

**IN THE SUPREME COURT OF OHIO,
COLUMBUS, OHIO**

RONALD DUDAS,)
Prisoner No. A520261)
Trumbull Correctional Institution)
P.O. Box 901)
Leavittsburg, Ohio 44430)

CASE NO. 2012-1086

Petitioner,)

AMENDED PETITION FOR WRIT
OF HABEAS CORPUS

-vs-)

BENNIE KELLY, WARDEN,)
Trumbull Correctional Institution)
5701 Burnett Road)
Leavittsburg, Ohio 44430)

Respondent.)

Now comes the Petitioner, Ronald Dudas, by and through counsel, and respectfully submits this Amended Petition for Writ of Habeas Corpus. The Sentencing Entries apparently were not attached to Petitioner's original filing and attachment thereof is the only amendment to Petitioner's original filing. Petitioner states:

1. Petitioner is imprisoned and restrained of his liberty pursuant to Judgment Entries of Conviction and Sentence entered in Lake County Common Pleas Case Nos. 06 CR 000560 and 06 CR 000700.
2. Copies of the aforementioned sentencing entries constitute the "commitment or cause of detention" of Petitioner pursuant to R.C. 2725.04(D) and are attached hereto.
3. Bennie Kelly, Warden of the Trumbull Correctional Institution, is the officer by whom the Petitioner is so confined and restrained.

RECEIVED
SEP 04 2012
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
SEP 04 2012
CLERK OF COURT
SUPREME COURT OF OHIO

4. The Petitioner is imprisoned and restrained at the Trumbull Correctional Institution in Trumbull County, Ohio.
5. Petitioner's imprisonment and detention is without legal authority in that the plea arrangement which resulted in the Petitioner's convictions and sentences was not within the subject matter jurisdiction of the Lake County Court of Common Pleas and, therefore, Petitioner's imprisonment and detention is in violation of his rights pursuant to the relevant provisions of the Ohio Revised Code, the Constitution of the State of Ohio, and the Constitution of the United States of America.
6. As a result, Petitioner is entitled to an immediate release.
7. Petitioner has verified the veracity of these allegations in the Affidavit of the Petitioner, a copy of which is attached hereto and incorporated herein. The original Affidavit of the Petitioner is attached to the Petitioner's original Petition.

WHEREFORE, Petitioner requests that this Court issue a Writ of Habeas Corpus ordering the Petitioner's immediate release.

Respectfully Submitted,



Michael A. Partlow (0037102)
112 S. Water Street, Suite C
Kent, Ohio 44240
330.400.2290 888.663.8320
Fax: 888.707.5871
partlowlaw@aol.com

Counsel for Petitioner

CERTIFICATE OF SERVICE

A copy of the foregoing **Amended Petition for Writ of Habeas Corpus** is being served via regular U.S. Mail, postage prepaid on this 30th day of August, 2012, upon:

Bennie Kelly, Warden
Trumbull Correctional Institution
5701 Burnett Road
Leavittsburg, Ohio 44430



Michael A. Partlow (0037102)

Counsel for Petitioner

STATE OF OHIO)
) ss.
COUNTY OF TRUMBULL)

AFFIDAVIT OF PETITIONER,
RONALD DUDAS

Ronald Dudas, being first duly sworn, deposes and states:

1. I am the Petitioner in the Petition to which this Affidavit is attached and make the following statements based upon my personal knowledge of such;
2. I have reviewed the Petition to which the Affidavit is attached;
3. All of the allegations contained in the Petition to which this Affidavit is attached are true and accurate to the best of my knowledge;
4. I have authorized Attorney Michael A. Partlow to prosecute a Petition for a Writ of Habeas Corpus in the Supreme Court of Ohio in order to resolve this situation.

Further Affiant sayteh naught.

June 1 2012
Date

Ronald Dudas
Ronald Dudas

In testimony whereof, I have hereunto set my hand and official seal at

Warren, Ohio, this 15 day of June 2012.

MICHAEL A. PARTLOW, Attorney at Law
Notary Public-State of Ohio
Unexpired Commission
Sec. 14743-02

[Signature]
Notary Public

IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

DEC - 1 P 11 22

STATE OF OHIO)	CASE NO. 06CR000700
)	
Plaintiff)	JUDGE EUGENE A. LUCCI
)	
vs.)	<u>JUDGMENT ENTRY OF SENTENCE</u>
)	
RONALD A. DUDAS)	
)	
Defendant)	

This day, to-wit: December 1, 2006, this matter came on for Defendant's sentencing hearing pursuant to R.C. 2929.19 with the Cuyahoga County Prosecuting Attorney, William Mason, Esq., by and through Daniel J. Kasaris, Esq., Assistant Prosecuting Attorney, on behalf of the State of Ohio, and the Defendant, Ronald A. Dudas, represented by Michael H. Peterson, Esq., being present in court.

