

IN THE SUPREME COURT OF OHIO

Mark-Timothy:Schafer, sui juris,
State of Ohio ex rel.,
Relator,
v.
Amy M. Galbraith, The Court of Appeals
of the third appellate judicial
district of Ohio Defiance county,
Respondent.

Case No. 10-0732
Regarding:
Court of Appeals Case No. 4-06-39
and
Prison commitment No. A529896.

COMPLAINT
ORIGINAL ACTION IN MANDAMUS

Mark-Timothy:Schafer sui juris (CREDITOR)
POB 1812 NCCI SCHAFFER 529896
Marion Ohio PTZ[43301]
CREDITOR, HAVING LIBERTY INTREST IN "MARK T. SCHAFFER"

Amy M. Galbraith
CLERK OF COURTS
THE COURT OF APPEALS OF THE THIRD APPELLATE JUDICIAL DISTRICT OF OHIO
DEFIANCE COUNTY
221 CLINTON STREET
DEFIANCE, OHIO 43512
SERVANT, BEING SO OBLIGED

RECEIVED
APR 27 2010
CLERK OF COURT
SUPREME COURT OF OHIO

Now comes Relator, Mark-Timothy:Schafer, acting in sui juris, while being unlawfully detained as surety for MARK T. SCHAFFER, and being denied access to common law and due process of law, do hereby petition that this court, pursuant to Article IV, Section 3(B)(1)(b) of the Ohio Constitution, and R.C. 2731.02, exercise its original jurisdiction and issue forthwith the writ of Mandamus upon Amy M. Galbraith, who is bound to uphold the law and the OHIO REVISED CODE, specifically but not limited to, R.C. 2953.13, and RULES OF APPELLATE PROCEDURE 27 and 30, and command her to carry out her duty.

For the reasons more fully explained in the accompanying memorandum, Relator prays to God that this court grant the writ of Mandamus because law and justice is required.

FILED
APR 27 2010
CLERK OF COURT
SUPREME COURT OF OHIO

Mark-Timothy:Schafer
Mark-Timothy:Schafer sui juris ARR

MEMORANDUM IN SUPPORT OF THE WRIT

The fifth amendment to the Constitution of these united states of America states: No person shall be..."nor be deprived of life, liberty, or property, without due process of law;".

Mandamus is defined within section 2731.02 of the OHIO REVISED CODE as: "A writ issued in the name of the State to... a person commanding performance of an act of law specifically enjoined as a duty resulting from office, trust, or station."

1. In the present case Relator, acting in sui juris, composed and mailed my petition to execute her duties, to Amy M. Galbraith, on December 10th of 2009 A.D., as privately recorded in due course, document #201157. SEE EXHIBIT "A" two (2) pages
2. O.R.C. § 2953.13 says: "the clerk of the court reversing the judgment, under the seal thereof, shall forthwith certify said reversal to the warden of the state correctional institution."
3. CASE NUMBER 4-06-39, JOURNAL ENTRY, dated JUNE 25 2007, says: that it is the controlling authority between the parties, and at page 1¶2 "For the reasons that follow, we reverse the judgment of the trial court." then on page 7¶3 "...judgment of the Defiance County Common Pleas Court be, and hereby is, reversed at costs of appellee for which judgment is rendered, and the cause be, and hereby is, remanded to the trial court for the execution of judgment of costs." SEE EXHIBIT "B" eight (8) pages
4. Respondent has failed to execute the order, and she has failed to respond to my petition, thus Mandamus is the only relief possible for the Relator.

5. Wherefore, the Relator has shown clear right to the relief petitioned for and duly prays to God that:

(A) Judgment be rendered against Respondent, Amy M. Galbraith, ordering and directing her to certify and serve the order to the warden, thus causing my discharge;

(B) Costs of suit; or

(C) Given the fact that any claim of obligation or community control has expired, at this late date, this court issue an order directly to the warden causing my discharge; and

(D) Such other and further relief as this Court finds appropriate.

