

**IN THE COURT OF COMMON PLEAS OF ASHLAND COUNTY OHIO  
GENERAL DIVISION**

<b>STATE OF OHIO,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>CASE NO. 23-CRI-188</b>
<b>vs.</b>	:	
	:	
	:	
<b>HOWARD WALTERS,</b>	:	<b>JUDGE BURNSIDE</b>
	:	
<b>Defendant.</b>	:	

**DEFENDANT’S MOTION FOR RELEASE OF PROPERTY**

Now comes the Defendant, by and through Counsel, and moves the Court for an Order releasing the Defendant’s blue Toyota Tacoma, bearing Ohio registration of “HRS5594” with a VIN of 3TMCZ5AN0GM016846, including any and all electronic components of the vehicle, to a designee of the Defendant.

The following memorandum supports this motion.

Respectfully submitted,

/s/ James J. Mayer, III

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**JAMES J. MAYER III (0072887)**  
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Mansfield, Ohio 44902  
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*Attorney for Defendant*

## **MEMORANDUM IN SUPPORT**

On July 1, 2024, this Court filed an Order denying the Defendant's motion to be declared indigent. In that Order, the Court indicated that the Defendant is the title owner of a motor vehicle whose value is \$32,000. The motor vehicle in question, the blue Toyota Tacoma referenced above, is currently in the possession of the State and Defense Counsel does not believe that the vehicle is fully intact. It is Counsel's belief that the infotainment system and/or other electronic components of the vehicle have been removed from the vehicle in order to be analyzed. If the Defendant is to sell the vehicle in order to help finance the defense of his capital case, the vehicle must be entirely intact, including all electronic components, or else its value will likely be greatly diminished. If the State of Ohio refuses to release the vehicle with the infotainment and electronic systems intact, the Defendant respectfully requests the Court to reconsider the indigency determination without factoring in the value of the vehicle.

Further, the Court's July 1, 2024 Order states "the item may be presently returned to the Defendant's possession." Because the Defendant is incarcerated in the Ashland County Jail and is unable to take possession of the vehicle, the vehicle will need to be released to a designee.

For the foregoing reasons, the Defendant respectfully asks this Court to enter the requested order.

Respectfully submitted,

/s/ James J. Mayer, III

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*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing Motion for Release of Property has been served upon the Ashland County Prosecutor, this 25<sup>th</sup> day of July, 2024.

/s/ James J. Mayer, III

**JAMES J. MAYER III (0072887)**