

IN THE SUPREME COURT OF OHIO

Maurice Rhoades,

Appellant,

v.

Akil Hameed,

Appellee.

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**09-0518**

On Appeal from the Cuyahoga  
County Court of Appeals,  
Eighth Appellate District

Court of Appeals  
Case No. 92580

MEMORANDUM IN SUPPORT OF JURISDICTION  
APPELLANT PRO SE, MAURICE RHOADES

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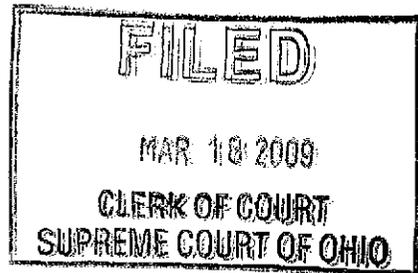


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EXPLANATION OF WHY THIS CASE IS A CASE OF  
PUBLIC OR GREAT GENERAL INTEREST AND  
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This cause presents eight critical issues for the future of citizens, and the general public of Ohio: (1) whether Ohio courts are autonomus judiciaries; and (2) whether an Ohio court, can willfully and wantonly disclaim, reject and nullify, valid Ohio statutory laws, and an Ohio citizen's Constitutionally guaranteed, right to liberty. Plus, Ohio's requisite legal precedents, and traditions, and history; and (3) whether an Ohio, court, can willfully and wantonly, violate the Ohio constitution, and appellant pro se, 42 U. S. C. A. §1983 Civil Rights, and the Fair Housing Amendments Act of 1988, further, the United States Constitution Fourteenth Amendment, Equal Protection under the Law, and Due Process rights. In order, to carry out, the distorted, illegal will, and home rule, of the city of Cleveland, Ohio's city hall; and (4) whether an Ohio court, can be a tyrant, and a tool, used by the Cleveland, Ohio, city hall. In order, to abridge the public's right to individual freedom, and the public's right to live, wherever, it wants. Whereas, an analogy case, and question of Ohio Constitutional law. Which, raises the same issues. Now pending before this revered high court, is whether, the city of Cleveland, Ohio. Can abridge the Cleveland, Ohio, police patrolman's Unions individual members. Ohio Constitutionally, guaranteed, right. To live, wherever, they want. Whereby, evading Ohio's obligations, as a constitutional republic. Given, this question and issue, the Ohio Supreme Court. Must rule, that ultimately, pursuant to, the operation of the supremacy clause, of the United States Constitution Article VI. Which, supersedes, preempts, and overrides, the city of Cleveland, Ohio's perverted, distorted and illegal home rule law. Which, is predicated, upon, the great state of Ohio's

Constitutionally. Given, delegated and granted, power and it's exercise thereof.. Or, home rule provision. Which, purpose is to fulfil Ohio's individual local communities, and citizens, vested public, and great general interest. Or, their legitimate, and lawful purposes. Given this, the Ohio Constitution's discretionary home rule provision. Does not confirm, and validate, the city of Cleveland, Ohio's afore stated illegal home rule law. Which, forbids and bars, the Cleveland, Ohio, police patrolman's Unions individual members. From living, anywhere, in beautiful Ohio, that they want. As a result of, the city of Cleveland, Ohio's residents, or, citizens. Local public process, vote and approval, of said illegal home rule law. Or, city charter amendment, or, city council ordinance. With it's unlawful intended impact, upon, the local vested commerce, and financial interest, of the city of Cleveland, Ohio, and in particular Cleveland, Ohio's city hall. Contrary, America and Ohio must have free markets. Wherefore, said city of Cleveland, Ohio, illegal home rule law, is unconstitutional. ("give me liberty, or, give me death", Patrick Henry), Thus, the Ohio Supreme Court must rule. That ultimately, mandatory jurisdiction, and the city of Cleveland, Ohio's lawful course of action. Thus, potentially desired outcome, and economic effect, is found, in it's collective bargaining agreement. Thus, that it must lawfully induce, and entice, the Cleveland, Ohio, patrolman's Unions individual members. To live in the city. By offering them incentives. Like pay increases, and other perks, and benefits. Pursuant to, Ohio Revised Code Chapter 4117, the Public Employees' Collective Bargaining Act. Thus, the city of Cleveland, Ohio, can not, usurp, circumvent, or, subvert. The Ohio Revised Code Chapter 4117, or, the Public Employees' Collective Bargaining Act. Nor, it's process; and (5) whether Ohio's Constitution, and the United States' Constitution. Plus, Federal and Ohio state valid statutory laws, supersede and preempt. An Ohio court's illegal fiefdom and tyrannical exercise, of harsh,

unjust, cruel, oppressive and arbitrary power. To the court's intended unlawful impact. Upon the general public, and appellant pro se. Whereby, evading, abating, obstructing and perverting Ohio justice, and Ohio's autonomus judiciary; and (6) whether, the Ohio judiciary are governed by, the Ohio Supreme Court, and Ohio Rules of Professional Conduct, and Code of Judicial Conduct and Canons; and (7) whether the Ohio Supreme Court will use, it's preemptive right, or, Ohio's Constitutional mandate. To maintain ownership, guidance and discipline. Of all, of Ohio's inferior courts. By enforcing its own rules, and regulations; and (8) whether the Ohio Supreme Court will grant, a humble Ohioan, "Equal justice under the law," Whereby, establishing in Ohio. That," it is fundamental that justice should be the same, in substance and availability, without regard to political pressures, or, economic status."

