ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	:	Case No. 13-1053
Plaintiff-Appellee,	:	
vs.	:	On Appeal from the Summit County Court of Appeals 9th Appellate District
David M. Castner,	:	
Defendant-Appellant.	:	C.A. Case No. 26300 C.P. No. CR-1997-04-0876.

NOTICE OF APPEAL OF APPELLANT David M. Castner

Mr. David Michael Castner
NAME AND NUMBER
was 6mths. Summit County Jail.
INSTITUTION
3941 State rd.
ADDRESS
Cuyahoga Falls, Ohio 44223
CITY, STATE & ZIP
Cell-234-788-9268.
PHONE

DEFENDANT-APPELLANT, **PRO SE**

FILED
JUL 01 2013
CLERK OF COURT
SUPREME COURT OF OHIO

Sherri Bevan Walsh
PROSECUTOR NAME
53 University ave.
ADDRESS
Akron, Ohio 44308
CITY, STATE & ZIP
330-643-2788
PHONE

COUNSEL FOR APPELLEE, STATE OF OHIO

Appeals court refused to appoint me one at all.

I look forward to having a long meeting with all of you and greeting.

Mr. David M. J. Castner

PRO SE

RECEIVED
JUL 01 2013
CLERK OF COURT
SUPREME COURT OF OHIO

NOTICE OF APPEAL OF APPELLANT MR. DAVID M. CASTNER.

Appellant David M. Castner hereby gives notice of appeal to the Supreme Court of Ohio from the judgment of the Summit County Court of Appeals, 9th Appellate District, entered in Court of Appeals Case No. 26300 on _____, 2013.

This case raises a substantial constitutional question, involves a felony, and is of public or great general interest.

Mr. David M. Castner
SIGNATURE

Mr. David M. Castner
3941 State rd. Lot #65
NAME AND NUMBER

Mailing address only. Mostly homeless.
INSTITUTION

3941 State rd. Lot #65
ADDRESS

Cuyahoga Falls, Ohio 44223
CITY, STATE & ZIP

DEFENDANT-APPELLANT, **PRO SE**

IN THE SUPREME COURT OF OHIO

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CERTIFICATE OF SERVICE

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I hereby certify that a copy of the foregoing Memorandum in Support of Jurisdiction was forwarded by self delivery ~~regular U.S. Mail~~ to Sherri Bevan Walsh, Prosecuting Attorney, Summit County, 53 University ave., Akron, Ohio 44308, this _____ day of June, 2013.

SIGNATURE

Mr. David M. Castner

NAME AND NUMBER

DEFENDANT-APPELLANT, **PRO SE**

PRAYER FOR RELIEF

WHEREFORE, Petitioner requests:

A. That Petitioner be granted an evidentiary hearing on the above claim(s);

B. That Petitioner's conviction be vacated or ~~set aside;~~ and/or

C. That Petitioner be granted such other relief as the court deems appropriate.

Respectfully submitted,

Mr. David M. Castner 6-26-2013.
DEFENDANT-PETITIONER, *pro se*

WasAkron, Ohio Summit County Jail.
INSTITUTION NUMBER

Released 8-5-1997.
INSTITUTION

3941 State rd. #65
ADDRESS/P.O. BOX NUMBER

Cuyahoga Falls, Ohio 44223
CITY, STATE & ZIP CODE

Thank you for your time.

STATEMENT OF THE CASE AND THE FACTS

My statement of the facts are contained in my initial brief that I composed and It begins on the page following this one.

Please allow me a moment of spiritual latitude: Isaiah 1:16-17. says; Learn to do well; seek right judgement, relieve the oppressed, judge the fatherless, plead for the widow. Wash you, make you clean; put away the evil of your doings from before mine eyes; cease to do evil.

This is how I live my life and I look to all of you for relief forthwith. I pray you help make all these things right.

I can do nothing without the help of this high courts help, wisdom and justice. No crimes were ever commited. I only tried to rebuff a sociopathic, meglamaniac, nyphomaniacs unbridled sexual onslaught of a young beautiful womans advance, that quikly became unwanted by me any further in an unwanted relationship. 7. Then, prosecution ensued.

