

11-1329
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CIVIL RULES OF PROCEDURE
Specifically Civil Rule 12 (A)(i)

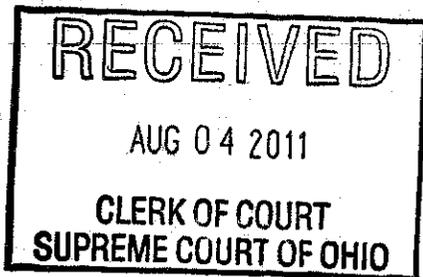
It is at this time both petitioners, Rodney Wright and OLIVER PRICE come to this Court seeking the writ of habeas corpus. As a class we wish to expedite the proceedings.

There is no need to be repetitious when the court itself can summon for the Complaint that Petitioners' stated, or Claimed does not exist.

IT IS NOW Prima Facie that no court ever had any Subject Matter Jurisdiction...

Per Civil Rule 12 (A)(i): A defendant must serve an answer within 21 days after being served with the summons and complaint;. The claim is no complaint was ever [F]irst [F]iled, which denied the court subject matter jurisdiction, which denied both Petitioners their 5th, 6th, and 14th Amendment rights.

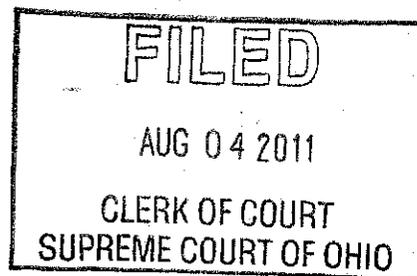
What else needs to be said when Petitioners are only (Petitioners), and not lawyers?



Respectfully Submitted,

Oliver Price

Rodney Wright



ORIGINAL

IN THE SUPREME COURT OF OHIO

11-1329

OLIVER PRICE
RODNEY WRIGHT
PETITIONERS

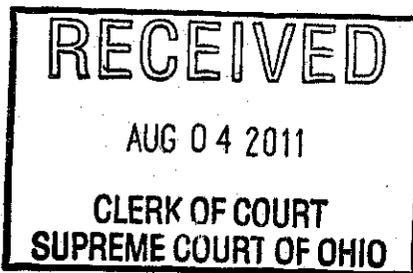
COLUMBUS, OHIO
FRANKLIN COUNTY

vs.

WARDEN KIMBERLY CLIPPER
2500 S. AVON-BELDON RD.
GRAFTON, OHIO 44044
RESPONDENT

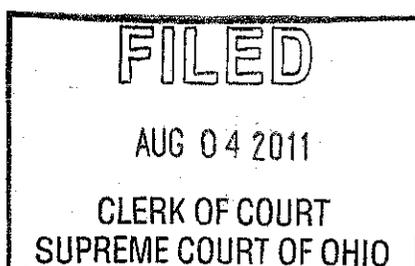
PETITION FOR WRIT OF
HABEAS CORPUS
PURSUANT TO O.R.C.
2725.01-28
CIVIL RULE 23 (B) (3)

Oliver Price and Rodney Wright herein after referred to as Petitioners, now come to this Honorable Court in the above styled cause petitioning for the writ of *HABEAS CORPUS*. Petitioners now use their *SOLE REMEDY* to challenge the unlawful restraint of their lives and the illegal restraint of their liberty. More fully explained herein.



Respectfully Submitted,

Rodney Wright
Oliver Price



PETITIONERS' CLAIM

Both petitioners, Rodney Wright and OLIVER PRICE, make the same claim that their 14th Amendment right of the U.S. Constitution has been, and is still being **VIOLATED**. Their claim is that both are being unlawfully and illegally restrained of their lives and liberty. Claim is 14th Amendment of U.S. Constitution was violated when **NO COMPLAINT** was ever [F]irst [F]iled to give any court jurisdiction over any subject-matter. It is per 5th Amendment that *FORBIDS PUNISHMENT WITHOUT DUE PROCESS OF LAW!* Again, the 14th Amendment has been denied, therefore violated. Claim is once the 14th Amendment has been denied-*ALL PROCEEDINGS SUBSEQUENT ARE VOID...AB INITIO!* It is the 6th Amendment of the U.S. Constitution that guarantees an accused person the right to know *THE CHARGES AGAINST HIM!* The only thing that charges is a formal [F]irst [F]iled Complaint which is the only charging instrument. *Minus the [F]irst [F]iled Complaint, any and all proceedings are VOID...AB INITIO!* Once again, Petitioners per **CIVIL RULE 23 (B)(3)**, claim one common applicable theme that they are both being unlawfully, illegally restrained of their lives and liberty when no court ever had jurisdiction over any subject-matter...Subject-matter jurisdiction is so fundamental that **IT MUST BE ACQUIRED PRIOR TO OBTAINING JURISDICTION** of a person, or property. Petitioners' claim that *Subject-Matter Jurisdiction* is so fundamental that=1. **IT CANNOT BE WAIVED.** *State v. Jones, 703 N.E. 2d; Davis v. Wolf, 715 N.E. 2d1051.* Petitioners ask that you see: *U.S. v. Adesida, 129 F. 3rd 846*, regarding U.S.C.A. Const. Art. 3, Sect. 2, cl. 1. Evidence (*WHICH MUST/SHALL INCLUDE THE COMPLAIN*) to which an accused is entitled as a **matter of due process, or under the criminal rules (SHALL NOT BE WITHHELD OR SUPPRESSED).** *Brady v. Maryland, 83 S. Ct. 1194; Giles v. Maryland, 87 S. Ct. 793.* Petitioners' claim they can go on, and on with citation after citation. No need when Petitioners use their **SOLE REMEDY** to challenge the unlawful/illegal restraint of their very lives. Petitioners' claim: *The legal issues are clear, and the primary theme exists that no court ever had jurisdiction of any subject-matter via [F]irst [F]iling of a formal complaint per 6th, 14th Amendments of the U.S. Constitution.*

