

**Ref:** N1B-OUPpsbqll4  
**Subject:** COVER AMICUS CURIAE BRIEF SUPPORTING APPELLEE LEWIS  
**Date:** 18 Jan 2011 07:10  
**From:** "D. Jim Brady owns 1723786®" <Kind.Soul@Safe-mail.net>  
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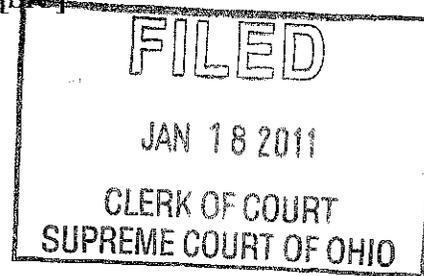
IN THE SUPREME COURT OF OHIO

Case No. 2010-1203

CITY OF CLEVELAND HEIGHTS [sic]  
Plaintiff—Appellant

-v-

WARREN LEWIS  
Defendant—Appellee



**AMICUS CURIAE BRIEF OF D. JIM BRADY SUPPORTING APPELLEE LEWIS**

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**Ref:** NIB-w8oai\_Dpf-  
**Subject:** Interest of Amicus Curiae in Supporting Appellee Lewis #10-1203  
**Date:** 18 Jan 2011 09:07  
**From:** "D. Jim Brady owns 1723786@" <Kind.Soul@Safe-mail.net>  
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Interest of *Amicus Curiae* in Case No. 2010-1203 Clev. Hts. -v- Warren Lewis

Although only a lay person, I [hereafter third person "AC"] am not totally unfamiliar with traffic and misdemeanor "criminal" transgressions. Over the last fifty plus years AC has been a defendant in a justice of peace court, various mayors court and municipal courts, a plaintiff in courts of common pleas, both with and without counsel. Sometimes a win - sometimes a loss. Two times involving "moot" post conviction effort. The moot issue either was not raised or was resolved successfully, as in Lewis.

In the early to mid 1970's, AC had the honor of "clerking" for the late William ("Wild Bill") Jesse Davis, AR# 0057119, who moved from Mt. Vernon Avenue (1960's) to 855 East Long Street, 43203 (Law School: University of Pennsylvania, Undergrad Howard). He had a store front law office. As recalled, he and his spouse (also UPA) labeled the area "ghetto." It is suggested that the average person, whether "Esq." or no, is not capable of imagining the demographics of his clients and types of cases, ranging from parking tickets to first degree murder. Work with him involved post verdict/judgment effort, including appeals; plus pre-trial work to stop litigation with a motion to dismiss or settlement.

While with Bill, two "moot" cases came to his attention. One in a mayor's court, the other in the local municipal court. Fines had been paid. Both case involved defendants who were without counsel, which resulted in egregious miscarriages of justice. The mayor's court case was resolved there; the municipal case in the court of appeals, where it reversed itself 3-0 on reconsideration, ordered the conviction reversed and the defendant discharged. All moot cases mentioned occurred over thirty years ago. AC wrote the briefs for the two pro bono clients, and is not totally unfamiliar with appeals briefs.

*DP*  
 i  
 Feb 2

**Ref:** N1B-XeeknxE-pl  
**Subject:** Table of Authorities ♦ Brady Amicus Brief  
**Date:** 18 Jan 2011 13:32  
**From:** "D. Jim Brady owns 1723786@" <Kind.Soul@Safe-mail.net>  
**Organization:** OH SoS ® #1723786 (28 Aug 2007-2017)  
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**Table of Authorities**

CASES

City of Cleveland Heights [sic] v. Lewis 187 Ohio App.3d 786 (2010) ..... 2  
 Thompson v. City of Louisville 362 U. S. 199 (1960) ..... 362 U.S. 199, 203 - 2

**CONSTITUTIONAL PROVISIONS**

Ohio Constitution Article I {§ 1} ♦ § 1.01 Inalienable Rights (1851) ..... 2

All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and *seeking and obtaining happiness and safety.*

Ohio Constitution Article I {§ 16} ♦ § 1.16 Redress in courts (1851, amended 1912) ..... 2

All courts shall be open, and every person, for an injury done him in his land, goods, person, or *reputation*, shall have remedy by due course of law, and shall have justice administered without denial or delay.

Ohio Statute

R.C. § 2921.31 (A): ..... 1

No person, without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties.

*Docile*  
 ii  
 -1 of 2

## Cleveland Heights Ordinance

§ 505.27: .....

No person, without privilege to do so and with purpose to prevent, obstruct or delay the performance by a public official of any authorized act within his official capacity, shall do any act which hampers or impedes a public official in the performance of his lawful duties.