Respectfully submitted;

Mr. David M. Cartner 6-26-13

PROPOSITION OF LAW

I wouldn't know where to begin, thats why I beg the high court to appoint council if my case is allowed to be heard. I pray for the great council of Attor. John Fenlon from the Columbus Ohio district be appointed for me. Maybe you could be my ethics committee also, against her. This has destroyed my life ever since. Thank you. Michael M. Carter

P.S. The Akron Common Pleas Court failed in "all" aspects of all juris-prudence and all rights were non-existant in my case. There was not even a competant pre-trial because my attorney was literally in the throws of death itself, and prosecution was in total collapse because they had "no" evidence of "any" wrongdoing by me, "At All"! Thats when Judge Murphy went balistic on the bench, then stopped the hearing. This all took about 8 minutes. Then jailed for months, me.

EXPLANATION OF WHY THIS IS A CASE OF PUBLIC OR GREAT GENERAL INTEREST AND INVOLVES A SUBSTANTIAL CONSTITUTION QUESTION.

It's because if this great perversion of the court happened to me, then it has already happened to thousands of other innocent men just like me. Tremendous dilusional lies have been told against me. Great manifest injustices pervade the Akron Law district and the champion of these injustices are by a man hating, drunk with power woman named Sherri Bevan Walsh and all of you are charged with stopping her at the Supreme Court level, because no-one else can. The gross abuse of power displayed had and has become normal disgusting political practice for a now 20 plus years period and no man or woman has the guts to stop her. This constitutional and civil massacre of the rights of men in this one district alone are at high feloneous levels and no signs of stopping are normal practice and drunk with power female has made some of the men accused almost kill themselves. I'm one of them

many times over. The briefs I have penned are all true. No embellishments in any of them. Sherri is a destroyer of good solid male lives in this county and she openly describes it all as "fun."

She teaches these practices to all her female peers as good ethical male hating and just law for the suffrage of all woman and holes it as a great banner of "right," to be able to get away with doing this to all men with no pre-arrest detective investigations at all and thinks it's proper law practice in her perverted twisted male-bashing mind. Forced with the threat of long prison terms are the order of the day for this sick outrageous "bitch!" Their police dept. is totally

and completly strangle holded by her and as far as I can tell Mr. Doug Powell as well, her boss. It's time someone with big'u know what, stand-up and blows the lid off this whole thing!

Well, here I am! Satans angel is S.B. Walsh in Akron Ohio straight out of the gates of hell it's self. It is what is, and she must be held accountable for all of it, because it has been her self proclaimed mission ever since she showed up!

She actually physically slobbers like a dog when she is in the court room doing it to "all" unsuspecting men, including me! This is a tall tale sign in spiritual realms as a demoniac. That is what is running the Akron prosecutors office, as

far as I'm concerned. I'm sorry I'm so outraged, but I still am. God knows, Doug Powell has never ever had one bit of control over this one. I feel sorry for him. You cannot act like there's no constitution or laws against civil rights of an individual when you have the tremendous task of protecting the innocent. But this is exactly what she does when it comes to prosecuting a man.

I have whats called "Right to Remedy" in this state. She conducts herself and her practice of law as these rights dont exist, especially when it comes to men. This is a compassionless woman. The most ruthless I've ever known. She will take no responsibility for any of this when she is the one that drove all this to happen.

Sherri had a responsibility to protect me when I came to that office and asked her to in late 96 or early in 97. She fluffed me off and said how bad can it be? She did nothing. Instead, she plots with Tori to have me arrested when I was and my family, the 1 being grossly stalked and horribly phone harrassed.

Then too make matters much much worse, the whole action is turned around on me and I'm jailed, prosecuted and military style torcher tactics are used against me to force a plea for crimes never commited. I got out of my cell only 12 times in 6 mths. to try and break me. Well, in a way, I guess

it worked. I did end up pleading the case out because her and Judge Murphy "Forced," me too under the threat of prison. And for what?, I never followed her anywhere! Why would I, I broke things off with her 34 times trying to stay away from her! My average sleeptime in the 90's was about 4hrs. in any 24hr. period. I had to quit school because of her. Plus, I had a concrete company to run. The stress from her ph. harrassment caused my dad to have his first stress related cardiac bad, episode! Woman of this era refuse to take no for an answer to anything. This has to stop. Woman today think they are here to run the

world now. "No," isn't a part of there vocabu-
lary anymore. New the courts are crushed
with her said she said cases of non-sense.
Things that should never be in a court. Well,
that's womans liberation for ya! Monstrous, out-
rageous, ridiculous bunch of crap ever known to
civilized man, now it's an out of control absolute
nightmare to us all. I'm a devout practicing
catholic since before all this ever happened. Walsh
has had me destroyed for being upright and
trying to do the right thing by stopping the
nymphomaniac from bothering me. Oh, I
pissed Tori off so I have to pay for that, right?
Well that's all this was! And Sherri let all happen

