STATE OF OHIO }ss
FRANKLIN CTY

CASE NO. 2006. 2081
SUPREME COURT OF OHIO

HON JURIST THOMAS MOYER

APPLICATION OF:

FILED
DEC 07 2006
MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

STATE OF OHIO. EX REL.
LEVERT K. GRIFFIN.
PLTF. APLT. REL.,
v.
LAWRENCE R. SMITH, ESQ.
DEFT.. APLLEE. RES...

MOTION FOR SANCTIONS PER TO CIV PROC RL. 11. AND ADOPT MEMORANDUM IN SUPPORT OF JURISDICTION IN CASE No. 2006. 1762

RELATOR. APLT.. PLTF.. PRAY THIS COURT IN THE OFFICE MAKE A ENTRY. A MOTION FOR SANCTIONS PER TO CIV PROC RL. 11. REQUEST ORDER. PROPERLY. YOUR HONOR CHIEF JUSTICE MOYER. ESQ.. YOU HAVE REMEDIAL JURISDICTION TO GRANT RELIEF UPON THE RECORD FOR WHICH RELIEF CAN BE GRANTED.

IT IS SO ORDERED
IT IS SO PRAYED
SO HELP ME MY DEAR GOD'S ALLAH. VERY TRULY YOURS. John Go.

IN ADDITION AND ADOPT MEMORANDUM IN SUPPORT OF JURISDICTION IN CASE No. 2006. 1762. AS THEIR MERIT BRIEF / AND THEIR PROPOSITIONS OF LAW. I /D/ SHOW GOOD CAUSE GOOD FAITH REQUEST!!! !!! (BLEEP BLEEP BLEEP) BOTH GUS AND LARRY HOWIE.

CERTIFICATE OF SERVICE

TO THE CLK.. TO THE CRT. TO LAWRENCE R. SMITH, ESQ. ONE CASCADE PLZ. 8TH FL. AKRON. OH 44308 THIS DEC 2. 2006 SOUTHREG MS DORTOCRIME 55. 28USC1746.

RESPECTFULLY SUBMITTED.

POB 22142
AKRON, OH 44302

ST. JOHN. SEE. EXHIBIT "C. AND C.1". i.e.. IN THE 21ST CENTURY I AM A CALIPH. BLK MUSLIM / RaCa.

ARTICLE III §1

Community Nutrition Inst v. Block Cite as 698 F.2d 1239 (1983)

There are at least three elements plaintiff must establish in order to satisfy constitutionally imposed standing requirements: injury in fact, fairly traceable to the challenged action, that is likely to be redressed by a favorable decision. USCA Const Art 3 § 1 et seq.

FEDERAL CIVIL PROCEDURE

For purposes of the const elements of standing, the element of injury in fact requires plaintiff to allege facts demonstrating a definable and discernible injury and an adequate connection between that injury and himself, and the fairly traceable causation element is directed toward the connection between the injury and defendant's actions while the element of redressability focuses on the connection between the injury and the action requested of the Court. USCA Const Art 3 § 1 et seq.

In order to establish required injury for purposes of standing, plaintiff need not allege facts establishing a substantial injury; an identifiable trifle will suffice, but the injury must be definable and discernible and, in order to establish the proper connection to plaintiff, it must be specific. US CA Const Art 3 § 1 et seq.

Prudential elements of standing include requirement that plaintiff's complaint be arguably within the zone of interest to be protected or regulated by the statute in question and reluctance of federal courts to adjudicate abstract questions of wide public significance which amount to generalized grievances.

For purposes of the requirement of connection between alleged injury and defendant's actions, in order to establish standing, plaintiff need only make a reasonable showing that "but for" defendant's action the alleged injury would not have occurred, and plaintiff is not required to allege uncontrovertible facts. Const. Art. 3 § 1 et seq.

Levert v. Exhibit C, Spec Ct #06-2079 in 06-2081

Pl. Reply Spec Letter

St. John 60 / December 2, 2006.

