, Judge Coss inquired whether counsel was available for trial on May 8, 2023. *Id., Apx. 0005, 0007*. Attorney Panzeca explained that she was pregnant, her due date was May 25, 2023, but her doctor expected her to give birth during

the week of May 8th because she was having twins. *Id.*, *Apx. 0007*. Attorney Panzeca volunteered that she had childcare arranged beginning August 15, 2023, and would be available for trial then. *Id.*

17. In response, Judge Coss interjected: “Well, I am not going to continue this for 12 weeks because of maternity leave for somebody who came into a case and the [sic] already had a trial date.” *3/8/23 Tr.*, *Apx. 0007-8*. The court indicated that “June the 12th is the latest I can go.” *Id.*, *Apx. 0008*.

18. Attorney Panzeca said that the May 8, 2023 trial date would be “safer.” *3/8/23 Tr.*, *Apx. 0008*. She reasonably believed at the time that she could handle the anticipated one-day trial on May 8th. Accordingly, she asked the trial court to set trial for that date. *Id.*

19. On March 9, 2023, the trial court issued an entry rescheduling trial in the Criminal Case for May 8, 2023. *Journal entry filed March 9, 2023, attached at Apx. 00021*.

20. Thereafter, Attorney Panzeca consulted with her physicians, who directed her to begin taking bed rest earlier than expected on May 1, 2023. *Transcript of April 19, 2023 Hearing (“4/19/23 Tr.”)*, attached at *Apx. 00025-26*.

21. On April 14, 2023, Attorney Panzeca filed a written motion renewing Shepard’s request for a continuance of trial until August 2023 and raising Shepard’s Sixth Amendment right to have counsel of his choice defend him. *Motion to Continue Jury Trial filed April 14, 2023, attached at Apx. 00048-49*. She forwarded a copy of her doctor’s note explaining that she needed to take bed rest beginning May 1, 2023, directly to the court to keep her sensitive and confidential medical information out of the public record. *Id.*, *Apx. 00048*; see *4/19/23 Tr.*, *Apx. 00025-26*.

22. The State of Ohio filed a written objection to the renewed request for a continuance until August 2023. *State's Objection to Motion to Continue Jury Trial filed April 13, 2023, attached at Apx. 00050-51.*

23. For his part, Attorney Bleile is the wrong advocate to lead Shepard's defense. The attorneys at Bleile & Dawson have engaged in substantial research in their field, observing firsthand that Attorney Panzeca will be able to defend Shepard in ways that Attorney Bleile cannot. *Affidavit of Ashley Witte Dawson executed May 1, 2023 ("Dawson Affidavit"), attached at Apx. 00052-53, ¶ 1-13.* In light of their repeated experiences speaking with jurors after trial and studying the responses of mock jurors in jury sample exercises, it is standard practice at Bleile & Dawson for Attorney Panzeca to take the lead on Ohio criminal cases like this one, in which an alleged victim is a minor child. *Dawson Affidavit, ¶ 8-9.* There is an unquantifiable but palpable social difference between the way that jurors will respond when Attorney Panzeca and Attorney Bleile cross-examine the same child witness. *Affidavit of Robert Douglas Koewler executed May 1, 2023 ("Koewler Affidavit"), attached at Apx. 00054-55, ¶ 1-7.*

24. Shepard has reasonably concluded that Attorney Panzeca is a better choice for lead attorney in his defense. *See Dawson Affidavit, ¶ 14; Koewler Affidavit, ¶ 8-10.*

25. On April 19, 2023, the trial court held a hearing on the renewed request for a continuance. *4/19/23 Tr., Apx. 00022-47.* Attorney Panzeca explained that if she had known that bed rest would become medically necessary, she never would have asked to schedule trial for early May. *4/19/23 Tr., Apx. 00026.* She indicated that Shepard had retained her as lead counsel for the Criminal Case, and Attorney Bleile would usually appear to support her during trial. *Id.* She pointed out that even with a continuance until August, the trial of the Criminal Case would commence within the statutory speedy-trial

time. *Id.* Further, if needed, Shepard was willing to waive the right to a speedy trial in order to have counsel of his choice. *Id.* Finally, she urged that the alleged victim had already waited a long time for an indictment to issue, and a further delay until August would not result in any prejudice to them or the prosecution. *Id.*, *Apx. 00026-27.*

26. During the hearing, the State of Ohio and the alleged victim's representative both objected to the request for a continuance until August. *4/19/23 Tr.*, *Apx. 00027-29.* Highland County Assistant Prosecutor Anneka Collins denied that the State had delayed in seeking the indictment, indicating that the matter had been examined from March 10, 2022, until the investigative file was handed over to prosecutors on November 23, 2022. *Id.*, *Apx. 00027.*

27. In response, Attorney Panzeca relied upon written discovery showing that all investigative steps were completed on March 21, 2022, and there was no apparent indication as to why the file had not been provided to prosecutors until November 23, 2022. *4/19/23 Tr.*, *Apx. 00029.* She pointed out that Shepard had only been indicted in February, and the continuance would merely postpone trial until August. *Id.* She concluded by asking the trial court to balance scheduling concerns against Shepard's constitutional right to counsel of his choice and to grant the requested continuance. *Id.*

28. Judge Coss denied from the bench the written motion to continue trial until August 2023. *4/19/23 Tr.*, *Apx. 00033.* Explaining the ruling, the trial court first concluded that the State's months-long delay in investigating the case and issuance of an indictment did not have "any relevance whatsoever," and the only issue was whether the continuance should be granted. *Id.*, *Apx. 00030.* The court noted that Substitute House Bill 343, which enacted crime-victim protections supplemental to Marsy's Law, had become effective on April 6, 2023, thus requiring him to consider the interests of the

alleged victim. *Id.*

29. Without any prior argument or evidence in the record in support, the trial court observed that because of Attorney Panzeca's "health situations," there was "no guarantee" that she would be prepared to go to trial in August due to a "risk, you know, of complications." *4/19/23 Tr., Apx. 00030.* "[I]t could easily be another continuance requested, you know, nobody knows." *Id.* The court also noted that Attorney Panzeca was "aware of [her] condition when [she] accepted the engagement" and that "any time an attorney comes into a case, they have to be aware of the schedule." *Id., Apx. 00031.* And the court questioned Attorney Panzeca's competence to serve as lead counsel in the Criminal Case given her pregnancy: "[P]rofessional conduct Rule 1.16 provides that, you know, if a lawyer's physical health -- physical or mental health would materially affect their ability to represent a defendant, they should withdraw." *Id., Apx. 00032.*

30. The court also raised the "six-month timeline to complete a criminal case from the time of the arraignment" mandated by Sup.R. 39(B)(1). *4/19/23 Tr., Apx. 00031.*

31. Finally, the trial court directed that if Attorney Panzeca was "not able to participate, then so be it," directing that Attorney Bleile would have to "be the attorney individually." *4/19/23 Tr., Apx. 00033.*

32. On April 20, 2023, Judge Coss issued an entry denying the requested continuance and directing that trial would proceed on May 8, 2023. *Journal entry filed April 20, 2023, attached at Apx. 00056.*

33. There are no suitably qualified attorneys available who can appropriately and competently represent Shepard in the Criminal Case as well as Attorney Panzeca can, particularly upon such short notice. At substantial expense to the client, she has already

devoted substantial time and effort to investigating the prosecution's case and preparing to conduct the defense at trial. Shepard cannot afford, and does not desire, to hire replacement counsel to essentially duplicate these efforts.

### **MANDAMUS RELIEF**

34. Shepard possesses a clear legal right to counsel of his choice to defend him in the Criminal Case pursuant to the Sixth Amendment to the United States Constitution. *United States v. Gonzalez-Lopez*, 548 U.S. 140, 144, 126 S.Ct. 2557, 165 L.Ed.2d 409 (2006); *Wheat v. United States*, 486 U.S. 153, 159, 108 S.Ct. 1692, 100 L.Ed.2d 140 (1988); *Powell v. State of Ala.*, 287 U.S. 45, 53, 53 S.Ct. 55, 77 L.Ed. 158 (1932) (“It is hardly necessary to say that the right to counsel being conceded, a defendant should be afforded a fair opportunity to secure counsel of his own choice.”); *State ex rel. Ogle v. Hocking Cty. Common Pleas Court*, 167 Ohio St.3d 181, 2021-Ohio-4453, 190 N.E.3d 594, ¶ 17, 25; *State v. Daily*, 184 Ohio App.3d 241, 2009-Ohio-4582, 920 N.E.2d 411, ¶ 10 (2d Dist.). Moreover, this right “commands not that a trial be fair, but that a particular guarantee of fairness be provided—to wit, that the accused be defended by the counsel he believes to be best.” *Gonzalez-Lopez*, 548 U.S. at 146, 126 S.Ct. 2557, 165 L.Ed.2d 409. The “right to counsel of choice” in a criminal matter is violated when a “defendant is erroneously prevented from being represented by the lawyer he wants, regardless of the quality of the representation he received.” *Id.* at 148.

