

ORIGINAL

The Supreme Court of Ohio

Cleveland Metropolitan Bar Association, :

Relator,

Case No. 2011-1681

vs.

FILED
JUN 04 2013
CLERK OF COURT
SUPREME COURT OF OHIO

UPL 09-07

Michael D. Davie,

JUDGE: MAUREEN O'CONNOR

and

Alpha Legal Services, Inc.,

Chief Justice

Respondents. :

**MOTION TO APPEAR BY WRITTEN
AND SWORN TO TESTIMONY**

Now comes Respondent, Michael Davie, pro se, indigent and unemployed and asks for relief pursuant to SECTION 4. GENERAL MOTIONS AND APPLICATIONS. S.Ct.Prac.R.

4.01. (A) Motion for order or relief to be heard as to why a contempt of court (Exhibit A) should not be entered against him in writing for the following reasons. I, Michael Davie, hereby declare that I make this declaration upon my own personal knowledge, that I am competent to testify to the following facts, and that these facts are true and correct:

- (1) Respondent has been involved in an injurious car accident, which has left him without the capacity to work, and he is unemployed.
- (2) Respondent is currently under medical and psychological and rehabilitative treatments as a result of the car accident.
- (3) Respondent cannot travel long distances do to neck and back injuries without being in great pain and or taking prescribed dosages of narcotics. (Exhibit A)
- (4) Respondent does not have adequate transportation and cannot afford the costs of air fare travel from Cleveland to Columbus Ohio.
- (5) Respondent cannot afford and does not have day care for his two small children Naza'ra Davie (5) and Yisra'el Davie (2).
- (6) Respondent believed that any pro se filing in the Municipal Court connected to and on behalf of a corporation Alpha Legal Service, Inc. constituted the practice of law and he was ordered and advised to no longer draft or file documents in this way. Such activity contradicts this Court's holding.

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JUN 04 2013
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SUPREME COURT OF OHIO

- (7) Respondent believed that he was represented by an attorney Donald Murphy in this matter and believed that counsel had filed release from judgments and if necessary was to appeal to the U.S. Supreme Court, or obtain pro bono assistance and answer all motions and orders in this case.
- (8) Respondent never received any judgments from this Court mailed to his personal address, all opposing motions, orders and judgments was mailed to 12800 Shaker Blvd. Cleveland, OH 44120 the Law Office of Donald R. Murphy. (Exhibit B)
- (9) Respondent believes that counsel handling or mishandling of this case started from the time counsel was called as a witnesses to give testimony in this case against Respondent resulted in counsel laboring in a conflict.
- (10) Attorney Murphy did state to Respondent that he did not believe in going up against other lawyers, and Relator CBA is an association of lawyers.

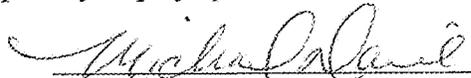
Respondents Davie and Alpha Legal Services, Inc., has never enjoyed the representation of effective assistance of counsel as set forth under the Sixth Amendment of the United States Constitution throughout the proceedings in the above case number. Counsel as of Friday, the 15th of May 2013 hand delivered this court's order as addressed to him and Respondent separately wanting nothing to do with this case. As such, Respondent has been left to stand alone by himself. Respondent asks that all further communications from this Court and Relator be mailed directly to his mailing address below, and that a separate motion withdrawing Donald Murphy as counsel is granted. As such, Respondent has been ill informed and represented and has sustained serious prejudice and injury as a result of counsel's inadequacies.

In closing, upon being in ignorance and calling Ms. Melissa M. Ferguson the Case Management Counsel at 614 387-9541 and being made aware and brought up to date of the history via website of the CBA's motions, court hearings, all of which counsel did not respond to, and this court's order on Sep. 27, 2012, or appeal to the U.S. Supreme Court, Respondent immediately released Katina Singleton and Tiona Brown from judgments as those judgments are now satisfied. See (Exhibit C)

As such, and in sum, Respondent asks that based on his physical and mental health condition, with his financial poverty status and claim of ineffective assistance and conflict of

counsel that this court grant his motion to appear by written sworn to testimony and find that Respondent should not be held in contempt of this court's order.

