

IN THE SUPREME COURT OF OHIO

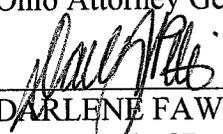
State of Ohio ex rel. :
RICHARD MCGEE, :
 :
Relator, : Case No. 2013-0325
 :
v. : Original Action in Mandamus
 :
JUDGES OF THE EIGHTH DISTRICT :
COURT OF APPEALS, :
 :
Respondent. :

**MOTION TO DISMISS OF RESPONDENT
JUDGES OF THE EIGHTH DISTRICT COURT OF APPEALS**

Pursuant to Sup. Ct. Prac. R. 12.04(A)(1) and Civ.R. 12(B)(6), Respondent Judges of the Eighth District Court of Appeals hereby move this Court to dismiss Relator's petition for a writ of mandamus. A memorandum in support is attached.

Respectfully submitted,

MICHAEL DEWINE (0009181)
Ohio Attorney General


DARLENE FAWKES PETTIT (0081397)
*Counsel of Record

SARAH PIERCE (0087799)
Assistant Attorneys General
Constitutional Offices Section
30 East Broad Street, 16th Floor
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sarah.pierce@ohioattorneygeneral.gov

*Counsel for Respondent
Judges of the Eighth District Court of Appeals*

MEMORANDUM IN SUPPORT OF RESPONDENT'S MOTION TO DISMISS

I. INTRODUCTION

Relator seeks a writ of mandamus against Respondent, the Judges of the Eighth District Court of Appeals, to reinstate a dismissed appellate case. As argued below, Relator states no claims against Respondent for which this Court may grant him relief. Accordingly, Respondent respectfully asks this Court to dismiss Relator's complaint against it.

II. STATEMENT OF FACTS

In 2008, a jury found Relator guilty of aggravated robbery and kidnapping. *State v. McGee*, 8th Dist. No. 92019, 2010-Ohio-2081. Relator appealed, and Respondent the Eighth District ordered resentencing. *Id.* After the trial court resentenced Relator, he appealed again and Respondent affirmed the resentencing determination. *State v. McGee*, 8th Dist. No. 96688, 2012-Ohio-1829. Relator then filed a Motion for Judicial Hearing on Defective Verdicts, which was denied by the trial court. Docket for CR-08-507434-A, attached hereto as Respondent's Exhibit A.¹ When Relator appealed that denial, Respondent the Eighth District dismissed his appeal for failure to file a praecipe in accordance with Local App. R. 9(B). Docket for CA-12-098981, attached hereto as Respondent's Exhibit B. Relator's subsequent motion for reinstatement of appeal was also denied by Respondent. On February 22, 2013, Relator filed the current complaint in mandamus, requesting that this Court order Respondent to reinstate his appeal.

¹ Documents attached to or incorporated into the complaint may be considered on a motion to dismiss pursuant to Civ.R. 12(B)(6). *State ex rel. Crabtree v. Franklin Cty. Bd. of Health*, 77 Ohio St.3d 247, 249, 673 N.E.2d 1281. The court may review documents incorporated into the complaint, even if not attached to the complaint. *Irvin v. Am. Gen. Fin., Inc.*, 5th Dist. No. CT2004-0046, 2005-Ohio-3523, citing *Fillmore v. Brush Wellman, Inc.*, 6th Dist. No. OT-03-029, 2004-Ohio-3448.

III. ARGUMENT

A. Standard of Review

A motion to dismiss for failure to state a claim upon which a court can grant relief challenges the sufficiency of the complaint itself, not evidence outside of the complaint. *Volbers-Klarich v. Middletown Mgmt, Inc.*, 125 Ohio St.3d 494, 2010-Ohio-2057, 125 N.E.2d 434, ¶ 11. When considering the factual allegations of the complaint, a court must accept incorporated items as true and “the plaintiff must be afforded all reasonable inferences possibly derived therefrom.” *Mitchell v. Lawson Milk Co.*, 40 Ohio St.3d 190, 192, 532 N.E.2d 753 (1988). Finally, a court must find that it appears beyond doubt that the plaintiff’s complaint can prove none of the facts presented. Civ.R. 12(B); *State ex rel. Natalina Food Co. v. Ohio Civ. Rights Comm.*, 55 Ohio St.3d 98, 99, 562 N.E.2d 1383 (1990).

B. Relator’s request for a writ of mandamus must fail because he can satisfy none of the requirements for a writ to issue.

A writ of mandamus will issue only where three requirements are met: (1) the relator must have a clear legal right to the requested relief; (2) the respondent must have a clear legal duty to perform the requested relief; and (3) the relator must have no adequate remedy at law. *State ex rel. Van Gundy v. Indus. Comm.*, 111 Ohio St.3d 395, 2006-Ohio-5854, 856 N.E.2d 951, ¶ 13, citing *State ex rel. Luna v. Huffman*, 74 Ohio St.3d 486, 487, 659 N.E.2d 1279 (1996). Because Relator fails to meet any of these requirements, his mandamus action must fail.

Relator has no legal right to the relief he requests, nor does Respondent have a legal duty to grant it. Relator does not deny that he failed to file a praecipe in accordance with Loc. App. R. 9(B), but instead asserts that his “appeal should have never been dismissed due to his decision not to file a praecipe.” Complaint, p. 2. Appellate Rule 3(A) provides that “[f]ailure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the

validity of the appeal, but is ground only for such action as the court of appeals deems appropriate, which *may include dismissal of the appeal.*” (Emphasis added). A court of appeals is vested with discretion to determine what sanctions, including dismissal, may be appropriate when a litigant fails to comply with appellate requirements other than the timely filing of a notice of appeal. *Transamerica Ins. Co. v. Nolan*, 72 Ohio St.3d 320, 649 N.E.2d 1229 (1995); *Armbruster v. Hampton*, 9th Dist. App. No. 05CA008716, 2006-Ohio-4530. A writ of mandamus will not issue to control judicial discretion. *State ex rel. Avery v. Union County Court of Common Pleas*, 125 Ohio St.3d 35, 2010-Ohio-1427, 925 N.E.2d 969, ¶ 1, quoting *State ex rel. Dreamer v. Mason*, 115 Ohio St.3d 190, 2007-Ohio-4789, 874 N.E.2d 510, ¶ 12, (“Mandamus will not lie to control judicial discretion, even if that discretion is abused.”); R.C. 2731.03.

