

IN THE SUPREME COURT OF OHIO

State of Ohio

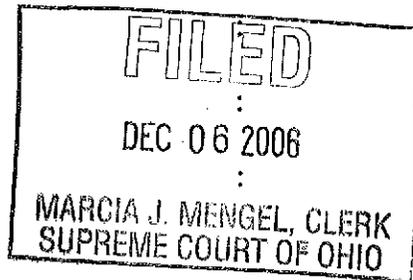
Appellee

CASE NO. 06-1658

vs.

Marcus Simpson

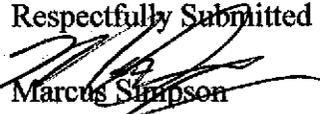
Appellant.



**MOTION FOR RECONSIDERATION**

Now comes the appellant Marcus Simpson, and respectfully moves this honorable court to reconsider is 11-29-06 dismissing of his case for the following:

Respectfully Submitted

  
Marcus Simpson

912 Medocsh Ave  
Cincinnati, Ohio 45215

This honorable court stated in *Sheaffer v. Westfield Ins Co.*, 2006-Ohio-4476 “ When this Court Denies Review, Disputed Issue between the Parties Is Settled According to Lower Courts Ruling “. respectfully.

The disputed issues if settled according to the lower courts rulings are saying citizens can not be heard under R.C. sec. 2953.23 Time for filing bar, whereas here the facts clearly shows on the face of the record that neither the charged nor/or uncharged offense was committed.

That a citizen of the State of Ohio, can not be heard under R.C. sec. 2953.23 Time for filing bar, whereas here the facts clearly shows on the face of the record that the trial court violated appellants or any citizens State and Federal *substantial constitutional rights* by putting him/them on trial for an uncharged offense, And if not for the violations [N]o reasonable fact finder would have found appellant / or any citizen guilty. If as used in the statute a trial court find this, the procedural bar must yield to the constitutional violation but not in appellant case?

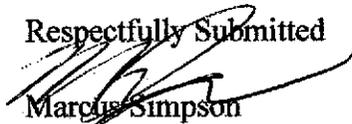
Whether pursuant to R.C. sec. 2953.23 time for filing bar, if as in this case the victim testimony in open court that neither the charged nor uncharged offense was committed has the same meaning as division (A)(1)(b) “ actual innocence “ and therefore opens the gateway of the procedural bar and allows for consideration of appellant or any other citizen constitutional claims.

Appellant submit's the lower courts rulings are contrary to R.C. sec. 2953.23 time for filing bar of the statutes, contrary to the facts of the case and the Constitution of the State of Ohio and the United States, respectfully contrary to fundamental justice. Absolutely nowhere is there a case whereas here a citizen has been convicted after the court was told the offense was not committed or attempted and the courts will not hear his pleas for justice. This your appellants situation is unprecedented.

Furthermore this case would make a good example of what *should never* happen to a citizen of the State under are system of justice.

Therefore appellant respectfully moves this honorable court to reconsider its 11-29-06 dismissing of his case.

Respectfully Submitted

  
Marcus Simpson

912 Medosch Ave

Cincinnati, Ohio 45215

**PROOF OF SERVICE**

I Marcus Simpson hereby certify that a true copy of this motion was mail to Mr. James Keeling Hamilton County Prosecuting Attorney at 230 East Ninth Street, Suite 4000 Cincinnati Ohio this    day of Dec. 2006

By: Marcus Simpson