35. The right to counsel of one's choice is limited only narrowly. A criminal defendant may not insist on being represented by a non-lawyer, “an attorney he cannot afford or who for other reasons declines to represent the defendant,” or counsel with a conflict of interest. *Wheat*, 486 U.S. at 159, 108 S.Ct. 1692, 100 L.Ed.2d 140. None of these exceptions apply to prevent Shepard from demanding that Attorney Panzeca serve as

counsel in his defense.

36. Judge Coss is thus enjoined with a constitutional duty to permit Attorney Panzeca to represent and defend Shepard at trial in the Criminal Case.

37. Attorney Panzeca possesses a clear legal right to practice law and represent Shepard in the Criminal Case by virtue of her law license. *Dworken v. Apt. House Owners' Assn. of Cleveland*, 38 Ohio App. 265, 270, 176 N.E. 577 (8th Dist.1931), quoting *In re Co-operative Law Co.*, 198 N.Y. 479, 92 N.E. 15 (1910) (“ ‘When admitted to practice \* \* \* an attorney at law becomes an officer of the court; and, as such, he is entitled to certain rights and privileges, and subject to certain duties and liabilities, the due observance of which is necessary for the faithful administration of the law of the land, and in order that justice may be done.’ ”).

38. Pursuant to R.C. 4112.01(B): “Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes \* \* \* as other persons not so affected but similar in their ability or inability to work, and nothing in division (B) of section 4111.17 of the Revised Code shall be interpreted to permit otherwise.” The terms “employment” and “related” are not explicitly defined for the purpose of Revised Code Chapter 4112, and they should therefore be read in terms of their plain and ordinary meaning.

39. R.C. 4112.01(B) is substantively identical to its federal counterpart in the Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k), and Ohio courts frequently rely on federal case law in this context. *See, e.g., Cechowski v. Goodwill Industries of Akron, Ohio, Inc.*, 9th Dist. Summit No. 17944, 1997 WL 270523, \*6 (May 14, 1997). Federal courts recognize that a plaintiff may bring a discrimination claim against a party that is not her direct employer so long as the party controls the plaintiff’s employment

opportunities. *Axness v. Aqreva LLC*, 118 F.Supp.3d 1144, 1155-1156 (D.S.D.2015), quoting *Sibley Mem. Hosp. v. Wilson*, 488 F.2d 1338, 1341 (D.C.Cir.1973) (“To permit a covered employer to exploit circumstances peculiarly affording it the capability of discriminatorily interfering with an individual’s employment opportunities with another employer, while it could not do so with respect to employment in its own service, would be to condone continued use of the very criteria for employment that Congress has prohibited.”).

40. Because Attorney Panzeca is employed as an attorney and subject to the trial court’s direction as an officer of the court, and because Shepard’s request for a continuance was intended to provide Panzeca with a reasonable accommodation in relation to her employment, the trial court’s denial of the requested continuance was “employment-related” within the plain meaning of that phrase. To the extent that any other attorneys who are not pregnant have been granted similar 12-week continuances due to an “inability to work” for any other reason besides pregnancy, Attorney Panzeca possesses a clear legal right to similar treatment under R.C. 4112.01(B).

41. To the extent that there is any ambiguity with respect to these provisions of Revised Code Chapter 4112, the Ohio General Assembly has directed that they “shall be construed liberally for the accomplishment of its purposes, and any law inconsistent with any provision of this chapter shall not apply.” *R.C. 4112.08(A)*.

42. In the foregoing ways, Judge Coss is enjoined with clear legal duties to permit Attorney Panzeca to practice law and defend Shepard in the Highland County Court of Common Pleas and to provide reasonable accommodations for her pregnancy, labor, and delivery consistent with scheduling accommodations given to anyone else for any reason.

43. If Judge Coss proceeds with trial on May 8, 2023, or at any time before August 2023, Attorney Panzeca will be unable to serve as defense counsel for Shepard.

44. The request to continue trial in the Criminal Case until August 2023 was fully justified by Attorney Panzeca's temporary medical constraints relating to her impending labor and delivery.

45. Continuing trial in the Criminal Case until August 2023 will not interfere in any way with the administration of justice or the mandate in Sup.R. 39(B)(1) to conclude criminal trials within six months of an arraignment. Holding a trial in early August 2023 would provide full justice to all under the circumstances and would meet the requirement to proceed within six months of Shepard's February 10, 2023 arraignment. *Sup.R. 39(B)*.

46. Continuing trial in the Criminal Case for 12 weeks will not hinder the alleged victim's right to a prompt resolution of the case. Holding a trial in early August 2023 would conclude the dispute as quickly as any criminal defendant can expect under R.C. 2945.71(C)(2), which requires that a criminal defendant in a felony matter must "be brought to trial within two hundred seventy days after the person's arrest."

47. A purported crime victim's right to a "prompt conclusion" of a criminal proceeding "free from unreasonable delay" under Marsy's Law, Article I, Section 10a of the Ohio Constitution, and its implementing statutes cannot have been intended to provide greater protections than a criminal defendant's right to a "speedy" trial under the Sixth Amendment to the United States Constitution and the statutes implementing that right.

48. If there is any conflict between Marsy's Law, Article I, Section 10a of the Ohio Constitution or its implementing statutes and the right to counsel of Shepard's choice under the Sixth Amendment to the United States Constitution, the latter right

prevails as “the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” *Article VI, Paragraph II of the United States Constitution.*

49. Moreover, pregnancy is not a physical condition that “materially impairs” a “lawyer’s ability to represent the client” under Prof.R. 1.16(a)(2), and pregnant lawyers belong in Ohio’s courtrooms.

50. Of all the cases that the undersigned counsel have been able to locate and review that cite Prof.R. 1.16, not one even mentions pregnancy or maternity or parental leave. To the extent that labor and delivery will prevent Attorney Panzeca from defending Shepard at the presently schedule trial on May 8, 2023, that fact justifies and requires a continuance until August 2023. Attorney Panzeca’s temporary physical condition surrounding labor and delivery does not justify denial of such a postponement under circumstances that effectively disqualify her from practicing law on behalf of Shepard.

51. To the extent Judge Coss is entitled to exercise any discretionary authority with regard to Shepard’s request for a continuance, the court has failed to provide any legitimate justification for the refusal to delay trial until after Attorney Panzeca’s labor, delivery, and pre-planned maternity leave. The trial court’s decisions in this regard are thus necessarily unreasonable, arbitrary, and an abuse of any discretion, which may be corrected by issuance of a writ of mandamus. *State ex rel. Corrigan v. Seminatore*, 66 Ohio St.2d 459, 463-464, 423 N.E.2d 105 (1981); *State ex rel. Coen v. Indus. Comm.*, 126 Ohio St. 550, 186 N.E. 398 (1933), syllabus; *Bd. of Edn. of Sycamore v. State ex rel. Wickham*, 80 Ohio St. 133, 88 N.E. 412 (1909), paragraph one of the syllabus; *State ex rel. Milhoof v. Bd. of Edn. of Village of Barberton*, 76 Ohio St. 297, 81 N.E. 568 (1907), paragraph three of the syllabus. *Accord Smith v. Dartt*, 6th Dist. Lucas No. L-05-1124,

2005-Ohio-1885, ¶ 5 (issuing a writ of mandamus compelling an inferior court “to grant a continuance of the trial date”).

52. No court possesses the discretion to unjustifiably and unreasonably deny anyone their protected constitutional rights. Any law purporting to permit such an abuse of discretionary authority would violate Respondents’ due process and equal protection rights under the United States and Ohio Constitutions.

53. No viable and expedient alternative remedy exists at law to force Respondents to comply with their legal obligations to provide a reasonable accommodation for Attorney Panzeca’s labor, delivery, and pre-planned maternity leave, so that she may serve as lead trial counsel on behalf of Shepard. Specifically, Attorney Panzeca lacks standing to appeal any judgment issued in the Criminal Case, nor does she otherwise possess an expedient and effective mechanism at law to prevent the impending violations of her clear legal rights.

