ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, Plaintiff-Appellee, CITY OF BROOKLYN vs. ANTHONY KUSHLAK Defendant-Appellant.	: : : : : : : : : :	LOWER Case No. 09 CRB 02437 On Appeal from the CUYAHOGA County Court of Appeals EIGHTH Appellate District C.A. Case No. 94124 10-0333

MEMORANDUM IN SUPPORT OF JURISDICTION
OF APPELLANT ANTHONY KUSHLAK

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EXPLANATION OF WHY THIS IS A CASE OF PUBLIC OR GREAT GENERAL INTEREST AND INVOLVES A SUBSTANTIAL CONSTITUTION QUESTION.

THIS CAUSE PRESENTS MANY CRITICAL ISSUES FOR THE ADULTS LIVING IN THE STATE OF OHIO WHO MAY BE CHARGED, TRIED AND CONVICTED OF A MISDEMEANOR PRESENTLY OR IN THE FUTURE. IS IT ETHICAL FOR A JUDGE TO ALLOW A PROSECUTOR TO PRESENT EVIDENCE AT TRIAL FROM ONE TO FOUR YEARS BEFORE THE DATES OF THE OFFENSE, THE TICKET CLEARLY SAID TELE COMMUNICATIONS HARASSMENT BETWEEN MARCH 15TH AND 1ST DAY OF JUNE 2009 AT LOCATION 7400 BROOKPARK. THIS WAS NOT ESTABLISHED OR PROVEN AT TRIAL, INSTEAD I FELT I WAS CONVICTED OF EVERYTHING ELSE THAT TRANSPIRED BETWEEN MYSELF AND BEST BUY. IT IS NOT ETHICAL FOR ANYONE IN A OHIO COURT TO SUDDENLY HAVE THE DATES OR NATURE OF THE OFFENSE CHANGED WITHOUT NOTICE.

THE JUDGE'S BAILIFF AT THE PRETRAIL SAID THE PARMA COURTS DO NOT HONOR OR ALLOW MOTIONS FOR CONTINUANCES, THE JUDGE WOULD

NOT ALLOW A CONTINUANCE NEITHER, EVEN THOUGH THE MOTION SHOWED GOOD CAUSE - SEVERAL HOUSING COURT CASES THAT WOULD IMPROVE THE LIVING CONDITIONS FOR AN 80 YEAR OLD DISABLED PARENT. THESE MOTIONS DENIED WERE IN PURE RETALIATION FOR MAKING COMPLAINTS AGAINST THE BAILIFF AND BROOKLYN POLICE. MUST ANY ADULT IN AN OHIO COURT BE RETALIATED AGAINST FOR FILING A MOTION COMPLAINT THAT HAS MERIT. MUST ANY ADULT IN OHIO AS A PRO SE BE FORCED TO STAND TRIAL WHEN IT IS KNOWN THAT THE DEFENDANT IS UNDER EXTREME STRESS AND IS NOT PREPARED TO DEFEND HIMSELF PROPERLY.
IS IT ETHICAL FOR ANY JUDGE TO IMPOSE A 90 DAY SENTENCE TO ANY OHIO ADULT THAT FORCES AN 80 YEAR OLD DISABLED WOMAN TO BE PLACED IN A NURSING HOME AND HER PET IN A BOARDING KENNEL AND GENERATE A $10,000 BILL FOR THAT DISABLED ADULT, VERSES HOUSE ARREST FOR THE SOLE CAREGIVER.

FINALLY, IS IT PROPER AND ETHICAL FOR A PAID ATTORNEY TO HAVE THE CLIENT WITHDRAW FROM THE COURT OF APPEALS SO THE TRIAL JUDGE CAN DO A TIME SERVED - 35 OF THE 90 DAY SENTENCE AND THEN WE CAN GET MOM AND THE PET HOME - JUST LIVE WITH THE CONVICTION AND PAY THE $650 FINE EVEN THOUGH YOU BELIEVE YOU HAD A WRONGFUL CONVICTION, WHICH GENERATED A $10,000 DEBT, AND THEN TELL THE CLIENT YOU HAVE NO MORE APPEAL RIGHTS AND FORGET ABOUT THOSE COURT OF APPEAL AND SUPREME COURT OF OHIO PEOPLE.