RELIEF SOUGHT

THE GRANTING OF THE WRIT OF HABEAS CORPUS PER O.R.C. 2725.01, O.R.C. 2725.02, O.R.C. 2725.06...

CERTIFICATE OF SERVICE

OLIVER PRICE, and Rodney Wright, do hereby certify that this petition was Register mailed to one Chief Justice Maureen O'Conner. Petitioners ask that Chief Justice oversees the filing of said petition, and alert Clerk of Court both Petitioners are without funds to pay for copies. Petitioners ask that Clerk distribute copies to any, and all that Clerk deems to be a party to this cause. Please see Affidavit of Indigency.

Petitioners do depose that in the past Petitioners are having a hard time getting something filed, and having something reviewed on merits. Your Clerks are denying 14th Amendment of **DUE PROCESS!**

Respectfully Submitted,

Rodney Wright

Oliver Price

**POVERTY AFFIDAVIT FOR CIVIL ACTIONS
OR PROCEEDINGS**

I, Rodney Wright [Please print name],

being duly sworn, say that I am unable pay a security deposit for court costs in the filing of the attached action for the following reason(s):

I am incarcerated and the only funds that are available to me are for the sole purpose of hygiene, stationary supplies, and the costs for prepaid postage. I am in indigent circumstances, and unable to pay for the docket fees, etc.; so stated on the second page of my sentencing journal entry.

[Please print specific reason(s)]

Rodney Wright
[Signature]

June 16, 2011
[Date]

Notary Public/Deputy Clerk of Courts:

Subscribed and duly sworn before me according to law, by the above named affiant this 16 day of June, 2011, at Wapton, County of Lorain and State of Ohio.



ELIZABETH OSBORNE
Notary Public, State of Ohio
My Commission Expires
June 25, 2016
Recorded in Lorain County

Elizabeth Osborne
[Notary's/Deputy Clerk's Signature]

My Commission expires 06-25-2011

APPLICATION FOR WRIT OF HABEAS CORPUS

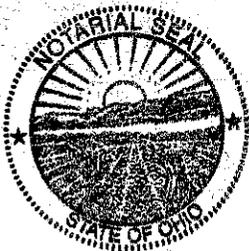
O.R.C. 2725.04

- A) I, Rodney Wright, am being restrained of my liberty, per O.R.C. 2725.01.
- B) It is one, Kimberly Clipper, who acts as Warden that has me unlawfully/illegally restrained of my **LIFE/LIBERTY**.
- C) The place where I, Rodney Wright, am being held is at the Grafton Correctional Institution, 2500 S. Avon-Beldon Rd., Grafton, Ohio 44044, Lorain County, Ohio.
- D) Cause of commitment hereto attached.

June 16, 2011
DATE

Rodney Wright
PETITIONER

Elizabeth Osborne
NOTARY



ELIZABETH OSBORNE
Notary Public, State of Ohio
My Commission Expires
June 25, 2016
Recorded in Lorain County

DANIEL M. HERRIGAN IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

2009 NOV -2 AM 7:54

SUMMIT COUNTY
THE STATE OF OHIO)
CLERK OF COURTS)
vs.)
)

Case No. CR 09 05 1407

RODNEY TYRONE WRIGHT

JOURNAL ENTRY

THIS DAY, to-wit: The 28th day of October, A.D., 2009, now comes the Prosecuting Attorney on behalf of the State of Ohio, the Defendant, RODNEY TYRONE WRIGHT, being in Court with counsel, GEORGE KEITH, for sentencing hearing pursuant to O.R.C. 2929.19. The Defendant was afforded all rights pursuant to Crim. R. 32. The Court has considered the record, oral statements, as well as the principles and purposes of sentencing under O.R.C. 2929.11, and the seriousness and recidivism factors under O.R.C. 2929.12.