## Other Authorities

What must I bring to Court? \_\_\_\_\_ /

... any relevant paperwork having to do with your case, such as:

- Copy of Citation ♦ Any written communication from the Court
- Bond papers and receipt
- Documents of proof for compliance of judicial order or sentence
- *Adequate funds to pay fines and costs, which are due the day you appear*

**Cleveland Heights Municipal Court Information on criminal case number 0801263 {Emphasis supplied on ORC §}**

Searching with 0801263 @ <http://www.clevelandheightscourt.com/main.html>; \_\_\_\_\_ /

Party Involved Defendants Name: LEWIS, WARREN E  
 Address: \*\*\*\*\* City/State/ZIP: CLEVELAND HTS OH 44118  
 Race: African American ♦ Sex: Male ♦ Eye Color: Brown ♦ Height: 6'04  
 Weight: 195 Pounds ♦ Hair Color: Black ♦

Agency Code: State Of Ohio (Clh)  
 File Date: 06/23/2008 ♦ Violation Date: 06/21/2008 ♦ Violation Time: 17:45  
**Violation Description: Obs Off Busines ▶▶▶ Section #: 2921.31A ◀◀◀**  
 Hearing Date: 02/05/2009 ♦ Hearing Time: 08:30 AM ♦ Hearing Type: TR

THE COMMON LAW ♦ INTRODUCTION BY G. EDWARD WHITE  
 johnharvardlibrary  
 THE BELKNAP PRESS OF HARVARD UNIVERSITY PRESS

Cambridge, Massachusetts, and London, England ♦ 2009

<http://www.hup.harvard.edu/resources/educators/pdf/HOLCOX.pdf>

*"It can hardly go very far beyond the case of a harm intentionally inflicted: even a dog distinguishes between being stumbled over and being kicked."*

**Ref:** N1B-blBcoS8X9y  
**Subject:** Statement of Case / Facts and Argument ♦ Brady Amicus  
**Date:** 18 Jan 2011 15:01  
**From:** "D. Jim Brady owns 1723786@" <Kind.Soul@Safe-mail.net>  
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STATEMENT OF CASE AND FACTS

AC has read the record on file at this Court plus the appellant and *amici* briefs, but not the appellee brief.

Email to cellphone alerted AC: Notification Date/Time:

1/18/2011 1:45:01 PM that appellee brief was filed this afternoon.

The facts speak for themselves. A black (African-American) Federal employee, Warren Lewis [Lewis] had a discussion with a police officer [LEO], who had responded to a disturbance. Although there is a local ordinance forbidding obstruction, etc., the LEO chose to file the alleged transgression under the Ohio statute, and the 8th District *en banc* discussed this case as the Ohio code applied to the facts.

Time went on and the case ended here as a municipal transgression, rather than an Ohio one.

ARGUMENT

AC agrees with all the well reasoned arguments of the Public Defender.

AC investigated for employers and insurance companies for nearly thirty (30) years.

Since the other brief covers the numerous collateral consequences of a conviction so well, there is no need to add.

The municipal court's website lets a defendant in a criminal case know exactly where she or he stands! The defendant should bring money to pay any fine and costs the day the defendant appears. The 8th *sua sponte* raised the mootness issue and resolved that issue in favor of Lewis.

(Shufflin' Sam Thompson, an innocent man, had curious stay issues of his own:

BLACK, J. "The police court suspended judgment for 24 hours, during which time petitioner sought a longer stay from the Kentucky Circuit Court. That court, after examining the police court's judgment and transcript, granted a stay, concluding that "there appears to be merit" in the contention that "there is no evidence upon which

Page 362 U. S. 203

"conviction and sentence by the Police Court could be based," and that petitioner's Federal constitutional claims "are substantial, and not frivolous." [Footnote 6] On appeal by the city, the Kentucky Court of Appeals held that the Circuit Court lacked the power to grant the stay it did, but nevertheless went on to take the extraordinary step of granting its own stay, even though petitioner had made no original application to that court for such a stay."

Surely one can easily agree that it ought not be necessary for a defendant in misdemeanor cases to beg for his or her day in court by seriatim pleas through the chain of command of Ohio's court structure. There are far better ways for judges to spend their time and energy.

The Lewis record of the trial clearly documents that an appeal may become necessary for a defendant to get a REAL day in court. It appears that the spirit of Mr. Thompson is alive and well and hovering over Cuyahoga County.

By affirming the 8th District, this court can let the other over one hundred municipal courts be aware that Article I of the Ohio Constitution lives and defendants, even in the small *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), type cases; can and will be able to enjoy happiness and that a defendant can and may unsully his or her reputation without delay.

Carefully reading the majority's opinion and the concurring one, it is not unreasonable to suggest and opine that its ratio decidendi, is not only correct, but impeccably so.

Whether correctly captioned as State of Ohio, or as here, City of Cleveland Heights; the decision reported at 187 Ohio App.3d 786 should stand.

The trial court may not have "kicked" the appelle, but surely the appelle perceives his trip at least between a "stumble" and a "kick."

*18 Jan I am serving - ant, - ee, Pub. Def Amicus  
De Jim Brady - Co. for Lee & his colleague  
Respectfully submitted, D. Jim Brady, Amicus Curiae supporting Appellee.  
D. Jim Brady  
by e mail  
today  
2011*