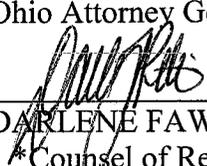
Further, Relator has an adequate remedy at law: an appeal from Respondent’s decision concerning his appeal. An appeal is an adequate remedy at law and bars relief in mandamus. *State ex rel. Gilligan v. Ohio Bd. of Tax Appeals*, 70 Ohio St.3d 196, 201, 638 N.E.2d 74 (1994). Accordingly, this Court must dismiss Relator’s request for a writ of mandamus.

IV. CONCLUSION

For the foregoing reasons, Respondent, Judges of the Eighth District Court of Appeals, respectfully asks this Court to dismiss Relator’s complaint.

Respectfully submitted,

MICHAEL DEWINE (0009181)
Ohio Attorney General


DARLENE FAWKES PETTIT (0081397)

*Counsel of Record
SARAH PIERCE (0087799)
Assistant Attorneys General
Constitutional Offices Section

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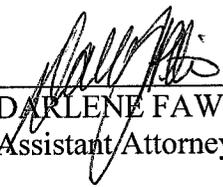
*Counsel for Respondent
Judges of the Eighth District Court of Appeals*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Dismiss was served by regular U.S. mail, postage prepaid, on March 20, 2013 upon the following:

RICHARD MCGEE #522-481
Richland Correctional Institution
P.O. Box 8107
Mansfield, Ohio 44905

Relator



DARLENE FAWKES PETTIT (0081397)
Assistant Attorney General



Clerk of Courts Court of Common Pleas - Cuyahoga County, Ohio



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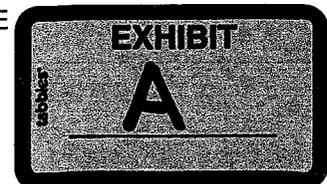
DOCKET INFORMATION

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Case Number **Case Title** **Image Viewer**
 CR-08-507434-A THE STATE OF OHIO vs. RICHARD MCGEE [AlternaTIFF](#)

From Date **Sort** **Type** **Type** **Type** **Type** **Search**
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Proceeding Date	Filing Date	Side	Type	Description	Image
11/15/2012	11/15/2012	D1	NT	MOTION BY APPELLANT, PRO SE, FOR REINSTATEMENT OF APPEAL IS DENIED PER APP.R.26 (A). (98981)	
10/03/2012	10/03/2012	D1	NT	SUA SPONTE, THIS APPEAL IS DISMISSED BY THE COURT OF APPEALS, AT APPELLANT'S COST, FOR FAILURE TO FILE A PRAECIPE. (98981)	
10/02/2012	10/02/2012	N/A	JE	DEFENDANT'S MOTION FOR APPOINTMENT OF COUNSEL IS DENIED. CLERK ORDERED TO SEND A COPY OF THIS ORDER TO: DEFENDANT, RICHARD MCGEE; #522481; RICHLAND CORRECTIONAL; PO 8107; MANSFIELD, OHIO; 44901 10/02/2012 CPGJF 10/02/2012 15:42:54	
09/24/2012	09/24/2012	D1	NT	NOTICE OF APPEAL, AFFIDAVIT OF INDIGENCY, JOURNAL ENTRY, DOCKETING STATEMENT (ACCELERATED), FILED PRO SE AND SENT TO THE COURT OF APPEALS WITH A COPY OF THE DOCKET SHEET. THE COURT OF APPEALS NUMBER ASSIGNED IS 98981.	
09/24/2012	09/24/2012	D1	MO	MOTION FOR APPOINTMENT OF COUNSEL, FILED. PRO-SE552-481 RICHLAND CORR. INST.	
08/24/2012	08/24/2012	N/A	JE	DEFENDANT'S MOTION FOR JUDICIAL HEARING ON DEFECTIVE VERDICTS IS DENIED. RES JUDICATA APPLIES AND NO HEARING IS REQUIRED. OHIO LAW DOES NOT REQUIRE INCLUSION OF EACH AND EVERY ELEMENT OF THE CRIME. CLERK ORDERED TO SEND A COPY OF THIS ORDER TO: DEFENDANT, RICHARD MCGEE; #522-481; PO BOX 8107; MANSFIELD, OHIO; 44901 08/24/2012 CPGJF 08/24/2012 13:21:45	
08/03/2012	08/03/2012	D1	MO	REPLY TO STATE'S MEMORANUM IN OPPOSITION, FILED. PRO-SE 552-481 RICHALDN CORR. INST.	
07/17/2012	07/17/2012	P	MO	STATE'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR JUDICIAL HEARING ON DEFECTIVE VERDICTS AND FOR STATUS HEARING, FILED.	



06/29/2012 07/02/2012 N/A JE DEFENDANT'S MOTION REVIEWED FOR ACCEPTANCE INTO REEC; DEFENDANT IS DENIED FOR REEC. DEFENDANT ADVISED THAT DENIAL OF REEC PARTICIPATION IS NOT A DENIAL OF GENERAL JUDICIAL RELEASE. SHOULD THE DEFENDANT WISH TO FILE A MOTION FOR GENERAL JUDICIAL RELEASE, THE DEFENDANT IS ADVISED THAT MOTION MUST BE FILED WITH THE SENTENCING JUDGE FOR CONSIDERATION. DEFENDANT NOTIFIED BY MAIL. . CLERK ORDERED TO SEND A COPY OF THIS ORDER TO: DEFENDANT RICHARD MCGEE A552481 RICHLAND CORRECTIONAL INSTITUTION 1001 OLIVESBURG ROAD P.O. BOX 8107 MANSFIELD, OHIO 44905. THIS ENTRY TAKEN BY JUDGE NANCY MARGARET RUSSO.
06/29/2012 CPAJL 06/29/2012 07:29:51

06/18/2012 06/18/2012 P MO MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO DEFENDANT'S MOTION FOR JUDICIAL HEARING ON DEFECTIVE VERDICTS, FILED.

05/18/2012 05/18/2012 P MO MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO DEFENDANT'S MOTION FOR JUDICIAL HEARING ON DEFECTIVE VERDICTS, FILED.