Submitted

Mark-Timothy Schaffer
Mark-Timothy Schaffer sui juris ARR
POB 1812 NCCI SCHAFFER 529896
Marion Ohio PTZ[43301]

detained at:

IN THE SUPREME COURT OF OHIO

AFFIDAVIT

I, Mark-Timothy Schafer, sui juris, creditor, due hereby affirm on my oath and under penalty of perjury that the following statements are true to the best of my ability.

1. The order of the Court of Appeals Case No. 4-06-39, as described and referenced in the foregoing petition for writ of mandamus, has never been executed.
2. Prison officers have indicated to me that no such order has been served to the prison or warden by any clerk of courts.
3. As a matter of due course of activity I do keep a log and a private record.
4. The Petition to Amy M. Galbraith, recorded as document #201157 is recorded and logged as having been sent by regular mail on 12-10-2009, in a postage paid envelope, and I also included an addressed, postage paid envelope back to me.
5. Amy M. Galbraith has not responded to my petition, as mentioned.
6. I have not been discharged or outside of the custody and control of the OHIO DEPARTMENT OF REHABILITATIONS AND CORRECTIONS since September 26th 2006 A.D..
7. I have in the past and do hereby again claim actual innocence regarding any and all charges against me.

SO SWEARS:

Mark-Timothy Schafer

Signature of Affiant

NOTARY

Sworn to, or affirmed, and prescribed in my presents this 13 day of April, 2010.

Thomas A. Reinsel



Thomas A. Reinsel
Notary Public-State of Ohio
My Commission Expires
9/8/2014

IN THE SUPREME COURT OF OHIO

AFFIDAVIT OF INDIGENCE

I, Mark-Timothy:Schafar sui juris, creditor, do hereby state that I have only limited access to my assets, due to the demonstrated fact that I have no remedy or recourse for wrongs done to me or my House, so any check that I could write would be contingent on my access to common law remedy and recourse. With such disclosure, will you take a check? Short of that I would ask that the costs of this action be waived for the following reasons:

1. I have accepted MARK T. SCHAFFER for value (zero), but the STATE still claims some value or interest in MARK T. SCHAFFER, but they refuse to make presentment for settlement and closure.
2. MARK T. SCHAFFER has no value.
3. It is fraud for me to sign for the prison "trust" account for MARK T. SCHAFFER. Even though I always make explicit reservations, including but not limited to, ARR or A.R.R. (All Rights Reserved) and UCC 3-207 (Uniform Commercial Code reference to signing out side of my capacity, and therefore not binding against me).
4. The STATE has indicated that if I make any transactions while here, outside of the "trust" account, that I would be subjected to additional violence from the STATE.
5. I have no reason to think that the STATE will not follow through with its threats if I start writing checks against my assets, from here.
6. I claim no rights, privileges, title, or stations, prescribed by the OHIO REVISED CODE, I also therefore disclaim any and all obligations to the OHIO REVISED CODE.

Pursuant to Rule 15, Section 3, of Rules of Practice of the Supreme Court of Ohio, I am, notwithstanding acceptance of a check, requesting that the filling fee and security deposit, if applicable, be waived, and also that this court accept a reduced number of copies for all fillings.

Mark Timothy Schafar
Affiant (ARR)

Sworn to, or affirmed, and prescribed in my presents this 13 day of April, 2010.

Thomas A. Reinsel
Notary Public

My Commission Expires:
Thomas A. Reinsel
Notary Public-State of Ohio
My Commission Expires
9/18/2014



To: AMY M. GALBRAITH
CLERK OF COURTS
THE COURT OF APPEALS OF THE THIRD APPELLATE JUDICIAL DISTRICT OF OHIO
DEFIANCE COUNTY
221 CLINTON STREET
DEFIANCE, OH 43512

Mailed 12-10-2009

From: Mark-Timothy:Schafer sui juris
POB 1812 NCCI SCHAFER 529896
670 Marion-Williamsport road East
Marion Ohio PTZ[43301]

Re: Case No. 4-06-39
STATE OF OHIO VS. MARK T. SCHAFER

#201157

I, Mark-Timothy:Schafer sui juris, having a liberty interest, in having the mandate of this court executed, do hereby petition you, Amy M. Galbraith to perform your duties as clerk of this court, as prescribed by law, as follows.

