

IN THE SUPREME COURT OF OHIO

JAMES C. BOGAN, *pro se*

Petitioner

VS

RICHARD HALL

Respondent

CASE NO. 08-2331

ON APPEAL FROM THE
COURT OF APPEAL
RICHLAND COUNTY OHIO

OHIO FIFTH APPELLATE
DISTRICT

CASE NO. 08-CA-94

DATE: November 5, 2008

NOTICE OF WRIT OF HABEAS CORPUS
FOR JAMES C. BOGAN

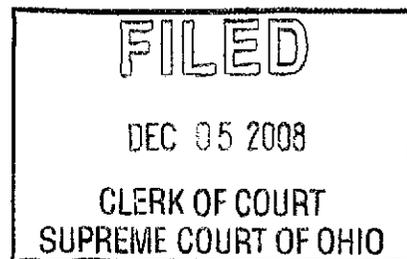
I, James C. Bogan being first duly sworn and cautioned, state the foregoing hereafter is true and accurate to the best of my knowledge, on this 2, day of Dec, 2008.

James C. Bogan
Pro se, Affiant

Sworn to and subscribed in my presence, a notary public in and for the State of Ohio, on this 2nd day of December, 2008.

Rebecca Williams Seal:
Notary Public

Rebecca Williams
Notary Public
State Of Ohio
My Commission Expires
4 Mar 2013



JURISDICTION OF THE COURT

This Honorable Court has the jurisdiction to hear and determine the merits of the foregoing petitioner, for appearing a Writ of Habeas Corpus, pursuant to Criminal Rule 2725-23 and the 5th and 14th Amendments, precedent to the Due Process Clause of the UNITED STATES CONSTITUTION AND ARTICLE 1, SECTIONS 10 AND 16 OF THE OHIO CONSTITUTION.

MEMORANDUM OF SUPPORT

Now comes Petitioner, James C. Bogan in this Honorable Court of the Supreme Court of Ohio. I, Petitioner, James C. Bogan pray that this court will review and grant him an appeal on this writ of habeas corpus. And these substantial constitutional questions that involve a felony case in a writ of habeas corpus.

I, Petitioner, James C. Bogan has tried every criminal remedy in this criminal proceeding in case no. CR-396492-ZA to find justice.

The court and the State of Ohio abused its discretion where no complaint was filed in case no. CR-396492-ZA.

According to Criminal Rule 7, where a via direct indictment was the charging instrument in criminal case no. CR-396492-ZA.

These court documentations of records will show proof of record that no complaint was on file. According to rules of criminal proceedings from Rule 7 which shows this case started at Criminal Rule 7, and the State of Ohio violated Criminal Rules (3), (4), (5), and (6) of the criminal proceedings of the Ohio Revised Code.

Petitioner, James C. Bogan prays this Honorable Court of the Supreme Court of Ohio grant him an appeal in this writ of habeas corpus. So that this court can review the fraudulent documents of court records that brought this case to the attention of this Honorable Court to review these substantial constitutional questions.

An error of injustice in this criminal was the reading of the via direct indictment where there was no complaint, only a prior arrest and conviction. Which the via direct indictment shows a subject matter of a jurisdiction that had expired. Which shows that the State of Ohio violated the Double Jeopardy in Criminal Rule 2967.16(M).

And the Police Report no. D1441 shows a violation of Criminal Rules 33 A, (2), (3), 4 A, (1) and Civil Rules 11, 12 B, (1), (2), (3), (4), (5) and (6); and U.S. Constitution Amendment V; and Ohio Constitution Articles 1 and 14. See: State v Brock, 675 N.E. 2d 18; State v Wood, 357 N.E. 2d 1106; State v Green, 548 N.E. 2d 334; and State v Atwood 573 N.E. 2d 739.

The document via direct indictment shows a violation of Criminal Rule 16 (B) which reads a sentence date and case number of a jurisdiction that had expired from a prior arrest and conviction; which shows a violation of Double Jeopardy and U.S. Constitution Amendment V and Ohio Constitution Articles 1 and 10; and a violation of Criminal Rule 2937.06, 2937.08 and 2967.16(M). see: State v Smith, 617 N.E. 2d 1160; State v Mann, 482 N.E. 2d 592; and State v Moore, 78 N.E. 2d 365.

These documents arise from the appeal process. In appealing case no. CR-396492-ZA. Furthermore, Petitioner, James C. Bogan has overwhelmingly demonstrated these court documents through this criminal proceeding and found no justice in the court from their court records.

Petitioner, James C. Bogan has tried every criminal proceeding to show that he was deprived due process of law. And his right to a fair trial by the said investigating officer who failed to file the charging instrument of complaint.

Petitioner, James C. Bogan prays this honorable Court of the Supreme Court of Ohio. Comparing these documents that arise from the appeal courts in this case, as records of documentation records of court. And along with the Police Report no. D1441, which has no merit of evidence in police report. And all documents from the appeal process refer back to a case that its jurisdiction had expired, and had nothing to do with case no. CR-396492-ZA. The police report shows the false allegation in report shows no proof that a crime had been committed. Which shows the deprivation of effective conflict free counsel will inherently implicate 'knowing voluntary and intelligent criteria for a valid plea', where counsel's breach of fundamental duties due his client result in manifest injustice. See: State v Blatnik, *supra*; Strickland v Washington, 466 U.S. 668 at 691; Baylor v Estelle, 94 F 3d 1321 (9th Cir. 1996); People v Day at Cal. Rptr. 2d 916; Weekly v Jones, 56 F 3d (8th Cir. 1995); Emerson v Gramley, 91 F 3d (7th Cir. 1996); and Rogers v Zant, 13 F 3d 384 (11th Cir. 1994).