THIS COURT MUST REVERSE THE DISMISSAL OF THE CASE BY THE COURT OF APPEALS OF OHIO, EIGHT DISTRICT, AND ALLOW THE RECORD TO BE FILED SO THE OPENING BRIEF CAN THEN ALSO BE PUT TOGETHER AND FILED.

STATEMENT OF THE CASE AND THE FACTS

THIS CASE ARISES FROM THE ATTEMPT OF APPELLANT ANTHONY KUSHLAK TO GET OUT OF CUYAHOGA COUNTY CORRECTION CENTER AS QUICKLY AS POSSIBLE SO LILLIAN KUSHLAK AND BABY KUSHLAK COULD GET OUT OF THE NURSING HOME AND BOARDING KENNELL WHERE THEY WERE PLACED SO APPELLANT COULD SERVE HIS 90 DAY SENTENCE. AN ATTORNEY WAS HIRED AND FILED A MOTION TO REDUCE SENTENCE. AFTER TWO WEEKS ANTHONY KUSHLAK NEVER RECIEVED A COPY OF THE MOTION SO A NOTICE OF APPEAL WAS FILED IN THE TRIAL COURT CLERKS OFFICE. THE ATTORNEY SAID THE TRIAL JUDGE WOULD RELEASE ME THAT WEEK IF I WITHDREW FROM THE COURT OF APPEALS. THE PROSECUTOR KEPT ME IN JAIL FOR FIVE EXTRA DAYS SO LILLIAN KUSHLAK WOULD LOSE HER RIGHTS WITH CA08091867 CASE. I TOLD THE ATTORNEY I WANTED TO CONTINUE WITH

THE COURT OF APPEALS BECAUSE I BELIEVED I HAD AN UNFAIR, BIASED TRIAL WITH A WRONGFUL CONVICTION. I WAS TOLD I HAD NO MORE RIGHTS WITH THE COURT OF APPEALS. I CALLED OUT OF CURIOSITY TO THE COURT OF APPEALS AND WAS TOLD THE CASE WAS DISMISSED FOR FAILURE TO FILE THE RECORD. SINCE IT WAS FIVE DAYS INTO THE ANNOUNCEMENT OF DECISION, I FILED A MOTION FOR RECONSIDERATION AND EXTENSION OF TIME SO THE RECORD COULD BE FILED AND I COULD WORK ON THE OPENING BRIEF. THE MOTION WAS DENIED, THEN THE DECISION BECAME FILED AND JOURNALIZED.

THE COURT OF APPEALS ERRED IN DENYING THE MOTION BECAUSE THERE WAS CLEARLY INEFFECTIVENSS OF COUNSEL, WITH MY APPEAL RIGHTS, AND POSSIBLY INCOMPETENCY OF COUNSEL.

PROPOSITION OF LAW

PROPOSITION OF LAW NO. 1 - BILL OF RIGHTS - AMENDMENTS TO THE CONSTITUTION - AMENDMENT VI

"AND TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION"

MUST ANY ADULT IN OHIO GO TO TRIAL AND EXPERIENCE A "SURPRISE TACTIC", AND THEN BE EXPECTED TO DEFEND HIMSELF PROPERLY.

THE CHARGE WAS ONLY WITH BROOKLYN BEST BUY - BUT THEN NORTH OLMSTED AND CLEVELAND BEST BUY BECAME INCLUDED WITH ADDITIONAL "SURPRISE ACCUSATIONS." ANTHONY KUSHLAK OBJECTED TO THESE NEW ACCUSATIONS BECAUSE THEY WERE NOT A PART OF THE ORIGINAL CHARGE - BUT THE PARMA TRIAL JUDGE ALLOWED THESE NEW ACCUSATIONS TO BECOME A PART OF THE TRAIL.