The final appealable order, of this court, time stamped JUN 25 2007, is the law in this case, and states, that the mandate of Appellate Rule 27 shall be executed. also because this order is a reversal Ohio Revised Code § 2953.13 also applies. Please do find photo copy of Rule and Code enclosed. You will find that the word "shall" with regard to your duties as clerk of courts, has to do with certifying the order, and further about service to the warden. Also in Appellate Rule 30 it states that service shall be noted in the docket.

Please do the following to bring this matter to finality: Affix your signature declaring a true and correct copy of the order with your mark, then Fax it to warden, Edward Sheldon at Fax# 740-387-5575, then make a true and correct certified copy of the Fax confirmation and send it, with the mandate to me, in the envelope provided. If you would be so kind as to serve this mandate to the warden, for execution, on the morning of the 16th day of December in the year of our Lord 2009. Or do as your conscience demands in your execution of the law, as you understand the law.

Also please include to me an updated docketing sheet, noting the date of service to the warden.

Thank you for your time.

*True & Correct Copy
OF ORIGINAL
TMS*

4/18/10



Mark Timothy Schafer ucc3-207
ARR
Thomas A. Reinsel
Notary Public-State of Ohio
My Commission Expires
9/18/2014

Exhibit
"A"

procedures
v. Reddick,

App. 3d —, — N.E. 2d —, 2003 Ohio App. LEXIS 4583 (Sept. 19, 2003).

Amended AppR 26(B) imposing a 90-day limit for filing applications to reopen direct appeal to claim ineffective assistance of appellant counsel is a procedural rule with which the defendant was required to comply, even though it was not in effect at the time the direct appeal was denied; defendant was required to file his motion within 90 days after the amendment of the rule: *White v. Schotten*, 201 F.3d 743 (6th Cir. 2000).

RULE 27. Execution, mandate

A court of appeals may remand its final decrees, judgments, or orders, in cases brought before it on appeal, to the court or agency below for specific or general execution thereof, or to the court below for further proceedings therein.

A certified copy of the judgment shall constitute the mandate. A stay of execution of the judgment mandate pending appeal may be granted upon motion, and a bond or other security may be required as a condition to the grant or continuance of the stay.

Research Aids

Cases remanded:

Am-Jur2d: App Rev § 805 et seq

Execution, mandate:

O-Jur3d: Appell R §§ 607, 613

Am-Jur2d: App Rev § 776 et seq

ALR

Affirming order. 31 ALRFed 795.

Directing action. 44 ALRFed 831.

CASE NOTES AND OAG

INDEX

- "Pending appeal" construed
- "Remand" construed
- Discretion to disregard mandate
- Jurisdiction
- Power to vacate judgment
- Responsibility for execution of order on remand

"Pending appeal" construed

"Pending appeal," as used in AppR 7(A) concerning stays, includes the time before an appeal from the court of appeals is filed with a higher court so long as the matter remains potentially subject to review: 1994-N1 Ohio Assoc., L.P. v. Planet Earth Entertainment, Inc., 108 Ohio App. 3d 383, 670 N.E.2d 1049 (1995).

"Remand" construed

To "remand" is to send back. Further, the term implies that what is being sent back is returned from where it came: *Mid-Ohio Liquid Fertilizers, Inc. v. Lowe*, 14 Ohio App. 3d 36, 14 Ohio B. 40, 469 N.E.2d 1019 (1984).

Discretion to disregard mandate

Absent extraordinary circumstances, such as an intervening decision by the Supreme Court, an inferior court has no discretion to disregard the mandate of a superior court in a prior appeal in the same case: *Nolan v. Nolan*, 11 Ohio St. 3d 1, 11 Ohio B. 1, 462 N.E.2d 410 (1984).