The Defendant previously entered a plea of "Guilty" to:

- Count 1, Engaging in a Pattern of Corrupt Activity, R.C. 2923.32, a felony of the first degree,
 - Count 5, Tampering with Records, R.C. 2913.42, a felony of the third degree,
 - Count 43, Forgery, R.C. 2913.31, a felony of the fourth degree,
 - Count 50, Theft, R.C. 2913.02, a felony of the third degree,
 - Count 56, Uttering, R.C. 2913.31, a felony of the fourth degree,
 - Count 78, Securing Writings by Deception, R.C. 2913.43, a felony of the third degree,
- and
- Count 125, Telecommunications Fraud, R.C. 2913.05, a felony of the fourth degree.

The Court finds that this offense is subject to a presumption in favor of prison under division (D) of Section 2929.13 of the Ohio Revised Code.

The Court has also considered the record, oral statements, statements in favor of the defendant, victim impact statements, pre-sentence report submitted by the Lake County Adult Probation Department of the Court of Common Pleas, as well as the principles and purposes of sentencing under R.C. 2929.11, and has balanced the seriousness and recidivism factors under R.C. 2929.12.

In considering the foregoing, and for the reasons stated in the record, this Court finds that a prison sentence is consistent with the purposes and principles of sentencing set forth in R.C. 2929.11 and that Defendant is not amenable to an available community control sanction.

VOL 1657 PAGE 0855

The Court also finds that the maximum basic prison term is inadequate to punish the defendant and to protect the public from future crime because the applicable factors under R.C. 2929.12 indicating the Defendant is more likely to commit future crimes outweigh any applicable factors indicating that a Defendant is less likely to commit future crimes, and that the maximum basic prison term is demeaning to the seriousness of the offense because one or more factors under R.C. 2929.12 that increase the seriousness of the offense outweigh any applicable factors indicating that the offense is less serious.

The Court finds that Defendant was afforded all rights pursuant to Crim.R. 32 and was given the opportunity to speak before judgment and sentence was pronounced against him.

IT IS HEREBY ORDERED:

That the Defendant serve a stated prison term of ten (10) years in prison on Count 1, five (5) years in prison on Count 5, five (5) years in prison on Count 78, eighteen (18) months in prison on Count 43, one (1) year in prison on Count 50, eighteen (18) months in prison on Count 56, and eighteen (18) months in prison on Count 125. The prison terms imposed on Counts 43, 50, 56, and 125 are to be served concurrent to each other, and concurrent to the prison term on Counts 1, 5, and 78. Counts 1, 5, and 78 are to be served consecutive to each other, for a total of twenty (20) years in prison on this case, and consecutive to the prison term in Lake County Court of Common Pleas Case No. 06CR000560, for a total of thirty (30) years in prison. Said prison term shall be served at the Lorain Correctional Institution with no credit for time already served.

The Court has further notified the Defendant, that post release control is mandatory in this case up to a maximum of 5 years, as well as the consequences for violating conditions of post release control imposed by the Parole Board under Revised Code section 2967.28. The Defendant is ordered to serve as part of this sentence any term of post release control imposed by the Parole Board, and any prison term for violation of that post release control.

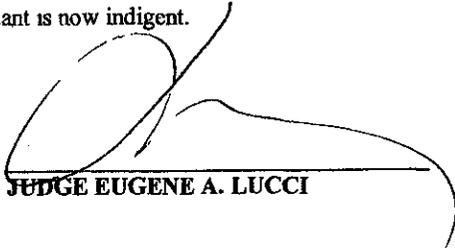
That the Clerk of Courts issue a warrant directed to Gerald T. McFaul, Sheriff of Cuyahoga County, Ohio, to convey the said Defendant to the custody of the Lorain Correctional Institution forthwith. Defendant is subject to administrative control as provided by R.C. 2967.11. After release from prison, Defendant is ordered subject to post-release control to the extent the parole board may determine as provided by law.

Defendant is ordered to pay all court costs and all costs of prosecution in an amount certified by the Lake County Clerk of Courts. Defendant is further ordered to pay any supervision fees as permitted pursuant to R.C. 2929.18(A)(4).

Bond is hereby released.

The Lake County Public Defender is hereby appointed to represent the defendant on any appellate proceedings, as the Court finds the defendant is now indigent.

IT IS SO ORDERED.