54. As to Shepard, a direct appeal in the normal course after trial could never provide him with an adequate or effective remedy for the constructive denial of his right to choose counsel for his defense:

A postconviction reversal of the trial court’s judgment would not be automatically effective. A criminal defendant might exhaust his or her resources during the first trial, thereby denying that defendant the counsel of his or her choice. Further, if counsel of choice were later deemed to have been erroneously removed, the subject matter of the first trial, including the strategy employed, witnesses cross-examined, etc., would be stale and likely weakened.

*State v. Chambliss*, 128 Ohio St.3d 507, 2011-Ohio-1785, 947 N.E.2d 651, ¶ 22. If Shepard is not presently entitled to an interlocutory appeal of the April 20, 2023 order denying a continuance, he lacks an adequate alternative remedy at law.

55. Because Shepard's constitutional right to select defense counsel in a criminal matter and Attorney Panzeca's legal right to practice law will be thwarted if a reasonable continuance is not provided, Relators will suffer grave and irreparable harm if Respondents are permitted to abuse their discretionary authority and violate the legal duties imposed upon them in this regard.

**PRAYER**

**WHEREFORE**, Relators Attorney Panzeca and Shepard request that this Court issue an appropriate writ of mandamus requiring Respondents, the Highland County Court of Common Pleas, General Division and Judge Coss, to issue an order continuing trial in *State v. Shepard*, Highland C.P. No. 23CR0027, until August 2023. Costs should be taxed to Respondents.

Respectfully Submitted,

/s/ Louis E. Grube

Louis E. Grube, Esq. (#0091337)

**[Counsel of Record]**

Paul W. Flowers, Esq. (#0046625)

**FLOWERS & GRUBE**

Terminal Tower, 40th Floor

50 Public Square

Cleveland, Ohio 44113

(216) 344-9393

leg@pwfco.com

pwf@pwfco.com

*Attorneys for Relators,*

*Chelsea J. Panzeca, Esq. and Ronald*

*W. Shepard*

**CERTIFICATE OF SERVICE**

I certify that courtesy copies of the foregoing **Verified Complaint in Mandamus** were provided by email on May 3, 2023, to the Respondents' assignment commissioner, Marsha Oyer, [moyer@hccpc.org](mailto:moyer@hccpc.org), and counsel for the State of Ohio, Anneka Collins, Highland County Prosecutor, Anneka Collins, [acollins@hcprosecutor.org](mailto:acollins@hcprosecutor.org).

*/s/ Louis Grube*

Louis E. Grube, Esq. (#0091337)

**FLOWERS & GRUBE**

*Attorney for Relators,  
Chelsea J. Panzeca, Esq. and Ronald  
W. Shepard*

STATE OF OHIO

)

COUNTY OF Highland

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SS

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AFFIDAVIT

I, Ronald Shepard, having been duly cautioned and competent to testify as to all of the following matters, hereby state as follows from my own personal knowledge:

1. I am one of the Relators in this litigation.
2. I am the named defendant in the matter captioned *State v. Shepard*, C.P. Highland No. 23CR0027.
3. I have been actively involved in the events described in the foregoing Verified Complaint in Mandamus.
4. The facts set forth in the foregoing Verified Complaint in Mandamus are true and correct to the best of my knowledge, information, and belief.

FURTHER AFFIANT SAYETH NAUGHT.

Ronald W Shepard  
Signature

Ronald W Shepard  
Printed Name

SWORN BEFORE ME IN MY PRESENCE this 2 day of May, 2023.



**JEFFERY D. MEYER**  
Notary Public, State of Ohio  
My Commission Expires  
April 19, 2024

Jeffery D Meyer  
NOTARY PUBLIC

STATE OF OHIO

COUNTY OF Hamilton

)  
)  
)

SS  
**AFFIDAVIT**

I, Chelsea J. Panzeca, having been duly cautioned and competent to testify as to all of the following matters, hereby state as follows from my own personal knowledge:

1. I am one of the Relators in this litigation.
2. I have been actively involved in the events described in the foregoing Verified Complaint in Mandamus.
3. The facts set forth in the foregoing Verified Complaint in Mandamus are true and correct to the best of my knowledge, information, and belief.
4. The attached records are true and exact copies of documents related to the events described in the foregoing Verified Complaint in Mandamus, which have been maintained in the ordinary course of my business as an attorney at law.

FURTHER AFFIANT SAYETH NAUGHT.

\_\_\_\_\_  
Signature

CHELSEA J. PANZECA  
Printed Name

SWORN BEFORE ME IN MY PRESENCE this 1 day of May, 2023.



**ADAM BOYD BLEILE**  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Date. Section 147.03 O.R.C.

\_\_\_\_\_  
NOTARY PUBLIC



# THE SUPREME COURT *of* OHIO

## CERTIFICATE OF GOOD STANDING

I, GINA WHITE PALMER, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

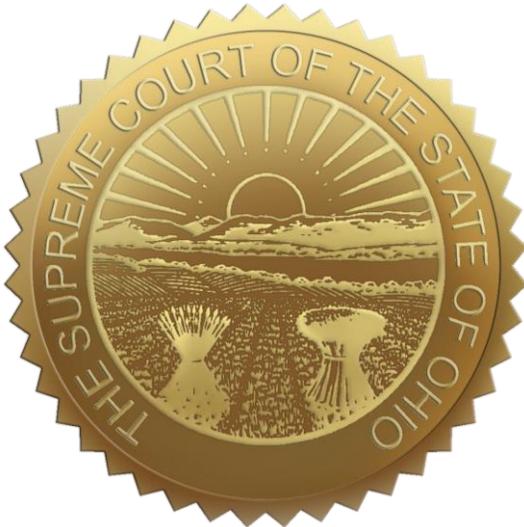
**Chelsea Joyce Panzeca**  
Attorney Registration No. **0095677**

was admitted to the practice of law in Ohio on November 7, 2016; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have  
subscribed my name and affixed the seal of  
the Supreme Court, this 1st day of May,  
2023.

GINA WHITE PALMER

*Director, Attorney Services Division*



Kirstyn Moyers, Attorney Services Specialist  
*Office of Attorney Services*



No. 2023-05-01-1

Verify by email at [GoodStandingRequests@sc.ohio.gov](mailto:GoodStandingRequests@sc.ohio.gov)

HIGHLAND COUNTY COMMON PLEAS COURT  
| 105 NORTH HIGH STREET  
HILLSBORO, OHIO 45133  
(937) 393-2161

ASSIGNMENT NOTICE

STATE OF OHIO

CASE NO.23CR0027

Plaintiff

Vs.

RONALD W SHEPARD

Defendant

**FILED**  
COMMON PLEAS COURT  
HIGHLAND COUNTY, OHIO

FEB 14 2023

  
HIGHLAND COUNTY CLERK OF COURTS

THE ABOVE CAPTIONED MATTER IS HEREBY ASSIGNED FOR:

Bond Review Hearing on February 10, 2023 at 9:00 a.m.

First Pretrial on March 8, 2023 at 1:00 p.m.

Final Pretrial on April 5, 2023 at 1:00 p.m.

Jury Trial on April 27, 2023 at 8:00 a.m.

Masks are optional.

**\*\*\*Prosecutors and Attorneys shall appear at least 30 minutes prior to the scheduled pretrials.**

Before the Honorable Judge Rocky A. Coss, Highland County Common Pleas Court, Hillsboro, Ohio.

Dated February 9, 2023.

Marsha Oyer  
Assignment Commissioner

Notice to:

Anneka Collins

William Armintrout

Probation Department

Victim Witness

PERSONS ENTERING THE COURTROOM SHALL NOT WEAR HATS OR OTHER FORMS OF HEAD COVERS, SHORTS, TANK TOPS, STRING TOPS, FLIP FLOPS, CLOTHING WITH PRINTING, PICTURES OR SYMBOLS THAT ARE INAPPROPRIATE OR ANY OTHER TYPE OF CLOTHING THAT IS DISRUPTIVE TO THE COURT'S PROCEEDINGS.

**\*\*\*DRESS CODE REQUIRED BY LOCAL RULE APPLIES TO ZOOM HEARINGS.**

ALL CELL PHONES AND NON-MEDICAL ELECTRONIC DEVICES MUST BE TURNED OFF BEFORE ENTERING THE COURTROOM AND REMAIN OFF WHILE IN THE COURTROOM.

\*\*\*Attorneys shall notify their clients of all court dates.