05/09/2012 05/09/2012 D1 MO MOTION FOR JUDICIAL HEARING ON DEFECTIVE VERDICTS, FILED. PRO-SE 552-481 RICHLAND CORR. INST. REQUEST FOR STATUS HEARING

04/27/2012 04/27/2012 D1 NT MOTION BY APPELLANT, PRO SE, FOR TRANSCRIPTS AT STATE EXPENSE IS DENIED BY THE COURT OF APPEALS. (96688)

04/27/2012 04/27/2012 D1 NT MOTION BY APPELLANT, PRO SE, FOR RE-OPENING IS DENIED BY THE COURT OF APPEALS. (96688)

12/19/2011 12/19/2011 D1 NT CRIMINAL APPEAL JUDGMENT: AFFIRMED BY THE COURT OF APPEALS. (96688)

07/14/2011 07/14/2011 D1 NT MOTION BY APPELLANT TO CONSOLIDATE RECORDS FOR CASES 92026 AND 96688 IS DENIED BY THE COURT OF APPEALS.

06/10/2011 06/10/2011 D1 CL DEFENDANT'S TRANSCRIPT OF PROCEEDINGS (1) FILED AND SENT TO THE COURT OF APPEALS. (96688)

06/01/2011 06/01/2011 D1 NT APPELLANT'S MOTION TO CONSOLIDATE RECORDS IS GRANTED BY THE COURT OF APPEALS AS FOLLOWS: THE RECORD FROM CASE 92019 SHALL BE MADE PART OF THE RECORD FOR CASE 96688. (96688)

05/20/2011 05/20/2011 D1 CL RECORD ON APPEAL, PAGINATION SHEET AND CRIMINAL FILE SENT TO THE COURT OF APPEALS.

05/18/2011 05/18/2011 D1 NT MOTION BY APPELLANT FOR LEAVE TO FILE DELAYED APPEAL AND FOR APPOINTMENT OF NEW APPELLANT COUNSEL IS GRANTED BY THE COURT OF APPEALS. ATTORNEY JUDITH M. KOWALSKI IS APPOINTED. A TRANSCRIPTS IS GRANTED AT STATE EXPENSE. (96688)

04/19/2011 04/19/2011 D1 NT NOTICE OF APPEAL, JOURNAL ENTRY, PRAECIPE, DOCKETING STATEMENT (REGULAR), FILED AND SENT TO THE COURT OF APPEALS WITH A COPY OF THE DOCKET SHEET. THE COURT OF APPEALS NUMBER ASSIGNED IS 96688.

03/29/2011 03/29/2011 N/A JE IT IS HEREBY ORDERED THAT SUSAN MORAN, ESQ.,

HERETOFORE ASSIGNED AS COUNSEL FOR THE DEFENDANT IN THIS CAUSE, BE ALLOWED \$100.00 FOR SERVICES SO RENDERED. IT IS ORDERED THAT THE COURT CERTIFY SAID AMOUNT TO THE FISCAL OFFICER AND THE COUNTY EXECUTIVE FOR ALLOWANCE AND PAYMENT. AC 1102773 03/29/2011 CPMKE 03/29/2011 10:11:45

03/23/2011	03/23/2011	D	RE	ATTORNEY FEE BILL SUBMITTED SUSAN MORAN
03/14/2011	03/14/2011	N/A	CS	COURT COST ASSESSED RICHARD R MCGEE BILL AMOUNT 2093.2 PAID AMOUNT 45 AMOUNT DUE 2048.2
03/14/2011	03/14/2011	D1	DR	HEARING FEE
03/14/2011	03/14/2011	N/A	CS	RC 2743.70 REPARATION FEE
03/11/2011	03/11/2011	N/A	CS	COURT REPORTER FEE
03/10/2011	03/14/2011	N/A	JE	*** COURT OF APPEALS RE-SENTENCING *** DEFENDANT IN COURT. COUNSEL SUSAN MORAN PRESENT. COURT REPORTER PRESENT. ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF AGGRAVATED ROBBERY 2911.01 A(1) F1 UNDER COUNT(S) 1, 2 OF THE INDICTMENT. ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION - 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 1, 2 OF THE INDICTMENT. ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION - 3 YEARS (2941.145) AS CHARGED IN COUNT(S) 1, 2 OF THE INDICTMENT. ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF KIDNAPPING 2905.01 A(2) F1 UNDER COUNT(S) 3 OF THE INDICTMENT. ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION - 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 3 OF THE INDICTMENT. ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION - 3 YEARS (2941.145) AS CHARGED IN COUNT(S) 3 OF THE INDICTMENT. ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF KIDNAPPING 2905.01 A(2) F1 UNDER COUNT(S) 4 OF THE INDICTMENT. ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION - 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 4 OF THE INDICTMENT. ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION - 3 YEARS (2941.145) AS CHARGED IN COUNT(S) 4 OF THE INDICTMENT. DEFENDANT ADDRESSES THE COURT, OTHERS ADDRESS THE COURT RE-SENTENCING PURSUANT TO COURT OF APPEALS RULING #92019; HEARING HELD. THE COURT CONSIDERED ALL REQUIRED FACTORS OF THE LAW. THE COURT FINDS THAT PRISON IS CONSISTENT WITH THE PURPOSE OF R. C. 2929.11. THE COURT IMPOSES A PRISON SENTENCE AT THE LORAIN CORRECTIONAL INSTITUTION OF 7 YEAR(S). DEFENDANT SENTENCED TO 7 YEARS ON EACH OF COUNTS 1 AND 2, COUNTS

