

IN THE SUPREME COURT OF OHIO

JOHN QUINCY DUNLAP

Appellant,

V.

STATE OF OHIO

Appellees,

On Appeal from the  
Franklin County Court  
of Appeals, Tenth  
Appellate District

**06-2361**

Court of Appeals  
Case NO. 05AP-260

---

MEMORANDUM IN SUPPORT OF JURISDICTION  
OF APPELLANT JOHN QUINCY DUNLAP

---

JOHN QUINCY DUNLAP In Pro se #447-317

P.O BOX 5500

CHILLICOTHE, OHIO 45601

Appellant In Pro se JOHN QUINCY DUNLAP

RON O'BRIEN 0017245

PROSECUTING ATTORNEY

FRANKLIN COUNTY, OHIO

373 SOUTH HIGH STREET

13th Floor

COLUMBUS, OHIO 43215

PHONE: 462-3555

COUNSEL FOR THE STATE OF OHIO RON O'BRIEN



TABLE OF CONTENTS

EXPLANATION OF WHY THIS IS A CASE OF PUBLIC OR GREAT GENERAL INTEREST AND INVOLVES A SUBSTANTIAL CONSTITUTIONAL QUESTION 1,2

STATEMENT OF THE CASE AND FACT ..... 3

ARGUMENT IN SUPPORT OF PROPOSITIONS OF LAW ..... 3

PROPOSITION OF LAW I: No Judge, Prosecutor nor Attorney shall knowingly deprive any individual of their Constitutional or Statutory Rights?, and whoever violates this section is Guilty of Interfering with Civil Rights: O.R.C. §2921.45 (A)(B)?..... 4

Proposition of law No: *Violated Mr Dunlap's Right to Jury 001-4*

*JOURNAL ENTRY: NOVEMBER 13th, 2006*

*JOURNAL ENTRY: OCTOBER 23rd, 2006*

Conclusion..... 4

Proof of service ..... 5

Appendix ..... Appx.P

Memorandum in support ..... 4

TABLE OF AUTHORITY

<u>CASE:</u>	<u>PAGE</u>
DUNCAN V. LOUISIANA, (1968) 391 U.S. 145, 88 S. CT. 1444, 20 L. ED. 2D 491.....	1, 4
STATE V. FOSTER, 03CA95, 2004-OHIO 4209..	1
STATE V. QUINONES, 83720, 2004-OHIO-4485 .....	1
STATE V. ADAMS, 2003-L-110, 2005-OHIO-1107... ..	1
STATE V. HORN, 07-03-016, 2005-OHIO-5257.....	1
WORK V. STATE (1953), 2 OHIO ST. 296 .....	1, 4

CONSTITUTIONAL PROVISIONS; STATUTES:

OHIO CONSTITUTION SECTION 5, ARTICLE I...1, 4	
OHIO CONSTITUTION SECTION 10, ARTICLE I... 1, 4	
O.R.C 2945.05 .....	1, 3
O.R.C 2945.06 .....	1, 3
O.R.C 2945.74 .....	1, 2, 3, 4
O.R.C 2945.72 .....	1, 2, 3, 4
UNITED STATES CONSTITUTION           ARTICLE III, SECTION 2 .. <u>INFORMATION STATEMENT</u>	
UNITED STATE CODE: 28, SECTION 2255	
SIXTH AMENDMENT PRINCIPLES	
O.R.C 2945.73 .....	1, 4

EXPLANATION OF WHY THIS CASE IS A CASE OF PUBLIC

OR GREAT GENERAL INTEREST AND INVOLVES A

SUBSTANTIAL CONSTITUTIONAL QUESTION

(1) This Supreme Court of Ohio has recognized in its "Entry of State of Ohio v. Foster, Quinones, Adams, Horn, Appellants of Four different Counties, That the standards of which were being used was unconstitutional to these Four Individuals and remanded these case, back to the Court on "Constitutional Error,"? On page 3 (1)(4) Measure the statutes against the requirements of the Sixth Amendment? and (5) Apply a remedy for the Constitutional violation?'

I. Sixth Amendment Principles

(2) The Six Amendment to the United States Constitution, made applicable to the states through the Fourteenth Amendment, Guarantees an accused the right to trial by jury. Duncan v. Louisiana (1968), 391 U.S. 145, 88 S.Ct. 1444, 20 L.Ed.2d 491. Likewise, Section 5, Article I of the Ohio Constitution states that the "right of trial by jury shall be inviolate?," and Section 10, Article I confirms the right to speedy public trial by an impartial jury?," "These sections preserve for the accused" all essential and distinguishing features of the trial by jury" Known to the Common Law in Ohio. Work v. State (1853), 2 Ohio St. 296, syllabus?'

