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MARCIA J MENGEL, CLERK
SUPREME COURT OF OHIO

ORIGINAL

06-2196

SUPREME COURT OF OHIO

STATE OF OHIO,

PLAINTIFF-APPELLEE,

-VS-

Ronald Kelly Patterson Jr.,

DEFENDANT-APPELLANT,

OHIO FIFTH DISTRICT COURT OF APPEALS

TUSCARAWAS COUNTY CASE NO. 2006 AP 08 0044

2006 AP 08 0044.

MOTION FOR DELAYED APPEAL

Now comes DEFENDANT - APPELLANT, RONALD KELLY PATTERSON JR. and requests this HONORABLE COURT to grant him permission to file a delayed appeal.

DEFENDANT - APPELLANT had attempted to file his appeal with this HONORABLE COURT on October 3 - 2006, well within the 45 day time limit required for filing the appeal, which had been October 7 - 2006.

DEFENDANT - APPELLANT has attached to this motion the " Cash Slip " which was dated on the day he placed his appeal in the mailbox here at Mansfield Correctional Institution. DEFENDANT - APPELLANT offers this cash slip as proof that he did in fact mail his appeal within the prescribed time limits of 45 days.

DEFENDANT - APPELLANT seeks to file a delayed appeal from the August 24, 2006 judgement entry of the OHIO FIFTH DISTRICT COURT OF APPEALS .

DEFENDANT - APPELLANT also filed a motion to reconsider in the OHIO FIFTH DISTRICT COURT OF APPEALS, the answer to that is attached, judgement entry Sept 18, 2006.

FILED
NOV 27 2006
MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

Respectfully submitted,

Ronald Kelly Patterson Jr.

Ronald Kelly Patterson Jr.

Personal A/C Withdrawal Check Out-Slip

Dollars	Cents
	11

Institution <i>Man. C. I.</i>	Date <i>10-3-06</i>
Name <i>Clerk, Supreme Court of Ohio</i>	
Address <i>30 East Broad Street, 2nd floor</i>	
City <i>Columbus</i>	State <i>Ohio</i>
Zip Code <i>43215-3414</i>	

Postage
 Copies
 ID
 Misc. _____
 Check-out CK # _____

The inmate's signature on this withdrawal request verifies that the information listed above has been read to or by the inmate and is correct. In the event of an error in the address which results in the return of this package, the inmate shall assume financial responsibility.

Inmate's Signature <i>A. Kelly Patterson Jr.</i>	Number <i>384-526</i>	Block & Cell Number <i>1-A-266</i>
Approved By <i>[Signature]</i>	Witnessed <i>[Signature]</i>	

Ship VIA	Date Processed

IN THE COURT OF APPEALS FOR TUSCARAWAS COUNTY, OHIO

FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-vs-

RONALD K. PATTERSON, JR.

Defendant-Appellant

FILED
5th District Court of Appeals
Tuscarawas Co., Ohio

AUG 24 2006

CASE NO. 06AP080044

ROCKNE W. CLARKE
Clerk of Courts

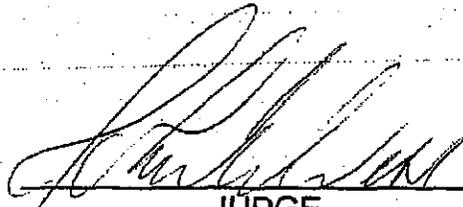
JUDGMENT ENTRY

This Court hereby *sua sponte* dismisses the within appeal for want of a timely Notice of Appeal. It appears from the face of the Notice of Appeal that was filed on August 11, 2006, that Appellant is attempting to appeal a judgment on July 10, 2006. As such, from the face of the Notice of Appeal, it appears the within appeal is untimely.

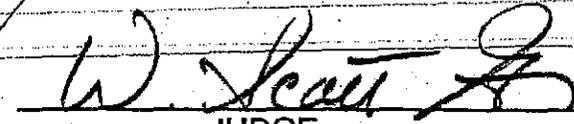
APPEAL DISMISSED.

COSTS TAXED TO APPELLANT.

IT IS SO ORDERED.



