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In The Supreme Court of Ohio

Case No: 10-1193

State of Ohio
vs
Jesse Dunaway

FILED
AUG 18 2010
CLERK OF COURT
SUPREME COURT OF OHIO

on Appeal from Butler County Court of Appeals, Twelfth Appellate District Case No: CA2009-05-141
CA2009-06-164

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Motion to Vacate Judgement

Comes now the Appellate in pro se on this day of August, 13 2010 Respectfully Requesting this Court to Vacate Judgement Rendered by the Twelfth Appellate Court of Appeals for the following

The courts decision was based upon misinformation and erronous clerical issues which make for an Illegal & unconstitutional decison it violates the defendants rights to a fair trial with out prejudice and his Due process, Evidence and information provided to the courts to base their decision is just as detrimental and follows the same Rules of Evidence as does Evidence of a crime, any defect or error of this evidence and it becomes inadmisable or tainted, This is what we have in the Appellates Case where the Twelfth Appellate Court decided his case with Erronous information and becomes a defective Judgement.

The defendant was never Indicted on the charge of Attpt Agg Murder Nor was he convicted of this charge but yet the courts made their Ruling based on the assumption and Evidence stating that he had, This information is key and was a deciding factor to the courts determination of Ineffective Assistance of Counsel

Where the courts stated the defendant knew of his consequenses of his actions and the matters before him, This simply cannot be assumed or taken for granted especially since this court was given misinformation of the evidence that just possibly this same error was happening to the defendant during his trial making him very confused to the events or possible outcome. certainly if you beleive that you are facing a paticular charge and the courts are showing another, This would leave a defendant unknowing to the exact nature of the crime or possible penalty of it, which would also fall into Trial Counsels obligations to effectively inform his client of the nature of his crime & punishments so there is no confusion to the courts or his client

Futhermore as a clerical error we must assume that this fatal error was made at the common pleas level of the court and that any judgement was prejudiced with misinformation & Invalid Evidence that No doubt Harmed the Appellate when it came to plea negotiations and sentacing. There is No doubt that the Appeals Court Rendered their decision from this Illegal Evidence and also violates the defendants 5th, 6th, 8th and 14th Amendments because it doesnt allow him a fair trial Equal protection under the law and it shows prejudice and is in violation of the defendants Due process Rights

Respectfully Submitted

August 13 2010

Jesse Dunaway
Pro-SE

P.O Box 56
Lebanon OH 45036

Certificate of Service

I hereby certify that a copy of the foregoing motion has been sent via Regular U.S. Mail to the Butler County Prosecutors office 315 High St 11th Floor Hamilton, OH 45011 on this day of August 13, 2010

Submitted

Jesse Dunaway
606446
PRO-SE