(1) The Questions of this case, concerns just The Common Law Work v. State, that the Fourteenth Amendment demands that all criminal prosecution be tried by a jury, is this right?

(2) That this State also most bring the accused to trial with in 270 days after his arrest or him being indicted or which ever comes first, is this right?

(1) In this case at hand, from the beginning Appellant, "pleaded that he was Not Guilty of this crime?

(2) The request of jury was already establish, by Appellant John Quincy Dunlap, and he was ready to go to trial, but is it lawful for the trial court, to deprive Mr Dunlap of his rights, to speedy public trial? by a impartial jury of his peers? a twelve member penal? In this case at hand, because there was no jury impenaled in the Three Hundred and Sixty Four days of his arrest or of him being indicted, Mr Dunlap never "Plead Guilty" nor did a Jury find him "Guilty," is this right?

(3) Does the Fourth, Fifth, Sixth, and Fourteenth Amendment that prohibit states through the Due Process of Law, that no person shall be put in jeopardy, without "Due Process of the Law, is this True?

(4) Prosecutor failed to prove all the "Elements," of the crime, of which Mr Dunlap is imprisoned fore? There was no 32 weapon in Mr Dunlaps position? There was no spent casing of any gun? There was no witnesses to testify that Mr Dunlap shot any gun? and why is a Innocent Man imprisoned?

(5) Mr Dunlap is "Not Guilty of any crime?"

(6) Is it lawful for the Trial Court and the State to withhold evidence of Mr Dunlaps Innocence?

(7) Mr Dunlap requested for a New Trial by a Jury, On 27th day of Febuary, 2003? Is it lawful for a Judge to Deny the accused that right?

RESPECTFULLY SUBMITTED

  
J.C.I  
P.O BOX 5500  
CHILLICOTHE, OHIO 45601

STATEMENT OF CASE AND FACTS

ARGUMENT IN SUPPORT OF PROPOSITION OF LAW

On February 27th, 2002, The accused John Quincy Dunlap was arrested on a Four Counts? The First Count was: Attempted Burglary 2923.02/2911.12 F2 with Specification 25&17?

The Second Count was: Improperly Discharging A Firearm at or Into a Habitation or In a School Zone 2923.161 F2?

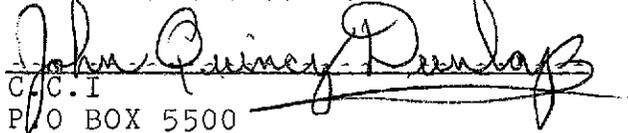
The Third Count was: Failure to Comply with an Order or Signal of a Police Officer 2921.331 F4?

The Fourth Count was: Have a Weapon while under Disability 2923.13 F5?

In this case at hand, there was no evidence proven to Judge Travis, that could sustain his "verdict of Guilty"? there was no 32 Gun in Mr Dunlap's possession? when Mr Dunlap was arrested? there was no spent shell casing, in Mr Dunlap's van or in the area where Mr Dunlap was seen at? There was no spent 22 shell casing there either? There was no "GUN?" linking Mr Dunlap to that incident? The evidence to support this conviction is inconsistent with the crime? With the evidence in this case, no jury would have convicted Mr Dunlap of these crimes?

Mr Dunlap would like to request a jury trial? of twelve members of his peers?

RESPECTFULLY SUBMITTED

  
C.C.I  
P.O. BOX 5500  
CHILLICOTHE, OHIO 45601

## MEMORANDUM IN SUPPORT OF JURISDICTION

In this case at hand, Appellant John Quincy Dunlap, respectfully moves this Court to enter and apply its remedy for the Constitutional violation.

Which was a part of the Foster, Quinones, Adams, Horn, cases, This Supreme Court of Ohio, has already rendered for such violation, this Court has made: On page 3(1)(4) and has Measured the statutes against the requirements of the Sixth Amendment, and (5) Apply a remedy for the Constitutional violation?