The Court finds that the Defendant heretofore on September 28, 2009 was found GUILTY by a Jury of FELONIOUS ASSAULT, as contained in Count One (1) of the Indictment, which offense occurred after July 1, 1996; and the Court found the Defendant guilty of same.

Thereupon, the Court inquired of the said Defendant if he had anything to say why judgment should not be pronounced against him; and having nothing but what he had already said and showing no good and sufficient cause why judgment should not be pronounced:

IT IS THEREFORE ORDERED AND ADJUDGED BY THIS COURT that the Defendant, RODNEY TYRONE WRIGHT, be committed to the Ohio Department of Rehabilitation and Correction for a definite term of Six (6) Years, which is not a mandatory term pursuant to O.R.C. 2929.13(F), 2929.14(D)(3), or 2925.01, for punishment of the crime of FELONIOUS ASSAULT, Ohio Revised Code Section 2903.11(A)(1), a felony of the second (2nd) degree; and that the said Defendant pay the costs of this prosecution for which execution is hereby awarded; said monies to be paid to the Summit County Clerk of Courts, 205 South High Street, Akron, Ohio 44308-1662.

IT IS FURTHER ORDERED, pursuant to the above sentence, that the Defendant be conveyed to the Lorain Correctional Institution at Grafton, Ohio, FORTHWITH, to commence the prison intake procedure.

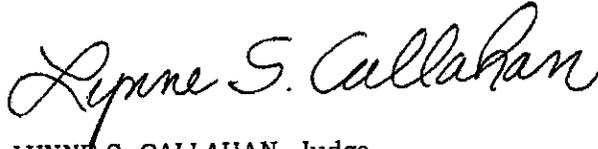
Upon release from prison, the Defendant is ordered to serve a *mandatory* Three (3) year period of post-release control, according to O.R.C. 2967.28(B). If the Defendant violates the conditions of post-release control, he will be subject to an additional prison term of up to one-half of the stated prison term as determined by the Parole Board, pursuant to law.

Thereupon, based on an investigation by the Summit County Adult Probation Department, the Court finds that the Defendant is entitled to thirty five (35) days of jail time credit toward the sentence imposed herein.

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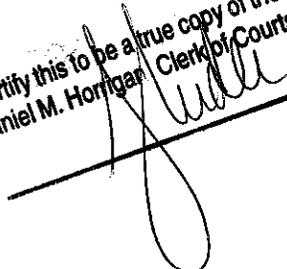
THEREUPON, the Court informed the Defendant of his right to appeal pursuant to Rule 32A2,
Criminal Rules of Procedure, Ohio Supreme Court, and further, the Court appoints Attorney
SHUBHRA AGARWAL to represent the Defendant for purposes of appeal, as the Defendant is in
indigent circumstances, and unable to employ counsel.

APPROVED:
October 29, 2009
jam



LYNNE S. CALLAHAN, Judge
Court of Common Pleas
Summit County, Ohio

cc: Prosecutor Kevin Mayer
Criminal Assignment
Adult Probation Department
(Registrar's Office)
(Court Convey)
(Attorney George Keith)
(Attorney Shubhra Agarwal)

I certify this to be a true copy of the original
Daniel M. Horrigan Clerk of Courts

Deputy

AFFIDAVIT OF VERITY

I, Rodney Wright, do swear under oath that all in claim regarding this petition for this writ of HABEAS CORPUS is true. No court ever had any jurisdiction whatsoever, especially jurisdiction over any SUBJECT MATTER.

June 16, 2011
DATE

Rodney Wright
AFFIANT

Elizabeth Osborne
NOTARY



ELIZABETH OSBORNE
Notary Public, State of Ohio
My Commission Expires
June 25, 2016
Recorded in Lorain County

**POVERTY AFFIDAVIT FOR CIVIL ACTIONS
OR PROCEEDINGS**

I, OLIVER PRICE [Please print name],

being duly sworn, say that I am unable pay a security deposit for court costs in the filing of the attached action for the following reason(s):

- (1.) MONEY IS TAKEN TO PAY COURT COSTS Cuy Co. OHIO / CLEVE, OHIO
- (2.) MONEY IS TAKEN TO PAY CLERK OF COURT GERRI M. SMITH FOR FED FILING FEE. / CLEVE, OHIO

(3.) ANY MONEY SENT AS A GIFT IS TAKEN TO PAY BOTH OF THE ABOVE.