JUDGE EUGENE A. LUCCI

IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

REC'D DEC -1 P 11 22

STATE OF OHIO)
)
 Plaintiff)
)
 vs.)
)
 RONALD A. DUDAS)
)
 Defendant)

CASE NO. 06CR000560
JUDGE EUGENE A. LUCCI
JUDGMENT ENTRY OF SENTENCE

ROCKETEER

This day, to-wit: December 1, 2006, this matter came on for Defendant's sentencing hearing pursuant to R.C. 2929.19 with the Cuyahoga County Prosecuting Attorney, William Mason, Esq., by and through Daniel J. Kasaris, Esq., Assistant Prosecuting Attorney, on behalf of the State of Ohio, and the Defendant, Ronald A. Dudas, represented by Michael H. Peterson, Esq., being present in court.

The Defendant previously entered a plea of "Guilty" to:

- Count 1, Intimidation, R.C. 2921.03, a felony of the third degree,
- Count 15, Intimidation, R.C. 2921.03, a felony of the third degree,
- Count 16, Retaliation, R.C. 2921.05, a felony of the third degree,
- Count 24, Intimidation, R.C. 2921.03, a felony of the third degree, and
- Count 29, Intimidation, R.C. 2921.03, a felony of the third degree.

The Court has also considered the record, oral statements, statements in support of the defendant, victim impact statements, and pre-sentence report submitted by the Lake County Adult Probation Department of the Court of Common Pleas, as well as the principles and purposes of sentencing under R.C. 2929.11, and has balanced the seriousness and recidivism factors under R.C. 2929.12.

In considering the foregoing, and for the reasons stated in the record, this Court finds that a prison sentence is consistent with the purposes and principles of sentencing set forth in R.C. 2929.11 and that Defendant is not amenable to an available community control sanction.

The Court also finds that the maximum basic prison term is inadequate to punish the defendant and to protect the public from future crime because the applicable factors under R.C. 2929.12 indicating the Defendant is more likely to commit future crimes outweigh any applicable factors indicating that a Defendant is less likely to commit future crimes, and that the maximum basic prison term is demeaning to the seriousness of the offense because one or more

U.S. 3857 PAGE 0241

factors under R.C. 2929.12 that increase the seriousness of the offense outweigh any applicable factors indicating that the offense is less serious.

The Court finds that Defendant was afforded all rights pursuant to Crim.R. 32 and was given the opportunity to speak before judgment and sentence was pronounced against him.

IT IS HEREBY ORDERED:

That the Defendant serve a stated prison term of five (5) years in prison on Count 16, five (5) years in prison on Count 1, five (5) years in prison on Count 15, five (5) years in prison on Count 24, and five (5) years in prison on Count 29. The prison terms imposed on Counts 1, 15, 24, and 29 are to be served concurrent to each other, but consecutive to the prison term on Count 16, for a total of ten (10) years in prison on this case, and consecutive to the prison term in Lake County Court of Common Pleas Case No. 06CR000700, for a total of thirty (30) years in prison. Said prison term shall be served at the Lorain Correctional Institution with 365 days of credit for time already served.

The Court has further notified the Defendant, that post release control is mandatory in this case up to a maximum of 5 years, as well as the consequences for violating conditions of post release control imposed by the Parole Board under Revised Code section 2967.28. The Defendant is ordered to serve as part of this sentence any term of post release control imposed by the Parole Board, and any prison term for violation of that post release control.

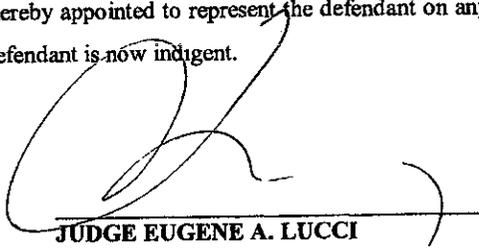
That the Clerk of Courts issue a warrant directed to Gerald T. McFaul, Sheriff of Cuyahoga County, Ohio, to convey the said Defendant to the custody of the Lorain Correctional Institution forthwith. Defendant is subject to administrative control as provided by R.C. 2967.11. After release from prison, Defendant is ordered subject to post-release control to the extent the parole board may determine as provided by law.

Defendant is ordered to pay all court costs and all costs of prosecution in an amount certified by the Lake County Clerk of Courts. Defendant is further ordered to pay any supervision fees as permitted pursuant to R.C. 2929.18(A)(4).

The Lake County Public Defender is hereby appointed to represent the defendant on any appellate proceedings, as the Court finds the defendant is now indigent.

Bond is hereby released.

IT IS SO ORDERED.



JUDGE EUGENE A. LUCCI