### I. SIXTH AMENDMENT PRINCIPLE

(2) The Sixth Amendment to the United States Constitution, made applicable to the states through the Fourteenth Amendment, Guarantees an accused the right to trial by jury. *Duncan v. Louisiana*, (1968), 391 U.S. 145, 88 S.Ct. 1444, 20 L.Ed.2d 491. Likewise, Section 5, Article I of Ohio Constitution states that the "right of trial by jury shall be inviolate," and Section 10, Article I confirms the right to speedy public trial by an impartial jury, "These section preserved for the accused" all essential and distinguishing features of the trial by jury" Known to the Common Law in Ohio, *Work v. State* (1853) 2 Ohio St. 296, syllabus.

### Conclusion

Mr Dunlap never "plead Guilty to any of the charges in this case at hand, and no Jury founded Mr Dunlap "Guilty" of any wrong doing in this case.

Mr Dunlap's case should be reversed on the ground that the trial Court violated Mr Dunlap's constitutional right's to a Speedy Public Trial by a Impartial Jury by his peers. O.R.C 2945.71, 2945.72, 2945.73. O.R.C § 2945.06, 2945.05?

And the Evidence was Legally Insufficient to support, Mr Dunlap's conviction.

The Question is did this Trial Court, "Deprive Mr Dunlap of the Common Rights of Law, the right to a speedy public trial, right to trial by jury in the statutory time limits prescribed by Ohio Constitution Section 5, Article I?

*John Quincy Dunlap*

19110117

IN THE COURT OF APPEALS OF OHIO  
TENTH APPELLATE DISTRICT

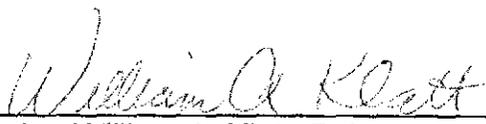
FILED  
COURT OF APPEALS  
FRANKLIN CO OHIO  
2015 NOV 13 PM 3:52  
CLERK OF COURTS

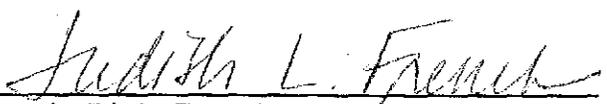
State of Ohio, :  
 :  
Plaintiff-Appellee, :  
 :  
v. :  
 :  
John Q. Dunlap, :  
 :  
Defendant-Appellant. :

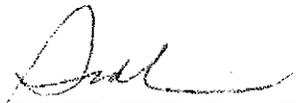
No. 05AP-260  
(ACCELERATED CALENDAR)

JOURNAL ENTRY

Appellant's November 2, 2006 motion for "further review" is denied, this court having affirmed the judgments of the trial court on December 20, 2005.

  
\_\_\_\_\_  
Judge William A. Klatt, P.J.

  
\_\_\_\_\_  
Judge Judith L. French

  
\_\_\_\_\_  
Judge Lisa L. Sadler

*off*

IN THE COURT OF APPEALS OF OHIO  
TENTH APPELLATE DISTRICT

FILED  
COURT OF APPEALS  
FRANKLIN CO. OH

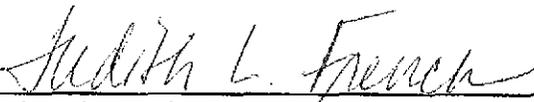
2006 OCT 23 PM 3:1  
CLERK OF COURT

State of Ohio, :  
 :  
 Plaintiff-Appellee, :  
 :  
 v. : No. 05AP-260  
 :  
 John Q. Dunlap, : (ACCELERATED CALENDAR)  
 :  
 Defendant-Appellant. :

JOURNAL ENTRY

This court, on December 20, 2005, affirmed the judgments of the trial court in appellant's direct appeals of his criminal convictions. On January 20, 2006, this court denied appellant's request to correct this court's judgment. On February 17, 2006, appellant filed what is construed as an "Affidavit" requesting that this court correct its judgment pursuant to Civ.R. 60 (A)(B) and release appellant from prison. As far as can be ascertained from a review of the docket, this court did not address appellant's February 17, 2006 affidavit. On September 8, 2006, appellant mailed to the Clerk of a Courts a letter requesting consideration of his February 17, 2006 affidavit/motion for Civ.R. 60(A)(B) relief. On September 19, 2006, this court denied said relief. Appellant's September 29, 2006 motion for court ordered release is denied.

  
\_\_\_\_\_  
Judge William A. Klatt, P.J.

  
\_\_\_\_\_  
Judge Judith L. French

  
\_\_\_\_\_  
Judge Lisa L. Sadler

ON COMPUTER 6