In this case, the court of appeals excluded the fundamental question of law, governing the determination of this case, and concluded, therefore, that a demonstrated valid, and complete defense. Plus, the fact that appellant pro se, is innocent, could not supersede, and preempt, the trial court's lack of moral turpitude, existing plain error, and attack ,upon, the Ohio Constitution. The court of appeals, also ruled that, under the Ohio Constitution's premise of justice, and Article I: Bill of Rights, Section §9, Proportionality. The trial court is not bound to mandatorily acquit and indemnify appellant pro se. Thus, it did not have to abrogate, it's unconstitutional November 24, 2008, mendacity, and judgment entry. Which, defamed, libeled and slandered appellant pro se. But instead the court of appeals ruled, that the trial court was entitled, to enforce its own rules and regulations. ("Safa Sapela", "We are dead and finished"). Zulu words.

The decision of the court of appeals threatens Ohio's autonomus judiciary, and the rule of law. By its ruling, the court of appeals undermines legislative intent, the Ohio Constitution, and

Ohio statutory laws. Still, it ignores the plain meaning, existence, and duty, of the appeals court. Pursuant to, the Ohio Constitution Article IV, §3(B)(2) and (3), and Ohio justice. Thus, the appeals court's ruling creates its own unsupported view of Ohio law and justice. Moreover, the court of appeals' decision establishes the illogical and untenable rule that a trial court, can ignore its own local rules, it's autonomy, Ohio statutory laws, and the Ohio Constitution. In order, to delegate the satisfaction and outcome, of this present cause, to the city of Cleveland, Ohio's, chief assistant director of law, Michelle Roquemore Comer, (61469), and First assistant director of law I, Kary June Lynn, (65573). Thus, the appeals court ruled, that said, can violate Ohio statutory laws, and the Ohio Constitution with impunity. Finally, the decision of the court of appeals elevates the trial court, and the city of Cleveland, Ohio, over the authority of the Ohio Supreme Court, the General Assembly, and the rule of Ohio law. Still, it's ruling is against the manifest weight of the evidence, and denies that the trial court lost its way. So, it upholds and creates a miscarriage of justice. Pursuant to, the Ohio Constitution's premise of justice, and Article I: Bill of Rights, Section §9, Proportionality. These unprecedented inroads into the scope of Ohio statutory laws, and the rule of Ohio law, offend the plain language, values and principles, of the Ohio Constitution, and of constitutional governance. They urgently need correction by this court.

The implications of the decision of the court of appeals, affects the integrity of every Ohio court, government entity in Ohio, and touches the lives, of every Ohioan. The public's great vested interest, in Ohio's autonomus, fair, honest, and rule of law, upholding judiciary, is profoundly adversely affected, by a holding, that a trial court, and the city of Cleveland, Ohio's fascist regimes' perverted, personal, political wet dreams, are not bound, and restrained, by Ohio

statutory laws. Nor, the Ohio Constitution. Such a rubric would sabotage, the integrity of Ohio courts, and undermine the fundamental principle, that the rule of law, constrains governments, as well as Ohio citizens. Similarly, the great public interest is adversely affected, if the plain meaning of Ohio statutes, duly adopted by the General Assembly, can be judicially altered, to subvert the legislature's intent, and the Ohio Constitution's demand, that justice in Ohio, be controlled by certain uniform and time honored principals and values.

Apart from these governmental, judicial, and Ohio Constitutional considerations. Which, make this present cause, one of great public interest. The decision of the court of appeals has broad general significance. Ohio courts are the cornerstone, of Ohio society. They perform paramount, herculean, essential duties, and the work of the Ohioan's life. Thus, the governance of the great state of Ohio, in every sphere. Concerning the affairs, and quality of life, of all Ohio citizens. It is vital that Ohio courts be autonomus, truthful, and administer equal justice. The General Assembly has recognized Ohioan's right to be free, of tyranny, and have codified Ohio statutory laws. Pursuant to, achieving a clear, level playing field. Which, gives a fair, and orderly process. Regarding an Ohioans civil tort redress in Ohio courts. The Ohio Constitution demands, that Ohioan's be free of all tyranny. Plus, corrupt Ohio courts, judges, lawyers, and corrupt city prosecutors. ("I have sworn upon the alter of God, eternal hostility, against every form, of tyranny over the mind of man." --Thomas Jefferson\*

The decision of the court of appeals, sets a precedent. That excludes the very pith, of the Ohio Constitution's premise of justice, and Article I: Bill of Rights, Section §9, Proportionality. Which, is Appellant pro se, guilt, or, innocence, thus, his culpability. Under this prescript, Ohioans are denied the integrity of Ohio's autonomus judiciary. Still, Ohioans are denied the