Jurisdiction

Although a trial court's jurisdiction to modify a sentence could be revived by an Ohio R. App. P. 27 mandate of an

§ 2953.13 Procedure when conviction is reversed.

When a defendant has been committed to a state correctional institution and the judgment, by virtue of which the commitment was made, is reversed on appeal, and the defendant is entitled to his discharge or a new trial, the clerk of the court reversing the judgment, under the seal thereof, shall forthwith certify said reversal to the warden of the state correctional institution.

The warden, on receipt of the certificate, if a discharge of the defendant is ordered, shall forthwith discharge him from the state correctional institution.

If a new trial is ordered, the warden shall forthwith cause the defendant to be conveyed to the jail of the county in which he was convicted, and committed to the custody of the sheriff thereof.

HISTORY: GC §§ 13459-11—13459-13; 113 v 123(214), ch 38, §§ 11-13; 116 v 104(118), § 2; Bureau of Code Revision, 10-1-53; 145 v H 571. Eff 10-6-94.

Ohio Rules

Determination and judgment on appeal, AppR 12.
Duties of clerks, AppR 30.

Research Aids

Certification to warden of penitentiary:

O-Jur3d: Crim L. § 3813

Am-Jur2d: Appell R §§ 853-861

CASE NOTES AND OAG

INDEX

- Discharge
- Mandamus
- New trial

Discharge

Where a conviction is reversed on appeal on grounds which entitle the appellant to discharge, the appropriate entry of the court of appeals is one reversing the conviction, vacating the sentence, and ordering the appellant's discharge forthwith: *State v. Aspell*, 5 Ohio App. 2d 230, 34 Ohio Op. 2d 371, 214 N.E.2d 834 (1966).

Mandamus

Mandamus is the proper remedy where, after a defendant's conviction is reversed on appeal and he is entitled to a new trial, the warden of the penitentiary nevertheless refuses to remit the defendant to the custody of the sheriff: *State ex rel. Smith v. Tate*, 77 Ohio App. 3d 228, 601 N.E.2d 544 (1991).

New trial

When a defendant sentenced to the penitentiary is granted a new trial by an appellate court, his transfer by the Department of Mental Hygiene and Correction to a state mental hospital is improper: *State v. Rand*, 20 Ohio Misc. 98, 49 Ohio Op. 2d 127, 247 N.E.2d 342 (CP 1969).

When conviction of prisoner has been reversed and new trial ordered, the warden should turn prisoner over to sheriff: 1927 OAG p. 496 (1927).

§ 2953.14 State may seek review.

Whenever a court superior to the trial court renders judgment adverse to the state in a criminal action or proceeding, the state, through either the prosecuting

IN THE COURT OF APPEALS OF THE THIRD APPELLATE JUDICIAL DISTRICT OF OHIO

DEFIANCE COUNTY

STATE OF OHIO,

CASE NUMBER 4-06-39

FILED

PLAINTIFF-APPELLEE,

JOURNAL

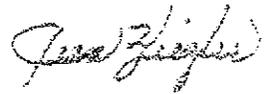
IN COURT OF APPEALS
DEFIANCE COUNTY, OHIO

v.

ENTRY

JUN 25 2007

MARK T. SCHAFFER,



DEFENDANT-APPELLANT.

CLERK OF COURTS

This appeal, having originally been placed on the regular calendar, is being considered on the accelerated calendar pursuant to App.R. 11.1(E) and Loc.R. 12(1). Pursuant to Loc.R. 12(5), we have elected to render decision by summary journal entry, which shall not be considered controlling authority except as between the parties to this action.

Defendant-appellant Mark Schaffer appeals the judgment of the Defiance County Common Pleas Court. For the reasons that follow, we reverse the judgment of the trial court.

On April 14, 2004, the Defiance County Grand Jury indicted Schaffer on seven counts including: five counts of gross sexual imposition, violations of R.C. 2907.05(A)(4) and third degree felonies; one count of rape, a violation of R.C.