WITH THE FORCE AND EFFECT ESTABLISHED in 28 U.S.C. § 1746, I Michael Davie declare these truthful facts under penalty of perjury.


Michael Davie

5/30/13
Date

Respectfully submitted,


Michael Davie
3367 Milverton Road
Cleveland, OH 44120

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Appear by Written and Sworn to Testimony has been sent to Mr. John Hallbauer, Attorney At Law on this 30th day of May, 2013 and sent via U.S. regular mail to:

BUCKLEY KING
John Hallbauer,
1400 Fifth Third Center
600 Superior Avenue E
Cleveland, OH 44114

FOR THE RELATORS,
THE CLEVELAND BAR ASSOCIATION

And

DONALD R. MURPHY, (0024068)
12800 Shaker Blvd.
Cleveland, OH 44120
216-991-4883
murphy391@sbcglobal.net

FORMER COUNSEL FOR RESPONDENT


MICHAEL DAVIE

The Supreme Court of Ohio

FILED

MAY 10 2013

CLERK OF COURT
SUPREME COURT OF OHIO

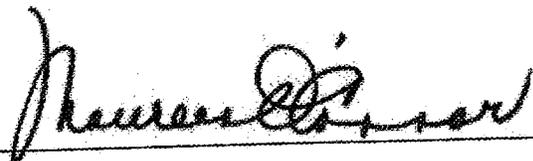
Cleveland Metropolitan Bar Association,
Relator,
v.
Michael D. Davie,
Respondent.

Case No. 2011-1681

ORDER

This matter is pending before the court upon the filing of a motion for orders for enforcement by relator, Cleveland Metropolitan Bar Association, on April 22, 2013, requesting the court to find respondent, Michael D. Davie, in contempt for his failure to comply with this court's September 27, 2012 order. Respondent did not file a response to the motion.

It is ordered by the court, sua sponte, that respondent appear in person before this court on June 5, 2013, at 9:00 a.m., to show cause why he should not be held in contempt.



Maureen O'Connor
Chief Justice

EXHIBIT A

**SOUTH POINTE HOSPITAL
PAIN MANAGEMENT
Surgical Scheduler: 216-491-6262**

Name: Michael Davie
MRN: 56118705 Date of Birth: 6/20/1964

**SURGERY WILL CALL YOU THE AFTERNOON BEFORE YOUR PROCEDURE
WITH YOUR ARRIVAL TIME.**

You are scheduled for a procedure with Garrett LaSalle, M.D..

Date: 5/1/13	#1	Right Cervical Medial Branch Block
Date:	#2	
Date:	#3	

PLEASE FOLLOW ALL PRE-OPERATIVE INSTRUCTIONS LISTED BELOW.

1. Check in at first floor Reception Desk at **South Pointe Hospital - Building B**, located on Harvard Ave, then proceed to **AMBULATORY SURGERY**.
2. Wear loose clothing, no zippers. Do not wear or bring valuables to the hospital.
3. You must have a ride home AND be accompanied by an adult.
No public transportation without an adult accompanying you.
4. **Nothing to eat or drink 6 hours prior to your arrival time. No gum, mints or candy.**
5. Take routine medications such as heart, blood pressure, seizure and pain medicines with a small sip of water the morning of the procedure.
6. If you take ASPIRIN, stop the day before each procedure.
7. If you take a BLOOD THINNER other than aspirin, hold - Not Applicable -
8. Diabetics:
Please bring insulin or oral hypoglycemic with you the day of the Procedure.
Do not take morning dose.
9. Please bring your inhaler with you if you use one.

