

IN THE SUPREME COURT OF OHIO

DARIUS E. LEFLORE
 INAMTE NO. 542-998
 L.O.C.I.
 P.O. BOX 69
 LONDON, OHIO 43140

Case No.

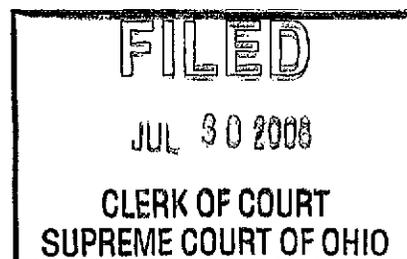
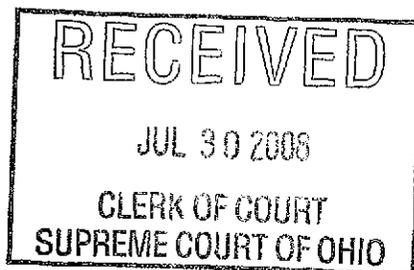
08-1496

Petitioner,

vs.

SHANE LEUTHOLD
 ATTORNEY AT LAW
 1317 E. Mansfield St.
 Bucyrus, Ohio 44820-0769

Respondent.



Original Action

COMPLAINT FOR WRIT OF MANDAMUS

Now comes Darius E. LeFlore, in Pro Se, and hereby asks this Court for a Writ of Mandamus to compel the Respondent, Shane Leuthold, to turn over a copy of the file kept in his office with the specific information in regards to the petitioners criminal case.

FACTS OF THE SITUATION

1. The Respondent is the attorney that is presented the Petitioner on his appeal, from his criminal conviction, to the Third Appellate District Court of Appeals.
2. The petitioner has requested numerous time, this year, of the Respondent to send him a copy of the transcripts, and the appeal brief for his criminal case, he as his attorney on appeal from his criminal conviction.
3. The Respondent has failed to provide the petitioner with a copy of the transcripts, and appeal brief, when he requested them from him.

4. When a person is represented by an attorney in an appeal, the client is entitled to receive a copy of the attorneys work, and transcripts and any other information about the case.

CAUSE OF ACTION

1. The Respondent has failed in his duty, as the Petitioners attorney, assigned by the court, for his appeal from his criminal conviction to the Third District Court of Appeals, to provide him with a copy of his work and the transcripts of his criminal trial.

2. The Respondent, as the Petitioners attorney in his criminal appeal, has failed to answer the request, made by the Petitioner, of sending him copies of the transcripts and appeal brief.

Relief Requested

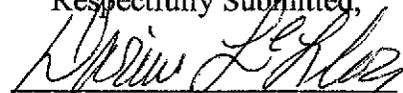
1. The Petitioner requests this Court compel the Respondent, appeal counsel, Shane Leuthold, to turn over a complete copy of the Transcripts and a copy of the appeal brief that he prepared for him,. As the Petitioner has a absolute right to inspect and review his attorneys work and to have a copy of his file/transcripts.

2. That The Respondent, Shane Leuthold, pay the cost of this action.

3. That The Respondent immediately turn over these records within the next 7 days, because the petitioner needs these documents to proper and perfect his pro se appeal to the Supreme Court of Ohio.

Wherefore for the reasons, the Petitioner asks this court to compel the respondent to give these specific documents.

Respectfully Submitted,



Darius E. LeFlore-Pro Se

Inmate No. 542-998

L.O.C.I.

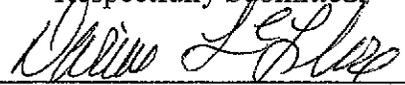
P.O. Box 69

London, Ohio 43140

CERTIFICATE OF SERVICE

I, Darius E. LeFlore, do hereby certify that a true and correct copy of this Complaint has been sent to the respondent, by the way of regular U.S. Mail, at his address of: 1317 E. Mansfield St., Bucyrus, Ohio 44820-0769, on this 23rd day of July 2008.

Respectfully Submitted,



Darius E. LeFlore

Inmate No. 542-998

L.O.C.I.

P.O. Box 69

London, Ohio 43140

STATE OF OHIO)
)
COUNTY OF MADISON)

SS: AFFIDAVIT OF DARIUS E. LEFLORE
London Correctional Institution
P.O. Box 69
London, Ohio 43140

I, Darius E. Leflore, being first duly sworn according to law, deposes and says:

1. That I have personal knowledge of the facts stated herein and I am competent to testify as to the truth of the same.
2. I am incarcerated in the care and custody of the Ohio Department of Rehabilitation and Correction, at the London Correctional Institution, due to a conviction and sentence in state court.
3. That due to my incarceration, I am indigent within the meaning of the laws of the State of Ohio, and therefore am without sufficient funds with which to retain counsel in this cause of action, and other costs association with mechanical requirements of the Supreme Court of Ohio, as set forth in the Rules of Practice of the Ohio Supreme Court.
4. I do not have unliquidated property, stocks, bonds, or any trust funds which I can offer for security in lieu of fees and costs in this cause of action.

FURTHER AFFIANT SAYS NOT.

Darius E. Leflore

Sworn to and signed in my presence this 7th day of July, 2008.

GILBERT A. HURWOOD
Notary Public, State of Ohio
My Commission Expires 1-9-2013

Gilbert A. Hurwood
NOTARY PUBLIC-STATE OF OHIO