

ORIGINAL

ON COMPUTER-ALM

STATE OF OHIO  
COUNTY OF FRANKLIN

CASE No. 06, 2081  
IN THE SUPREME COURT OF OHIO

HON JUDGE ~~STANLEY T. MOYER, SR.~~

APPLICATION OF:

STATE OF OHIO, EX REL.,  
LEVERT K. GRIFFIN,  
MOVANT,

v.

LAWRENCE R. SMITH, ESQ., ET AL.,  
NONMOVANT.

RECEIVED  
JAN 04 2007  
MARCIA J MENGEL, CLERK  
SUPREME COURT OF OHIO

FILED

JAN 04 2007

MARCIA J. MENGEL, CLERK  
SUPREME COURT OF OHIO

MOTION FOR JURY TRIAL ON THE ISSUES FOR DAMAGES  
O.R.C.P. § 2311.04 / THE EXHIBIT "O" PENDING BEFORE  
THE BOARD OF COMMISSIONERS ON GRIEVANCES AND  
DISCIPLINE OF THE SUPREME COURT OF OHIO CASE NO.  
APPROVED JURIST ST. MOYER, ESQ. OFFICE

NOW COMES LEVERT K. GRIFFIN, IN PRO SE., HEREBY MOVES THIS COURT  
COURT ITS OFFICE OF THE (B.C.C.D.), TO THE MOTION FOR JURY TRIAL ON THE ISSUES  
FOR DAMAGES O.R.C.P. § 2311.04 / THE EXHIBIT "O" PENDING BEFORE THE BOARD  
OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE OF THE SUPREME COURT OF  
OHIO CASE NO.

APPROVED JURIST ST. MOYER, SR. THEREFORE PRAYER FOR RELIEF  
THE ORDER, GRANTING.

SEE HERewith EXHIBITS "O", "1", 2a, b, AND 3 IT ELEMENT  
GUARANTEED SECURED UPON THE JUDICIAL U.S.C. UNDER OHIO LAW ART I § 2.

IT IS SO ORDERED

IT IS SO PRAYED

SO HELP ME MY DEAR GOD'S MIGHTY ALLAH.

VERY TRULY YOURS, John St(e) / 60(B) I. b.,

RESPECTFULLY SUBMITTED

Yahya II  
John Rastin II

POB22147  
A/R ON 01/04/302

SERVICE

TO LAWRENCE R. SMITH, ESQ., ONE CASCADE PLZ. AKRON, OH 44308  
THIS DEC 29, 2006.

ST JONAS

EXHIBIT

§ 2311.04 Trial of issues.

ALR

Right to jury trial in state court divorce proceedings. 56  
ALR4th 955.

CASE NOTES AND OAG

1. (1982) A complaint seeking to recover a commission on the sale of real property is an action for money only and, as such, is a legal action, entitling plaintiff to a trial by jury. RC § 2311.04; *Mooney v. Green*, 4 OApp3d 175, 4 OBR 276, 446 NE2d 1135.

2. (1983) Relief under RC § 4123.90 is equitable in nature and there is no right to a jury in such an action: *Bruncz v. Houdaille Industries, Inc.*, 13 OApp3d 106, 13 OBR 123, 468 NE2d 370.

3. (1984) In an action requesting judgment on a note and foreclosure of a mortgage, determination of legal questions on the note must be resolved before the court may proceed to resolve the equitable issues on the foreclosure portion of the action: *City Loan & Savings Co. v. Howard*, 16 OApp3d 185, 16 OBR 195, 475 NE2d 154.

4. (1984) Neither party is entitled to a jury trial as a matter of right in an equitable action: *City Loan & Savings Co. v. Howard*, 16 OApp3d 185, 16 OBR 195, 475 NE2d 154.

5. (1987) The requirement in RC § 1701.85(B) that "[t]he court shall thereupon make a finding as to the fair cash value of a share" dispenses with the requirement of a jury trial in such special statutory proceeding: *Armstrong Marathon Oil Co.*, 32 OS3d 397, 513 NE2d 776.

6. (1985) A party has no right to a jury trial in a declaratory judgment action which challenges the validity of a mining ordinance: *Clark v. Woodmere*, 28 OApp3d 66, 28 BR 107, 502 NE2d 222.