TO RUN CONCURRENT WITH EACH OTHER AND CONSECUTIVE TO DEFENDANT'S SENTENCE IN CR 507845. COUNTS 3 AND 4 ARE ORDERED MERGED WITH COUNTS 1 AND 2 FOR PURPOSES OF SENTENCING AS THESE ARE ALLIED OFFENSES. POST RELEASE CONTROL IS PART OF THIS PRISON SENTENCE FOR 5 YEARS MANDATORY FOR THE ABOVE FELONY(S) UNDER R.C.2967.28. DEFENDANT ADVISED THAT IF POST RELEASE CONTROL SUPERVISION IS IMPOSED FOLLOWING HIS/HER RELEASE FROM PRISON AND IF HE/SHE VIOLATES THAT SUPERVISION OR CONDITION OF POST RELEASE CONTROL UNDER RC 2967.131(B), PAROLE BOARD MAY IMPOSE A PRISON TERM AS PART OF THE SENTENCE OF UP TO ONE-HALF OF THE STATED PRISON TERM ORIGINALLY IMPOSED UPON THE OFFENDER. DEFENDANT TO RECEIVE CREDIT FOR TIME SERVED. SHERIFF TO CALCULATE AND SEND WRITTEN NOTICE TO THE OHIO DEPT. OF CORRECTIONS AND REHABILITATION. DEFENDANT ADVISED OF APPEAL RIGHTS. DEFENDANT INDIGENT, COURT APPOINTS PUBLIC DEFENDER AS APPELLATE COUNSEL. TRANSCRIPT AT STATE'S EXPENSE. DEFENDANT TO PAY COURT COSTS, CAN BE WORKED OFF IN COURT COMMUNITY WORK SERVICE WHILE IN THE CONFINES OF PRISON AND WITH THE WARDEN'S APPROVAL. DEFENDANT IS TO PAY COURT COSTS. DEFENDANT REMANDED. SHERIFF ORDERED TO TRANSPORT DEFENDANT RICHARD MCGEE, DOB: 07/05/1976, GENDER: MALE, RACE: BLACK. 03/10/2011 CPSKM 03/11/2011 14:01:21

- 03/08/2011 03/09/2011 N/A JE RE-SENTENCING IS CONTINUED TO 3-10-11 @ 10:00AM. 03/08/2011 CP1DK 03/08/2011 14:13:17
- 03/01/2011 03/02/2011 N/A JE RE-SENTENCING HEARING CONTINUED TO 3-8-11 @ 10:30 AM. COURT HEREBY ORDERS A COPY OF DEFENDANT'S PRISON WORK/PROGRAM RECORD AND HIS PRISON DISCIPLINARY RECORD BE FAX'D TO THIS COURT FORTHWITH AT FAX # 216-348-4033 FROM TOLEDO CORRECTIONAL INSTITUTION (INMATE # A552481). THIS IS THIS COURT'S SECOND REQUEST FOR COPY OF RECORDS. 03/01/2011 CP1DK 03/01/2011 17:11:19
- 01/25/2011 01/25/2011 N/A JE DEFT INDIGENT. ATTY SUSAN MORAN ASSIGNED. THIS ENTRY TAKEN BY JUDGE NANCY A FUERST. 01/25/2011 CP1NF 01/25/2011 15:37:32
- 01/25/2011 01/25/2011 N/A JE CAPTIONED CASE BEING REMANDED TO THE COURT OF COMMON PLEAS BY ORDER OF THE COURT OF APPEALS; THIS MATTER IS HEREBY RETURNED TO THE DOCKET OF JUDGE TIMOTHY J MCGINTY (307). ADMINISTRATIVE JUDGE NANCY A. FUERST THIS ENTRY TAKEN BY JUDGE NANCY A FUERST. 01/25/2011 CP1NF 01/25/2011 15:34:56
- 01/21/2011 01/24/2011 N/A JE DEFENDANT RICHARD MCGEE IS HEREBY ORDERED BACK TO THIS JURISDICTION FROM TOLEDO CORRECTIONAL INSTITUTION (INMATE # A552481) FOR RE-SENTENCING HEARING PURST TO COA RULING # 92019 SET FOR 2-28-11 AT 10:00AM. PUBLIC DEFENDER

ASSIGNED. WARDEN ORDERED TO SEND COPY OF DEFENDANT'S PRISON WORK AND DISCIPLINARY RECORD. (FAX # 216-348-4033) SHERIFF ORDERED TO TRANSPORT DEFENDANT RICHARD MCGEE, DOB: 07/05/1976, GENDER: MALE, RACE: BLACK. 01/21/2011 CP1DK 01/21/2011 16:23:33

06/01/2010 06/01/2010 D1 NT JUDGMENT: AFFIRMED; REMANDED FOR RESENTENCING BY THE COURT OF APPEALS. (92019)

02/25/2009 02/25/2009 N/A OT STATEMENT OF COURT COST SENT TO CORRECTIONAL INSTITUTION FOR COLLECTION

02/12/2009 02/17/2009 N/A JE DEFENDANT'S MOTION FOR STAY OF EXECUTION OF SENTENCE AND FOR BAIL PENDING APPEAL IS DENIED. DEFENDANT'S MOTION TO DISMISS PAYMENT OF FINES IS DENIED. 02/12/2009 CPEDB 02/13/2009 09:17:32

02/06/2009 02/06/2009 D MO MOTION FOR STAY OF SENTENCE AND FOR BAIL PENDING APPEAL, FILED. PRO SE 552481 TOLEDO CORR. INST.

10/24/2008 10/24/2008 D1 CL DEFENDANT'S TRANSCRIPT OF PROCEEDINGS (4 VOLS) FILED AND SENT TO THE COURT OF APPEALS. (92019)

09/29/2008 09/29/2008 D1 NT MOTION BY APPELLANT'S COUNSEL TO WITHDRAW AND FOR APPOINTMENT OF NEW COUNSEL IS GRANTED BY THE COURT OF APPEALS. JEFFREY FROUDE IS APPOINTED COUNSEL FOR APPEAL. A TRANSCRIPT IS GRANTED AT STATE EXPENSE. (92019)

09/18/2008 09/18/2008 D1 CL RECORD ON APPEAL, PAGINATION SHEET AND CRIMINAL FILE SENT TO THE COURT OF APPEALS.

08/29/2008 08/29/2008 D1 NT NOTICE OF APPEAL, DOCKETING STATEMENT (REGULAR), PRAECIPE, JOURNAL ENTRY, FILED AND SENT TO THE COURT OF APPEALS WITH A COPY OF THE DOCKET SHEET. THE COURT OF APPEALS NUMBER ASSIGNED IS 92019.