Created on: 04/11/2013 by Barbara Biben Pas

**Pain Management Center
Phone: 216-491-6433**

EXHIBIT B

Treating Provider: Anthony Daher, MD

Phone: (216) 844-3722 Fax:

Patient Name: MICHAEL DAVIE

MR#: 71324867

Account: 70004113233

Patient Address: 3367 MILVERTON RD
CLEVELAND, OH 441204225

Phone: (216)854-3820

Your Discharge Instructions:

Your Prescriptions:

CHRONIC BACK PAIN
NARCOTIC MEDICATION

Percocet 5-325 Milligram # 20 Tablets
1 TABLET EVERY 4 HOURS AS NEEDED (0 Refills)

You should follow up with the following physician in 3 to 5 days:

Physician Name: Salim Hayek Pain Management

Specialty: Anesthesiology

Address:

Phone:

Follow-up Notes: On 10/12/2012 this patient was treated at University Hospitals - Ahuja Medical Center for Refer to Discharge Instruction List.

Please call the UH Physician Referral Service at 1-866-UH4-CARE (1-866- 844-2273) to schedule a follow-up appointment.

I understand that the emergency care I received is not intended to be complete and definitive medical care and treatment. I acknowledge that I have been instructed to contact the above physician(s) as indicated for continued and complete medical diagnosis, care, and treatment. EKG's, X-rays, and lab studies will be reviewed by appropriate specialists and I will be notified of significant discrepancies. I also understand that my signature authorizes this Medical Center to release all or any part of my medical record (including, if applicable, information pertaining to AIDS and/or HIV testing, mental health records, and drug and/or alcohol treatment) to the follow-up physician(s) listed above.

EXHIBIT B

The Supreme

66 SOUTH FRONT STREET

CLERK OF COURT

5000202199



7196 9008 9111 1454 0194
RETURN RECEIPT REQUESTED

MICHAEL D DAVIE
C/O DONALD R MURPHY ESQ
12800 SHAKER BLVD
CLEVELAND, OH 44120

The Supreme

66 SOUTH FRONT STREET

CLERK OF COURT

CERTIFIED MAIL



7196 9008 9111 1454 0187
RETURN RECEIPT REQUESTED

DONALD R MURPHY ESQ
12800 SHAKER BLVD
CLEVELAND, OH 44120

EXHIBIT C

CLEVELAND MUNICIPAL COURT

FILED

MICHAEL DAVIE,

Case No. 2008 CVI 025218

2013 MAY 30 P 3:54

Plaintiff,

CLEVELAND MUNICIPAL COURT
EARLE B. TURNER
CLERK OF COURTS
#9

KATINA SINGLETON,

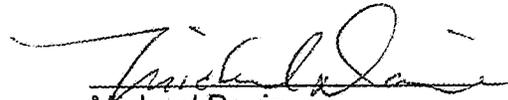
Defendant.

NOTICE OF JUDGMENT IS SATISFIED

Now comes Plaintiff Michael Davie, indigent and pro se by order of the Ohio Supreme Court to enter a notice of judgment stating that the judgment has been satisfied in this court and above case number or be held in contempt of court, which may result in imprisonment. The reason for delay in entering such notice is for ineffective assistance of counsel or legal malpractice rendered by Donald Murphy Attorney of record in failing to file necessary documents, and give former client all Supreme Court filings in a timely fashion.

This notice serves as satisfaction of the judgment against Katina Singleton.

Respectfully submitted,



Michael Davie
3367 Milverton Road
Cleveland, OH 44120

EXHIBIT D

CLEVELAND MUNICIPAL COURT

MICHAEL DAVIE,

Case No. 2008 CVI 019312

Plaintiff,

-VS-

TIONA BROWN,

Defendant.

NOTICE OF JUDGMENT IS SATISFIED

Now comes Plaintiff Michael Davie, indigent and pro se by order of the Ohio Supreme Court to enter a notice of judgment stating that the judgment has been satisfied in this court and above case number or be held in contempt of court, which may result in imprisonment. The reason for delay in entering such notice is for ineffective assistance of counsel or legal malpractice rendered by Donald Murphy Attorney of record in failing to file necessary documents, and give former client all Supreme Court filings in a timely fashion.

This notice serves as satisfaction of the judgment against Tiona Brown.

Respectfully submitted,


Michael Davie
3367 Milverton Road
Cleveland, OH 44120

FILED
2013 MAY 30 P 3 55
CLEVELAND MUNICIPAL COURT
EARLE G. FULMER, JR.
CLERK OF COURTS
#9

EXHIBIT-D