

IN THE SUPREME COURT OF OHIO

SELL JEFFERSON,
APPELLANT,

CASE NO. 1265-2007

V.

MAGGIE BEIGHTLER, WARDEN,
MARION CORRECTION INST.,

MARION, OHIO 43302

APPELLEE.

MOTION FOR RECONSIDERATION

SELL JEFFERSON, APPELLANT

APPELLANT/PRO-SE

SELL JEFFERSON

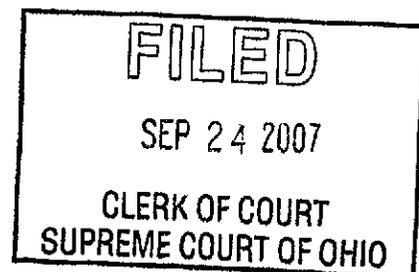
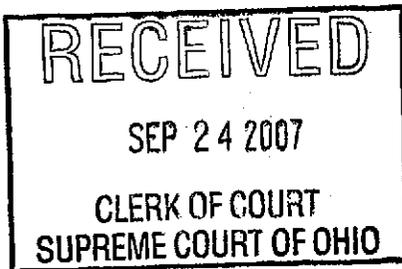
P.O. Box 57

MARION, OHIO 43301

MARC DANN/ASSISTANT ATTORNEY GENERAL FOR APPELLEE

615 west superior ave 11th Fl.,

CLEVELAND, OHIO 44113



IN THE SUPREME COURT OF OHIO

SELL JEFFERSON,
APPELLANT,

CASE NO.1265-2007

V.

MAGGIE BEIGHT LER, WARDEN,

MARION CORRECTION INST.,

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APPELLEE

Now comes Sell Jefferson, appellant, moves to this Honorable Court requesting that this Motion for Reconsideration be granted to reopen his case under S. Ct Prac. R. X, Section 9. The reason for such Motion for Resideration is more setforth in the Memorandum in Support.

MEMORANDUM IN SUPPORT

Appellant is filing his Motion for Reconsideration because his Merit Brief was Sua Ponte dismiss for failing to meet the September deadline on September 11, 2007..

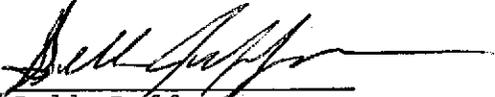
Appellant Merit Brief was returned with a Judgment Entry order filed on September 14, 2007. See Judgment Entry attached hereto. Appellant is paying court payment and is only allowed to have but \$10.00 in his accoun per month, therefore appellant had to make sure that his Merit Brief be mail and on time, he had Macheal Cook #512-170 to mail his brief to the court, but he placed it in the institution mail box hemsself on September 6, 2007, and the institution mailed the brief out on September 7, 2007, at 145⁰⁰PM. See copy of the receipt attached hereto, also the attorne General copy of the brief was mailed on the same day.

Appellant did make sure that he had enough time for his brief to be on time for the deadline, but it did not according to the

clerk of court. Appellant does not have the knowledge of what happened between September 6, 2007, and the 11th of September and he should not have to be penalized for the mail not being there for filing on time, that was not any fault of his own. Appellant is submitting an affidavit to contest the information that in this motion, attached hereto.

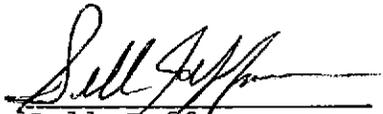
CONCLUSION

Appellant requesting that this Court will grant his Motion for Reconsideration and reopen his case. This case does present a great substantial constitutional question that would be of great public interest, and he prayed that this court will hear his case on the merit. SO PRAYED FOR


Sell Jefferson
#187-975
P.O. Box 57
Marion, Ohio 43301

CERTIFICATE OF SERVICE

I, hereby and states that I sent a copy of the Motion for Reconsideration to the Assistant Attorney General Office at 615 West Superior Ave 11th Fl., Cleveland, Ohio 44113, on this 8th DAY OF sept. 2007, by regular U.S. mail.


