

In The Ohio Supreme Court

10-0377

State of Ohio

-vs-

Tony Sayles

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Trail Court #B0801519

Appeal Court #C090596

On Appeal From Hamilton County  
1st. District Court of Appeal

(Motion To File Delayed Appeal)

Now Comes the Appellant, Pro-Se, and humbly Request of his  
Honorable Court, This motion for delayed appeal pursuant to Ohio  
Supreme Court Rule II, Section 2 (A)(4)(a).

This case involves a felony, and it has been more than 45 day's  
since the court of Appeal Filed their decision. See Memorandum  
In Support Attached.

Humbly Submitted,

*Tony Sayles*

Tony Sayles 597-842  
P.O. Box 5500  
Chillicothe, Ohio 45601

RECEIVED  
MAR 01 2010  
CLERK OF COURT  
SUPREME COURT OF OHIO

FILED  
MAR 01 2010  
CLERK OF COURT  
SUPREME COURT OF OHIO

If this Court Would Grant this Delayed  
Appeal, He Would Raise the following  
in Memorandum In Support of Jurisdiction:

At the center of Appellant's Case is a G.P.S. Tracking Device,  
Which was Attached to the Appellant car 3 separate times,  
without a search warrant or Probable Cause.

The question for this Court would be, Does the attachment of a  
G.P.S. Tracking Device underneath the Rear bumper of a  
defendants car, Require a search warrant under the U.S. & Ohio  
Constitution, which guards against unreasonable searches.

Also

When a Trial Court dismissed a case for want of Prosecution, is  
it Necessary for the State to obtain a New Indictment.

Also

When Trial Counsel fails to make Appellant aware that his case  
has been dismissed for want of Prosecution, and talks him into a  
pleadeal, Has Strickland been violated.

Memorandum In Support  
And Affidavit

Defendant was unable to perfect his appeal to this Honorable Court in a timely manner from the 1st. District Court of Appeals, which reached it's decision on Sept. 16th, 2009 for following Reason:

Defendant's current case at hand, revolves around an illegal attached G.P.S. tracking device underneath the Appellant's car (while on private property ), which lead to charges in Hamilton County, as well as Butler County Ohio.

After being tricked into a plea deal in Hamilton County, Upon being delivered into the custody of the Department of Correction, he was remove on a warrant from Butler County, Ohio, on new Charges. While being held and transferred back and forth from Chillicothe Correctional Inst., Appellant was not able to perfect his appeal, in a timely manner, as he has been remove 6 times, and held each time from 14 to 90 days at a time.

Butler County Jail, does not have a law library, and while being held there, Appellant was prevented from working on his case Hamilton County Case.

  
Tony Sayles

Certificate of Seavice

I certify that a copy of this motion was sent via U.S. mail to the Hamilton County Prosecutor office at 230 E. 9th. ST. Cinn. Ohio.

  
Tony Sayles

In The Supreme Court of Ohio

State of Ohio

-vs-

Tony Salyers

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Case No. \_\_\_\_\_

Affidavit of Reason For Delay

I was unable to perfect my Appeal to the Ohio Supreme Court in 45 days because: I am currently fighting another case in Butler County Ohio, and the Appellant keeps being moved around, back and forth, from Chillicothe Correctional Inst., to Butler County Jail, even to this date. Appellant has been taken to Butler County Jail, more than 6 times, each time being kept at Butler County Jail anywhere from 14 to 90 days.

While Appellant is at Butler County, He does not have access to legal material, and is unable to work on his Hamilton County Case. Under the penalty of perjury, Appellant attest that Butler County Jail does not have a law libraey, for inmates to access. This was also the reason for Appellant Delay in the 1st. District Court of Appeal, as he requested his trial Attorney to file a Notice of Appeal on Feb. 8th, 2009, during his last visit with his attorney before, the Appellant became aware that this current case was dismissed by the Trial Court for Want of Prosecution, yet he was never made aware of this fact, nor was he Re-indicted, contrary to Ohio Law.

*Tony Salyers*  
Tony Salyes

Notary of Public

Sworn and Attested in my presence, a notary in and for the State of Ohio, this 25<sup>th</sup> Day of February 2010.

*Kyle A. Hauswirth*  
Notary



KYLE A. HAUSWIRTH 1/2/13  
Notary Public Exp. Date  
In and for the State of Ohio  
My Commission Expires 1/2/13

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,

APPEAL NO. C-090596  
TRIAL NO. B-0801519

Appellee,

vs.

ENTRY OVERRULING MOTION  
FOR LEAVE TO APPEAL

TONY SAYLES,

Appellant.

This cause came on to be considered upon the *pro se* motion of the appellant for leave to file a delayed appeal and upon the memorandum in opposition.

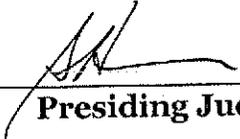
The Court finds that the motion is not well taken and is overruled as the appellant has failed to provide sufficient reasons for failure to perfect an appeal as of right.

Further, all other pending motions are overruled as being moot.

**To The Clerk:**

Enter upon the Journal of the Court on SEP 16 2009 per order of the Court.

By: \_\_\_\_\_

  
Presiding Judge

(Copies sent to all counsel)