very essential, of the Ohio Constitution's Article I: Bill of Rights, Section §16, Of redress in courts. Finally, Ohioans are denied the very nature, of the Ohio Constitution's Article I: Bill of Rights, Section §1, Right to freedom, and protection of property. Ohioans are negated, the most significant terms and conditions, of Ohio citizenship. The result of this dictate is preposterous. An Ohioan is allowed, to conspire with a municipalities law department prosecutors, and an Ohio trial court. In order, to obstruct justice, and prevent, the prosecution, of the conspiring Ohioan's criminal violations. Of the state of Ohio's, and the city of Cleveland, Ohio's, building, housing, fire, and safety code. Further still, enslave an Ohioan, to their full range, of illegal terms, conditions, and unconstitutional schemes. Which, adversely affects, the innocent Ohioan. Finally, the trial court would see the central issue, of Appellant pro se, freedom, and right to live, where, he pleases. Relegated to the unilateral, perverted, personal political wet dreams, of a fascist Cuyahoga County, democratic party. Which, would be unconstrained by the trial, nor, the appeals court. Which, are their comrade members, that make up the aforesaid democratic party. Whereby, confirming the trial court's, and the city of Cleveland, Ohio's chief assistant director of law, Michelle Roquemore Comer, (61469), and First assistant director of law I, Kary June Lynn, (65573), motive for betraying, setting up, and framing, appellant pro se, with their fashioning of appellee's perjured, complaint in forcible entry and detainer.

Not surprisingly, the conclusion of the court of appeals, is contrary both to Ohio's statutory and Constitutional scheme. Which, is to correct, the inferior trial court's plain error. Pursuant to, Ohio Constitution Article IV, §3(B)(2) and (3). Finally, the appeals court's ruling, is repugnant to all legal authority. The analogy is the queen of France Marie Antoinette, ("Let them eat cake," 1793). Ohio courts, and the rule of law, throughout the country, as well as the United

States Constitution's Fourteenth Amendment Equal Protection and Due Process Causes, endorse the proposition, that culpability, guilt, innocence, and indemnification, are mandatorily weighty questions and subjects, fundamental to, law and justice. Similarly, the Ohio Constitution's premise of justice, and Article I: Bill of Rights, Section §9, Proportionality, recognizes the mandatory proposition, that the trial court's judgment, must be overturned, Because this is the very nature of justice. Thus, the fundamental question, and answer governing the determination of this case. "Is that the accused Ohioan is innocent." Yet, the court of appeals, concluded and therefore, decided, that the truth, could not supersede, the trial court's, existing, judgment entry, of November 24, 2008.

The judgment of the court of appeals has great general significance. Also because it undermines Ohio justice, the Ohio Constitution, and the rule of law. By, permitting the city of Cleveland, Ohio's government GED having depots, and these Cuyahoga, County, Ohio, court fiefdoms, with their, "Schemes to subvert the liberties of a great community", (Alexander Hamilton), to circumvent their allegiance to justice, the Ohio Supreme Court, and the Ohio Constitution, with their acts, of moral turpitude. If the Cleveland, Ohio municipal housing court, had exclusive jurisdiction, over this present cause, despite contrary provisions of justice, Ohio statutory laws, the Ohio Constitution, and the municipal court's own case law. The force, value and objectives, of the Ohio Constitution, would be severely compromised, and completely overthrown.

Finally, this case involves several substantial constitutional questions. The decision offends the Separate Branches of government, Ohio Constitutional mandate. Ulteriorly, the Cuyahoga, County, Ohio democratic party, has coerced, the court of appeals, to exclusively

validate the trial court's, haven striven, to liquidate, by terror, and rigid division, "Nodumehlezi" this Zulu word means in English, ("the great Elephant,"). Ohio's autonomus judiciaries force, value, and objectives, are severely compromised. The city of Cleveland, Ohio, can negate, at will the Ohio Constitution. Such a prospect is contrary to freedom, and the purpose of the Ohioan. Wherefore, one of the minor raised propositions, presented herein, is that the appeals court, abused it's discretion, and exhibited benign neglect, in sustaining the validity, of the trial court's judgment entry, of November 24, 2008. Such a constitutional imbalance is contrary to this court's holding in Wurzlbacher v. Kroeger, 40 Ohio St. 2d. 90, 320 N. E. 2d. 666 (1974)., the court set forth the following rule, regarding, the administration of justice, the evidence before the appeals court establishes that the entry of judgment, in this case, rendered it, "no longer equitable that the judgment should have prospective application."

Contrary to the holding in Ohio Supreme Court Wurzlbacher v. Kroeger, 40 Ohio St. 2d. 90, 320 N. E. 2d. 666 (1974). The appeals court's ruling and their response to appellant pro se, appeal of statutory right, because of plain error. Plus, the appeals court's neglect. Of the trial court's violation of its duties, and its incompetence. Impairs the functioning of the Ohio Constitution's premise of justice, and Article I: Bill of Rights, Section §9, Proportionality. Still, the Ohio Constitution's Article I: Bill of Rights, Section §16, Of redress in courts. Finally, the Ohio Constitution Article I: Bill of Rights, Section §1, Right to freedom and protection of property. The decision invites a return to neanderthal pre-Ohio court chaos days. It maintains a corrupt fiefdom Ohio, court. Further, it certifies a fundamental miscarriage, and travesty of justice. The Tenth District, Court of Appeals, Franklin County, Ohio, rejected such a regression in Pittsburgh Press Co. v. Cabinetpak Kitchens of Columbus, Inc. (1984), 16 Ohio App. 3d. 167,

168. The court set forth the following rule:

“A trial court’s discretion,” is to achieve just results, quite broad”.