This Journal Entry No. 3964200745342003072207329 sent to Lorain Correctional Institution as commitment papers which does not meet the requirement of the charging instrument; which shows only false allegations in charging instrument Police Report No. D1441.

No number of indecent, immoral and explicit acts, but one word in report needs to be questioned close accusing false and immoral act without proof of evidence and medical report of witness claiming the abuse of a child; which police report shows June 1, 1994 until June, 1996.

The via direct indictment shows March 2, 1994 through March 1, 1997; totally different in time and date. That question needs answered also.

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing Writ of Habeas Corpus was mailed to William D. Mason, Cuyahoga County Prosecutor, at the Justice Center, 9th Floor, 1200 Ontario Street, Cleveland, Ohio 44113, via regular U.S. Mail service postage prepaid on this 2 day of December, 2008

James C. Bogan

James C. Bogan, pro se
RiCI - 451-645
P.O. Box 8107
Mansfield, Ohio 44901

"I certify under penalty of perjury under the law of the United States of America that the foregoing is true, correct and complete executed this 2 day of December, 2008 at Mansfield, Richland County, Ohio State."

James C. Bogan

Subscribed and sworn to before me this 2nd day of December, 2008, Richland County, Ohio State.

Rebecca Williams

Seal:

Notary Public

Rebecca Williams
Notary Public
State Of Ohio
My Commission Expires
4 Mar 2013

COURT OF APPEALS
RICHLAND COUNTY, OHIO
FIFTH APPELLATE DISTRICT

COURT OF APPEALS
RICHLAND COUNTY OHIO
FILED

2008 NOV -5 AM 9:53

LINDA L. PRARY
CLERK

JAMES C. BOGAN

Petitioner

-vs-

RICHARD HALL, WARDEN

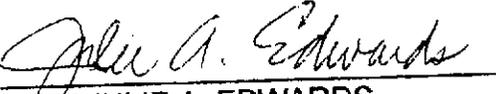
Respondent

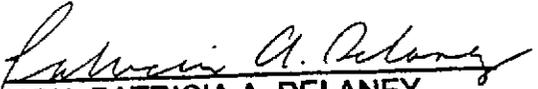
CASE NO. 08-CA-94

JUDGMENT ENTRY

For the reasons stated in the Memorandum-Opinion on file, Petitioner's "Re-Writ of Habeas Corpus" is hereby denied. Costs taxed to Petitioner.


HON. W. SCOTT GWIN


HON. JULIE A. EDWARDS


HON. PATRICIA A. DELANEY



STATE OF OHIO,
CUYAHOGA COUNTY

SS. IN THE COURT OF COMMON PLEAS

MAY TERM, 2003
22 2003

STATE OF OHIO
VS.

PLAINTIFF
DEFENDANT

TO-WIT: JULY
NO. CR 396492

INDICTMENT RAPE W/RVOS/NPC/SVPS, GROSS
SEXUAL IMPOS W/SVPS

JAMES C BOGAN
4347 E 143ST
CLEVELAND, OH 44105
06/06/50
ITN:

JOURNAL ENTRY

DEFENDANT IN COURT WITH COUNSEL RICHARD DRUCKER. ON A FORMER DAY OF COURT
DEFENDANT PLEAD GUILTY TO GROSS SEXUAL IMPOSITION ORC 2907.05 F-3'S SB-2 AS
AMENDED IN COUNT 8 THRU 11.

DEFENDANT AND VICTIM/REPRESENTATIVE ADDRESS THE COURT.
THE COURT CONSIDERED ALL OF THE REQUIRED FACTORS OF THE LAW.
THE COURT FINDS THAT PRISON IS CONSISTENT WITH THE PURPOSE OF R. C.
2929.11.

THE COURT IMPOSES A PRISON TERM AT LORAIN CORRECTIONAL INSTITUTION OF 4
YEARS ON EACH OF COUNTS 8 THRU 11, COUNTS 8 THRU 10 TO RUN CONSECUTIVE TO EACH
OTHER. COUNT 11 TO RUN CONCURRENT TO ALL THE OTHER COUNTS.

DEFENDANT TO RECEIVE 197 DAYS JAIL TIME CREDIT, TO DATE.
POST RELEASE CONTROL IS A PART OF THIS PRISON SENTENCE FOR THE MAXIMUM
PERIOD ALLOWED FOR THE ABOVE FELONY (S) UNDER R. C.2967.28.

DEFENDANT IS TO PAY COURT COSTS AND A FINE OF \$10,000.00.
SHERIFF TO TRANSPORT. BLACK/MALE DOB: 6-6-50.

RECEIVED FOR FILING

JUL 24 2003

GERALD E. FUERST, CLERK
By: [Signature] Dep.



07-22-2003
SENT CAL 07/23/03 07:35

JUDGE DAVID T. MATIA JR.

COPIES SENT TO:

Sheriff
 Defendant
 Other LORCI + cat



I CERTIFY the above to be a true copy of the said
Judgment and Sentence. Given under my hand and seal
of said Court this 24 day of July, 2003

GERALD E. FUERST, Clerk, By: [Signature]
Deputy

Pursuant to the within order and sentence of the Court, I did convey the
within named _____, to _____, on _____, 2003

GERALD T. MCFAUL, Sheriff, By _____ Deputy Sheriff