

IN THE SUPREME COURT OF OHIO

ORIGINAL

STATE OF OHIO,

CASE NO. GEN-2009-2218

Plaintiff-Appellee,

v.

TORRANCE C. PILGRIM,

Defendant-Appellant.

APPELLANT'S MOTION TO STRIKE APPELLEE'S MEMORANDUM IN RESPONSE

Comes now Torrance C. Pilgrim, without counsel, and move this Honorable Court, pursuant to its notice in State v. Cargile, 121 Ohio St.3d 1208, 2009-Ohio-477, 901 N.E. 1289, State v. Lester, 121 Ohio St.3d 1209, 2009-Ohio-478, and State v. Rohrbaugh, 29 Ohio St.3d 1210, 2009-Ohio-479, to strike Appellee's Memorandum In Response to appellant's memorandum in support of jurisdiction, filed on March 19, 2010, in the above captioned cause.

A memorandum in support follows.

FILED
 APR 27 2010
 CLERK OF COURT
 SUPREME COURT OF OHIO

RECEIVED
 APR 27 2010
 CLERK OF COURT
 SUPREME COURT OF OHIO

Respectfully Submitted,
Torrance C. Pilgrim
 Torrance C. Pilgrim, pro se
 A589102 - B076
 16759 Snake Hollow Road
 Nelsonville, Ohio 45764

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion has been sent, via U.S. Mail, postage prepaid, to John Cousins and Ronald O'Brien, at 373 South High Street, 13th Floor, Columbus, Ohio 43215, this 23 day of April, 2010.

Torrance C. Pilgrim
 Torrance C. Pilgrim

MEMORANDUM IN SUPPORT

In Case No. 08AP-858, the Tenth District Court of Appeals, Franklin County, Ohio, ruled against and dismissed Pilgrim's case without appellant ever being served notice that a motion to dismiss had been filed by counsel for Sheriff James Karnes. By the time Pilgrim learned of the motion, it was too late (and undoubtedly futile) to litigate the matter, despite the fact that he was illegally detained.

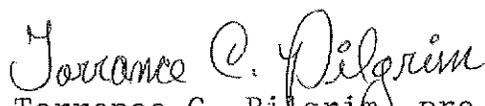
In *State v. Owens*, 123 Ohio St.3d 1204, 914 N.E.2d 407, upon which appellant will rely, the Ohio Public Defender's motion to strike was granted by the Court, who stated, at ¶2;

"....county prosecuting attorneys have a clear duty to comply with S.Ct.Prac.R. XIV(2)(A)(3), and we put county prosecuting attorneys and their staffs on notice that failure to comply with the requirements of S.Ct. Prac.R. XIV(2)(A)(3) may result in the dismissal of a notice of appeal", citing *Cargile*, *Lester*, and *Rohrbaugh*.

Pursuant to the doctrine of stare decisis and the Supreme Court's ruling in *Owens*, supra, Appellant asks that this Honorable Court grant him the relief sought, and appoint appellant counsel for purpose of filing his merit brief for this Court's review and reassessment of his direct appeal.

For the relief sought, Appellant prays.

Respectfully submitted,


Torrance C. Pilgrim pro se