If allowed to stand, the decision of the court of appeals would cast public discredit upon the Ohio judiciary. Under the decision, it would be that the trial court’s conspiracy, to violate Appellant pro se, constitutional rights, is equitable, and it’s enforcement prudent. Further, an Ohio, appeals court can ignore, it’s Ohio Supreme Court mandate. To report the trial court’s violations, of the Rules of Professional Conduct, and Code of Judicial Conduct and Canons. Or the moral turpitude of judge Raymond Lee Pianka, (0003724), magistrate Sandra R. Lewis, (0051919), magistrate Ruben E. Pope III, (48830), housing court specialist, Ms. Etoi Shaquila Hodge, and housing court specialist, Robert Fuchs. Whom, all are charged with incompetence, violating their duties, and casting public discredit on the Ohio judiciary. Still, the moral turpitude of chief assistant director of law, Michelle Roquemore Comer, (61469), and First assistant director of law I, Kary June Lynn, (65573). Whom, are both charged with conspiring with Appellee, and manufacturing false evidence, lies, and this present cause. Finally, the Cleveland, Ohio, city hall, ordered, the Cleveland, Ohio, Fourth District police station, to conceal, and withhold evidence, Ohio public records, that exonerated Appellant pro se. Thus, the Cleveland, Ohio, Fourth District police station, constructively evicted Appellant pro se. The Cuyahoga, County, Ohio courts, are subject to interference and domination, by the city of Cleveland, Ohio. Whose actions undermine the Ohio Constitution, and justice. (This is a government of laws, not men, John Adams 1780). The decision of the court of appeals threatens the sovereignty of Ohio, the Ohio Constitution’s supremacy, and Ohio’s third branch of government. Thus, the decision can not be permitted to stand.

In sum, this case puts in issue the essence of the rule of law, the Ohio Constitution, and the fate of Ohio. Thereby, affecting every Ohio court, governmental entity, and individual buckeye, in the state of Ohio. To promote the purposes, and preserve the integrity, of the Ohio courts, to assure uniform and equal application, of the Ohio Constitution, thus, it's privileges and responsibilities. Plus, to assure uniform and equal application of the state's statutory laws. To assure that the Ohio judiciary, and Ohio lawyers, are governed by, the Ohio Supreme Court, Ohio Rules of Professional Conduct, and Code of Judicial Conduct and Canons. To remove barriers to a humble Ohioan's, "Equal justice under the law," Whereby, establishing in Ohio. "That, it is fundamental that justice should be the same, in substance and availability, without regard to political pressures, or, economic status." This high court must grant jurisdiction, to hear this case and review the erroneous, and dangerous decision of the court of appeals.

#### STATEMENT OF THE CASE AND FACTS

The case arises from the attempt of appellant pro se, Maurice Rhoades, to attain, his Ohio statutory right, pursuant to, Ohio Revised Code section §5321. 07(A), and (B),(1),(2), and (3). Thus, to amicably resolve his dispute, and Appellee's noncompliance with the May 14, 2008, city of Cleveland, Ohio, officially cited building, housing, fire and health code violations. The trial court ruled on October 1, 2008, that appellant pro se, Maurice Rhoades, met his burden of proof, thus, it authorized his deposit of all rent, that was due, with the clerk of municipal court, pursuant to, Ohio Revised Code §5321. 07(A), and (B),(1),(2), and (3), thereafter, to apply, to the trial court, for an order, to take the deposited rent monies, and leave appellee's premises. Hence, terminate the illegal rental agreement, pursuant to, appellee's bad faith actions, and violations of

Ohio Revised Code §5321. 04, and §5321. 02. Also, pursuant to, Tolliver v. Warren, No. 99-CVG-13123 (Mun. Ct. Cleveland, Dec. 1999), General Damages award. Finally, pursuant to, Malcom v. Tate, No. 99-CVH-21689 (Mun. Ct. Cleveland, Ohio June 29, 2001). Breach of the Implied Warranty of Habitability, damages award.

Yet, in a stunning reversal and betrayal, that was in obvious conflict, with it's existing provisions, with appellant pro se. The trial court on November 24, 2008, decreed, that appellant pro se, was evicted, for non payment of rent, and improperly depositing rent with the Cleveland, Ohio municipal court. Finally, for harassment of other tenants, banging on doors of other tenants, shattered glass on door, did not cure the breach, after service, of the notice, deposited rent without giving notice of conditions, failed to remain to attempt mediation at time of rent deposit mediation; however, the trial court's pompous and pirated fibs, falsified evidence, and November 24, 2008, defaming, libeling, and slandering, ruling, was ordered and orchestrated, by Cleveland, Ohio city hall. The trial court excluded the required existing May 14, 2008, obstruction, of appellee's continued criminal violations, of the city of Cleveland, Ohio's building, housing, fire, and health codes, as the mandatory fundamental question, governing the determination of this case. Pursuant to, Cleveland, Ohio, local municipal housing court, rules section 2. 0 et seq. Criminal Rules. Contrary, the trial court refused, to honor it's October 1, 2008, provisions. Instead, it engaged in malicious acts, of treachery, corruption, deception, and betrayal. Notably, on June 1, 2008, in retaliation, appellee, pursuant to, Ohio Revised Code §5321. 02, raised only appellant pro se, monthly rent, but not Gladys Evans, the tenant of apartment five (5). Nor, Tanisha Brown, the tenant in apartment one (1). Nor, Theresa Hopkins the tenant in apartment two (2). Whereby, proving appellee's sexual discrimination, and blatant violation of the Fair