FOR INFORMATION ABOUT YOUR CASE YOU CAN LOG ONTO <http://www.hccpc.org>

1                                    IN THE COURT OF COMMON PLEAS  
2                                    HIGHLAND COUNTY, OHIO

3  
4                    STATE OF OHIO,

5                                    PLAINTIFF,

6                    VS.

ACTION NO.:  
23-CR-027

7                    RONALD W. SHEPARD,

8                                    DEFENDANT.

9  
10                                    PRETRIAL HEARING

11  
12  
13                                    Transcript of the proceedings had in  
14                    the hearing of the above-styled action before the  
15                    Honorable Rocky A. Coss, Judge, via Zoom  
16                    videoconferencing, on Wednesday, the 8th day of  
17                    March, 2023.

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APPEARANCES :

All appearances via Zoom

ON BEHALF OF THE STATE:

ADAM KING, ESQ.  
HIGHLAND COUNTY PROSECUTING ATTORNEY  
112 GOVERNOR, FORAKER PLACE  
HILLSBORO, OHIO 45133

ON BEHALF OF THE DEFENDANT:

CHELSEA PANZECA, ESQ.  
ADAM B. BLEILE, ESQ.  
BLEILE & DAWSON  
810 SYCAMORE STREET, FL 5  
CINCINNATI, OHIO 45202

ALSO PRESENT:

RONALD W. SHEPARD, Defendant

REPORTER'S CERTIFICATION PAGE

13

\* \* \* \* \*

1 March 8, 2023.

2 (Recording in progress.)

3 THE COURT: Let's see. All right.

4 Case number 23-CR-027, State of Ohio  
5 versus Ronald W. Shepard.

6 Present for the State is Assistant  
7 Prosecuting Attorney King.

8 Present for the defendant is -- is it  
9 Chelsea Panzeca?

10 MS. PANZECA: Yes, Judge.

11 THE COURT: And Adam Bleile?

12 MR. BLEILE: Yes, Your Honor.

13 THE COURT: And you are Ronald Shepard?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. Mr. Shepard is  
16 charged with (unintelligible) person in position, a  
17 third degree felony.

18 This matter's set for a final pretrial on  
19 April 5th and a trial on April 27th.

20 I see the State has provided a bill of  
21 particulars and discovery on the 15th of February.  
22 And I don't see a cert from the defense yet.

23 Have you provided that yet?

24 MS. PANZECA: Judge, so we actually just

1 signed on to the case, did a notice of  
2 substitution. I did pick up what appears to be  
3 paper discovery from Mr. Armentrout's office just  
4 before court, and I did just drop off a flash drive  
5 to Mr. King's office, because I think there's quite  
6 a few videos and everything we need to get.

7 So we haven't actually reviewed discovery  
8 yet. Like I said, we just picked up the paper  
9 today. So I'm hoping by next pretrial on the 5th  
10 we'll have a better understanding of discovery  
11 being exchanged and --

12 THE COURT: Well, the rule is that it will  
13 be done by the 5th, by final pretrial.

14 MS. PANZECA: We can do that, Judge.

15 THE COURT: And also any pretrial motions  
16 are due by that time as well.

17 Was there a (Inaudible) included in the  
18 materials?

19 MR. KING: Yes, Your Honor.

20 THE COURT: Do you have that?

21 MS. PANZECA: Yes, Judge.

22 THE COURT: All right. Is your client  
23 aware of that?

24 MS. PANZECA: Not yet, Judge. We haven't

1 discussed it.

2 THE COURT: Do you anticipate any pretrial  
3 motions at this point?

4 MS. PANZECA: I don't know yet until I  
5 review the discovery, Judge.

6 THE COURT: Okay.

7 MS. PANZECA: I will review it as soon as  
8 I can.

9 THE COURT: All right.

10 MS. PANZECA: And, Your Honor, the only  
11 other conflict I talked to Mr. King about was the  
12 trial schedule. I know Mr. Bleile, cocounsel, is  
13 in trial that week, and I've got something on the  
14 27th in Hamilton County as well. So I don't know  
15 if you want to address that now or at the final  
16 pretrial or have me file a motion to continue.

17 THE COURT: Well, you know, I usually tell  
18 counsel that before you get into a case that you  
19 know you have a conflict on to check about that to  
20 see about the continuance situation. Now, in this  
21 case, I don't think we have a speedy trial problem.  
22 He's on bond, isn't he?

23 MS. PANZECA: Yes, Judge.

24 THE COURT: All right. So if you want --

1 what is the conflict you will have preexisting?

2 MS. PANZECA: I have got a civil  
3 protection order in Hamilton County, Ohio, on the  
4 27th.

5 MR. BLEILE: Can I turn on my phone, Your  
6 Honor? Ask for permission to check our calendar?

7 MS. PANZECA: I think it's Dan Wooster. I  
8 don't know what county it is.

9 MR. BLEILE: Sorry, sir, trying to observe  
10 your rules and have my phone off.

11 THE COURT: Yeah. That's fine.

12 MS. PANZECA: Here.

13 MR. BLEILE: Do you have it?

14 MS. PANZECA: Do you know what county  
15 that's in?

16 MR. BLEILE: I don't, but it's going.

17 MS. PANZECA: Commonwealth of Kentucky.

18 MR. BLEILE: Yeah, it's Kentucky, but I  
19 don't remember what county it is. It's like  
20 Madison, I think.

21 MS. PANZECA: Mr. Bleile, according to his  
22 calendar, starts a jury he believes in Madison  
23 County, Kentucky.

24 MR. BLEILE: It is. I'm almost positive

1 it's Madison. I'm cocounsel on it.

2 THE COURT: What about May the 8th?

3 MR. BLEILE: I think -- Your Honor, I  
4 don't hear very well --

5 THE COURT: May 8th.

6 MR. BLEILE: -- and I think you're asking  
7 that for a trial date?

8 THE COURT: Yes.

9 MS. PANZECA: Judge, I'm technically on  
10 maternity leave, but assuming these babies don't  
11 come that week, then -- my whole calendar is  
12 blocked out for May for maternity leave.

13 THE COURT: For what?

14 MS. PANZECA: For maternity leave.

15 THE COURT: What's your expected date?

16 MS. PANZECA: Expected date -- I have  
17 child care lined up August 15th.

18 THE COURT: No. I said, what is your  
19 expected delivery date?

20 MS. PANZECA: Oh, I'm sorry. It's  
21 May 25th. However, with twins they're expecting  
22 the first week of May. So my doctor just said  
23 block off the month --

24 THE COURT: Well, I am not going to

1 continue this for 12 weeks because of maternity  
2 leave for somebody who came into a case and the  
3 already had a trial date. So -- so, you know,  
4 June 12th is the latest I can go.

5 MS. PANZECA: Judge, can we go ahead and  
6 do the May 8th day? I think that would be safer  
7 than June.

8 THE COURT: All right. May 8th? Okay.  
9 Go ahead and set it for May 8th at  
10 8:00 a.m. I'll grant the motion to continue  
11 (Inaudible) pursuant to rule (Inaudible.)

12 MS. PANZECA: Judge, did you say  
13 8:00 a.m.?

14 THE COURT: 8:00 a.m. And we'll go ahead  
15 and extend -- since we've postponed it now, we can  
16 extend the final pretrial to April the 19th, if  
17 you're available. Or not. If not, we'll leave it  
18 on the 5th.

19 MS. PANZECA: April 19th would be perfect.

20 THE COURT: We can do that by Zoom.

21 MS. PANZECA: Perfect.

22 THE COURT: So 2:30 available?

23 MS. PANZECA: Yes.

24 THE COURT: All right. We'll do that by

1 Zoom.

2 MS. PANZECA: Okay. And that would then  
3 vacate the April 5th?

4 THE COURT: Vacate April 5th.

5 MS. PANZECA: Okay.

6 THE COURT: All right.

7 Now, any other matters we need to discuss?

8 MR. KING: Nothing from the State.

9 MS. PANZECA: No, Judge.

10 MR. BLEILE: No, sir.

11 THE COURT: Mr. Shepard, I have one to  
12 discuss with you.

13 You were released out for arraignment on  
14 February the 10th. You were ordered to report to  
15 the probation department. You have not done so.

16 So you have to go immediately from here  
17 down to the probation department. You're on  
18 pretrial supervision. You're supposed to report  
19 once a week for four weeks and then after that as  
20 determined. And I also outlined the initials. So  
21 you get down there right now. And when you get  
22 down there, ask them to contact the Court and  
23 confirm you're there.

24 The pretrial supervision conditions are

1       there for a reason. I expect them to be obeyed.  
2       That includes house arrest and all of the other  
3       things that I put in there. And if I get another  
4       one of these messages that says you're  
5       noncompliant, probably going to have a warrant  
6       issued for you and we're going to have a hearing on  
7       whether or not your bond needs to be modified in  
8       order to make sure you've complied with the rules  
9       of the court, et cetera.