Exhibit
" B "

2907.02(A)(1)(b) and a first degree felony; and one count of attempted rape, a violation of R.C. 2923.02/2907.02(A)(1)(b), and a second degree felony.

Pursuant to a plea agreement, Schafer pled guilty to counts one and two of gross sexual imposition. The prosecution then dismissed the remaining counts. The trial court sentenced Schafer to reserved five year prison terms on both counts to be served consecutively and placed Schafer on community control for five years. The trial court also imposed several special conditions, including the following: "* * * 2. For so long as the Defendant[']s wife, Andrea Schafer, has access to the children who were the victims in this matter, the Defendant shall have no contact with Andrea Schafer except through Counsel or as otherwise authorized by the Supervising Officer, * * * 5. The Defendant will serve six (6) months at the Correction Center of Northwest Ohio, and may be housed in the Work Release Program if appropriately employed." The trial court also classified Schafer as a sexual predator.

On April 26, 2006, the prosecution filed a motion to revoke Schafer's community control. The motion included an exhibit from the Defiance County Adult Probation Department stating that Schafer violated his community control because: 1.) he made untruthful statements to his supervising officer, 2.) he failed to follow the directions of his supervising officer in regards to his contacts while at his sessions at the Center for Child and Family Advocacy, and 3.) he had contact with his wife.

On June 12, 2006, Schafer entered an admission of true to the alleged probation violations. The trial court found that Schafer did violate the terms and conditions of his probation.

On June 30, 2006, Schafer filed several documents including a "Statement of Fact", "Court of Conscience Commercial Notice", and a "Commercial Affidavit of Truth" without the knowledge of his attorney.

The trial court held a hearing on July 26, 2006. At the hearing, Peter Seibel, Schafer's attorney, requested leave to withdraw from representing Schafer. The trial court granted Seibel's request. During the hearing, the trial court also construed Schafer's previously filed document entitled "Statement of Fact" as a motion to withdraw admissions, and granted the motion.

On September 20, 2006, the trial court held a hearing and stated on the record that it would "deny [Schafer's] oral motion to withdraw the admission and we will proceed on that admission." The trial court then revoked Schafer's community control and imposed the previously reserved five year prison term for each count. The trial court further ordered the sentences be served consecutively for an aggregate prison term of ten years.

It is from this judgment that Schafer appeals and asserts two assignments of error for our review. We have combined Schafer's assignments of error.

ASSIGNMENT OF ERROR NO. I

1. The Defendant Probationer Mark T. Shafer [sic.] was denied "Due Process" under the Provisions of the Fourteenth Amendment to the U.S. Constitution and his Sixth and Fourteenth Amendment to the Constitution, and Article I, Section 10 of the Ohio Constitution, because

a.) The Defendant was entitled to the assistance of appointed Counsel, if only in an "advisory capacity" where he was unable to secure Counsel as reflected on the record.

b.) The defendant [sic] conduct did not constitute a knowing and voluntary waiver of his right to Counsel, and NO SUCH waiver was made a part of the record in compliance with the procedural requirements of the Ohio Criminal Rules.

ASSIGNMENT OF ERROR NO. II

2. When the Court permitted the Defendant Probationer to withdraw his "admission" of the probation violation at the hearing of July 26, 2006, on the basis of a paper submitted by the Defendant admitting contact with his Wife, but denying this conduct constituted a probation violation; the Court agreed to permit the Defendant an opportunity to contest the matter in merits (adjudicatory) hearing. On September 20, 2006 the Court violated the Defendant probationers right to a) confront the adverse witnesses against him, and b) present documents and other evidence in his own defense; by "reinstating" the admission previously withdrawn, and proceeding to disposition without having conducted a merits hearing.

In his first assignment of error, Schafer argues that he was entitled to the assistance of counsel when he was unable to obtain counsel. Schafer further argues that his conduct did not constitute a knowing and voluntary waiver of his right to counsel. Schafer argues, in his second assignment of error, that the trial court erred when it allowed Schafer to withdraw his admission to the probation

violation, but later, treated the admission as reinstated and proceeded to sentencing.