Housing Amendments Act of 1988. Further, the city of Cleveland, Ohio, with malicious intent willfully, wantonly, and negligently, refused to prosecute appellee. Thus, adversely materially affecting appellant pro se, health and safety. Still, denying him, the mandatory Ohio statutory relief. Whereby, enslaving appellant pro se, pursuant to, the Thirteenth Amendment of the United States Constitution. The trial court, appellee, and the city defamed, libeled, and slandered appellant pro se. Pursuant to, the trial court's rubric, that appellant pro se, defaulted on rent payments, and last paid rent on September, 2008. Still, that appellant pro se, violated Ohio Revised Code §5321. 05, by harassing other tenants, banging door, of other tenant, shattering a door glass, and did not cure the breach, after service of the notice. Finally, that appellant pro se, deposited rent with court, without giving notice of conditions, and failed, to remain to attempt mediation, at time of mediation. Hence, proving moral turpitude, thus, illegal violations, of the Rules of Professional Conduct, and Code of Judicial Conduct and Canons, by chief assistant director of law, Michelle Roquemore Comer, (61469), and First assistant director of law I, Kary June Lynn, (65573), Still, by judge Raymond Lee Pianka, (0003724), magistrate Sandra R. Lewis, (0051919), magistrate Ruben E. Pope III, (48830), housing court specialist, Ms. Etoi Shaquila Hodge, and housing court specialist Robert Fuchs. The Cleveland, Ohio city hall used, the trial court, to achieve it's objective.

The appellant pro se, appealed to the Cuyahoga, County Court of Appeals. The court of appeals affirmed the judgment of the Cleveland, Ohio, municipal housing court, and found that: (1) Appellant pro se, appeal was moot, and therefore, the provisions of the Ohio Constitution could not supersede the existing trial court's plain error. and (2) that the lower court, was an entity separate, from the Ohio Supreme Court's governance, and that the trial court is entitled,

to enforce, its own rules and regulations; and (3) that the trial court is above Ohio law.

The court of appeals erred in ruling, that the Ohio Constitution's premise of justice, and Article I: Bill of Rights, Section §9, Proportionality, excluded it, from mandatorily ordering, the trial court, to acquit appellant pro se, of appellee's false, and trial court manufactured, complaint in forcible entry and detainer. The appeals court also erred, in failing to recognize, that the trial court's November 24, 2008, ruling, defamed, libeled and slandered appellant pro se. Finally, the court of appeals erred in failing to, order, appellee, and the trial court, to indemnify appellant pro se.

In support of his position on these issues, the appellant pro se, presents the following argument.

#### ARGUMENT IN SUPPORT OF PROPOSITIONS OF LAW

**Proposition of Law No. I: An Ohio court is bound by the United States Constitution Fourteenth Amendment Equal Protection and Due Process Clauses, Also, the Ohio Constitution's premise of justice, and Article I: Bill of Rights, Section §9, Proportionality, finally, 42 U. S. C. A §1983 Civil Rights Act. To abrogate it's November 24, 2008, unconstitutional, defaming, libeling and slandering judgment Entry. Plus, indemnify appellate pro se, for the illegal taking of his personal property.**

As with any Ohio appellate court, the Eighth District Court of Appeals of Cuyahoga, County, Ohio, is bound, and commanded, by the Ohio Constitution's premise of justice, and Article I: Bill of Rights, Section §9, Proportionality, plus, the United States Constitution Fourteenth Amendment Equal Protection and Due Process Clauses, and 42 U. S. C. A §1983 Civil Rights Act. To, order, the trial court, and appellee, to acquittal and indemnify, appellant pro

se. The Ohio Constitution expressly forbids any fundamental miscarriage, and travesty, of justice, by a morally depraved Cleveland, Ohio, municipal housing court.

As the Ohio Constitution IV §3 (B)(2) and (3), commands, that it is an Ohio appeals court's duty, to correct, the inferior trial court's plain error.

Furthermore, the Ohio Constitution must prevail over a conflicting, trial court ruling. Still, an indifferent, and benignly neglectful, appeals court prescript. This high court set forth the following rule, regarding, the administration of justice, in Wurzlbacher v. Kroeger, 40 Ohio St. 2d. 90, 320 N. E. 2d. 666 (1974); the evidence before the appeals court establishes that the entry of judgment, in this case, rendered it, "no longer equitable that the judgment should have prospective application." Thus, the Ohio Supreme Court, and justice prevailed. Over conflicting inferior court's enactments, miscarriage, and travesties of justice. There are no exclusions to this sacred and broad mandate, thus, to Ohio justice.

Ulteriorly, the Ohio Supreme Court held, in Blakemore v. Blakemore (1983), 5 Ohio St. 3d. 217, 219. That the court's decision was unreasonable, arbitrary, and unconscionable, and not merely an error of law, or judgment. Thus, it ruled that the court abused it's discretion.

Additionally, in Myers v. United States, 272 U. S. 52 (1926). the United States Supreme Court held that the separation of powers, can not be breached. The ruling of the United States Supreme Court must prevail over the conflicting Ohio courts. Which, are dominated by city hall.

