

The Supreme Court of Ohio

Gerald O. Strothers Jr.
14019 Northfield Ave
East Cleveland, OH 44112
(216) 324-4783

Appellant/Cross Appellee, Relator – Pro Se,

vs.

Mayor of East Cleveland Ohio,
Gary Norton Jr.,
c/o Law Department
Ronald K. Riley
Deborah Gooden Blade
14340 Euclid Ave.
East Cleveland, OH 44112
(216) 681-2393
(216) 681-2199 (FAX)

Appellee/Cross Appelant - Respondent

: **Case Number: 11-1483**

: **Appeal from**

: **Original Action (Mandamus)**

: **On Appeal from the Eighth District Court
of Appeals**

: **Cuyahoga County, Ohio**

: **Case Number: CA 10 096147**

FILED
DEC 29 2011
CLERK OF COURT
SUPREME COURT OF OHIO

THIRD BRIEF - APPELLANT/Cross Appellee Gerald O. Strothers Jr.

Writing a Persuasive Supreme Court Brief - by Kevin Dubose - 6-2

In contrast, there are a number of inappropriate audiences and purposes that much more commonly color the writing of a brief. A Supreme Court brief should never be written to give voice to the pain or frustration of a client. It should not be written to convince opposing counsel that the writer is right and they are wrong. It should not be written to attempt to intimidate the opposing party to settle. It should not be written to impress other attorneys in the firm, or cocounsel. And most of all, it should not be written to amuse or gratify the writer. The brief may incidentally accomplish any or all of these goals, but if it is written with these purposes foremost in mind, the likelihood of achieving the real purpose of the brief will be diminished.

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ORIGINAL

A brief should be written as if the only people who ever will read it are the Justices and Court attorneys. Any temptation to pander to one of the audiences or purposes mentioned *in the* preceding paragraph should be banished from the consciousness of the writer. The writer's sole goal should be to further the interests of justice and of the client, and anything calculated to further the writer's personal interests, career, or ego is likely to be counterproductive to the paramount goal of serving the jurisprudence and the client.

Source: Writing a Persuasive Supreme Court Brief - 6-2
http://www.adjtflaw.com/assets/kd_persuasive_brief.pdf
 Kevin Dubose - Alexander, Dubose, Jones & Townsend LLP
 1844 Harvard Street - Houston, Texas 77008 (713)523-2358
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Statement of Appellant

Appellant, Gerald O. Strothers declines any chance at making this request for public records into a personal vendetta or attack on Mayor Gary Norton or any of the members of his administration. While Mr. Strothers understands that the City of East Cleveland has had limited appearances in this honorable court over Ohio Revised Code 149.43, he, Strothers will concentrate his briefs on the topic at hand. Appellee/Cross Appellant Reply Brief is not worth a rebuttal argument and hopefully the before mentioned source from Kevin Dubose will aid East Cleveland in subsequent reply briefs. Rule #1 – Do not get personal with your argument, keep it simple and to the point.

Law and Argument

Ohio Revised code § 149.43 (C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(1) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals

for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

In this case Appellant requested to see the actual accounting books, checks and view money trail of money brought in and sent out. A citizen's audit of the books that would also benefit the East Cleveland City Council and other citizens looking to ferret the truth whether or not there is an alleged missing seven million dollars from the bank accounts.

To simply what is really going on in East Cleveland, Mr. Strothers **NOW** makes a basic public records request in front of the eyes of the Ohio Supreme Court. **On this date**, Mr. Strothers is requesting for the City of East Cleveland Ohio to provide to the court in their next reply brief, copies of the actual bills owed in 2010, checks disbursed and the actual bank statements of all accounts managed by the City of East Cleveland.

Since the City has argued that they have provided all of these documents, it should be no problem to attach the statements and cancelled and or NSF Checks to a brief to this court.

Clearly, Mr. Strothers is only interested in conducting a full audit of the financial books and at this point and would never waste the valuable time of the Ohio Supreme Court with this matter if the Appellee had actually provided any access to these public records requested.

Relator, Mr. Strothers has been very active in ferreting out corruption in county and city governments. In *State ex rel. Strothers v. Rish, 2003-Ohio-2955*, that Respondent contended much like Norton that they provided access to the requested financial records. In that case Relator, Mr. Strothers patiently waited through two cases to finally audit those records and despite the negative banter from Rish, he, Strothers completed that audit discovering that hundreds of thousands of dollars were indeed mismanaged.

Relator, Gerald O Strothers Jr. comes before this honorable court with a simple request: Please help the citizens of East Cleveland audit our cities finances and force this Mayor to allow access to the requested public records.

East Cleveland Mayoral History starts with former Mayor, Emmanuel Onunwor (Currently in prison for mail fraud, racketeering, extortion and filing false tax returns), at that time no one was permitted to see the financial books thus allowing city staff members to see the truth.

When the next Mayor, Eric Brewer went public with his allegations of financial wrongdoings he was voted out of office following a personal attack campaign.

Now the current administration fights to keep secret those same financial records that have been in question for the last eight years. In East Cleveland, the Mayor has total control over the checkbooks, outstanding bills and receipts received from traffic cam tickets.

Oddly, the initiation of this case has caught the attention of others who now are asking the Mayor to “Show them the money” and they come before city council on the first and third Tuesdays asking the mayor to let them see these very records.

Mr. Strothers has attended every regular meeting of the East Cleveland City Council in 2010, ending his remarks with a simple but apropos line – “Show Me the Money.”

