

MEMORANDUM IN SUPPORT

I have Filed FOR Jail time credit while in PRISON. I RECEIVED 23 DAY'S when I FIRST got to PRISON. I WAS ARRESTED AND CHARGED ON 3-27-07 AND SENTENCED ON 5-2-07 ACCORDING TO MY CASE HISTORY REPORT, THEN I LEFT THE HAMILTON COUNTY JAIL ON 5-25-07, WHICH IS ACCURATE.

I SPENT 59 DAY'S IN THE COUNTY JAIL, I AM STILL ENTITLED TO 36 DAY'S JAIL TIME CREDIT. I FILED THE PROPER MOTION AND RECEIVED IT A COPY TIME STAMPED AND FILED 11-6-2007, IT HAS BEEN ALMOST 7 MONTHS, I SHOULD GET OUT IN SEPTEMBER 21ST²⁰⁰⁸ NOT OCTOBER 26TH²⁰⁰⁸, I WOULD BE DOING 19 MONTHS 1 WEEK

I HAVE WRITTEN THEM TWO TIMES SEEKING HELP, OHIO PUBLIC DEFENDERS SAID CONTACT LAWYER WHO REPRESENTED ME, I DID CAN'T GET A RESPONSE NEITHER CAN MY FAMILY, THEY TRIED CLERK OF COURTS, THEY WON'T TRY TO RESOLVE THIS MATTER,

I AM AT YOUR MERCY, AND ASK YOU TO CONTACT HAMILTON CO. JUDGE WILLIAM L MALLERY AND GET THIS MATTER RESOLVED, MY TIME IS ALMOST UP AND I TRIED EVERYTHING ELSE. PLEASE HELP.

IT STATES IN THE CASE HISTORY / SUMMARY ~~1~~ COUNT 1, 2, 3 RUN COMMERCIALLY WITH OTHERS AND DEFENDANT TO RECEIVE CREDIT FOR TIME SERVED.

ONCE AGAIN I BEG THIS COURT TO HELP ME

Sincerely
DAVID SCHWITZLER
#549-522

CERTIFICATE OF SERVICE

I, DAVID SCHWITZLER do hereby certify that a copy of the foregoing "MOTION FOR THE ISSUANCE OF A WRIT OF MANDAMUS" was mailed by regular U.S. Mail to the office of the Prosecutor for Hamilton County, Ohio on this the 30 day of MAY 2008.

David Schwitzler
549-522

AFFIDAVIT OF VERITY

I, DAVID SCHWITZLER who having been duly sworn and cautioned as to the penalty for Perjury, deposes and says 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 "MOTION FOR THE ISSUANCE OF A WRIT OF MANDAMUS" is to the best of my knowledge and belief true and correct!!!

David Schwitzler
DAVID SCHWITZLER
549-522

P.O. BOX 7010

CHILLICOTHE, OHIO 45601

SWORN TO, OR AFFIRMED, AND SUBSCRIBED IN MY PRESENCE THIS 30th DAY OF MAY 2008.

James L. Poole
NOTARY PUBLIC
JAMES L. POOLE
MY COMMISSION EXPIRES
12-18-2008

STATE OF OHIO)

) SS. AFFIDAVIT

COUNTY OF ROSS)

I, DAVID SCHWITZER, hereby certify under the penalty of perjury 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 MOTION FOR THE ISSUANCE OF A WRIT OF MANDAMUS and that I have no other legal recourse than to take this action!

David Schwitzer

David Schwitzer

SIGNATURE 549-522

Before me a Notary Public in and for the said County and State, personally appeared the above 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 hereunto set my hand and official seal on this 30th day of MAY, 2008.

