In the Supreme Court of Ohio **ORIGINAL**

State of OHIO
vs
Jesse Dunaway

CASE NO: 10-1193

on appeal from Butler County
Court of Appeals, Twelfth
Appellate District
CASE NO: CA2009-05-141
CA2009-06-164

# Motion to Amend


Robin N Piper
Butler County Prosecutor
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Pro-se



FILED
AUG 12 2010
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## Motion for
## Rule 26[B] Ineffective Assistance
## of Appellate Counsel

Comes now the defendant in pro-se on this day of August 10, 2010 Giving this court further information + evidence pertaining to the R26[B] motion the defendant filed on Mr. Vaquith Appellate Counsel

Mr Vaquith failed to investigate and look into or file complaints for the defendant to this court for Rights violations + criminal injustice the Appellate sent Counsel all evidence pertaining to these claims and Counsel failed to even read the material which is his own admission to the defendant in a letter Mr Vaquith sent to him before the July 11th time deadline.

Counsel failed to raise claims to Sixth Amendment violations where The Trial Courts failed to make an inquiry into potential Conflicts of Interest + adversely affected counsels performance even the courts Due to the defendant contacting Supreme Court disiplinary counsel and State Bar Association on Trial counsel, Trial Judge + prosecutor

This creates prejudice, conflict of Interest, vendictiveness and violates the defendants due process Right and 7th & Fourteenth Amendments Rule 1.7, 1.8 the Judge should have investigated to ensure defendants Rights and Right to fair trial without prejudice, Because of this there is irregularity in proceedings CRIM R33 A1

Also issues of the trial Judge being Related to a State witness Glenda Oney who is the wife of Dave Oney the Nephew of Trial Judge Patricia Oney, This creates the assumption of prejudice and Vindictiveness and the Criminal process becomes tainted and violates the defendants Rights, Furthermore the trial Judge was a former Victim of Violence and Rape which trial Counsel & Appellate Counsel Refused to Raise, this also creates conflict of Interest, prejudice and the assumption of Vendictiveness towards the defendant, the Judge should have been Removed to ensure the defendants Rights & fair trial and Knowing this by the Judge is a dereliction of duty

Moreover Appellate Counsel was provided evidence Regarding Mens Rea and the defendants Indictment where prosecution failed to Show & prove Mens rea and Now is an Invalid, Faulty Indictment According to this courts Ruling on April 9, 08 in State v Colon State v Wharf, State v Lester, This makes for an Illegal and Unconstitutional Indictment even sentance According to this Courts order & Ruling And Still Appellate Counsel Mr Vaquith Failed to Raise this issue or look into it Choosing to argue and Raise a less Creditable Claim that does not have the supporting Evidence as the mens rea issue that this court decided

Counsel Refused to Raise further claims of Ineffective assistance of trial Counsel even though more proof was given to Mr. Unguth which also clearly shows solid evidence and credit to the issues That not only did Trial Counsel violate the following Professional Rules of Conduct and Bar admission & Disiplinary Matters but Appellate Counsel did as well

Professional Rule of Conduct

Rule 1.2 (A)

Rule 1.2 (d)

Rule 1.2 Division 1A, Divison 4

Rule 1.3

Rule 1.5

Rule 1.6 (5)

Bar admission and Disiplinary Matters

Rule 8.4 (A)(B)(C)(d)(E)(F)

Every argument the Appellate has tried to raise is all apart of the Record and in letters written to the Judge during trial that also were made on the Record, for any counsel to ignore this issue and obvious violations to the defendant whether paid or Appointed or even probono Counsel is Ineffective Counsel and seriously harms the defendant and his Due process

Respectfully Submitted,

Jesse Murawski

pro-se

August 10, 2010

# Certificate of Service

I hereby certify that a foregoing copy of the following Motion has been sent via Regular U.S. Mail to the Butler County Prosecutors office, 315 High St 11th Floor Hamilton, Ohio 45011 on this day of August, 10 2010

August 10, 2010

Submitted
Jesse Dunaway
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