

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

STATE OF OHIO,

Plaintiff

vs.

CLAUDIA HOERIG,

Defendant

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CASE NO. 2007-CR-269

JUDGE ANDREW D. LOGAN

TRUMBULL COUNTY
SHERIFF OF COURTS
2018 JUL 24 PM 4:01
KAREN HUNT
SHERIFF OF COURTS
TRUMBULL COUNTY

ANSWER TO DEFENDANT'S SECOND MOTION
FOR EXTENSION OF TIME

Now comes the State of Ohio, by and through counsel, and in answer to the Defendant's Second Motion for an Extension of Time in this case to identify any expert witness for trial beyond the present court set date of July 20, 2018, objects to any continuance which by its terms would extend the trial date set in this matter of September 17, 2018.

It has been over 11 years since Defendant Claudia C. Hoerig fled from justice in the State of Ohio and the United States and the time has come to end any unreasonable effort on her part to delay and deny a fair and timely trial for the people of Trumbull County and the victim's family. This Defendant has had over 7 months to prepare her defense (with a total of 9 months of time given by the court when including the present September 17, 2018 trial date). Further, she has been given complete access through these months to the State's evidence with open file discovery. She has been given time to consult with an expert witness regarding a possible defense of self-defense and battered woman syndrome in this matter (recently she informed the State of Ohio's counsel that the defense would not be going forward with such a defense). This court on July 12, 2018 granted the



Defendant a continuance until July 20, 2018 to identify any expert she intends to use at the trial in this matter in accordance with Crim. R. 16(K). Now the Defendant asks for a second continuance to August 3, 2018 which was filed on July 20, 2018 to identify "any expert witness" she intends to use at trial. Apparently the defense wants time to search/analyze/comprehend the hard drives found in two computers at her home. The materiality and relevance of this information to her aggravated murder charge is unknown to the prosecution.

Frankly, her availability to expert assistance and her cyber space exploration into possibilities could be endless. Therefore, the State of Ohio objects to any continuance to engage in any fishing expedition. The defense must be required to show good cause for the continuance and provide facts to the court as to how the hard drives of any computer would provide her a reasonable defense to the charge of aggravated murder. Further, there should be time limit imposed by the court (with flexibility if circumstances demand) on both parties as we go forward to the September 17, 2018 trial date.

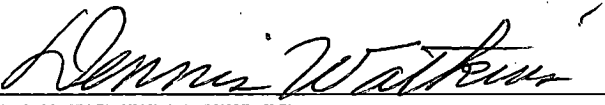
Moreover, the State of Ohio has been informed by Karl Hoerig's family that they would like to assert their rights under Marcy's Law and make a statement why they are opposed to any delay of this case beyond the September 17, 2018 trial date. As the court is aware, the Ohio Constitution was amended by a Ballot Issue last year involving Victim's Rights and became effective on February 5, 2018. In relevant part of Ohio's Constitution Art. I, Section 10 a Rights of victims of crime provide:

- (A)...a victim shall have the following rights...
- (3) to be heard in any public proceeding involving release, plea, sentencing, disposition, or parole, or in any public proceedings in which a right of the victim is implicated...
- (8) to proceedings free from unreasonable delay and a prompt

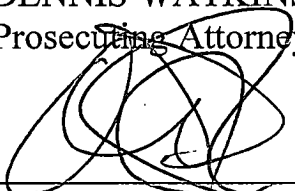
conclusion of the case; ...

Therefore, for above-given reasons, the State requests that if as a result of any motion (including any by the State of Ohio) in this cause that a continuance is sought beyond the September 17, 2018 trial date, that a hearing be scheduled and that proceedings provide an opportunity for the victim's family to address the court and give their reasons why they would oppose the continuance of the scheduled trial in this matter. It is emphasized that the Hoerig family fully respects our system of justice and accordingly respects the Defendant's right to a fair trial.

Respectfully submitted,



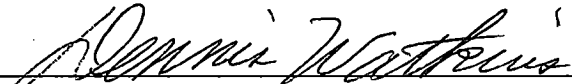
DENNIS WATKINS
Prosecuting Attorney of Trumbull County



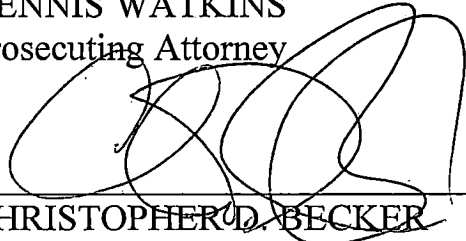
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to Defendant's Second Motion for Extension of Time was mailed by U.S. mail this 24th day of July, 2018 to counsels for Defendant, Attorney David T. Rouzzo and Atty. Matthew Pentz.



DENNIS WATKINS
Prosecuting Attorney



CHRISTOPHER D. BECKER
First Assistant, Criminal Division