In The Surpreme Court of Ohio

Ex Rel John B GATES
Relator

VS

Carl Anderson, Warden
Respondent

Case no. 08-1300
Motion for Reconsideration

Motion for Reconsideration

Now Comes Relator, John B GATES, Pro Se and who hereby moves this Honorable Court to Grant this motion for Reconsideration pursuant to Set, R XI Section 2(B) Relator's motion for Reconsideration is in response to the Supreme Courts order to dismiss Relator's Writ of Habeas Corpus, Sua Sponte.

Respectfully Submitted,

John B Gates

John B GATES #455-506
Toledo Corr Inst
P.O. Box 80033
Toledo, Ohio 43608

FILED
SEP 18 2008
CLERK OF COURT
SUPREME COURT OF OHIO

memorandum

According to Article IV 2(B)(1)(C) the Supreme Court of Ohio has original Jurisdiction in Habeas Corpus proceedings, Because of this constitutional fact, Relator asserts that he Should have his Writ of Habaes Corpus Heard.

In 2725.02 Note 4 Forum non Conveniens, where a petition is filed which states a proper cause of action for a Writ of Habaes Corpus, And there is no plain and adequate remedy in the ordinary course of the law, O Const, Art IV 2 and 3 respectively, require the Supreme Court and the Court of Appeals to exercise thier original jurisdiction in Habeas Corpus; and in such a case, these Courts Cannot refuse to exercise that original jurisdiction under the doctrine of forum non Conveniens, Hughes v Seaffide Ohio 1978, 53 Ohio st 2d 85, 372, NE 2d 598, 7 O.O. 3d 175. When Court's Judgement is Void Because the Court Lacked Subject-Matter jurisdiction Habeas Corpus is generally appropriate rememdy despite availability of Appeal, Rash v Anderson (Ohio 12-03-1997) 80 Ohio st 3d 349, 686, NE 2d 505 1997 Ohio 338.

Cont,

Also in State v Conley NE 2d 2005, WL 1503589, 2005, it clearly shows that A Judgement of conviction based upon an indictment that does not charge an offense is Void for Lack of Subject-Matter Jurisdiction of the Subject-Matter.

Conclusion

All of this clearly supports the legal fact that Relator should have his Writ of Habeas Corpus Heard. Relator submits that all of the foregoing is True And factual to the Best of Relator's Knowledge, And Pray's this Court will grant his Motion for Reconsideration.

Certificate of Service

I Hereby Certify that the foregoing Motion for Reconsideration Was Sent to the office of the Attorney General 150 East Gay Street, Columbus, Ohio 43215, Via Regular Mail on this day of September 12th 2008.

John B Gates

Respectfully Submitted,

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