PROPOSITION OF LAW NO. II - BILL OF RIGHTS

AMENDMENTS TO THE CONSTITUTION

AMENDMENT VIII

"NOR CRUEL AND UNUSUAL PUNISHMENTS INFLICTED"

LILLIAN KUSHLAK WAS PROBATED TO THE NURSING HOME WHILE HER SON ANTHONY SERVED HIS JAIL SENTENCE. THE CLEVELAND FIRE DEPT. HAD TO GO THROUGH A BEDROOM WINDOW TO GET TO HER, SHE BROKE HER WRIST AND WAS GIVEN IMPROPER NEUROLOGY MEDICATIONS AT THE NURSING HOME. IT TOOK UNIVERSITY HOSPITAL 5 WEEKS TO GET HER STABILIZED WITH PROPER MEDICATIONS. CLEVELAND CLINIC HOME HEALTH CARE NURSE, PHYSICAL AND OCCUPATIONAL THERAPY COME TO THE HOUSE TWICE A WEEK. LILLIAN KUSHLAK CANNOT PAY THIS DEBT OF $9,000, SHE TOLD HER POWER

OF ATTORNEY SHE JUST WANTS TO LAY IN BED AND DIE. CLEVELAND CLINIC HOME HEALTH CARE IS TRYING TO HELP HER GET STRONGER AND MOTIVATED TO GET OUT OF THE BED OR SHE WILL JUST GET WEAKER. I COULD NOT PAY THE FINE OF $650 BY 19 FEB SO I WILL PROBABLY GO BACK TO JAIL AND LILLIAN WILL GO BACK TO THE NURSING HOME. THE DEBT WILL JUST GET LARGER.

IS IT ETHICAL FOR A JUDGE TO GIVE A SENTENCE TO ANY OHIO ADULT THAT CREATES A SITUATION WHERE AN 80 YEAR OLD WOMAN (DISABLED) JUST WANTS TO LAY IN BED AND DIE, BECAUSE THE TRAIL JUDGE SENT THE CAREGIVER TO JAIL VERSES HOUSE ARREST, THEN THE PARMA JUDGE DEANNA O'DONNELL TELLS THE APPELLANT THAT HE IS A TERRORIST.

CONCLUSION

THE APPELLANT REQUESTS THAT THIS COURT VACATES/ REVERSES THE DISMISSAL OF THIS APPEAL SO IT CAN BE REINSTATED AND MOVE FORWARD WITH THE IMPORTANT ISSUES PRESENTED.

Anthony Kushlak
SIGNATURE

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JAN X 6 2010

Court of Appeals of Ohio, Eighth District

County of Cuyahoga
Gerald E. Fuerst, Clerk of Courts

CITY OF BROOKLYN

Appellee

COA NO. 94124 | LOWER COURT NO. 09 CRB 02437

PARMA MUNI.

-VS-

ANTHONY KUSHLAK

Appellant

MOTION NO. 429195

Date 12/11/2009

Journal Entry

SUA SPONTE, THIS APPEAL IS DISMISSED AT APPELLANT'S COST FOR FAILURE TO FILE THE RECORD. SEE APP.R. 3(A), 10(A), & LOCAL APP.R. 10. MANDATE TO ISSUE.

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

JAN X 6 2010

GERALD E. FUERST
CLERK OF THE COURT OF APPEALS
BY _____ DEP.

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

DEC 11 2009

GERALD E. FUERST
CLERK OF THE COURT OF APPEALS
BY _____ DEP.

NOTICE MAILED TO COUNSEL
FOR ALL PARTIES-COSTS TAXED

Judge SEAN C. GALLAGHER, Concurs

Colleen Conway Cooney
Administrative Judge
COLLEEN CONWAY COONEY

CA09094124

61215792

N.B. This entry is an announcement of the court's decision. See App.R. 22(B) 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(C) 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(C). See, also S.Ct. Prac.R. II, Section 2(A)(1).

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum in Support of Jurisdiction was forwarded by regular U.S. Mail to HILLARY GOLDBERG, Prosecuting Attorney, CUYAHOGA County, 7619 MEMPHIS AVE., BROOKLYN, Ohio 44144, this 22 day of FEBRUARY, 2010

Anthony Kushlak
SIGNATURE

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