**Proposition of Law No. II: A trial court is banned from defaming, libeling and slandering, an Ohio citizen, pursuant to, the 42 U. S. C. A §1983 Civil Rights Act.**

Ohio law is predicated upon the truth. The trial court, lied, falsified evidence, and

manufactured, appellee's complaint in forcible entry. Then, illegally evicted him. Whereby, creating a travesty of Ohio justice. The inferior Ohio courts have no separate identity, or, capacity apart from the Ohio Supreme Court, which, forbids moral turpitude. Therefore, the high court must prevail over this rogue and conflicting Ohio, municipal court. The Ohio Supreme Court addressed the issue, in Vail v. The Plain Dealer Publishing Co., 72 OS 3d. 279, 649 N. E. 2d. 182, and adopted, the following rules, when determining, whether speech is protected opinion. A Court must consider the totality of the circumstances. Specifically, a Court should consider the specific language at issue. Also, whether the statement is verifiable. Plus, the general context of the statement. Finally, the broader context in which the statement appeared.

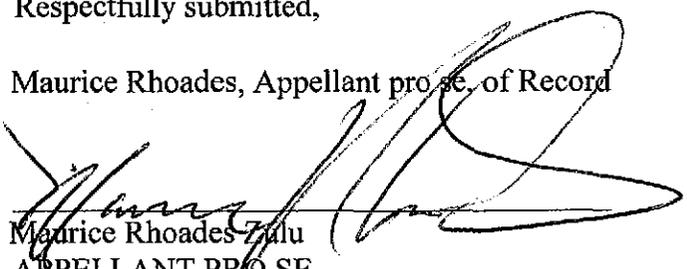
The trial court is constitutionally limited to not conflict with the truth. Thus, the Ohio Supreme Court, prevails over conflicting Ohio, court enactments. Such, as the trial court's perjured, November 24, 2008, ruling. Also, the appeals court's February 4, 2009, conflicting ruling, and sterile exercise of sovereign authority.

#### CONCLUSION

For the reasons discussed above, this case involves matters of public and great general interest and several substantial constitutional questions. The appellant pro se, requests that this court accept jurisdiction in this case so that important issues presented will be reviewed on the merits.

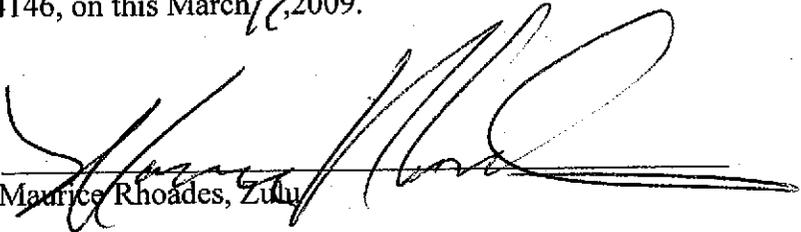
Respectfully submitted,

Maurice Rhoades, Appellant pro se, of Record

  
Maurice Rhoades Zulu  
APPELLANT PRO SE.

Certificate of Service

I certify that a copy of this Memorandum in Support of Jurisdiction was sent by ordinary U. S. mail to counsel for appelle, Mark S. Frank (0015606), at his office at, 4469 Renaissance Parkway, Cleveland, Ohio, 44128-5754, phone: (216) 682-0870, and (216) 621-5661, Fax: (216) 763-2620, attorney of record for appellee, Akil Hameed, c/o Fass Management & Consulting, LLP, P. O. Box 46123, Bedford, Ohio, 44146, on this March 7, 2009.

  
Maurice Rhoades, Zulu

APPELLANT PRO SE, COUNSEL OF RECORD,  
MAURICE RHOADES, ZULU.

**Court of Appeals of Ohio, Eighth District**

County of Cuyahoga  
Gerald E. Fuerst, Clerk of Courts

AKIL HAMEED

Appellee

COA NO.  
92580

LOWER COURT NO.  
2008 CVG 027400

CLEVELAND MUNI.

-vs-

MAURICE RHOADES

Appellant

MOTION NO. 417620

Date 01/22/09

Journal Entry

SUA SPONTE, THE APPEAL IS DISMISSED AS MOOT.

ANNOUNCEMENT OF DECISION  
PER APP. R. 22(B), 22(D) AND 26(A)  
RECEIVED

FILED AND JOURNALIZED  
PER APP. R. 22(E)

JAN 22 2009

FEB 4 - 2009

GERALD E. FUERST  
CLERK OF THE COURT OF APPEALS  
BY \_\_\_\_\_ DEP.

GERALD E. FUERST  
CLERK OF THE COURT OF APPEALS  
BY \_\_\_\_\_ DEP.

Judge SEAN C. GALLAGHER, Concur

*Colleen Conway Cooney*  
Administrative Judge  
COLLEEN CONWAY COONEY

N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also S.Ct.Prac.R. II, Section 2(A)(1).

CA08092580

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YBLC 674 PD0913

NOTICE MAILED TO COUNSEL  
FOR ALL PARTIES-COSTS TAXED

# Court of Appeals of Ohio, Eighth District

County of Cuyahoga  
Gerald E. Fuerst, Clerk of Courts

AKIL HAMEED

Appellee

COA NO.  
92580

LOWER COURT NO.  
2008 CVG 027400

CLEVELAND MUNI.

-vs-

MAURICE RHOADES

Appellant

MOTION NO. 418109

Date 02/04/09

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Journal Entry

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MOTION BY APPELLANT, PRO SE, FOR RECONSIDERATION IS DENIED.