08/15/2008 08/15/2008 N/A JE IT IS HEREBY ORDERED THAT JAMES A. JENKINS, ESQ., HERETOFORE ASSIGNED AS COUNSEL FOR THE DEFENDANT IN THIS CAUSE, BE ALLOWED \$320.00 FOR SERVICES SO RENDERED. IT IS ORDERED THAT THE COURT CERTIFY SAID AMOUNT TO THE COUNTY AUDITOR AND THE COMMISSIONERS FOR ALLOWANCE AND PAYMENT. AC 0808715 08/15/2008 CPMKE 08/15/2008 09:51:09

08/12/2008 08/18/2008 N/A JE DEFENDANT INDIGENT; PUBLIC DEFENDER ASSIGNED. COURT IN RECEIPT OF DEFENDANT'S AFFIDAVIT OF INDIGENCY AND DEFENDANT'S REQUEST FOR APPELLATE COUNSEL AT STATE'S EXPENSE. COURT HEREBY ASSIGNS PUBLIC DEFENDER / APPELLATE DIVISION AND TRANSCRIPT AT STATE'S COSTS TO BE PREPARED AND DELIVERED DIRECTLY TO PUBLIC DEFENDER WITHIN 30 DAYS. 08/12/2008 CPSAM 08/13/2008 09:17:27

08/08/2008 08/08/2008 N/A CS COURT COST ASSESSED RICHARD R MCGEE BILL AMOUNT 1980.7 PAID AMOUNT 45 AMOUNT DUE 1935.7

08/08/2008 08/08/2008 D1 CS JURY FEES

08/08/2008 08/08/2008 D1 DR COURT REPORTER FEE

08/08/2008	08/08/2008	D1	DR	SHERIFF FEES
08/08/2008	08/08/2008	N/A	CS	RC 2743.70 REPARATION FEE
08/05/2008	08/05/2008	D1	MO	REQUEST FOR APPELLATE COUNSEL AT STATE EXPENSE, FILED.
08/05/2008	08/05/2008	D	RE	ATTORNEY FEE BILL SUBMITTED JAMES A. JENKINS
08/04/2008	08/04/2008	N/A	CS	COURT REPORTER FEE
08/04/2008	08/04/2008	N/A	CS	COURT REPORTER FEE
08/01/2008	08/08/2008	N/A	JE	DEFENDANT IN COURT WITH COUNSEL JAMES JENKINS. PROSECUTING ATTORNEY JESSE CANONICO & JENNIFER SCOTT PRESENT. COURT REPORTER PRESENT. THE JURY RETURNS A VERDICT OF GUILTY OF AGGRAVATED ROBBERY 2911.01 A(1) F1 UNDER COUNT(S) 1, 2 OF THE INDICTMENT. THE JURY RETURNS A VERDICT OF GUILTY OF KIDNAPPING 2905.01 A(2) F1 UNDER COUNT(S) 3, 4 OF THE INDICTMENT. THE JURY "DID NOT" FIND THE DEFENDANT GUILTY OF FIREARM SPECS IN ALL COUNTS. THE COURT CONSIDERED ALL REQUIRED FACTORS OF THE LAW. THE COURT FINDS THAT PRISON IS CONSISTENT WITH THE PURPOSE OF R. C. 2929.11. THE COURT IMPOSES A PRISON SENTENCE AT THE LORAIN CORRECTIONAL INSTITUTION OF 12 YEAR (S). 7 YEARS ON COUNT 1, CONCURRENT WITH COUNT 2, AND CONSECUTIVE TO COUNTS 3 AND 4 (CONCURRENT TO EACH OTHER); 7 YEARS ON COUNT 2, CONCURRENT WITH COUNT 1 AND CONSECUTIVE TO COUNTS 3 AND 4 (CONCURRENT TO EACH OTHER); 5 YEARS ON COUNT 3, CONCURRENT WITH COUNT 4 AND CONSECUTIVE TO COUNTS 1 AND 2 (CONCURRENT TO EACH OTHER); 5 YEARS ON COUNT 4, CONCURRENT WITH COUNT 3 AND CONSECUTIVE TO COUNTS 1 AND 2 (CONCURRENT TO EACH OTHER). TOTAL OF 12 YEARS. SENTENCE TO RUN CONSECUTIVE TO CR 507845 FOR A TOTAL OF 20 YEARS. POST RELEASE CONTROL IS PART OF THIS PRISON SENTENCE FOR 5 YEARS FOR THE ABOVE FELONY(S) UNDER R.C.2967.28. DEFENDANT ADVISED OF APPEAL RIGHTS. DEFENDANT INDIGENT, COURT APPOINTS PUBLIC DEFENDER AS APPELLATE COUNSEL. TRANSCRIPT AT STATE'S EXPENSE. TRANSCRIPT TO BE ORDERED WITHIN 30 DAYS AND DELIVERED TO PUBLIC DEFENDER. DEFENDANT IS TO PAY COURT COSTS. 08/01/2008 CPEDB 08/07/2008 15:40:21
08/01/2008	08/01/2008	N/A	SB	SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 482147, IN THE AMOUNT OF \$20.50.
07/31/2008	08/02/2008	N/A	JE	DEFENDANT IN COURT. COUNSEL PRESENT. PROSECUTOR(S) PRESENT. COURT REPORTER PRESENT. CASE ON TRIAL. DEFENSE MAKES IT'S MOTION FOR ACQUITTAL PURSUANT TO CRIMINAL RULE 29. MOTION OVERRULED. DEFENSE PRESENTS IT'S SIDE. DEFENSE RESTS. DEFENSE RENEWS IT'S MOTION FOR ACQUITTAL PURSUANT TO RULE 29 - MOTION OVERRULED. CLOSING ARGUMENTS HAD. JURY CHARGED; JURY BEGINS IT'S DELIBERATIONS.

DELIBERATIONS TO CONTINUE ON AUGUST 1, 2008 AT
 9:00 A.M. 07/31/2008 CPHEB 08/01/2008 11:05:17

07/31/2008 07/31/2008 N/A CS CALLING WITNESS
 07/31/2008 07/31/2008 N/A SB WITNESS VOUCHER PRINTED FOR SUBPOENA 484108
 07/31/2008 07/31/2008 N/A CS CALLING WITNESS
 07/31/2008 07/31/2008 N/A SB WITNESS VOUCHER PRINTED FOR SUBPOENA 484107
 07/31/2008 07/31/2008 N/A CS CALLING WITNESS
 07/31/2008 07/31/2008 N/A SB WITNESS VOUCHER PRINTED FOR SUBPOENA 484321
 07/30/2008 07/30/2008 N/A SB SUBPOENA CLERK'S FEE
 07/30/2008 08/15/2008 N/A JE DEFENDANT IN COURT WITH COUNSEL. PROSECUTOR
 (S) PRESENT. COURT REPORTER PRESENT. CASE
 CONTINUES IN TRIAL. DEFENDANT RICHARD MCGEE
 WITHDRAWS HIS PLEAS OF 7/29/08 AND MOVES TO GO
 FORWARD WITH HIS TRIAL. COURT PROCEEDS IN
 TRIAL ON DEFENDANT. STATE CONTINUES ITS CASE.
 STATE RESTS. 07/30/2008 CP1TT 08/15/2008 10:07:12

07/30/2008 07/30/2008 N/A SB SHERIFF SERVICE FEES FOR SUBPOENA NUMBER
 484322, IN THE AMOUNT OF \$6.00.