(4.) SPECIFICALLY I AM INDIGENT.

[Please print specific reason(s)]

Oliver Price 6-16-2011
[Signature] [Date]

Notary Public/Deputy Clerk of Courts:

Subscribed and duly sworn before me according to law, by the above named affiant this 16 day of June, 2011, at Wadsworth, County of Lorain Ohio.



ELIZABETH OSBORNE
Notary Public, State of Ohio
My Commission Expires
June 25, 2016
Recorded in Lorain County

Elizabeth Osborne
[Notary's/Deputy Clerk's Signature]
My Commission expires 06-25-2016

APPLICATION FOR WRIT OF HABEAS CORPUS

O.R.C. 2725.04

- A) I, Oliver Price, am being restrained of my liberty, per O.R.C. 2725.01.
- B) It is one, Kimberly Clipper, who acts as Warden that has me unlawfully/illegally restrained of my **LIFE/LIBERTY**.
- C) The place where I, OLIVER PRICE, am being held is at the Grafton Correctional Institution, 2500 S. Avon-Beldon Rd., Grafton, Ohio 44044, Lorain County, Ohio.
- D) Cause of commitment hereto attached.

6-16-2011

DATE

Oliver Price

PETITIONER



ELIZABETH OSBORNE
Notary Public, State of Ohio
My Commission Expires
June 25, 2016
Recorded in Lorain County

Elizabeth Osborne
NOTARY

MAY Term, 19 84

STATE OF OHIO Plaintiff

To-wit: May 29, 1984, 19

No. CR-188357

Oliver C. Price

INDICTMENT Aggravated Murder w/specs 1 ct

Aggravated Robbery w/specs 4 ct

Felonious Assault w/specs 1 ct

Defendant

RECEIVED FOR FILING

JUN 7 1984

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BY [Signature]

JOURNAL ENTRY

This day again comes the Prosecuting Attorney on behalf of the State and defendant, Oliver C. Price in open court, represented by counsel.

Now comes the Jury, conducted into Court by the Bailiff and returned the following verdicts in writing, to-wit: "We, the Jury being duly impaneled and sworn, do find the defendant, Oliver C. Price, Guilty of Murder, with the specification, RC. 2903.02 a lesser and included offense under the charge of the first count of the indictment" and "We, the Jury do find the defendant, Oliver C. Price, Not Guilty of Aggravated Robbery with specifications, RC. 2911.01 as charged in the second count" and "We, the Jury do find the defendant, Oliver C. Price, Guilty of Aggravated Robbery with specifications, RC. 2911.01 as charged in the third count of the indictment." and "We, the Jury do find the defendant, Oliver C. Price, Guilty of Aggravated Robbery, with specification, RC. 2911.01 as charged in the sixth count of the indictment."

Thereupon, the Court informed the defendant of the verdict of the Jury. Defendant's Motion for Judgment of Acquittal on count four, Felonious Assault, and on count five, Aggravated Robbery with specifications, was granted on a former day of Court.

Thereupon, the Court inquired of the defendant if he had anything to say why judgment should not be pronounced against him and he having nothing but what he had already said and showing no good and sufficient cause why judgment should not be pronounced.

It is therefore, ordered and adjudged by the Court that defendant, Oliver C. Price be sentenced to the Columbus Correctional Facility, Columbus, Ohio, under all three (3) counts. Count one Murder with specifications, RC. 2903.02, for a term of fifteen (15) years to LIFE; In addition defendant sentenced to three (3) years actual incarceration under provision section O.R.C. 2929.71; Count three, Aggravated Robbery with specification, RC. 2911.01, for a term of ten (10) years to twenty-five (25) years; In addition defendant sentenced to three (3) years actual incarceration under provision section O.R.C. 2929.71; Sentence in count three to run concurrently with sentence on count one; Count six, Aggravated Robbery with specification, O.R.C. 2911.01, for a term of ten (10) years to twenty-five (25) years; In addition defendant sentenced three (3) years actual incarceration under provision section O.R.C. 2929.71. Sentence in count six to run consecutive to sentence in count one. Defendant is to pay the costs of this prosecution for which execution is awarded as to all counts.

Defendant advised of his right to Appeal.

Defendant found to be indigent, Attorney Ronald Riley appointed counsel for Appeal.

Frederick M. Coleman, Judge

AFFIDAVIT OF VERITY

I, Oliver Price, do swear under **oath** that all in claim regarding this petition for this writ of HABEAS CORPUS is true. No court ever had any jurisdiction whatsoever, especially jurisdiction over any SUBJECT MATTER.

6-16-2011

DATE

Oliver Price

AFFIDAVIT



ELIZABETH OSBORNE
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