JUDGE



JUDGE



JUDGE

I, the undersigned Clerk of Courts hereby certify this to be a true and correct copy of the original filed in the court of Appeals of Tuscarawas County, Ohio.

IN THE COURT OF APPEALS FOR TUSCARAWAS COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-vs-

RONALD K. PATTERSON, JR.

Defendant-Appellant

CASE NO. 06AP080044

JUDGMENT ENTRY

FILED
5th District Court of Appeals
Tuscarawas Co., Ohio

SEP 18 2006

ROCKNE W. CLARKE
Clerk of Courts

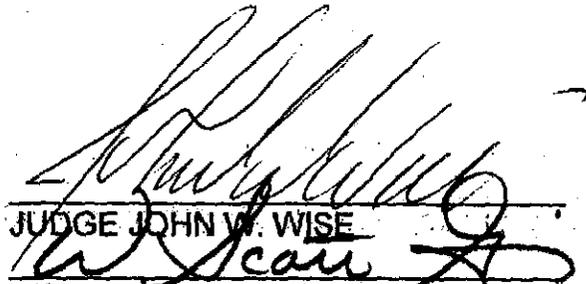
This matter came before the Court upon Appellant's motion for reconsideration of this Court's judgment entry filed on or about August 24, 2006, dismissing the matter as being untimely.

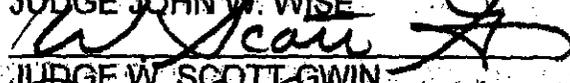
The test generally applied to a motion for reconsideration is whether the motion calls the Court's attention to an obvious error in the decision or raises an issue for consideration which was not considered or not fully considered by the Court. See, e.g., *Erie Insurance Exchange v. Colony Development Corp.* (2000), 136 Ohio App.3d 419, 736 N.E.2d 950. This Court has duly considered Appellant's arguments and finds that there are no obvious errors or incomplete considerations by the Court of any issues presented for review.

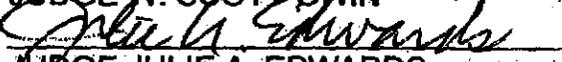
For these reasons, Appellant's motion for reconsideration is not well taken and, accordingly, is hereby denied.

MOTION DENIED.

IT IS SO ORDERED.


JUDGE JOHN W. WISE


JUDGE W. SCOTT GWIN


JUDGE JULIE A. EDWARDS

I, the undersigned Clerk of Courts hereby
certify this to be a true and correct copy of
the original filed in the court of
Appeals of Tuscarawas County, Ohio.
Rockne W. Clarke
Clerk of Courts, Tuscarawas County

AFFIDAVIT

I, RONALD KELLY PATTERSON JR., being first duly sworn according to law, deposes and says:

1. I, RONALD KELLY PATTERSON JR., did place my Notice Of Appeal in the mailbox here at Mansfield Correctional Institution on October 3, 2006, with full intentions for it to be mailed out on that day along with the regular U.S. mail.
2. I, RONALD KELLY PATTERSON JR., aver that due to circumstances beyond my control the aforementioned Notice Of Appeal was not sent out along with the regular U.S. mail on October 3, 2006, by the mailroom staff here at Mansfield Correctional Institution.
3. I, RONALD KELLY PATTERSON JR., have attached to this affidavit a copy of the Mansfield Correctional Institution "CASH SLIP", used for mailing as proof and to verify that I did with good intentions and to the best of my ability intend for my Notice Of Appeal to be mailed on October 3, 2006, and received by the Clerk of the OHIO SUPREME COURT and timely filed.

I hereby swear that the facts as set forth in the foregoing is true and correct to the best of my knowledge.

AFFIANT FURTHER SAYETH NAUGHT.

Ronald Kelly Patterson Jr.
RONALD KELLY PATTERSON JR.