Page 19 of Appellee/Cross Appellant Brief contains what might be considered a resume of some past cases filed by Mr. Strothers. For the record Strothers, notes that in the majority of those cases cited by Mayor Norton each of the cities complied by either providing access and or working with Mr. Strothers to set what is now the statewide maximum amount for copies of public records at five cents per page. East Cleveland appears to have not been aware of “actual cost” as they rant about their outrageous nine cents per page charge.

It is important to note that Mr. Strothers has requested to Review, Inspect, Copy "at Cost" the requested financial records, and did not want hand selected old records as presented by the Mayor of East Cleveland.

Contrary to the misinformation from Appellee, Strothers has never been offered the opportunity to review any records. Instead, Mayor Norton hand selects those records he wants public including records from our sister city, Cleveland (Exhibit ONE), while keeping the financial records hidden.

SUMMARY

In thirty-one pages and a half, inch section of exhibits all submitted on the last possible day to file and just in time, Appellee has failed to allow access to the requested records.

Talking about toothpaste has nothing to do with citizens knowing what is going on with the finances of our great city; this is more stall tactics by a desperate group of city officials.

Rather than allow more time to elapse, Appellant Mr. Strothers has immediately filed his second reply brief starting the clock once again for Appellee to respond timely.

Mr. Strothers respectfully apologizes to this honorable court for the failure of his city to comply with Ohio's Sunshine Law and for the inane briefs submitted to this court.

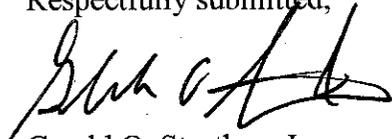
It is a shame that the City of East Cleveland dares to prevent its citizens from seeing those records that belong to the public. It is even a bigger shame that the Mayor of a city that has been in the headlines for mismanagement of funds by previous administrations is not providing a more transparent approach to access to the records. Perhaps Mayor Norton will reply with copies of checks disbursed and bills owed as requested in the public records request within this very brief.

All but one of the City of East Cleveland City Council members is looking to find the actual financial books in order to pass the annual budget. This case is not about personal vendettas like

the scathing brief submitted by Appellee, it is about whether or not the records requested have been made available within a reasonable amount of time or at all.

One year later this determined citizen continues his quest to find out whether there is allegedly seven million or more dollars missing from the city accounts. Since it is expected that Appellee will delay filing his next offering until the last possible day, Appellant will keep his brief short and on-point. **“Show Me the Money”**

Respectfully submitted,

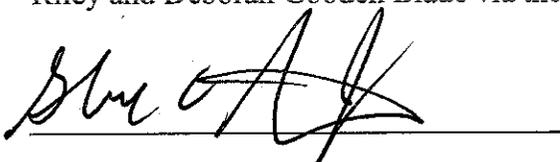


Gerald O. Strothers Jr

PRO SE

Certificate of Service

I certify that a copy of this Amended Merit Brief was sent by Regular U.S. Mail to counsel of record for Appellee, Mayor of East Cleveland Ohio, **Gary Norton Jr., Law Dept,** Ronald K. Riley and Deborah Gooden Blade via the captioned address on the day it was filed.



Gerald O. Strothers Jr.



PURCHASE ORDER

PO 6007 201000000002775 11/16/2010

50# 600527
11-17-10 Page 1 of 1

CITY OF CLEVELAND
Division of Purchases & Supplies
601 Lakeside Avenue
Room 128
Cleveland, OH 44114
Tax ID: 34-6000646

Issued To:

CONV000003807
WALTER F STEPHENS JR INC
ATTN: Default Contact Name
415 South Ave

Franklin, OH 45005-3647

Contact Phone: 000-000-0000

Ship To:

House of Corrections
House of Corrections
23600 Mercantile Rd.
Beachwood, OH 44122

Deliver By:

Bill To:

House of Corrections
23600 Mercantile Rd, Unit J
House of Correction
Beachwood, OH 44122
**Invoice must reference PO number

F.O.B.: FOB Destination, Freight Prepaid

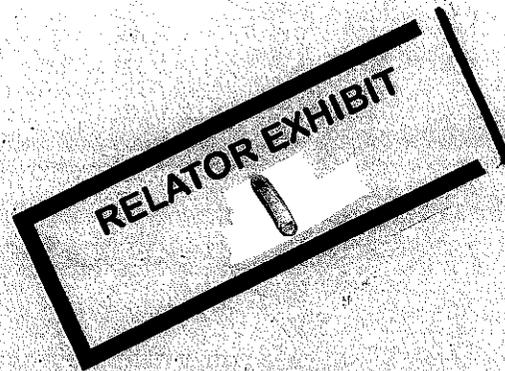
****DUPLICATE****

Line	Commodity Description	Quantity	Unit	Unit Price	Total Amount
		Service From		Service To	
1	Mattress with built in pillow Mattresses with built in pillow, heavy duty 12.2 oz clear vinyl only. size 25" x 75" x 5"	240.00	EA	\$35.78	\$8,587.20
<p>SOURCED FROM REQUISITION NO. RQS 6007 RE2010000002807 FOR LINE ITEM NO. 1</p>					

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NO FREIGHT CHARGES WILL BE CONSIDERED NOR PROCESSED FOR PAYMENT UNLESS APART OF THE ORIGINAL QUOTE SUBMITTED PRIOR TO BID AWARD.



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See Terms and Conditions on reverse, which are an integral part hereof.