

ORIGINAL

IN THE SUPREME COURT OF OHIO
COLUMBUS, OHIO

STATE OF OHIO,)	OHIO SUPREME COURT
)	CASE NO. 1998-1483
Plaintiff-Appellee,)	
)	
-vs-)	
)	
ODRAYE JONES,)	
)	
Defendant-Appellee.)	

APPELLEE'S RESPONSE TO APPELLANTS'S MOTION FOR RELIEF FROM
JUDGMENT

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APPELLANT PRO SE

RECEIVED
SEP 07 2012
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FILED
SEP 07 2012
CLERK OF COURT
SUPREME COURT OF OHIO

MEMORANDUM

“In order to prevail on a motion for relief from judgment pursuant to Civ.R. 60(B), the movant must demonstrate: (1) a meritorious claim or defense; (2) entitlement to relief under one of the grounds stated in Civ.R. 60(B)(1) through (5); and (3) timeliness of the motion.” *Rose Chevrolet, Inc. v. Adams*, 36 Ohio St.3d 17, 20 (1988), citing, *GTE Automatic Electric v. ARC Industries*, 47 Ohio St.2d 146 (1976), paragraph two of the syllabus. “If any of these three requirements is not met, the motion should be overruled.” *Id.*, citing, *Svoboda v. Brunswick*, 6 Ohio St.3d 348, 351 (1983). “The question of whether relief should be granted is addressed to the sound discretion of the trial court.” *Id.*, citing, *Griffey v. Rajan*, 33 Ohio St.3d 75, 77 (1987).

Civ.R. 60(B) “was designed to remedy situations which could not be reached by appellate review.” *Swaney v. Swaney*, Geauga App. No. 99-G-2243, unreported, 2000 WL 1121803 (Aug. 4, 2000), *3. “As a result, the rule provides relief only in certain circumstances in which the *original proceeding* has been tainted by error.” (Emphasis *sic.*) *Id.*

“Civ.R. 60(B)(5) is intended as a catch-all provision reflecting the inherent power of a court to relieve a person from the unjust operation of a judgment, but it is not to be used as a substitute for any of the other more specific provisions of Civ.R. 60(B).” *Caruso-Ciresi, Inc. v. Lohman*, 5 Ohio St.3d 64 (1983), paragraph one of the syllabus. “The grounds for invoking Civ.R. 60(B)(5) should be substantial.” *Id.*, paragraph two of the syllabus.

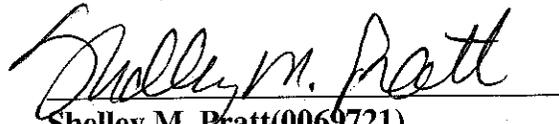
Appellant’s motion for relief fails to present substantial grounds for relief. Furthermore, the motion fails to satisfy even the first prong of the *GTE* test above, as it fails to demonstrate a meritorious claim or defense. Appellant’s motion for relief from judgment is without merit.

CONCLUSION

For the foregoing reasons, the State of Ohio respectfully requests this Honorable Court to overrule appellant's Motion for Relief From Judgment.

Respectfully submitted,

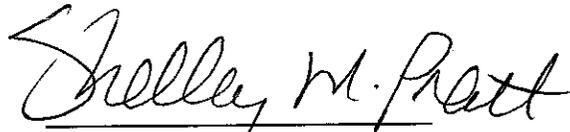
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Appellee's Response to Appellant's Motion for Relief From Judgment has been served via ordinary U.S. Mail, postage prepaid, this 7th day of September, 2012, upon Islam Al-Din Allah, P.O. Box 5500, Chillicothe, Ohio 45601.



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