

In the Court of Common Pleas
Lorain County, Ohio

State of Ohio,

Plaintiff,

v

Joseph Allen,

Defendant.

Case No. 94CR045372

Judge D. Chris Cook


State's Response to Defendant's
Motion for New Trial

Now comes the state of Ohio by Lorain County Prosecutor J.D. Tomlinson, and in response to defendant's Motion for New Trial, states the following:

1. that he has reviewed defendant's Motion for New Trial, together with its supporting documentation and citations to authority;
2. that the evidence discovered and presented with defendant's Motion for New Trial:
 - a. discloses a strong probability that it will change the result if a new trial is granted;
 - b. has been discovered since the trial;
 - c. is such as could not in the exercise of due diligence have been discovered before the trial;
 - d. is material to the issues;
 - e. is not merely cumulative to former evidence; and,


- f. does not merely impeach or contradict the former evidence; State v Petro, 148 Ohio St. 505, syllabus (1947);
3. that, by reason of the foregoing, he believes defendant's Motion for New Trial has merit and should be well taken; and,
4. that the state of Ohio is in agreement with, and consents to, the granting of defendant's Motion for New Trial.

Respectfully submitted,


J.D. TOMLINSON #0081796
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PROOF OF SERVICE

A copy of the foregoing State's Response to defendant's Motion for New Trial was served upon Mark Godsey, Esq. and Ricky Parsons, Esq. and Paula Brown, Esq., Attorneys for defendants and upon Jonathan Rosenbaum, Esq., Attorney for Nikki Z. and Amanda W., by email transmission, this 15th day of December, 2021


J.D. TOMLINSON #0081796
Lorain County Prosecutor