James L. Dossala

NOTARY PUBLIC
JAMES L. DOSSALA
NOT COMMISSIONED
OCTOBER 17-18-2008

Attachment not scanned

1458
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A P P E A R A N C E D O C K E T

Attorney - Plaintiff
Attorney - Defendant JAMES E KOLENICH 77084
Cur Judge - WILLIAM L MALLORY 183

STATE OF OHIO vs. DAVID SCHNITZLER

Total Deposits \$.00
Total Costs \$ 0.00

STATE OF OHIO
vs.
DAVID SCHNITZLER
2424 KENILWORTH
NORWOOD

OH 45212

Municipal #: C/07/CRA/10473/A,B,
Bond Amt: \$30,000.00 10% CASH
Surety:
Bond Amt: \$30,000.00 10% CASH
Surety:

Race: W Age: Sex: M

Filed: 4/04/2007 5 - WARRANT ON INDICTMENT
Count:1 Disposition:DOCC DEPARTMENT OF CORRECTIONS Date: 5/02/2007
Count:2 Disposition:DOCC DEPARTMENT OF CORRECTIONS Date: 5/02/2007
Count:3 Disposition:DOCC DEPARTMENT OF CORRECTIONS Date: 5/02/2007

IMAGE	DATE	DESCRIPTION	AMOUNT
	4/04/2007	PRECIPE FOR WARRANT FILED AND WARRANT ISSUED.	
	4/04/2007	INDICTMENT REPORTED AND FILED. INDICTMENT FOR COUNT 1: 2913-51A ORCN RECEIVING STOLEN PROPERTY COUNT 2: 2913-51A ORCN RECEIVING STOLEN PROPERTY COUNT 3: 2911-13A ORCN BREAKING AND ENTERING	
	4/04/2007	BOND: \$60,000-10%	
	4/10/2007	JUDGE ASSIGNED CASE ROLLED TO MALLORY/WILLIAM/L PRIMARY	
	4/11/2007	SIMON L. LEIS JR., SHERIFF: I HAVE IN CUSTODY AND HAVE SERVED COPY OF INDICTMENT ON SAID DEFENDANT BY SCHIBI DEPUTY	
	4/13/2007	WAIVER OF PRESENCE OF DEFENDANT AT ARRAIGNMENT BOND: \$60,000-10%	
	4/23/2007	ENTRY OF CONTINUANCE 5/2/07	
	5/02/2007	JUDGMENT ENTRY: SENTENCE: INCARCERATION ***GUILTY PLEA AND AGREED SENTENCE *** THE SENTENCES IN COUNTS #1, #2, AND #3 ARE TO BE SERVED CONCURRENTLY WITH EACH OTHER. *THE DEFENDANT TO RECEIVE CREDIT FOR TIME SERVED.	
	5/02/2007	COSTS REMITTED SENTENCED COUNT 1: RECEIVING STOLEN PROPERTY	
	5/02/2007	SENTENCED COUNT 2: RECEIVING STOLEN PROPERTY CONFINEMENT: 12 MOS DEPARTMENT OF CORRECTIONS	

A P P E A R A N C E D O C K E T

5/02/2007 SENTENCED
COUNT 3: BREAKING AND ENTERING
CONFINEMENT: 12 MOS
DEPARTMENT OF CORRECTIONS

5/02/2007 ENTRY ON WAIVER OF TRIAL BY JURY.

5/02/2007 ENTRY WITHDRAWING PLEA OF NOT GUILTY
AND ENTERING PLEA OF GUILTY
COUNT 1: RECEIVING STOLEN PROPERTY,
2913-51A/ORCN F4; COUNT 2: RECEIVING
STOLEN PROPERTY, 2913-51A/ORCN F5;
COUNT 3: BREAKING AND ENTERING,
2911-13A/ORCN F5

5/02/2007 CONVICTED BY PLEA
B 0702703--1

5/02/2007 CONVICTED BY PLEA
B 0702703--2

5/02/2007 CONVICTED BY PLEA
B 0702703--3

5/05/2007 ENTRY APPROVING COUNSEL FEES
\$450

6/04/2007 NOTICE OF COMMITMENT AND
CALCULATION OF SENTENCE.
A549522
10/29/2008

11/06/2007 MOTION
FOR JAIL TIME CREDIT.