Lewert's Exhibit # 24

PPZ  
1.2.3.4.

*e Calmes v.*  
p. (1991), 61  
2d 416, 420,  
*ike & Ohio*  
26, 229-230,  
erefore, we  
court for  
with this

going rea-  
eals' judg-  
nd remand

versed in

FLAS,  
N and

*Utens*

*Michael Willard*

*V. J. J.*

EXHIBIT  
# 1  
Case # 06-2081  
R. Smith  
Movant  
A.F. Ornel  
Case # 06-2079  
Ch Sup Ct

64 Ohio St.3d 294  
**DISCIPLINARY COUNSEL**  
v.  
**CALLERY.**  
No. 92-460.

reme Court of Ohio.  
mitted June 3, 1992.  
ided Aug. 12, 1992.

and report by the Board of  
an Attorney and the  
Disciplinary Council.

**Attorney and Client ←58**

Attorney misconduct in repeatedly con-  
verting clients' funds to personal use in  
connection with real estate transactions  
and in failing to produce documents sub-  
poenaed by Office of Disciplinary Counsel,  
aggravated by lack of cooperation in re-  
solving those matters, warrants permanent  
disbarment. Code of Prof.Resp., DR 1-  
102(A)(3, 4, 6), DR 5-104(A), DR 6-  
101(A)(3), DR 9-102(A, B); Government of  
the Bar Rule V(5)(a).

On October 18, 1990, relator, Office of  
Disciplinary Counsel, filed a three-count  
complaint against respondent, William R.  
Callery, Jr. Three additional counts ap-  
peared in an amended complaint filed on  
August 26, 1991. Count I alleged viola-  
tions of DR 1-102(A)(4) and (6) (conduct  
involving dishonesty, fraud, deceit or mis-  
representation; conduct adversely reflect-  
ing on the fitness to practice law), 6-  
101(A)(3) (neglect of a legal matter), and 9-  
102(A) and (B) (client funds shall be sepa-  
rately maintained; attorney shall promptly  
pay funds to which client is entitled).  
Count II likewise charged respondent with  
violating DR 1-102(A)(6) and 6-101(A)(3).  
Count III claimed violations of DR 1-  
102(A)(6) and Gov.Bar R. V(5)(a) (failure to  
cooperate with investigation). The remain-  
ing counts uniformly alleged violations of  
DR 1-102(A)(4) and (6), 1-102(A)(5) (con-  
duct involving moral turpitude), 6-101(A)(3)  
(attorney shall keep business records of  
work with client) and 9-102(A) and (B).

With the complaint of...  
the charges...  
attorney...  
with client...  
and 9-102(A) and (B).

## Foreclosure Parcel Credit Entry

Choose the credit type from the Credit Type Selector, enter the Principal Credit, Interest Credit, and any applicable credits for other taxes and/or fees. Click on "Apply" to post the credit. Click on "Close" to exit this screen without posting any credits.

Parcel: 6709974

Cert No.: 6709974-05

Credit Date: 12/31/2006

Credit Type Selector:

Principal Balance:	\$2,094.86
Interest Balance:	\$73.80
Misc. other outstanding tax:	\$0.00
Fees:	\$2,000.00
Accrued int. on certs. to filing date:	\$37.71

Principal Credit:	<input type="text" value="\$0.00"/>
Interest Credit:	<input type="text" value="\$0.00"/>
Misc. Tax Credit:	<input type="text" value="\$0.00"/>
Fee Credit:	<input type="text" value="\$0.00"/>
Accrued Int. Credit:	<input type="text" value="\$0.00"/>

Record 1 of 1

Total Credit: \$0.00

New Balance: \$4,206.37

EXHIBIT #2  
 Case # 06-208  
 no movement  
 it  
 A.F. final pay  
 then not paid

Call 330-643-8186

Attorney James Rudgers

called on 12.22.06, left message for return call

OK - Did not return call  
 be on the look out  
 2329.17 - 2329.61  
 2329.01

Lever K. Griffin, PKU, Jr.,

Need Services For Law  
Criminal - Civil - Bankruptcy?  
(Trial and Appeal)

Call: 330-431-0291

P.O. Box 22142  
Akron, Ohio 44302

*Handwritten:* COPY  
37  
J. Dean Carro, Esq.  
DECEMBER 23, 2006/ALL DAY B.C.