Cert 3 § 1 USCA Function <u>Injury</u>

Requirement, for purposes of establishing standing, that alleged injury be likely to be redressed by favorable decision does not require plaintiff to prove that granting the requested relief is certain to alleviate the injury; would not have occurred, and plaintiff is not required to allege uncontrovertible facts. USCA Const Art 3 § 1 et seq

For purposes of the zone-of-interests test of standing, plaintiff is required only to assert an interest which is arguable from the face of the applicable statute, and examining the legislative history in great detail is inconsistent with the purposes behind the test

CRIMINATION. Malloy, a convicted felon on probation, was ordered to testify in a judicial inquiry into gambling activities. He refused to answer any questions concerning the crime for which he had been convicted, and he was held in contempt. Connecticut's highest court, relying on TWINING V. NEW JERSEY (1908) and ADAMSON V. CALIFORNIA (1947), ruled that Malloy's invocation of the Fifth Amendment right had no constitutional basis in the state and that the Fourteenth Amendment did not extend the right to a state proceeding.

The Supreme Court reversed on the ground that the "same standards must determine whether an accused's silence in either a federal or a state proceeding is justified." Had the inquiry been a federal one, said Justice WILLIAM J. BRENNAN for a 5–4 majority, Malloy would have been entitled to refuse to answer because his disclosures might have furnished a link in a chain of evidence to connect him to a new crime for which he might be prosecuted. The Court held that "the Fifth Amendment exception from compulsory self-incrimination is also protected by the Fourteenth against abridgment by the States." *Twining* and *Adamson*, which had held to the contrary, were overruled, although the specific holding in *Adamson* relating to comments on the accused's failure to testify was not overruled until GRIFFIN V. CALIFORNIA (1965). Thus, *Malloy* stands for the DOCTRINE that the Fourteenth Amendment protects against state abridgment the same right that the Fifth protects against federal abridgment. Justices BYRON R. WHITE and POTTER STEWART did not expressly dissent from this doctrine; they contended, rather, that Malloy's reliance on his right to silence was groundless on the basis of the facts. Justices JOHN MARSHALL HARLAN and TOM C. CLARK opposed the incorporation of the Fifth Amendment right into the Fourteenth.

LEONARD W. LEVY

Point in this December 2, 2006 - Reverse of "C.1" Supt Ct #06-2079 & 06-2081

MANDAMUS, WRIT OF

(Latin: "We command.") A writ of mandamus is a judicial order to a lower court or to any agency or officer of any department of government, commanding the performance of a nondiscretionary act as a duty of office for the purpose of enforcing or recognizing an individual right or privilege. (See MARBURY V. MADISON, 1803.)

LEONARD W. LEVY

ST. JOHN GO.

patent No. ORC/296.40.3250 | in the time of Malitx in a State immune from prosecution

MANN ACT
36 Stat. 825 (1910)

Congress sought to suppress prostitution in the so-called White Slave Act under the commerce power. Anyone transporting or aiding the transportation of a woman in INTERSTATE or FOREIGN COMMERCE "for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl" to such immoral acts was guilty of a FELONY. Persuasion to cross state lines for these purposes "whether with or without her consent" was likewise a felony. Another section doubled the already stiff penalties (five years imprisonment or $5,000) in cases involving women under eighteen years of age. The act also authorized the Commissioner-General of Immigration to "receive and centralize information concerning the procuration of alien women and girls" for such purposes and required brothel-keepers to file statements regarding alien employees, exempting the keepers from prosecution for "truthful statements."

In HOKE V. UNITED STATES (1913) the Supreme Court sustained congressional power to enact the law under the COMMERCE CLAUSE, relying squarely on CHAMPION V. AMES (1903): "Congress, as an incident to [the commerce power] may adopt not only means necessary but convenient to its exercise, and the means may have the quality of police regulations."

DAVID GORDON

MANN-ELKINS ACT
36 Stat. 539 (1910)

The ELKINS ACT of 1903 and the HEPBURN ACT of 1906, as well as the decisions they prompted, had reinvigorated the Interstate Commerce Commission (ICC) after disastrous Supreme Court decisions such as INTERSTATE COMMERCE COMMISSION V. CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY CO. (1897). The Mann-Elkins Act granted the ICC, for the first time, the power to set original rates; it also authorized the commission to suspend applications for proposed rate increases until it had ascertained their reasonableness. Despite the statute's vesting the commission with such powers, determinations of reasonableness would still be subject to the extraordinarily flexible guidelines of the FAIR RETURN rule laid down in SMYTH V. AMES (1898). The act placed the ICC firmly in control by shifting the BURDEN OF