10               Do you have any questions about what that  
11       means?

12               Because I thought it was very clear on our  
13       arraignment. I'm known to be pretty plain spoken.  
14       And I also, I think, asked if you had any  
15       questions. I know you had your attorney here. But  
16       I don't think there was any confusion on anybody's  
17       part, and you need to understand when I tell you to  
18       do something, I expect you to do it. If I tell the  
19       attorneys to do something, I expect them to do it.

20               So anything you don't understand? You  
21       know, I'm pretty direct, but when I say something,  
22       I mean it. I don't bluff. I don't bluff. So you  
23       need to understand that.

24               So you need to go right down to court

1 here. It's about 300 yards or less. Probably  
2 200 yards. So you should be able to make it in  
3 five minutes easy.

4 MR. BLEILE: Judge, we're going to --  
5 Judge, just -- I agree with you. I'm going to make  
6 sure this happens. Is that -- so I make sure that  
7 he's compliant with it, is that -- would that  
8 happen to be on an order or is -- I just want to  
9 make sure I'm fully informed.

10 THE COURT: Should it be what?

11 MR. BLEILE: Remember, I'm having a hard  
12 time hearing. I'm taking a guess all of his  
13 pretrial requirements are probably on some order  
14 somewhere?

15 THE COURT: Yeah. The arraignment. I'm  
16 pretty sure he got a copy of it.

17 MR. BLEILE: I'm not doubting it, Judge.  
18 I just didn't see it.

19 THE COURT: I told it to him when we  
20 arraigned him.

21 MR. BLEILE: Not doubting you. I just  
22 want to make sure I -- it's not --

23 THE COURT: I hope not. Because it's  
24 pretty clear.

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MR. BLEILE: I'm with you, sir.

THE COURT: I don't think what you did helped any. Just seeing nobody here seems to be taking it seriously.

Thank you.

MR. BLEILE: Thank you, Judge.

MR. KING: Thank you, sir.

(Hearing adjourned.)

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CERTIFICATE OF REPORTER

STATE OF WEST VIRGINIA  
COUNTY OF CABELL

I, Jo Ann Betler, Court Reporter, do  
hereby certify that I was authorized to and did  
report the foregoing proceedings from electronic  
recording, and that the transcript is a true and  
correct record to the best of my ability to hear  
and understand the electronic recording.

Dated this 30th day of April, 2023.



Jo Ann Betler, RDR, CRR, CCR, CLVS

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IN THE COURT OF COMMON PLEAS  
HIGHLAND COUNTY, OHIO

STATE OF OHIO,

CASE NO. 23 CR27

Plaintiff,

**FILED**  
COMMON PLEAS COURT  
HIGHLAND COUNTY, OHIO

MAR 09 2023

*Vs.*  
RONALD W. SLEMMER

[Signature] ENTRY GRANTING CONTINAUNCE  
HIGHLAND COUNTY CLERK OF COURTS

Defendant.

DEFENDANT having requested a continuance of the TRIAL  
scheduled for 4-27-23, the Court hereby grants a continuance and enters

the following order:

Pretrial is set for 4-19-23 2:30 pm 2pm

Jury Trial is set for 5-8-23 8am

Time is charged to the defendant pursuant to R.C. 2945.72(H).

**IT IS SO ORDERED.**

ENTER: [Signature]  
Judge Rocky A. Coss

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IN THE COURT OF COMMON PLEAS  
HIGHLAND COUNTY, OHIO

STATE OF OHIO,  
  
PLAINTIFF,  
  
VS.  
  
RONALD W. SHEPARD,  
  
DEFENDANT.

ACTION NO.:  
23-CR-027

PRETRIAL HEARING

Transcript of the proceedings had in  
the hearing of the above-styled action before the  
Honorable Rocky A. Coss, Judge, via Zoom  
videoconferencing, on Wednesday, the 19th day of  
April, 2023.

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APPEARANCES :

All appearances via Zoom

ON BEHALF OF THE STATE:

ANNEKA COLLINS, ESQ.  
HIGHLAND COUNTY PROSECUTING ATTORNEY  
112 GOVERNOR, FORAKER PLACE  
HILLSBORO, OHIO 45133

ALSO PRESENT:

TIFFANY BERTRAM, VICTIM REPRESENTATIVE

ERIC AURIGEMA, ADULT PROBATION OFFICER  
HIGHLAND COUNTY

ON BEHALF OF THE DEFENDANT:

CHELSEA PANZECA, ESQ.  
ADAM B. BLEILE, ESQ.  
BLEILE & DAWSON  
810 SYCAMORE STREET, FL 5  
CINCINNATI, OHIO 45202

ALSO PRESENT:

RONALD W. SHEPARD, Defendant

\* \* \* \* \*

1 April 19, 2023.

2 THE COURT: Are you Mr. Shepard, Ronald  
3 Shepard, appearing there from the probation  
4 department?

5 Your screen is muted. There's a button  
6 down in the lower left-hand corner you have to push  
7 on -- click on. There you go.

8 Are you Ronald Shepard there at the screen  
9 that's marked HCPD?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Okay.

12 This is case number 23-CR-027, State of  
13 Ohio versus Ronald W. Shepard. This is a hearing  
14 being conducted by Zoom on a request for a motion  
15 for continuance filed by defendant's counsel.

16 Mr. Shepard, as I indicated, appearing  
17 from the probation department.

18 His attorneys, Chelsea Panzeca and Adam  
19 Bleile, are appearing on the screen marked Chelsea  
20 Panzeca. By the way, you're muted, Ms. Panzeca.

21 The prosecuting attorney, Anneka Collins,  
22 is present on behalf of the State.

23 Now, this is a request, as I indicated,  
24 for a motion for continuance.

1 Ms. Collins, is the victim or victim  
2 representative present for this -- I'm just  
3 admitting somebody named Tiffany Bertram.

4 MS. COLLINS: That's the victim's mother.

5 THE COURT: All right. And so she is  
6 present. All right.

7 And have you had an opportunity to confer  
8 with Ms. Bertram regarding the motion prior to this  
9 hearing?

10 MS. COLLINS: I have, Your Honor. I  
11 actually -- I spoke with her before I filed my  
12 objections to the continuance --

13 THE COURT: Okay.

14 MS. COLLINS: -- and took her thoughts and  
15 consideration into my objection.

16 THE COURT: All right.

17 All right. Ms. Panzeca, you wish to  
18 address the motion?

19 MS. PANZECA: Yes, Judge.

20 Obviously is attached to the motion I'm  
21 hoping you got the medical note.

22 THE COURT: I did.

23 MS. PANZECA: We filed. I have that via  
24 record --

1 THE COURT: Sure.

2 MS. PANZECA: -- but had I known I was  
3 going to be placed on this type of bed rest with  
4 limited activity would not have scheduled for  
5 May 6th. I will say there have been new  
6 developments this week even with my medical status,  
7 that it's actually going to be sooner. So I'm  
8 actually going to be ending work, not able to  
9 return, starting next week. So we are asking for a  
10 continuance. I think I've put in here,  
11 Mr. Shepard, did hire both Mr. Bleile and myself.  
12 That's kind of how we work on other cases as well.  
13 I'm lead counsel for these trials. Mr. Bleile  
14 usually comes on for the trials.

15 Also, it looks like even if we went out in  
16 August, we are still within the statutory time  
17 frame to have a case tried, so I don't think  
18 Mr. Shepard's been (Inaudible) to time. However,  
19 if that were to make the Court more comfortable, he  
20 would waive time because he has indicated to me  
21 multiple times he wants both of his attorneys there  
22 at trial.

23 Also, like I stated in the motion, I don't  
24 know how the State would necessarily be prejudiced

1 or even the prosecuting witness when there was such  
2 a delay in indicting anybody. That had nothing to  
3 do with Mr. Shepard.

4 So we are asking for a continuance so that  
5 both of his attorneys could be present.

6 THE COURT: All right.

7 Ms. Collins, on behalf of the State?

8 MS. COLLINS: I'm not sure why Ms. Panzeca  
9 thinks this investigation was concluded in March of  
10 '22. Our office did not receive the file until  
11 November of '22 as evidence -- if you look at your  
12 discovery, you will see on the very front page "All  
13 items must be completed." There's a stamp that  
14 says, "Received November 23rd of '22."