The prosecution concedes that some of Schafer's claims may have merit and requests this court to remand the case for a further hearing. We agree.

Crim. R. 32.3 provides,

(A) Hearing. The court shall not impose a prison term for violation of the conditions of a community control sanction or revoke probation except after a hearing at which the defendant shall be present and apprised of the grounds on which action is proposed. * * *

(B) Counsel. The defendant shall have the right to be represented by retained counsel and shall be so advised. Where a defendant convicted of a serious offense is unable to obtain counsel, counsel shall be assigned to represent the defendant, unless the defendant after being fully advised of his or her right to assigned counsel, knowingly, intelligently, and voluntarily waives the right to counsel.* * *

* * *

(D) Waiver of Counsel. Waiver of counsel shall be as prescribed in Crim. R. 44(C).

Pursuant to Crim. R. 44(C), "Waiver of counsel shall be in open court and the advice and waiver shall be recorded as provided in Rule 22. In addition, in serious offense cases the waiver shall be in writing."

A serious offense is defined as any felony or misdemeanor "for which the penalty prescribed by law includes confinement for more than six months." Crim. R. 2(C). Thus, the present case involves a serious offense.

At the July 26, 2006 hearing, the trial court granted Siebel's motion to withdraw as Schafer's counsel. The following discussion then occurred,

THE COURT: Do you intend, Mr. Schafer, then to hire other counsel or how do you wish to proceed? Do you want to go forward to--

THE DEFENDANT: I--

THE COURT: -- disposition or do you want to--

THE DEFENDANT: I've got some documents for you that aren't on, aren't on the docket yet, I'm sure.

* * *

THE COURT: All right. The Court will grant leave to withdraw the admission and I need an adjudicatory date. I will also-- are you still trying to arrange counsel on the other case?

THE DEFENDANT: I-- I Can't find anybody that will meet my terms.

THE COURT: So you intend to represent yourself?

THE DEFENDANT: Yes, I'm unrepresented.

Furthermore, at the end of the hearing, the trial court stated,

THE COURT: * * * Mr. Schafer, I would, again, urge you to retain a lawyer and suggest to you that it is in your best interest to do so. I will remind you, again, that if you do not have the money to hire a lawyer, you are entitled to a court appointed lawyer. You understand that?

THE DEFENDANT: Yeah, I hear you.

* * *

THE DEFENDANT: Now, if my bond is revoked, how am I going to represent myself?

THE COURT: You'll be transported in due course. * * *

After reviewing the record we find that Schafer never knowingly, intelligently, and voluntarily waived his right to counsel as required under Crim.R. 32.3(B). In addition, the record does not contain a written waiver of counsel.

Moreover, at the September 20, 2006 hearing, the trial court stated that it would deny Schafer's motion to withdraw the admission and would proceed on that admission. The trial court then proceeded to sentence Schafer for the violations of his community control. However, the trial court had previously granted the motion for leave to withdraw Schafer's admission at a hearing conducted on July 26, 2006, which was memorialized in a judgment entry filed on July 31, 2006. Consequently, we hold that the trial court erred when it proceeded to sentence Schafer based on Schafer's admission when the trial court had previously granted Schafer's motion for leave to withdraw that admission.

Schafer's first and second assignments of error are sustained.

For the aforementioned reasons, it is the order of this court that the judgment of the Defiance County Common Pleas Court be, and hereby is, reversed at the costs of the appellee for which judgment is rendered, and the cause be, and hereby is, remanded to the trial court for the execution of the judgment of costs.

It is further ordered that the Clerk of this Court certify a copy of this judgment to that court as the mandate prescribed by App.R. 27 or by any other

provision of law, and also furnish a copy of this journal entry to the trial judge.