SWORN TO AND SUBSCRIBED IN MY PRESENCE THIS 23 DAY OF
OCTOBER, 2006

Mary Miner
NOTARY PUBLIC



MARY MINER
Notary Public, State of Ohio
My Commission Expires
Oct. 23, 2007

**Personal A/C Withdrawal
Check Out-Slip**

Dollars	
Cents	

Institution:	Wells Fargo
Name:	Mark Stephen Cantor of Ohio
Address:	30 East Broad Street, 2nd Floor
City:	Columbus
State:	Ohio
Zip Code:	43215-3414

<input checked="" type="checkbox"/> Postage	<input type="checkbox"/> Copies	<input type="checkbox"/> ID	<input type="checkbox"/> Misc	<input type="checkbox"/> Check-out CK #
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The inmate's signature on this withdrawal request verifies that the information listed above has been read to or by the inmate and is correct. In the event of an error in the address which results in the return of this package, the inmate shall assume financial responsibility.

Inmate's Signature:	R. Kelly Patterson
Approved By:	[Signature]
Number:	354-826
Block & Cell Number:	1-A-266

Ship Via:	
Date Processed:	

IN THE SUPREME COURT OF OHIO

STATE OF OHIO

PLAINTIFF-APPELLE,

-vs-

RONALD KELLY PATTERSON JR.

DEFENDANT-APPELLANT,

COURT OF APPEALS CASE NO. 06AP080044

Affidavit Pursuant to: R.C. 2969.25

Now comes Defendant-Affiant, Ronald Kelly Patterson Jr. propria persona and cautioned on my oath, states all of the civil actions filed by me in any State or Federal Court in the past five years.

- A. Petition for Post Conviction relief in the Court of Common Pleas Tuscarawas County Ohio. Case No. 1999-CR-09-0181.
- B. This Petition was dismissed for failure to state a claim for which relief can be granted on or about September of 2000.
- C. Petition for writ of Habeas Corpus Case No. 02-0475 challenging subject matter jurisdiction of the trial court of Tuscarawas County, Ohio, filed March 25, 2002 and dismissed Sua Sponte by the Ohio Supreme Court on or about May of 2002.
- D. Class Action Complaint filed pursuant to Fed. R. Civ. P. 23 before the United States District Court for the Northern District of Ohio Eastern Division, filed against Glaxosmithkline Inc. Case No. 1:02-CV-765, and is still pending.
- E. Second petition to vacate or set aside judgment based on newly discovered evidence filed May 23, 2002 in the Court of Common Pleas Tuscarawas County Ohio denied as untimely filed.
- F. Appeal to the Fifth District Court of Appeals for Tuscarawas County, Case No. 02-AP-07055 in which the Fifth District Court of Appeals affirmed the Court of Common Pleas Tuscarawas County judgement entry on May 23, 2002.
- G. Defendant's motion to withdraw guilty plea filed on June 19, 2006 in the Court of Common Pleas Tuscarawas County Ohio, ruled to be without merit and should be overruled, July 10, 2006.

- H. Notice of Appeal to the Fifth District Court of Appeals for Tuscarawas County Ohio, Case No. 06-AP-080044, dismissed as appearing to be untimely filed, August 24, 2006.
- I. Motion to Reconsider filed in September 2006, in the Fifth District Court of Appeals for Tuscarawas County Ohio, motion denied judgement entry September 18, 2006.
- J. Notice of Appeal filed October 10, 2006 returned by the Ohio Supreme Court Clerk along with a recommendation to file this motion for Delayed Appeal.
- K. Affiant states that he has no other Civil Actions pending in any State or Federal Court, nor has he filed any others in the past five years.

Affiant Further Sayeth Naught.

Ronald Kelly Patterson Jr.
RONALD KELLY PATTERSON JR.

SWORN TO AND SUBSCRIBED IN MY PRESENCE Nov. 2, 2006

NOTARY Mary Miner

MY COMMISSION EXPIRES _____
 MARY MINER
Notary Public, State of Ohio
My Commission Expires Oct. 23, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing
MOTION FOR DELAYED APPEAL, has been forwarded to the TUSCARAWAS
COUNTY PROSECUTOR, (address) 125 East High Ave. New Philadelphia,
Ohio 44663, on this 20th day of November 2006.

Ronald Kelly Patterson Jr.
RONALD KELLY PATTERSON Jr.