07/30/2008 07/30/2008 N/A SB SHERIFF SERVICE FEES FOR SUBPOENA NUMBER
 484321, IN THE AMOUNT OF \$6.00.

07/30/2008 07/30/2008 N/A SB SHERIFF SERVICE FEES FOR SUBPOENA NUMBER
 484320, IN THE AMOUNT OF \$6.00.

07/29/2008 08/02/2008 N/A JE DEFENDANT IN COURT. COUNSEL PRESENT.
 PROSECUTOR(S) PRESENT. COURT REPORTER
 PRESENT. CASE ON TRIAL. OPENING ARGUMENTS
 HAD. STATE PRESENTS IT'S EVIDENCE. JURY
 DISMISSED FOR TODAY. ***** IN MIDST OF TRIAL
 DEFENDANT ENTERS A PLEA. ***** 07/29/2008 CPHEB
 07/30/2008 13:54:42

07/29/2008 07/29/2008 N/A CS COURT REPORTER FEE

07/29/2008 08/02/2008 N/A JE DEFENDANT IN COURT WITH COUNSEL JAMES
 JENKINS. PROSECUTING ATTORNEY JESSE CANONICO
 & JENNIFER SCOTT PRESENT. COURT REPORTER
 PRESENT. *IN MIDST OF JURY TRIAL, DEFENDANT
 INFORMS COURT THAT HE/SHE WISHES TO ENTER A
 PLEA OF GUILTY TO COUNTS(S) 1, 2, 3, 4.* DEFENDANT
 RETRACTS FORMER PLEA OF NOT GUILTY AND
 ENTERS A PLEA OF GUILTY TO AGGRAVATED
 ROBBERY 2911.01 A(1) F1 WITH FIREARM
 SPECIFICATION - 1 YEAR (2941.141), FIREARM
 SPECIFICATION - 3 YEARS (2941.145) AS CHARGED IN
 COUNT(S) 1, 2 OF THE INDICTMENT. DEFENDANT
 RETRACTS FORMER PLEA OF NOT GUILTY AND
 ENTERS A PLEA OF GUILTY TO KIDNAPPING 2905.01 A
 (2) F1 WITH FIREARM SPECIFICATION - 1 YEAR
 (2941.141), FIREARM SPECIFICATION - 3 YEARS

(2941.145) AS CHARGED IN COUNT(S) 3, 4 OF THE INDICTMENT. COURT ACCEPTS DEFENDANT'S GUILTY PLEA. AS PART OF PLEA DEFENDANT AGREES TO TESTIFY TRUTHFULLY IF CALLED UPON BY THE STATE, IN THIS CASE. AGREED SENTENCE OF 15 YEARS ACTUAL AS PART OF PLEA IN THIS CASE AND IN CR 507845 AND CR 507435. DEFENDANT ADVISED OF POST RELEASE CONTROL FOR 5 YEARS. SENTENCING SET UPON DISPOSITION OF TRIAL IN CR 507845-B.
07/29/2008 CPEDB 07/31/2008 08:51:17

07/28/2008 08/01/2008 N/A JE DEFENDANT IN COURT WITH COUNSEL. PROSECUTOR (S) PRESENT. COURT REPORTER PRESENT. DEFENDANT FULLY ADVISED IN OPEN COURT OF HIS/HER CONSTITUTIONAL RIGHTS AND PENALTIES. VOIR DIRE BEGINS. JURY SWORN AND IMPANELLED. VOIR DIRE TO CONTINUE ON 7-29 IN ORDER TO CHOOSE ALTERNATES. 07/28/2008 CPSAM 07/29/2008 12:09:47

07/25/2008 07/26/2008 N/A CS DEFENDANT'S BOOKING COST

07/25/2008 07/25/2008 N/A SB SUBPOENA CLERK'S FEE

07/25/2008 07/26/2008 N/A CR DEFENDANT IN CUSTODY

07/21/2008 07/21/2008 N/A SB SUBPOENA CLERK'S FEE

06/26/2008 06/26/2008 N/A CL CAPIAS PRINTED AND SENT TO SHERIFF

06/26/2008 06/26/2008 N/A BN BOND FORFEITURE NOTICE MAILED TO SURETY, BOND 531559 / POWER NO. 30K-14612

06/23/2008 06/26/2008 N/A JE ON THE 23RD DAY OF JUNE, 2008, THE DEFENDANT, RICHARD MCGEE, FAILING TO APPEAR IN COURT AS HE/SHE WAS BOUND TO DO BY THE CONDITIONS OF HIS/HER RECOGNIZANCE, THE COURT ORDERS THAT THE SAID RECOGNIZANCE, TAKEN HERETOFORE IN THIS CAUSE BE, AND THE SAME IS, FORFEITED ABSOLUTELY. IT IS FURTHER ORDERED THAT THE CLERK SHALL FORTHWITH GIVE AS PROVIDED BY LAW, THE SURETY OF RECORD, OR THE DEFENDANT IF THE DEFENDANT WAS RELEASED ON PERSONAL BOND, NOTICE TO APPEAR IN THIS COURT ON OR BEFORE THE 24TH DAY OF JULY, 2008. IF THERE IS A SURETY, SUCH SURETY SHALL PRODUCE THE BODY OF SAID DEFENDANT, OR SHOW WHY JUDGMENT SHALL NOT BE ENTERED AGAINST HIM/HER FOR THE AMOUNT OF THE RECOGNIZANCE GIVEN IN THIS CAUSE. IF THE DEFENDANT WAS RELEASED ON A PERSONAL BOND, THE DEFENDANT SHALL SHOW WHY JUDGMENT SHALL NOT BE ENTERED AGAINST HIM/HER FOR THE AMOUNT OF THE RECOGNIZANCE GIVEN IN THIS CAUSE. IT IS FURTHER ORDERED THAT A CAPIAS BE ISSUED FOR THE SAID DEFENDANT. THE COURT ORDERS A BOND FORFEITURE AND CAPIAS TO ISSUE FOR THE DEFENDANT. DEFENDANT FAILED TO