Vernon Z. Gustafson

Scott R. Huns

John B. Hillenbrand
JUDGES

DATED: June 25, 2007

DEFIANCE COUNTY COURT OF APPEALS

Appearance Docket No. 5

4-06-39^{No.}

PARTIES		
<p>State of Ohio, Plaintiff,</p> <p>vs</p> <p>Mark T. Schafer Defendant,</p>	<p>Attorney for Plaintiff Morris Murray Assistant Prosecuting Attorney 607 W. Third St., Defiance, Ohio 43512</p>	<p>Attorney for Defendant Stephen R. Archer 106 Clinton Street Defiance, Ohio 43512</p>
<p>Transferred from Common Pleas Court (Appealed from Common Pleas Case No. 04-CR-08865) Pleadings filed.</p> <p>Oct 18 2006 Rec'd from Stephen R. Archer \$150.00 for deposit for Notice of Appeal</p> <p>Oct 18 2006 Notice of Appeal W/JE upon which appeal is based</p> <p>Oct 18 2006 Statement and Praecipe</p> <p>Oct 18 2006 Criminal Appeal Docketing Statement</p> <p>Nov 14 2006 Transcript of hearing held July 26, 2006 (courtesy)</p> <p>Nov 14 2006 Transcript of hearing held Sept 20, 2006 (courtesy)</p> <p>Nov 27 2006 All Original pleadings filed, No's 1 thru 62, inclusive, this Constitutes the "Filing of the Record."</p> <p>Dec 18, 2006 Brief of Appellant, Org/3</p> <p>Jan 10 2007 Plaintiff-Appellee's Brief filed, Org/3</p> <p>Mar 29 2007 Scheduling Assignment from Ct. of Appeals, scheduling Tues., May 8, 2007 @ 9:00 A.M., for oral argument in Lima, Dh</p> <p>Apr 04 2007 Plaintiff's request for oral argument</p> <p>June 25 2007 JE from Ct. of Appeals reversing judgment of the trial court at costs of appellee. Clerk to certify a copy of this judgment to Judge Schmenk.</p>	<p>Writs Issued and Returned.</p> <p>Oct 18 2006 Fw'd to Ct. of Appeals Docket Sheet, Notice of Appeal W/JE upon which appeal is based, Statement and Praecipe, Criminal Appeal Docketing Statement.</p> <p>Oct 19 2006 Fw'd Notice of Appeal W/JE upon which appeal is based, Statement and Praecipe and Criminal Appeal Docketing Statement to Morris Murray, Stephen Archer, Attys.</p> <p>Nov 27 2006 Issued Notice of Filing of the Record to Ct. of Appeals, Morris Murray and Stephen R. Archer,</p> <p>Dec 20 2006 Fw'd copy of Appellant's Brief to Ct. of Appeals.</p> <p>Jan 11 2007 Fw'd Brief of Plaintiff/Appellee to Ct. of Appeals.</p> <p>Jan 23 2006 Fw'd to Ct. of Appeals, 2 files, Transcripts of hearings held July 26, 2006 & Sept. 20, 2006; Brief of Plaintiff, 3 and Brief of Defendant, 3.</p> <p>Mar 29 2007 Fw'd copy of Scheduling Notice assigning Tues. May 8, 2007 @ 9:00 A.M., for oral argument in Lima, Ohio, to Morris Murray and Stephen R. Archer.</p> <p>Apr 4 2007 Fw'd Plaintiff's request for oral argument to Stephen Archer and Ct. of Appeals.</p> <p>June 28 2007 Fw'd a copy of JE from Ct. of Appeals reversing judgment of trial court to Morris Murray and Stephen R. Archer, Attys.</p> <p>June 28 2007 Fw'd certified copy of JE from Ct. of Appeals reversing judgment of trial court at costs to appellee to Judge Schmenk.</p> <p>July 30 2007 Returned from Ct. of Appeals, 2 files, Transcripts of hearings held July 26, 2006 & Sept. 20, 2006; Brief of Plaintiff and Briefs of Defendant.</p>	

Exhibit
" C "