RECEIVED FOR FILING

FEB 4 - 2009

GERALD E. FUERST  
CLERK OF THE COURT OF APPEALS  
BY Colleen Conway Cooney DEP.

Judge SEAN C. GALLAGHER, Concur

*Colleen Conway Cooney*  
Administrative Judge  
COLLEEN CONWAY COONEY

CA08092580

55846796



VEL 0674 000893



NOTICE MAILED TO COUNSEL  
FOR ALL PARTIES-COSTS TAXED

**CLEVELAND MUNICIPAL COURT**  
**HOUSING DIVISION**  
RAYMOND L. PLANKA, JUDGE

REPORT OF MAGISTRATE'S FILE

NOV 24 2008

EARLE B. TURNER, Clerk

AKIL HAMEED  
Plaintiff(s)  
-VS-

First Cause Court Date: 11/17/2008

2008 CVG 027400

MAURICE RHOADES  
Defendant(s)

**MAGISTRATE'S DECISION**

**Referred for Hearing per Civ. R. 53 to Magistrate:**

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Sandra R. Lewis | <input type="checkbox"/> Myra Torain Embry    | <input type="checkbox"/> Ruben E. Pope, III |
| <input type="checkbox"/> David D. Roberts           | <input type="checkbox"/> Barbara A. Reitzloff | <input type="checkbox"/> Heather Veljkovic  |

**Service:**

Service  has  has not been perfected upon all defendants. Add'l findings re: service:

**First Cause of Action**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Plaintiff in Court         | <input type="checkbox"/> Defendant in Court         | <input type="checkbox"/> Neither Party in Court |
| <input checked="" type="checkbox"/> Plaintiff rep'd by counsel | <input type="checkbox"/> Defendant rep'd by counsel |   |

Continued At Request Of  Pltf (COPR)  Deft (CODR)  Court (COCR)  
until \_\_\_/\_\_\_/\_\_\_, at \_\_\_ AM/PM in Courtroom 3A.

2<sup>nd</sup> cause def. hearing cont'd at request of  Plaintiff  Defendant  Court until \_\_\_/\_\_\_/\_\_\_, at  
1:30 PM in Courtroom 3A.

**Findings of Fact**

1. Plaintiff(s) is (are) the  owner(s)  landlord (acting on behalf of \_\_\_\_\_) of  
the premises described in plaintiff's complaint. (name of owner)

2. The address of the premises from which restitution is sought:  
 is correct and complete as it appears in the body of plaintiff's complaint.  
 is incorrect or incomplete and is corrected to read:

3. Defendant(s) is (are) the  tenant(s) of the  residential  commercial premises  
pursuant to  an oral  a written rental agreement.

4.  Defendant's tenancy is not federally subsidized.  
 Defendant's tenancy is federally subsidized, as follows \_\_\_\_\_

5. Plaintiff(s)  did serve defendant(s) with a notice under R.C. 1923.04,  on the date contained in the  
notice or  on \_\_\_/\_\_\_/\_\_\_ A copy of notice admitted as Pltf's Ex. 1.  
 did not serve defendant(s) with a three day notice under R.C. 1923.04.



**Grounds = Violation of R.C. 5321.05 (other than drug activity)**

- Defendant(s) has (have) violated/failed to fulfill the tenants' obligations under R.C. 5321.05, which materially effects health and safety, as follows: *harassment of other tenants; banging doors of other tenants, sheltered doors on door.*
- Plaintiff(s) was required to serve deft(s) additional notices, which
  - were not served *or*  were served on the date contained in the notice, and admitted as Plaintiff's Exh. B.
- Defendant  did  did not cure the breach, after service of the notice.

or

**Grounds = Breach of Lease (other than nonpayment)**

- Defendant(s) has (have) violated the terms of the rental agreement, as follows: \_\_\_\_\_
- Plaintiff(s) was required to serve deft(s) additional notices, which
  - were not served *or*  were served on the date contained in the notice, and admitted as Plaintiff's Exh. \_\_\_\_\_.

8. Defendant  has  has not been identified as 60 years of age or older.

9. Additional Findings: (A) Δ deposited rent with court under 2008 RD 74 without giving notice of conditions.  
(B) Δ failed to remain to attempt mediation at time of RD mediation

**Conclusions Of Law**

1. Plaintiff(s)  has (have)  has (have) not established by a preponderance of the evidence that plaintiff served defendant(s) a three day notice as required by law, vesting this court with jurisdiction to proceed.

2. Plaintiff(s)  has (have)  has (have) not established by a preponderance of the evidence that plaintiff is entitled to judgment on the first cause, on the following grounds:

- Nonpymt  Term'n of Periodic T'cy  Expir. of Lease
- Non-Color of Title  Violation of R.C. 5321.05(A)(9)(Drug Activity)
- Violation of R.C. 5321.05  Breach of Lease (other than nonpymt)
- Other \_\_\_\_\_

3.  No other notices were required *or*

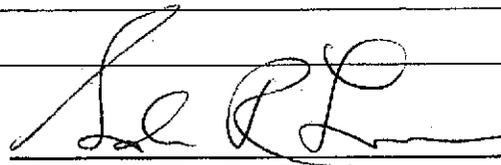
- Plaintiff(s) served defendant(s) with all other notices as required by law.
- Plaintiff(s) did not serve defendant(s) with all other notices as required by law, as follows: \_\_\_\_\_

