

IN THE OHIO SUPREME COURT

THOMAS W. THOMPSON
#507-617 JA
P.O. BOX 7010
CHILLICOTHE, OHIO 45601
RELATOR,

S.Ct. NO. 08-0633

TRIAL CT. NO. 05 CR 2556

-VS-

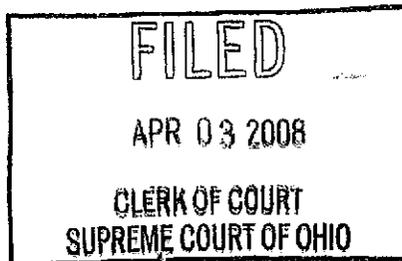
JUDGE REECE, e.t.al
373 SOUTH HIGH STREET
COLUMBUS, OHIO 43215

PETITION FOR THE ISSUANCE OF
A WRIT OF MANDAMUS

Comes now the Relator, Mr. Thomas W. Thompson, who while acting in Pro Se, do hereby respectfully request that this Court issue a WRIT OF MANDAMUS and direct it towards the Respondent in this case. The Relator asserts that the Respondent has failed to carry out a Clear Legal Duty and therefore, the Relator has no other recourse than to file this action.

The relator asserts that this action is being taken in accordance with O.R.C. 2701.02, O.R.C. 2731.01 as well as Article I, Section 10 and 16 of the Ohio Constitution and the 14th Amendment of the Ohio Constitution.

The Relator asserts that the reasons for this action are more fully stated in the Memorandum In support which is attached to and made a part of this action.



RESPECTFULLY SUBMITTED

Thomas W. Thompson

MEMORANDUM IN SUPPORT

In support of this request for the Issuance Of A Writ Of Mandamus, the Relator asserts the following facts. On the 31st day of May, 2006, the Relator filed a Petition For Post conviction pursuant to 2953.21. The Prosecutor filed it's Response to the Petition on June 12th, 2006. However, as of this date there has not been a ruling or Finding Of Facts and Conclusion Of Law submitted. Therefore, there is no Final Appealable Order!

The Relator asserts that in O.R.C 2701.02 it clearly states that Judges are to Rule on Motions within 30 days. It has been the better part of two years and the Petition still has not been Ruled on. The issues raised in the Post Conviction delt with being deprived of the Sixth Amendment Compulsory Process to have Witnesses in His Behalf, Expert Witness, and Ineffective Assistance Of Counsel. Since the information need was outside of the record, a Petition For Post Conviction was the only remedy of law.

In KNOX V. KNOX, 498 N.E.2d 236, it states that a person should not have to Sue the Judge in Mandamus in order to get them to preform their duty. The Petitioner asserts that since an extra ordinary amount of time has passed and since he has no other Legal Recourse, the filing of this action is appropriate! Therefore, he prays that this Honorable Supreme Court will issue the Writ!!!

RESPECTFULLY SUBMITTED

Shoat W. Thompson

CERTIFICATE OF SERVICE

I, Thomas W. Thompson, do hereby certify that a copy of the foregoing PETITION FOR THE ISSUANCE OF A WRIT OF MANDAMUS was mailed by regular U.S. Mail to the office of the Prosecutor for Franklin, County, Ohio at 373 South High Street, Columbus, Ohio 43215 as well as Diane Mallory, Assistant Attorney General at 150 East Gay Street, Columbus, Ohio 43215 on this the 1st day of April 2008.

Thomas W. Thompson

AFFIDAVIT OF VERITY

I, Thomas W. Thompson, who having been duly sworn and cautioned as to the penalty for perjury, deposes and say that in accordance with O.R.C. 2969.25, I have not filed any other Civil Action in the last five (5) years. I further assert that I have read the information submitted in the attached "PETITION FOR THE ISSUANCE OF A WRIT OF MANDAMUS" and to the best of my knowledge and belief it's true and correct.

Thomas W. Thompson

SWORN TO, OR AFFIRMED, AND SUBSCRIBED IN MY PRESENCE THIS 26th DAY OF MARCH 2008.

J. Doorill
NOTARY PUBLIC
JAMES L. DOORILL
MY COMMISSION EXPIRES
12-18-2008

STATE OF OHIO)
) S. S.
COUNTY OF ROSS)

AFFIDAVIT

I, Thomas W. Thompson, hereby Certify under the penalty of Perjury, assert that the information provided on this Affidavit is true and correct, to the best of my knowledge.

I assert that in accordance with O.R.C. 2969.25, I have not filed any other Civil Action in the last five (5) years. I further assert that I honestly believe that I am entitled to the relief sought in the attached Petition For The Issuance Of A Writ Of Mandamus and that I have no other legal recourse than to file this action!

Thomas W. Thompson

507-617 JA

P.O. BOX 7010

CHILLICOTHE, OHIO 45601

BEFORE ME A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED PERSON WHO ACKNOWLEDGED THAT HE DID SIGN THE FOREGOING DOCUMENT AND IN THAT THE SAME IS HIS FREE AND VOLUNTARY ACT.

IN TESTIMONY WHEREOF, I HAVE HERE UNTO SET MY HAND AND OFFICIAL SEAL ON THIS THE 26th DAY OF MARCH 2008.

[Signature]
NOTARY PUBLIC
JAMES L. DODRICK
MY COMMISSION EXPIRES
12-18-2008