APPEAR FOR BOND HEARING AS SET BY THIS COURT.
06/23/2008 CPDXM 06/24/2008 13:22:29

06/20/2008 06/26/2008 N/A JE COURT ON ITS OWN AUTHORITY REVOKES BOND IN THIS CASE AND SETS BOND HEARING. HEARING SET FOR 06/23/2008 AT 01:30 PM. ATTORNEY JIM JENKINS NOTIFIED. 06/20/2008 CPHEB 06/24/2008 13:25:32

06/20/2008 06/26/2008 N/A JE BOND REVOKED. NEW BOND HEARING TO BE HELD ON MONDAY, 6-23-08 AT 1:30 P.M. 06/20/2008 CPEDB 06/23/2008 09:54:49

05/14/2008 05/23/2008 N/A JE CASE SCHEDULED FOR TRIAL THIS DATE. AT DEFENSE COUNSEL'S REQUEST, TRIAL IS CONTINUED TO MONDAY, JULY 28, 2008, 9:00 A.M. 05/14/2008 CPSXK 05/14/2008 12:34:10

05/13/2008 05/13/2008 P MO MOTION FOR JOINDER OF CASES, FILED.

05/07/2008 05/14/2008 N/A JE P.T. HELD THIS DATE. TRIAL OF 5/14/08, 9:00 A.M. REMAINS AS SCHEDULED. 05/07/2008 CPSXK 05/07/2008 16:38:21

05/07/2008 05/07/2008 D1 MO DEFENDANT'S ALIBI NOTICE AND WITNESS LIST, FILED.

05/01/2008 05/01/2008 N/A SB SUBPOENA CLERK'S FEE

05/01/2008 05/01/2008 N/A SB SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 450307, IN THE AMOUNT OF \$6.00.

05/01/2008 05/01/2008 N/A SB SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 450304, IN THE AMOUNT OF \$6.00.

05/01/2008 05/01/2008 N/A SB SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 450303, IN THE AMOUNT OF \$6.00.

05/01/2008 05/01/2008 N/A SB SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 450301, IN THE AMOUNT OF \$6.00.

05/01/2008 05/01/2008 N/A SB SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 450298, IN THE AMOUNT OF \$6.00.

05/01/2008 05/01/2008 N/A SB SHERIFF SERVICE FEES FOR SUBPOENA NUMBER 450296, IN THE AMOUNT OF \$6.00.

04/17/2008 04/17/2008 P MO STATE'S BILL OF PARTICULARS, FILED.

04/17/2008 04/17/2008 P MO DEMAND FOR DISCOVERY BY THE STATE OF OHIO, FILED.

04/17/2008 04/17/2008 P MO STATE'S RESPONSE TO REQUEST FOR DISCOVERY UNDER RULE 16, FILED.

04/16/2008 04/21/2008 N/A JE P.T. HELD THIS DATE. DEFENSE COUNSEL PRESENT. NEXT P.T. IS SCHEDULED 5/7/08, 9:00 A.M. AND TRIAL OF 5/14/08, 9:00 A.M. REMAINS AS SCHEDULED. 04/16/2008 CPSXK 04/16/2008 14:31:43

04/10/2008 04/10/2008 D1 MO MOTION FOR VOIR DIRE EXAMINATION OF THE IDENTIFICATION WITNESSES AND FOR ORDER DISCLOSING EVIDENCE USED IN THE IDENTIFICATION PROCESS, FILED.

04/09/2008 04/09/2008 D1 MO REQUEST FOR EVIDENCE NOTICE, FILED.

04/09/2008	04/09/2008	D1	MO	MOTION FOR DISCOVERY AND TO EXAMINE EXCULPATORY AND MITIGATORY MATERIAL, FILED.
04/09/2008	04/09/2008	D1	MO	MOTION FOR BILL OF PARTICULARS, FILED.
04/08/2008	04/08/2008	D1	MO	REQUEST FOR EVIDENCE NOTICE, FILED.
04/08/2008	04/08/2008	D1	MO	MOTION FOR A BILL OF PARTICULARS, FILED.
04/08/2008	04/08/2008	D1	MO	MOTION FOR DISCOVERY AND TO EXAMINE EXCULPATORY AND MITIGATORY MATERIAL, FILED.
04/08/2008	04/16/2008	N/A	JE	PRETRIAL HELD 04/08/2008. PRETRIAL CONTINUED TO 04/16/2008 AT 09:00 AM AT THE REQUEST OF DEFENDANT. TRIAL SET FOR 05/14/2008 AT 09:00 AM. 04/08/2008 CPEDB 04/09/2008 12:12:57
04/08/2008	04/16/2008	N/A	JE	DEFENDANT INDIGENT; ATTORNEY JAMES A JENKINS ASSIGNED. UPON REQUEST OF THIS COURT DUE TO CONFLICT OF COUNSEL ASSIGNMENT IN THIS CASE AND CR 507845(B), COURT REFERS NEW ASSIGNMENT OF COUNSEL IN THIS CASE TO ADMINISTRATIVE JUDGE NANCY MCDONNELL. THROUGH DIRECTION AND ORDER OF ADMINISTRATIVE JUDGE MCDONNELL, ATTORNEY JAMES JENKINS IS ASSIGNED AS COUNSEL IN THIS CASE. 04/08/2008 CPDDB 04/09/2008 09:46:36
04/03/2008	04/08/2008	N/A	JE	PRETRIAL CONTINUED TO 04/08/2008 AT 09:00 AM AT THE REQUEST OF DEFENDANT. 04/03/2008 CPDDB 04/04/2008 13:55:29
03/31/2008	04/08/2008	N/A	JE	CASE SCHEDULED FOR P.T. THIS DATE. P.T. IS CONTINUED TO 4/3/08, 9:00 A.M. IN ORDER FOR CASE TO BE PRE-TRIED WITH NEW CASE. 03/31/2008 CPSXK 03/31/2008 12:03:28
03/20/2008	03/28/2008	N/A	JE	PRETRIAL CONTINUED TO 03/31/2008 AT 09:00 AM AT THE REQUEST OF DEFENDANT. 03/20/2008 CPDDB 03/21/2008 11:49:39
03/14/2008	03/21/2008	N/A	JE	P.T. SET THIS DATE. DEFENSE COUNSEL MICHAEL MALONEY WITHDRAWS FROM THE CASE DUE TO CONFLICT. PUBLIC DEFENDER IS ASSIGNED TO THE CASE. NEXT P.T. IS SCHEDULED 3/20/08, 9:00 A.M. 03/14/2008 CPSXK 03/14/2008 12:32:01
03/11/2008	03/11/2008	N/A	CS	PRISONER IN COURT
03/11/2008	03/11/2008	N/A	JE	DEFENDANT DECLARED INDIGENT. COURT ASSIGNED MICHAEL P MALONEY AS COUNSEL. READING OF INDICTMENT WAIVED. TWENTY-FOUR HOUR SERVICE WAIVED. DEFENDANT PLEAD NOT GUILTY TO INDICTMENT. ORIG BOND CONT AT 25,000.00 DOLLARS. BOND TYPE: CASH/SURETY/PROP.. . JUDGE TIMOTHY J MCGINTY (307) ASSIGNED (RANDOM). FIRST PRETRIAL SET FOR 03/14/2008 AT 09:00 AM IN COURT ROOM JC21A JUDGE TIMOTHY J. MCGINTY. PARMA PILOT PROJECT.
02/29/2008	02/29/2008	N/A	SR	SUMMONS - CRIMINAL(11612122) SENT BY CERTIFIED MAIL. TO: MCGEE/RICHARD/R 4520 STICKNEY RD. CLEVELAND, OH 441440000
02/29/2008	02/29/2008	N/A	JE	CASE CONTINUED TO 03/11/2008 AT REQUEST OF DEFENDANT.
02/29/2008	02/29/2008	N/A	CS	WRIT FEE
02/28/2008	02/28/2008	D1	SF	PAYMENT RECEIVED OF MCGEE/RICHARD/R