15 This investigation was started on  
16 March 10th of '22. Not completed.

17 And the victim is going to be prejudiced  
18 by this. We are talking about a young juvenile.  
19 This is a family member, and she has lost other  
20 family members because of this. So -- this is  
21 impacting her life every single day.

22 So to say that she would not be prejudiced  
23 is kind of a somewhat callous statement, not taking  
24 her feelings and how she's dealing with this into

1 consideration.

2 Sorry, Mr. Bleile, did I say something  
3 funny?

4 MR. BLEILE: Ma'am, let's not argue right  
5 now in court, okay?

6 THE COURT: Well, no, you're not going to  
7 argue in court. And you don't need to direct  
8 comments to counsel or back either way.

9 All right. Do you have anything else,  
10 Ms. Collins?

11 MS. COLLINS: No, Your Honor.

12 THE COURT: All right.

13 Ms. Bertram, as the victim's  
14 representative, you have a right to express your  
15 position regarding this matter.

16 MS. BERTRAM: I would not like to see a  
17 continuance happen. My daughter is suffering  
18 daily. This is something that she cannot move on  
19 from. She's very depressed. She's just having a  
20 hard time dealing with it and she really just wants  
21 to move on. And I feel like a continuance is only  
22 going to worsen her situation and keep her from  
23 healing properly and getting the help she needs and  
24 putting this all behind her.

1 THE COURT: All right. Anything else,  
2 ma'am?

3 MS. BERTRAM: No. That's all for now.

4 THE COURT: All right.

5 Ms. Panzeca, do you have any response?

6 MS. PANZECA: Yes, Judge. And I  
7 understand Ms. Collins's position on when they  
8 received the case. But in looking through the  
9 discovery, the absolute last date that I have that  
10 anything was done on this case was March 21st of  
11 2022. I obviously can't speak to what happened  
12 between March 21, 2022, to when the State received  
13 it. I think she said in November. But according  
14 to our discovery, there was no updates, there was  
15 nothing new. I'm not trying to be callous to the  
16 prosecuting witness by any means, but Mr. Shepard  
17 was just indicted in February, and I think we need  
18 to balance the interest of his right to a fair  
19 trial and his right to counsel, both counsel that  
20 he chose, all we're asking for a legal continuance.  
21 We're not asking to go out six months. We're  
22 asking to go out to August.

23 THE COURT: All right.

24 Well, as far as any delay, the effect of

1 any time passing between the time of the indictment  
2 and the completion of the investigation or -- I  
3 don't see where that has any relevance whatsoever.

4 The issue here before the Court is the --  
5 whether or not the continuance should be granted.

6 Because of the enactment of substitute  
7 Senate Bill -- Substitute House Bill 343, which is  
8 effective on April the 6th, which specifically  
9 supplemented the rights that were enacted under the  
10 Marsy's Law and Article 1, Section 10(a) of the  
11 Constitution of Ohio, the Court's required to  
12 consider not just the defendant's rights, but the  
13 rights of the victim, which are to be considered.

14 Now, regarding the issue of counsel,  
15 the -- if this were simply a short, maybe three or  
16 four weeks or something like that, I could see it  
17 being more reasonable. But you're asking for it to  
18 be continued at least into August, which is three  
19 months. And the health situations you have is no  
20 guarantee that you will be available then because  
21 of the risk, you know, of complications. And so,  
22 you know, it could easily be another continuance  
23 requested, you know, nobody knows. Hopefully that  
24 won't happen, but, you know, that's the situation.

1           You also were aware of your condition when  
2           you accepted the engagement. And, you know, any  
3           time an attorney comes into a case, they have to be  
4           aware of the schedule. And the Court has granted  
5           one previous continuance to May 8th. We had  
6           originally had this set for April 27th. Counsel  
7           entered an appearance on February the 22nd. So  
8           over two months prior. This is a one-count  
9           indictment for one sexual offense allegation that's  
10          alleged to have occurred in 2021. I don't know  
11          how -- it doesn't seem to me that it's -- in terms  
12          of complexity being very complex for these types of  
13          cases, and that's the risk that always happens when  
14          somebody gets a continuance early. I try to avoid  
15          those continuances, but also I try to take into  
16          consideration everyone's concerns.

17                 But the defendant's right to an attorney  
18                 of a specific choice has to be balanced against the  
19                 rights of the victim and the interest of the  
20                 justice. One of the conditions -- one of the  
21                 things that the Court will note is that the Rules  
22                 of Superintendence sets a six-month timeline to  
23                 complete a criminal case from the date of  
24                 arraignment. It does provide that if a defendant

1 is unavailable, whether that be for -- because  
2 they're absconded or if they are hospitalized or  
3 incarcerated somewhere else, that can be extended.  
4 There's no similar provision for the unavailability  
5 of an attorney.

6 And professional conduct Rule 1.16  
7 provides that, you know, if a lawyer's physical  
8 health -- physical or mental health would  
9 materially affect their ability to represent a  
10 defendant, they should withdraw.

11 So in this situation we have a young  
12 victim. The rights of the victim have to be  
13 considered. And, you know, again, if this were a  
14 short delay of a month or so, I would be more  
15 inclined to approve it. But based on the fact that  
16 you're asking for three months, and -- again, at  
17 least three months, and the Court does not feel  
18 that there could be -- you can make any guarantee  
19 that you will be available even then given the  
20 nature of your -- of the reason -- the health issue  
21 that you've used which is the basis of your motion.

22 So, Mr. Bleile is more than capable of  
23 representing Mr. Shepard. The Court's familiar  
24 with him. He's an experienced attorney. And if

1     you're not able to participate, then so be it,  
2     Mr. Bleile will be the attorney individually.

3             So based upon the factors that I've just  
4     mentioned, the Court denies the motion and the  
5     matter will proceed to trial on that date.

6             Now, let's see. Is this the final --  
7     yeah, this is also the final pretrial.

8             The Court will note that there was a  
9     motion in limine. The State's agreed to that, so  
10    the Court's not going to make any ruling on that.  
11    I don't think it's necessary anyway. So that  
12    matter's been taken care of.

13            Are there any other motions that have been  
14    filed within the last day or so? Because I don't  
15    always get them timely from the clerk.

16            MS. PANZECA: Not from the defendant,  
17    Judge. We did file our reciprocal discovery with  
18    that motion in limine as well.

19            THE COURT: Okay. All right. Thank you.

20            All right. Now, there was a written --  
21    was a written plea offer presented?

22            MS. COLLINS: There was, Your Honor.

23            THE COURT: All right.

24            And the Court's policy -- I think both

1 counsel are familiar with the Court, but the  
2 Court's policy is that any plea negotiations have  
3 to be completed and entered of record two weeks  
4 prior to the hearing date or to the trial date, so  
5 right now that would be April -- let's see --  
6 April 25th, I believe. Yeah, April 25th. That  
7 would be a Tuesday. Okay. Yeah, two weeks or --  
8 next Tuesday.

9 If there's not going to be a plea  
10 agreement, then the Court does require that the  
11 defendant sign a form that refuses -- decline to  
12 accept the plea offer and a copy of that being  
13 placed with both the prosecutor and the defense  
14 counsel.

15 Has that occurred yet?

16 MS. COLLINS: No, Your Honor. I'll email  
17 that out today.

18 THE COURT: All right. So if you would  
19 email that -- and then you will need to make  
20 contact with your client, Ms. Panzeca, because if  
21 there's not going to be a continuance -- or, I  
22 mean, a plea, it's a matter that the Court put in  
23 after that supreme court ruling for the protection  
24 of everyone so that it's clear that a defendant is

1       aware of what the plea offer was and knowingly  
2       declined to accept it. And I don't get a copy of  
3       it. I don't need to know what the plea offer is.  
4       In fact, I don't want to know. I like to -- I  
5       don't want to be informed of that so that there's  
6       no question it didn't have any influence on my  
7       decision if a person's convicted later. So that  
8       will be need to be done.

9               Now, as far as the time of trial for this,  
10       Ms. Collins, how many witnesses do you anticipate  
11       calling?

12               MS. COLLINS: Five.

13               THE COURT: All right. And I did -- I did  
14       see the discovery from the defense indicated the  
15       defendant and one other person.

16               So, you know, would this be a one-day  
17       trial, do you think, Ms. Collins?

18               MS. COLLINS: I believe it will be.

19               THE COURT: Okay. Well, we have two days  
20       set aside, but we start at 8:00 a.m. with counsel  
21       and jurors report at 8:15, and we start picking a  
22       jury usually around 8:30 or 8:40. So most of the  
23       time these cases can be completed in a day. We  
24       usually go into the evening hours with the

1 deliberations. I won't go past 5:00 o'clock in  
2 terms of instructing a jury, usually, but we'll  
3 just have to play that by ear.