to me for just that petty of reasons.
Oh, and I guess so she could have another
political notch in her record aswell. Well isn't
that nice for her. I'm so sick of this
childishness from her I can just scream!
Constitutional rights? Civil rights? None of that
exists in this case. Now I demand restitution,
I demand my rights restored and my goodname!
I beg you, help me! I never got my "Fair," day in
court. Please be brave and give that to me now!
please appoint me the wonderfull council of the
great and "Most Competent," Mr. John Fenlon to my
plight. I love woman, still. I watch all of you on
T.V. on the Ohio government channel. I know of

the great integrity of woman on the Supreme Court, I'm glad for their tremendous level of integrity, discernment and compassion for justice when it gets perverted and I'm very confident that this present group is up to the task. I hope and trust that they will find this as outrage, as I have all these years.

I still have a great chance at tremendous stardom in the acting industry. But this mess has stopped everything. I may as well have killed or raped someone as shut-out from the goodlife of working society as I find myself in eversince this has happened. This winter I will be dead from exposure to the elements. I went to N.Y.C., I helped pull the dead out of the pile at 911. That's what

kind of good and upstanding man I am. I'd never hurt her. This past winter I almost died 4 times again. I'll not make it this time through another. In Nov. I'll be 49 yrs. old. I have a feeling of impending death for this winter to come. Please dont let this happen to me. I still have my parents to take care of coming in my life.

My God, please defend me and restore my life to me. I love you all and pray peace and much enrichment for all of you on the bench down there. I know how bad and heavy you're load is and I dont know how you all do it. The grace of God going before us, I surmise, is the only way for all of you to keep on and keeping up the good fight.

May God Bless All of You.

Sincerely,

Mr. David H. Castner

Sunday, June 16th, 2013.

I look forward to a favorable ruling.

Thank You. 10

CONCLUSION

The opposite of poverty and slander and the total destruction of character and livellyhood in like matters, "is justice." I ask now, "where is justice now,"? when it screams for a venue to be heard. God please help me!

Amen.

Mr. David M. Castner
SIGNATURE

Mr. David M. Castner
NAME AND NUMBER

Released Aug. 5th, 1997.
INSTITUTION

3941 State rd. #65
ADDRESS

Cuyahoga Falls, Ohio 44223
CITY, STATE & ZIP

DEFENDANT-APPELLANT, **PRO SE**

Part A.

COURT OF APPEALS
DANIEL M. HORRIGAN
2013 MAY 16 PM 1:30
SUMMIT COUNTY
CLERK OF COURTS

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO

Appellee

v.

DAVID M. CASTNER

Appellant

C.A. No. 26300

JOURNAL ENTRY

Appellant has filed a motion asking for Judge Moore to recuse herself from his appeal. The motion is denied because this appeal has been terminated, and this Court may provide no further relief.

Judge

COPY
Part B.

COURT OF
DANIEL M.
2013 MAY -3
SUMMIT C
CLERK OF

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO

Appellee

v.

DAVID M. CASTNER

Appellant

C.A. No. 26300

JOURNAL ENTRY

Appellant has filed a "Motion of Reconsideration," a "Motion to Withdraw Guilty Plea," and a "Motion for Appointment of Counsel." This appeal was previously dismissed by this Court on April 3, 2012, after appellant filed a "Motion to Withdraw." According to appellant, he did not intend to withdraw the appeal by that filing. Upon review, the motion for reconsideration is denied as untimely. App.R. 26(A) requires an application for reconsideration to be made within ten days after the clerk has mailed the entry and noted the mailing on the docket. The motion, here, was filed more than ten days after service and notation on the docket and is, therefore, untimely.

Furthermore, this Court is without jurisdiction to consider the attempted appeal. Under App.R. 4(A), a notice of appeal must be filed within thirty days of the entry of the judgment or order appealed. Failure to do so is a jurisdictional defect. *State ex rel. Boardwalk Shopping Ctr., Inc. v. Court of Appeals for Cuyahoga Cty.*, 57 Ohio St.3d 33, 36 (1990). Here, although appellant has not identified the order that he is appealing, his notice is untimely from any trial court order contained on the trial court docket.

COPY

The motion for reconsideration is denied, and all outstanding motions are denied as moot.

Carla Moore
Judge

Concurs:
Whitmore, J.

Dissents:
Carr, J.