02/28/2008	02/28/2008	D1	DR	RC 2743.70 REPARATION FEE \$45.00
02/28/2008	02/28/2008	N/A	BN	\$25000 SURETY BOND POSTED ON 02/28/2008 BY BARRY/WILLIAM / ALLEGHENY CASUALTY CO.. BOND NO. 531559 / POWER NO. 30K-14612
02/26/2008	02/26/2008	N/A	JE	INITIAL APPEARANCE HELD 02/26/2008. DEFENDANT IN COURT FOR INITIAL APPEARANCE. DEFENDANT UNDERSTANDS THAT HE OR SHE HAS THE RIGHT NOT TO ENTER A PLEA AT THE INITIAL COURT APPEARANCE OR PRELIMINARY HEARING. COURT FINDS THAT THE DEFENDANT KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY WAIVES HIS OR HER RIGHT TO ENTER A PLEA AT AT THE INITIAL APPEARANCE OR PERLIMINARY HEARING. DEFENDANT DECLARED INDIGENT. COURT ASSIGNED MICHAEL P MALONEY AS COUNSEL. BOND SET AT 25,000.00 DOLLARS. BOND TYPE: CASH/SURETY/PROP... JUDGE TIMOTHY J MCGINTY (307) ASSIGNED (RANDOM). NO EARLY DISPOSITION CONFERENCE WAS SCHEDULED; TO BE PRESENTED DIRECTLY TO GRAND JURY.
02/26/2008	02/27/2008	N/A	SH	SHERIFF SERVICE OF INDICTMENT
02/26/2008	02/27/2008	N/A	GP	ARRAIGNMENT SCHEDULED FOR 02/29/2008.
02/26/2008	02/26/2008	N/A	CR	INDICTED ORIGINAL ON 02/26/2008
02/26/2008	02/27/2008	N/A	SF	LEGAL RESEARCH
02/26/2008	02/27/2008	N/A	SF	CRIME STOPPERS
02/26/2008	02/27/2008	N/A	SF	COMPUTER FEE
02/26/2008	02/27/2008	N/A	SF	CLERK FEE
02/26/2008	02/26/2008	P	CR	ORIGINAL ACTION RECEIVED FROM CUYAHOGA COUNTY PROSECUTORS OFFICE AND FILED.
02/26/2008	02/26/2008	N/A	CR	CIF ENTERED
02/22/2008	02/26/2008	N/A	CR	ARRESTED 02/22/2008
02/11/2008	02/26/2008	N/A	CR	DATE OF OFFENSE 02/11/2008

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Court of Common Pleas - Cuyahoga County, Ohio



DOCKET INFORMATION

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Case Number: CA-12-098981

Case Title: STATE OF OHIO vs. RICHARD MCGEE

Image Viewer: [AlternaTIFF](#)

DOCKET INFORMATION

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Date	Side	Type	Description	Image
11/13/2012	N/A	JE	Motion by Appellant, pro se, for reinstatement of appeal is denied per App.R. 26(A). Vol. 763 Pg. 445. Notice issued.	
11/07/2012	N/A	MO	MOTION BY APPELLANT, PRO SE, FOR REINSTATEMENT OF APPEAL	
10/03/2012	N/A	SF	CERTIFIED COPY OF JOURNAL ENTRY BOOK 761 PAGE 212 ISSUED TO COMMON PLEAS COURT, CRIMINAL DIVISION.	
10/01/2012	N/A	JE	Sua sponte, this appeal is dismissed at appellant's cost for failure to file a praecipe in accordance with Local App. R. 9(B). Mandate to issue. Vol. 761 Pg. 212. Notice issued.	
10/01/2012	N/A	BL	Sua sponte, this appeal is dismissed at appellant's cost for failure to file a praecipe in accordance with Local App. R. 9(B). Mandate to issue. Vol. 761 Pg. 212. Notice issued.	
09/24/2012	A1	EV	NOTICE OF APPEAL FILED FROM COMMON PLEAS COURT, CRIMINAL DIVISION, CASE # CP CR-507434 WITH POVERTY AFFIDAVIT, JOURNAL ENTRY, DOCKETING STATEMENT AND DOCKET SHEET.	
09/24/2012	A1	SF	LEGAL RESEARCH	
09/24/2012	A1	SF	COMPUTER FEE	
09/24/2012	A1	SF	CLERK'S FEE	
09/24/2012	A1	SF	COURT OF APPEALS SPECIAL PROJECTS	
09/24/2012	A1	SF	LEGAL NEWS	
09/24/2012	A1	SF	POVERTY AFFIDAVIT FILED	
09/24/2012	N/A	SF	CASE INITIATED	

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