4 Now, any matters the defense would like to  
5 bring up?

6 MR. BLEILE: Judge, I want to remind you I  
7 don't hear that well, and so that's why right now  
8 I'm leaning in to make sure I'm catching things. I  
9 have a couple of questions to make sure I  
10 understand.

11 THE COURT: Sure.

12 MR. BLEILE: I want to let you know when I  
13 come into your courtroom, it is -- I'm going to try  
14 to have hearing aids in. The only thing is  
15 sometimes they're -- they -- what they give, they  
16 also take. Okay? So I will remind you of that.

17 THE COURT: We do have the devices that we  
18 can give you now. We just got some of those in for  
19 people that -- participants, witnesses -- that  
20 might need to have some assistance with that. So  
21 they're wireless, so we can provide you with one of  
22 those and see if that helps any.

23 MR. BLEILE: We'll figure it out. I just  
24 want to let you know when I ask questions,

1 sometimes I can't hear.

2 THE COURT: Okay.

3 MR. BLEILE: The two that I kind of  
4 missed, Judge, the plea -- whether he accepts it  
5 or -- let's assuming he declines a plea, is that to  
6 be signed on the morning of trial? Or do you want  
7 it beforehand? What was the date?

8 THE COURT: Well, the deadline for a plea  
9 is 14 days prior. I would prefer to have that plea  
10 agreement -- or the form, if there's a refusal or  
11 if there's no agreement, completed and in the hands  
12 of the prosecutor and yourself at that time.

13 MR. BLEILE: That's fine, Judge.

14 I have one other. You were talking about  
15 times and I think basically you want to get rolling  
16 at 8:15. Do you want us there at 8:00 or would you  
17 like us there before 8:00?

18 THE COURT: 8:00 o'clock. I meet with  
19 counsel at 8:00 o'clock, and I'll give you the  
20 draft of the jury instructions and -- the proposed  
21 jury instructions and verdict form at that time and  
22 discuss any other matters that might need to be  
23 discussed. And then by 8:30, 8:40, we should have  
24 a diagram of all of the jurors, where they'll be

1 seated, the prospective jurors, so for purposes of  
2 our voir dire.

3 MS. PANZECA: Do you still stream the  
4 trials, Judge?

5 THE COURT: Yes.

6 MS. PANZECA: And how -- do I just access  
7 that by calling the clerk's office?

8 THE COURT: The -- just go to YouTube and  
9 click on Highland County Common Pleas Court, and  
10 you should -- it should pop right up.

11 MR. BLEILE: One other. Does your court  
12 implement -- do you still have any protocols for  
13 COVID or anything?

14 THE COURT: No. We've lifted all of  
15 those. We are still keeping the jurors seated and  
16 not using the jury box. I'm thinking about  
17 changing that, but for right now I think for this  
18 trial we're going to go ahead and continue to  
19 follow that. So instead of having six people on  
20 each bench, we're having three. And -- but we'll  
21 have a diagram that will reflect that.

22 MR. BLEILE: It sounds like it's a normal  
23 jury.

24 THE COURT: Pretty much. Other than

1 they're not going to be in the jury box.

2 MR. BLEILE: Right. Right. I got you.

3 I'm with you, Judge.

4 No, I think that's it.

5 THE COURT: Okay. Anything else from the  
6 State?

7 MS. COLLINS: No, Your Honor. Thank you.

8 THE COURT: All right.

9 So, Mr. Shepard, just again so you know  
10 the policy about the 14 days, that's a policy I've  
11 had ever since I became judge almost 15 years ago,  
12 and that is because I don't want to send out and  
13 have jurors come in and sit here and then have  
14 people talking about settling a case. We don't do  
15 that. If we have jurors here, we're going to have  
16 a trial. So on the morning of trial, there's no  
17 plea agreement. The only thing that could happen  
18 is the defendant has to either plead guilty to  
19 everything, the State has to dismiss, or we have a  
20 trial. Those are the options. So -- just so you  
21 know, that's not personal. That's my standard  
22 policy. It's been in effect for, like I said,  
23 almost 15 years just so you know.

24 So if you're going -- if you're interested

1 in that, in working something out, if you think  
2 that's a possibility, make sure you get in touch  
3 with your attorneys. I'm sure they will be in  
4 touch with you so that you can discuss whether or  
5 not that's a possibility in this case.

6 All right. Thank you.

7 (Hearing adjourned.)

8 \* \* \* \* \*

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CERTIFICATE OF REPORTER

STATE OF WEST VIRGINIA  
COUNTY OF CABELL

I, Jo Ann Betler, Court Reporter, do  
hereby certify that I was authorized to and did  
report the foregoing proceedings from electronic  
recording, and that the transcript is a true and  
correct record to the best of my ability to hear  
and understand the electronic recording.

Dated this 30th day of April, 2023.



Jo Ann Betler, RDR, CRR, CRC, CLVS

|                                  |  |   |
|----------------------------------|--|---|
| <hr/> <b>1</b> <hr/>             | <b>8:40</b> 14:22 16:23                  | <b>attorney</b> 3:21 10:3,17 11:5,24<br>12:2  |
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| <b>343</b> 9:7                   | <b>allegation</b> 10:9                   | <hr/> <b>C</b> <hr/>  |
| <hr/> <b>5</b> <hr/>             | <b>alleged</b> 10:10                     | <b>calling</b> 14:11 17:7   |
| <b>5:00</b> 15:1                 | <b>Anneka</b> 3:21                       | <b>callous</b> 6:23 8:15  |
| <hr/> <b>6</b> <hr/>             | <b>anticipate</b> 14:10                  | <b>capable</b> 11:22  |
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FILED  
COMMON PLEAS COURT  
HIGHLAND COUNTY, OHIO

APR 14 2023

*D. J. Korman*  
HIGHLAND COUNTY CLERK OF COURTS

IN THE COURT OF COMMON PLEAS  
HIGHLAND COUNTY, OHIO

|                |   |                           |
|----------------|---|---------------------------|
| STATE OF OHIO  | : | CASE NO. 23CR0027         |
| Plaintiff      | : |                           |
|                | : | JUDGE ROCKY COSS          |
| VS.            | : |                           |
|                | : |                           |
| RONALD SHEPARD | : | <u>MOTION TO CONTINUE</u> |
| Defendant      | : | <u>JURY TRIAL</u>         |
|                | : |                           |

Now comes Defendant, Ronald Shepard, by and through undersigned counsel, and hereby respectfully requests this Honorable Court to continue his jury trial currently scheduled for May 8, 2023. As grounds for this Motion, Defendant states his attorney, Chelsea J. Panzeca, is unavailable for trial due to health issues. Attorney Panzeca will forward a letter to this Honorable Court separate from this filing as to maintain its sensitive and confidential nature.

As this Honorable Court is aware, Defendant has a Sixth Amendment right that guarantees him the right to counsel, and within that, the right to his choice of counsel for those who elect to retain their own private counsel. As such, Defendant has retained *both* Chelsea J. Panzeca and Adam Boyd Bleile to represent him in the above-captioned case, not either/or, but instead both Attorney Panzeca and Attorney Bleile.

Further, Defendant's request does not impose an undue burden or hardship on the State as the Highland County Sheriff's Office completed their investigation on March 21, 2022, yet Defendant was not indicted until almost one-year later on February 7, 2023.

Defendant is out of custody on bond and he is requesting his trial be scheduled on the Court's calendar for August of 2023. Defendant was charged on February 7, 2023, as indicated above and scheduling a trial in August is well within the time limitations for a felony case to be

tried under R.C. 2945.71. Additionally, Defendant is willing to “waive time” in order to have both of the attorneys he privately retained be present for trial.

Respectfully Submitted,

/s/ Chelsea J. Panzeca  
Chelsea J. Panzeca (0095677)  
Attorney for Defendant  
Bleile & Dawson  
810 Sycamore St., Fifth Floor  
Cincinnati, OH 45002  
P: 513-564-0088  
F: 513-263-9089  
[chelseatheattorney@yahoo.com](mailto:chelseatheattorney@yahoo.com)

/s/ Adam Boyd Bleile  
Adam Boyd Bleile (0071210)  
Attorney for Defendant  
Bleile & Dawson  
810 Sycamore St., Fifth Floor  
Cincinnati, OH 45002  
P: 513-564-0088  
F: 513-263-9089  
[adamtheattorney@yahoo.com](mailto:adamtheattorney@yahoo.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion to Continue was sent to Anneka Collins, Highland County Prosecutor, via email on this 12<sup>th</sup> day of April 2023.

