

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO

CASE NO: 10-1193

v/s

JESSE DONOVAN

on Appeal from Butler County
Court of Appeals, Twelfth Appellate
District Case No: CA 2009-05-141
CA 2009-06-164

FILED
AUG 17 2010
CLERK OF COURT
SUPREME COURT OF OHIO

RECEIVED
AUG 17 2010
CLERK OF COURT
SUPREME COURT OF OHIO

Motion to terminate
12th District Court of Appeals
Judgment

Comes now the defendant in pro-se on this day of August 12, 2010
Moving this court to terminate the Judgment ordered by the
Twelfth Appellate district Court of Appeals, Butler County Ohio
and Request this case be resent to the courts and heard respectively
with correct information and not the erroneous information it Ruled on
and commented on in its Judgment of the Appellate

on the attached copy of the twelfth Appellate districts docket
Statement it shows the defendant as charged with Attempt, Agg Murder
This is seriously incorrect in fact the Appellate was never even indicted
on that charge for the courts to Reference or even Rule over

This error was also made in the courts Ruling & conclusion in the
determination of Ineffective assistance of Counsel where the courts
Mentioned a life sentence of the defendant, This also is incorrect
and a GRAVE error of the courts to consider or believe

Please Time Stamp
and Return

Especially in a case of this nature where facts are mislead or plain error due to clerical or pure neglect either way is harmful to any decision rendered to the Appellate as the courts when making its findings believe and choose a decision based on the belief that the defendant committed the more serious crime & was convicted of it. This error violates the Constitutional Right of the defendant and violates his fair trial and due process rights due to incorrect evidence in ruling. This error is almost fatal to the defendant and leaves future courts to believe and trust in this same error and it still remains uncorrected or spoken of to ensure fair process to the Appellate and is why he moves this Respectful Court to terminate the judgement of the Twelfth Appellate Court and Resend the case back to be reheard with correct information and arguments to the courts.

August 12, 2010

Respectfully Submitted

Jesse Dunaway

PRO-SE

JESSE Dunaway

LECI

P.O. Box 56

Lebanon, OH 45036

IMAGED

Court of Appeals of Ohio
Twelfth Appellate District

A09 05 0147 P.16

Trial No. CR 2008-04-0664
Appeal No. _____
Related Appeals _____

FILED BUTLER CO.
COURT OF APPEALS

CRIMINAL DOCKET STATEMENT
 DIRECT APPEAL CROSS-APPEAL JOINT APPEAL

NOTE: A TIME-STAMPED COPY OF THE TRIAL COURT JUDGMENT BEING APPEALED MUST BE ATTACHED TO THIS STATEMENT.

FILED BUTLER CO.
COURT OF APPEALS

MAY 22 2009
CINDY CARPENTER
CLERK OF COURTS

| | |
|---|---|
| CASE CAPTION | |
| <u>State of Ohio</u> | <u>Jesse Lee Dunaway</u> |
| <u>MAY 22 2009</u> | |
| Plaintiff-Appellant (Circle Designation) | Defendant-Appellee (Circle Designation) |
| <u>Butler Prosecuting Attorney - 315 High St.</u> | <u>pro se</u> |
| <u>Hamilton, OH 45011</u> | <u>P.O. B. 300, Orient, OH 43146</u> |
| Address | Address |
| Phone Number (List additional attorneys on bottom of sheet) | Phone Number (List additional attorneys on bottom of sheet) |

HISTORY OF THE CASE: (Check appropriate box and provide requested information)

TRIAL COURT Butler Common Pleas DATES: JUDGMENT APPEALED May 13, 2009 NOTICE OF APPEAL _____

COUNSEL APPOINTED FOR TRIAL? Yes No APPEAL: Yes No

IS SUBSTITUTE COUNSEL REQUESTED FOR APPEAL? Yes No

WAS STAY OF SENTENCE GRANTED BY THE TRIAL COURT? Yes No

IS A STAY REQUESTED OF THE COURT OF APPEALS? Yes No EXPEDITED PHR LOC. R. 2.8(A)? Yes No

NATURE OF THE CASE:

MISDEMEANOR (TRIAL) FELONY (TRIAL) GUILTY/NO CONTEST PLEA

CHARGE Att. Agg Murder / Agg. Burg. SENTENCE 20 year term

PROBATION REVOCATION PRIORITY CHARGE _____ SENTENCE _____

APPEAL BY STATE OF RIGHT WITH LEAVE OF COURT (Discretionary) APP. R. 5 (Leave to file delayed appeal) (R.C. 2945.67)

POST-CONVICTION RELIEF WAS A HEARING HELD IN THE TRIAL COURT? Yes No Date _____ (R.C. 2953.21)

PROBABLE ISSUE(S) FOR REVIEW unknown

THE RECORD (indicate the type of record to be filed):

SUMMARY OF DOCKET AND JOURNAL ENTRIES ONLY (No transcript, App. R. 9(C) statement, or agreed statement will be filed).

STATEMENT OF THE RECORD PURSUANT TO APP. R. 9(C) AGREED STATEMENT OF THE RECORD PURSUANT TO APP. R. 9(D)

TRANSCRIPT OF PROCEEDINGS: Full Partial - (If partial, designate parts/dates of hearing) _____

NAME OF THE COURT REPORTER: _____ PROJECTED DATE FOR FILING TRANSCRIPT: _____

NOTE: A COPY OF THE REQUEST FOR THE TRANSCRIPT MUST BE FILED WITH THE CLERK & A TIME-STAMPED COPY SERVED ON THE COURT REPORTER.

USE THIS SPACE FOR ADDITIONAL ATTORNEYS

COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

STATE OF OHIO

Plaintiff

vs.

JESSE LEE DUNAWAY

Defendant

CASE NO. CR2008-04-0664

2009 MAY 13 PM 1:48

ONEY, J.

CINDY CARPENTER
BUTLER COUNTY
CLERK OF COURTS

JUDGMENT OF CONVICTION ENTRY

On May 11, 2009 defendant's sentencing hearing was held pursuant to Ohio Revised Code Section 2929.19. Defense attorney, Timothy Schneider and the defendant were present and defendant was advised of and afforded all rights pursuant to Crim. R. 32. The Court has considered the record, the charges, the defendant's Guilty Plea, and findings as set forth on the record and herein, oral statements, any victim impact statement and pre-sentence report, as well as the principles and purposes of sentencing under Ohio Revised Code Section 2929.11, and has balanced the seriousness and recidivism factors of Ohio Revised Code Section 2929.12 and whether or not community control is appropriate pursuant to Ohio Revised Code Section 2929.13, and finds that the defendant is not amenable to an available community control sanction. Further, the Court has considered the defendant's present and future ability to pay the amount of any sanction, fine or attorney's fees and the court makes no finding at this time of the defendant's ability to pay attorney fees.

The Court finds that the defendant has been found guilty of:

ATTEMPTED MURDER as to Count One, a violation of Revised Code Section 2923.02 - 2903.02(A) a first degree felony. With respect to this Count, the defendant is hereby sentenced to:

Prison for a period of 10 years.

Pay a fine in the amount of \$10,000.00 to the Butler County Clerk of Courts.

AGGRAVATED BURGLARY as to Count Two, a violation of Revised Code Section 2911.11(A)(2) a first degree felony. With respect to this Count, the defendant is hereby sentenced to:

Prison for a period of 10 years.

This sentence will be served consecutive to Count One.

Pay a fine in the amount of \$1,000.00 to the Butler County Clerk of Courts.

AGGRAVATED BURGLARY as to Count Three, a violation of Revised Code Section 2911.11(A)(1) a first degree felony. With respect to this Count, the defendant is hereby sentenced to:

Prison for a period of 10 years.

This sentence will be served concurrent with Count(s) One and Two.

Pay a fine in the amount of \$1,000.00 to the Butler County Clerk of Courts.

PROSECUTING ATTORNEY, BUTLER COUNTY, OHIO
P.O. Box 515, HAMILTON, OH 45012-0515

FILED in Common Pleas Court
BUTLER COUNTY, OHIO

Certificate of Service

I hereby certify that a foregoing copy of the following motion has been sent via Regular US mail to the Butler County Prosecutors office of Robin Piper 315 High St 11th Floor Hamilton, Ohio 45011 on this day of August 12, 2010.

Submitted

Jesse Deraway

Pro-SE