ORIGINAL

IN THE SUPREME COURT OF OHIO

Paul S. Henderson Petitioner-Relator, vs. State Of Ohio Defendant-Respondent.	: S.Ct. Case No.: 2010-1691

PETITION FOR RECONSIDERATION

Now comes Petitioner, Paul S. Henderson, who now moves this Honorable Court to grant Petitioner's Petition For Reconsideration and Writ of Habeas Corpus for this petition is timely made pursuant to Civ.R. 26 A.

Petitioner now states that imprisonment is not limited to confinement in a penitentiary following conviction. Under O.R.C. 2305.16 certain disabilities may toll statutes of limitation. Austin vs. Brammer, 555 F.2d 142 (6th Cir.)(1990), Purdue vs. Handlemen, 613 O.App. 2d 270, 122 O.O. 3d 398, 429 N.E. 2d 165, provides that if a person is in prison at the time his cause of action occurs he may bring it within the respective time prescribed for that action after such disability is removed. The tolling provided there in is not affected by Petitioner's filing of other actions while under the same disability. See: Hardin vs. Straub, 490 U.S. 536, 104 L.Ed. 2d 582, 109 S.Ct. (1998)(1989)(1977).

Reasons in support of this Petition for Reconsideration are set forth in the attached Memorandum and Law.

FILED
DEC 10 2010
CLERK OF COURT
SUPREME COURT OF OHIO

Respectfully submitted,

Paul S. Henderson, pro se
Plaintiff #573-468
Marion Correctional Institution
P.O. Box 57
Marion, Ohio 43301-0057

MEMORANDUM AND LAW

Accordingly it is well settled law in a void, or voidable, conviction that if a prosecutor's actions are contrary to the law, and that prosecutor is working to circumvent the laws of the state and the Constitution United States, then that prosecutor becomes guilty of kidnaping. If that prosecutor goes before the grand jury with lies and false evidence, or no evidence, to support an indictment in order to gain a conviction knowing all the time he, the prosecutor, was breaking the law and acting in bad faith, when he hindered, impeded, and obstructed a function of government to force an action and concession on the part of government authority than that prosecutor commits a very clear case of kidnaping. See: O.R.C. 2905.01 (5). Petitioner maintains the prosecutor has, through a deficient performance, caused prejudice to the Petitioner in case at bar. The prosecutor acted in bad faith and obstructed a function of government authority.

(1) Now the question that is before this Supreme Court is did the prosecutor, through a deficient performance, violate the rights, guaranteed by the Constitution of the United States, of the Petitioner?

The Supreme Court held that whatever is prescribed by the Constitution and the laws of that state must be followed in the prosecution of crimes: That this is essential to the jurisdiction and power of the court to convict, and neither can be omitted, or waived. See: Goodin vs. Ohio, 16 Ohio St. 344.

(2) Is the prosecutor guilty of kidnaping under O.R.C. 2905.01 (5)? If so, what is this Court going to do about it?

In itself, this conviction is a violation of Petitioner's 8th amendment right by his being held in prison without authority of law, and this unlawful conviction is clearly denying Petitioner his due process of law right guaranteed by the U.S. Constitution.

(3) Is the prosecutor guilty of circumventing the laws of the state by holding the Petitioner in prison when he, the prosecutor, refuses to go back in front of the grand jury and tell the truth or give evidence?

(4) There are a lot of questions before this Court. Constitutional and sate law questions such as those stated in: State of Ohio vs. Jose Rodriguez? Here Judge Joan Syenberg dismissed the charges saying prosecutors failed to present evidence that Rodriguez knew the items were stolen.

This is essentially the same question before this Court. i.e. Did the prosecutor fail to present evidence the court needed to give an answer and stop the prosecutor from kidnaping the Petitioner?

(5) Was the trial court judge, Shirley S. Saffold, acting contrary to the law when she denied Petitioner's motions and petitions? She clearly showed the trial court lacked jurisdiction to convict or render judgment on the charges. Was the judge acting contrary to law when she came off the bench and ordered the jury over to the boxes where there were drugs having them touch and taste the drugs when it was never proven, or even stated, the drugs belonged to the Petitioner?

Petitioner now states he has a legal right to have his conviction, sentence and judgment vacated and that he be released from prison.

The prosecutor has never shown any evidence the Petitioner knew, at any time, the wooden box had drugs in it. And, in fact, nowhere in the records and files will it show the Petitioner knew what was in the wooden box. Furthermore, the deputy sheriff, Anthony Quirino, clearly stated he packed the drugs and delivered them to the freight facility located at: 19300 Holland Road. This is very clearly a case of entrapment and kidnaping as stated in: O.R.C. 2905.01 (5).

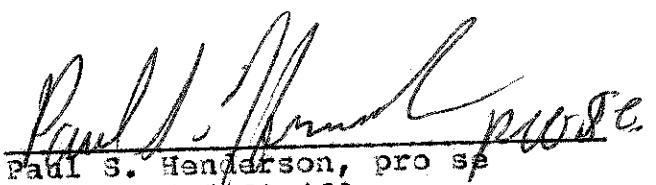
This Court has a clear and legal duty to vacate this conviction, sentence and judgment. The trial court and its officers are making a mockery of the justice department by committing entrapment while doing so.

Our forefathers died for the laws of the state and the U.S. Constitution. Now if this Court stands by and does not enforce our laws it will clearly set the United States back

over a hundred years. "Mind the Court" this country has given a lot to uphold the law making this a very strong country where we are first in everything. We must respect and uphold the laws in the U.S. Constitution for we will never be any good without it.

WHEREFORE: the Petitioner now prays for an order directing Warden Margaret Beightler of the Marion Correctional Facility located at: 940 Marion-Williamsport Road, Marion, Ohio 43301-0057 for an order of discharge from detention and restraint of his liberty.

Respectfully submitted,



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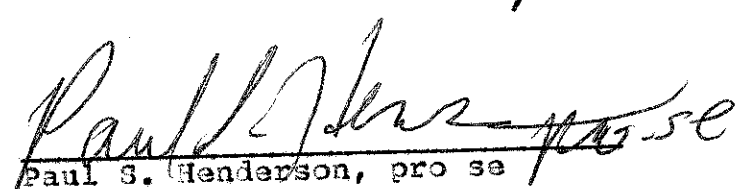
CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Petition For Reconsideration has been forwarded to the Office of the Defendants: Judge Shirley S. Saffold, and Prosecutor William D. Mason, at Court Towers 1200 Ontario Street, Cleveland, Ohio 44104 via U.S. Mail prepaid postal on this 9 day of December, 2010.



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