/s/ Chelsea J. Panzeca

IN THE COURT OF COMMON PLEAS, HIGHLAND COUNTY, OHIO

STATE OF OHIO,  
Plaintiff,

CASE NO.: 23 CR 0027

-vs-

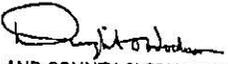
**FILED**  
COMMON PLEAS COURT  
HIGHLAND COUNTY, OHIO

**JUDGE ROCKY A. COSS**

APR 13 2023

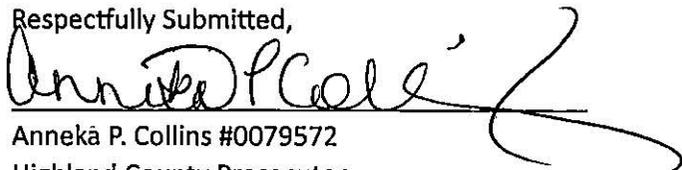
**OBJECTION TO MOTION TO CONTINUE  
JURY TRIAL**

RONALD W. SHEPARD,  
Defendant.

  
HIGHLAND COUNTY CLERK OF COURTS

Now comes the State of Ohio and respectfully requests this Court deny the Defendant's Motion to Continue the Jury Trial currently scheduled for May 8, 2023. As grounds for said Objection, the State would note that while the State may not be prejudiced by this Continuance, the Victim certainly will be. The victim in this matter is a young girl who is related to the Defendant. This case has completely upset her life and there is no ability for her to move on with her life until this case is brought to a conclusion. While the State is sympathetic to Ms. Panzeca's situation as well as the Defendant's Constitutional Right to Counsel, there is co-counsel available in this case. Ms. Panzeca was aware of the trial schedule prior to being retained in this matter as the trial schedule was set on February 14, 2023 and the firm did not enter an appearance until on or about February 21, 2023. The Victim also has a Constitutional and Codified Right to have this case dealt with timely. Were the situation reversed in regards to the State, the State would be forced to have a second attorney step in to handle the prosecution to protect the rights of the defendant and the victim. The Victim should expect no less.

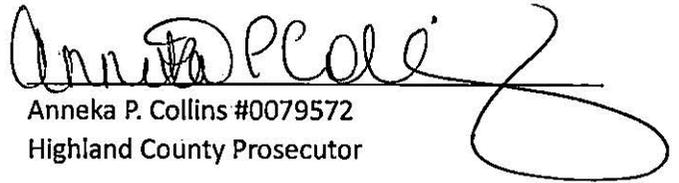
Respectfully Submitted,



Annekä P. Collins #0079572  
Highland County Prosecutor  
112 Governor Foraker Place  
Hillsboro, OH 45133  
937-393-1851

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a true and accurate copy of the foregoing was served upon Counsel for the Defendant by email and by regular mail this 13<sup>th</sup> day of April, 2023.

  
Annela P. Collins #0079572  
Highland County Prosecutor

## AFFIDAVIT OF ASHLEY WITTE DAWSON

Comes now the Affiant, Ashley Witte Dawson, after first being duly cautioned and sworn, states as follows:

1. I have been a licensed attorney for 12.5 years and am the managing partner at Bleile & Dawson, as well as the law partner of Adam Bleile. I primarily defend against sex crime allegation cases in Kentucky and Indiana as well as the Federal Courts in those jurisdictions.
2. Many of these cases have a minor child as the accuser against our client.
3. Over the years Mr. Bleile and I have found an advantage to have a female attorney cross exam child accusers.
4. We initially discovered this advantage after talking to jurors after jury trials.
5. We have also conducted numerous jury samples to ascertain whether a female doing cross examination is more effective than a male.
6. While these jury samples are not perfect scientific tests, they repeatedly yielded the same opinions on the issue.
7. Chelsea Panzeca handles numerous sex crimes defense cases for our firm while being employed with the firm since 2016.
8. To my knowledge, all sex cases the firm has in Ohio has Ms. Panzeca as attorney of record.
9. It is now standard protocol in our office when a minor child is the accuser of our client, Ms. Panzeca in the Ohio cases, will cross examine the child.
10. In cases outside of Ohio (Kentucky or Indiana), either myself or another female attorney will cross examine the minor child accuser.

11. While Mr. Bleile is able to cross examine a minor child accuser, both his age and gender appear to play a negative part in his role as defense counsel.
12. We have found the younger female defense attorneys can ask questions not socially permissible for a male to ask, such as criticizing an accuser's actions.
13. While each case is different and subject to change, this tactic of using a female defense attorney to cross examine a minor child witness is the standard strategy implemented at our firm.
14. Knowing how both Mr. Bleile and Ms. Panzeca practice law, including cross examinations, there is no doubt Ms. Panzeca is the best choice for handling, leading and questioning the minor child accuser for the case involving Ronald Shepard.

Further Affiant Sayeth Naught.

*AWD*

Ashley Witte Dawson

STATE OF Ohio  
 COUNTY OF Hamilton

Subscribed and sworn to before me, a Notary Public, this 1 day of May, 2023.



JESSICA LEEANNE BENTLEY  
 Notary Public  
 State of Ohio  
 My Comm. Expires  
 May 24, 2026

*Jessica Bentley*  
 NOTARY PUBLIC  
 My Commission Expires: MAY 2026

STATE OF OHIO )  
 ) SS  
COUNTY OF Hamilton )

**AFFIDAVIT OF ROBERT DOUGLAS KOEWLER**

Comes now the Affiant, Robert Douglas Koewler, after first being duly cautioned and sworn, states as follows:

1. Over the years I have participated in several jury samples by Bleile and Dawson.
2. The vast majority of these jury samples have involved allegations of sex offenses.
3. My opinion, which was consistent with our panel members, is that something is somehow socially less offensive when a female attorney, or even better a younger female attorney, questions a child accuser rather than a male attorney.
4. I cannot necessarily articulate why I felt this way. I just know I could easily get offended at a male questioning a child much more so than a female doing the same questioning.
5. After being on these jury samples, I would absolutely prefer to have a female attorney questioning a minor child accuser if I was defending a sex crime charge.
6. Specifically, as I have seen Chelsea Panzeca several times conduct jury samples, I would want her as my attorney over any other male attorney and likely any other attorney as a whole.
7. Chelsea's handling of cases with ugly allegations of sexual impropriety is impressive as how she can lessen any offensive factor in the facts.
8. I have also seen Adam Bleile handle sex offense cases.
9. I fully agree Adam can defend against sex crime allegations, however I would still significantly prefer Chelsea to question my accuser.

10. Again, while I cannot specifically articulate my reasoning, I can more feel it and understand it based on my experience as a sample juror when it was presented to me.

Further Affiant Sayeth Naught.

Robert Douglas Koewler  
Robert Douglas Koewler

STATE OF Ohio  
COUNTY OF Hamilton

Subscribed and sworn to before me, a Notary Public, this 2 day of May, 2023.



**ADAM BOYD BLEILE**  
Attorney at Law  
Notary Public, State of Ohio  
M. Commission Has No Expiration  
Date, Section 147.03 O.R.C.

Adam Boyd Bleile  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
HIGHLAND COUNTY, OHIO

STATE OF OHIO,

CASE NO. 23CR027

Plaintiff,

Vs.

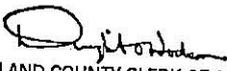
RONALD W. SHEPARD,

ENTRY

Defendant.

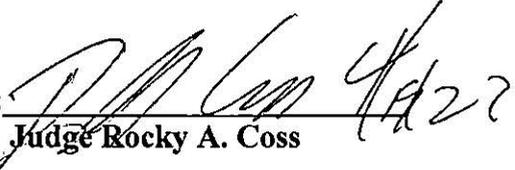
**FILED**  
COMMON PLEAS COURT  
HIGHLAND COUNTY, OHIO

APR 20 2023

  
HIGHLAND COUNTY CLERK OF COURTS

This matter came before the Court on April 19, 2023 upon defendant's motion to continue the jury trial scheduled for May 8, 2023. The defendant appeared represent by Attorney Chelsea Panzeca and Attorney Adam Bleile. Anneka Collins, Highland County Prosecuting Attorney, appeared on behalf of the State of Ohio. The Court finds the motion to continue to be not well taken and denies the same. The jury trial will proceed on May 8, 2023 at 8:00 a.m.

**IT IS SO ORDERED.**

ENTER: 

Judge Rocky A. Coss