4. Additional Conclusions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Recommendation**

Based upon the foregoing, the Magistrate recommends the following:

- Judgment For Defendant. (CVHJEFD1)
- Judgment For Plaintiff. Writ of Restitution To Issue. (CVHJEFP1)
- Forthwith Move Out Ordered \_\_\_\_\_
- Move Out To Take Place On Or After \_\_\_\_\_
- By Order Of Court, Dismissed w/ Prej. 1st Cause (CVDWPC1) 2nd Cause (CVDWPC2)  
Both Causes (CVDWPCB)
- By Order Of Court, Dismissed w/o Prejudice. 1st Cause 2nd Cause Both Causes
- For Want Of Prosecution, Dismissed w/o Prejudice. 1st Cause (CVDWOP1)
- Second Cause Default Hearing Reset for \_\_\_\_/\_\_\_\_/\_\_\_\_, at 1:30 P.M., 3A.
- Defendant is to be referred to **Department of Aging** for assistance.
- Inspection of the premises** by City Department of Building and Housing is ordered. Inspection to occur on \_\_\_\_/\_\_\_\_/\_\_\_\_, at \_\_\_\_\_ a.m./p.m. Parties are ordered to cooperate with access and inspection. Case set for hearing re: result of inspection on \_\_\_\_/\_\_\_\_/\_\_\_\_, at \_\_\_\_\_ AM/PM in Courtroom 3A/Courtroom 13B. Inspector may submit a written report in lieu of appearance must appear at hearing.
- Additional Findings/Recommendation(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Magistrate, Housing Division

ATTENTION: A PARTY MAY NOT ASSIGN AS ERROR ON APPEAL ANY MAGISTRATE'S FINDING OF FACT OR CONCLUSION OF LAW UNLESS THE PARTY TIMELY AND SPECIFICALLY OBJECTS TO THAT FINDING OR CONCLUSION AS REQUIRED BY CIV. R. 53(E)(3). ALL OBJECTIONS TO THE MAGISTRATE'S DECISION MUST BE FILED IN WRITING WITHIN FOURTEEN DAYS OF THE JOURNALIZATION OF THIS DECISION. OBJECTIONS MUST BE FILED EVEN IF THE TRIAL COURT HAS PROVISIONALLY ADOPTED THE MAGISTRATE'S DECISION BEFORE THE FOURTEEN DAYS FOR FILING OBJECTIONS HAS PASSED. OBJECTIONS MUST COMPLY WITH THE OHIO RULES OF CIVIL PROCEDURE, AND THE LOCAL RULES OF THIS COURT. FOR FURTHER INFORMATION, CONSULT THE ABOVE RULES OR SEEK LEGAL COUNSEL.

**CLEVELAND MUNICIPAL COURT**  
**HOUSING DIVISION**  
RAYMOND L. PIANKA, JUDGE

JUDGMENT ENTRY RECEIVED  
FOR JOURNALIZATION

NOV 24 2008

EARLE B. TURNER, Clerk  
11/17/2008

AKIL HAMEED  
Plaintiff(s)  
-VS-

First Cause Court Date: 11/17/2008  
2008 CVG 027400

MAURICE RHOADES  
Defendant(s)

**JUDGMENT ENTRY AND ORDER**

The Court, having independently reviewed the Magistrate's Decision, orders the following:

Case continued At Request Of Pltf (COPR) Deft (CODR) Court (COCR) until  
\_\_\_\_/\_\_\_\_/\_\_\_\_, at \_\_\_\_\_ AM/PM in Courtroom 3A.

The Magistrate's Decision is approved and confirmed, and judgment is entered as follows:

Judgment For Defendant. (HJEFD1)

Judgment For Plaintiff. Writ of Restitution To Issue. (HJEFP1)

Forthwith Move Out Ordered \_\_\_\_\_

Move Out To Take Place On Or After \_\_\_\_\_

By Order Of Court, Dismissed w/ Prej. 1st Cause 2nd Cause Both Causes

By Order Of Court, Dismissed w/o Prejudice. 1st Cause 2nd Cause Both Causes

For Want Of Prosecution, Dismissed w/o Prejudice. 1st Cause (Deft.  in not in Ct)

Second Cause Default Hearing Reset for \_\_\_\_/\_\_\_\_/\_\_\_\_, At 1:30 P.M., 3A.

Defendant is to be referred to Department of Aging for assistance.

Inspection of the premises by City Department of Building and Housing is ordered. The inspection is to occur on \_\_\_\_/\_\_\_\_/\_\_\_\_, at \_\_\_\_\_ a.m./p.m.. Parties are ordered to cooperate with access and inspection. Case set for hearing re: result of inspection on \_\_\_\_/\_\_\_\_/\_\_\_\_, at \_\_\_\_\_ AM/PM in Courtroom 3A/Courtroom 13B. Inspector may submit a written report in lieu of appearance must appear at hearing.

The Magistrate's Decision is modified rejected, and judgment is issued as follows:

\_\_\_\_\_  
\_\_\_\_\_

This matter is remanded to the Magistrate, for additional findings hearing regarding

Magistrate shall issue a supplemental Decision to the Court.

Additional Finding(s)/Order(s) \_\_\_\_\_  
\_\_\_\_\_



Judge Raymond L. Pianka  
Housing Division