Sell Jefferson

The Supreme Court of Ohio

FILED

SEP 14 2007

CLERK OF COURT
SUPREME COURT OF OHIO

Sell Jefferson

Case No. 2007-1265

v.

JUDGMENT ENTRY

Maggie Beightler, Warden,
Marion Correctional Inst.

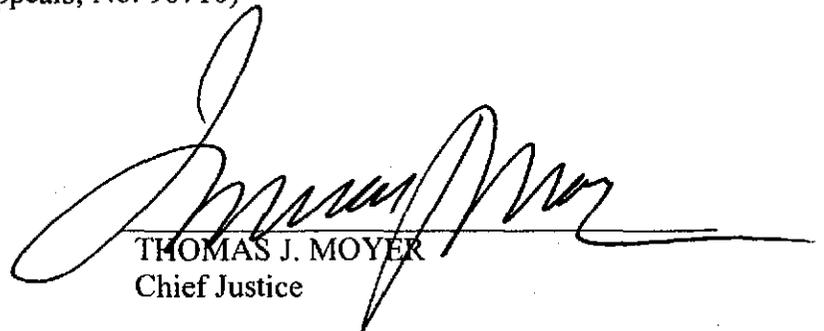
APPEAL FROM THE
COURT OF APPEALS

This cause is pending before the Court as an appeal from the Court of Appeals for Marion County. It appears from the records of this Court that appellant has not filed a merit brief, due September 11, 2007, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

It is ordered by the Court that this cause is dismissed sua sponte.

It is further ordered that a mandate be sent to the Court of Appeals for Marion County by certifying a copy of this judgment entry and filing it with the Clerk of the Court of Appeals for Marion County.

(Marion County Court of Appeals; No. 90710)



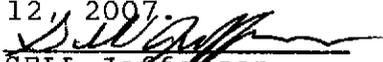
THOMAS J. MOYER
Chief Justice

AFFIDIVAT OF VERTIFY

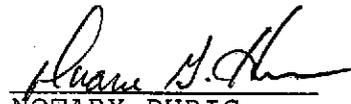
STATE OF OHIO)
MARION COUNTY) SS

I, Sell Jefferson, do hereby state that I am under the statute of perjury of Ohio, and duly caution and says the followings:

- 1, I placed the Merit Brief in the institution outgoing mail box on September 6, 2007
- 2, That Machiel Cook mailed the brief for me so I make the deadline without any problem because I did not have the fund to send it out, at that time.
- 3, I, Mailed the Attorney General Copy on September 6, 2007, as well.
- 4, The institution mail has to go through Marion Post Office and columbus Post Office before reaching it destination to the Ohio Supreme Court, until September 12, 2007.


SELL Jefferson

Sworn before me anotary pubic, in the said county and state, personally appeared before me, I testimony wherefore, I have hereto set my hand and official seal on this 21st DAY OF September 2007.


NOTARY PUBIC

Duane G. Ham
Notary Public, State Of Ohio
My Commission Expires July 25, 2012

Personal A/C Withdrawal Check Out-Slip

Dollars: 2 Cents: 33

Institution: <u>MCT</u>		Date: <u>9-6-07</u>
Name: <u>Supreme Court of Ohio, Clerk of Court</u>		
Address: <u>65 South Front Street</u>		
City: <u>Columbus</u>	State: <u>Ohio</u>	Zip Code: <u>43215-2431</u>

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: <u>[Signature]</u>	Number: <u>512 17.0</u>	Block & Cell Number: <u>7</u>
Approved By: <u>[Signature]</u>	Witnessed: <u>[Signature]</u>	

Ship VIA: _____	Date Processed: _____
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DRC 1004 (Rev. 3/01) DISTRIBUTION: WHITE - Cashier CANARY - Inmate Pink _____ ACA 4046

Fast → mailing receipt