LAW OFFICE  
JAMES RUDIGEZ, ESQ.  
N/A

RE: IN THE OFFICE OF THE AKRON  
BAR ASSOCIATION  
7 W. BOWERY ST.,  
AKRON, OH 44308

*Handwritten in circle:*  
EXHIBIT  
# 26  
Case # 06-2081  
L. R. Smith  
no movant  
A. F. Heil  
no movant  
ok suspect  
no movant

SUBJECT MATTER: REQUEST  
THIS OFFICE COPY AND FORWARD  
THIS LETTER TO NAMED ATTORNEY  
IN THE FORECLOSURE OF MY  
HOUSE AT 717 STORER AVE.,  
AKRON, OH 44320. MY HOUSE  
IS PAID FOR I AM BEHIND IN A  
TAX LIEN ON LAND LAND TAX LIEN  
MY PROPERTY THE LAND DON'T BELONGS  
TO A COUNTY AUDITOR.

MY DEAR J. DEAN CARRO, ESQ. (PRESIDENT ABA)  
PLEASE COPY THIS DOCUMENT THE INSTRUMENTS WILL FOLLOW  
LATER TO STOP A \$200,000 DOLLARS ATTORNEY FEES FOR  
HIS PART IN AN ATTEMPT TO FORECLOSE ON A LAND TAX,  
AT 717 STORER AVE. AKRON, OHIO, 44320. I BELIEVE A CO-CON-  
SPIECY MAY HAVE BRANCHED OUT OF OFFICES TRYING TO DESTROY  
WHAT I HAVE PENDING IN THE SUPREME COURT OF OHIO. BOARD OF  
COMMISS. (DISCIPLINARY COUNSEL ON GRIEVANCE) CIVIL BAR RLS.  
RELIED REQUEST: CONTINUED ON-GOING INVESTIGATION ON GELS DUEL,  
AND LAWRENCE R. SMITH. SUP CT # 06-2079 AND 06-2081 PENDING  
IN FED CRT # 02:06cv1022.

St. John Co.

VERY TRULY YOURS,  
Lever K. Griffin, Jr.

The panel report further considers the criminal litigants to be victims of Respondent's actions. All of these individuals had recourse in the law for perceived violations of their due process rights. These individuals do not have a "right" to probation or a presentence investigation if the judge determines that probation is not going to be granted. Competent counsel protects your due process rights within the law. That is their function. These criminal defendants were not denied their right to go to trial. These instances cannot stand alone on their merits as violations and certainly cannot be considered as a pattern of how Respondent handles criminal cases. Since 1992, she has presided over hundreds, if not thousands, of criminal cases and to allege that these several cases demonstrate a "pattern" is stretching beyond the limits of reasonableness.

The panel report finding that Respondent was motivated by a selfish motive lacks justification. Respondent did not personally gain from her actions in any way. To insinuate that her personal motive was to have a manageable caseload is to ignore pressures put on trial judges to keep the docket current. The Supreme Court initiated the case reporting requirements to insure the timely resolution of cases. Once again, the few cases mentioned in the Amended Complaint certainly do not establish a pattern that docket control was more important to Respondent than the rights of the parties. The testimony established the Respondent did grant continuance requests when she felt they were merited. A clear and convincing pattern is not established by such a miniscule percentage of cases handled.

In conclusion, the bases for the panel report sanction recommendation have not been established by clear and convincing evidence. It has not been established that Respondent acted with dishonesty. A pattern of conduct was not established except as it relates to intemperate behavior. Any resulting harm from Respondent's decisions was minimal and could have been reviewed by a higher court. Respondent was responsible for her part in the effect on the public esteem for the integrity of the judiciary. Others are also blame.

*Level 3 Exhibits #3*  
*Case # 06-2081, R.R. Smith, esq, non-Movant 16,*  
*Case # 06-2079, A.F. O'NEAL, esq, non-Movant*  
*on Sup Ct*  
*Pending Dec 19, 2006 see bill.*