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IN THE SUPREME COURT OF OHIO

FILED
OCT 03 2013
CLERK OF COURT
SUPREME COURT OF OHIO

STATE ex rel. :
TIMOTHY SIMMS, Jr. :
INMATE #310-050 :
GRAFTON CORRECTIONAL INSTITUTION :
2500 South Avon Belden Road :
Grafton, Ohio, 44044 :
Petitioner. :

Trial Court No. CR-320010

13-1571

Case No. _____

Vs. :

BENNIE KELLY, WARDEN :
GRAFTON CORRECTIONAL INSTITUTION :
2500 South Avon Belden Road :
Grafton, Ohio, 44044 :
Respondent, :

PETITION FOR WRIT OF HABEAS
PURSUANT TO OHIO REVISED CODE
§2725.01

I. INTRODUCTION

Petitioner Timothy Simms, Jr. (hereinafter referred to as "Petitioner") is an inmate unlawfully being restrained of his liberty at the Grafton Correctional Institution, 2500 South Avon Belden Road, Grafton, Ohio, 44044. and respectfully moves this Honorable Court for an Order to compel his immediate release from the custody of the Respondent, Bennie Kelly (hereinafter referred as to Respondent"), Warden of the Grafton Correctional Institution.

II. VENUE

Petitioner is incarcerated at the Grafton Correctional Institution, which is located in the County of Lorain and, therefore, venue is proper in this court.

III. JURISDICTION

This Court may exercise both personal and subject matter jurisdiction over the parties and issues in this action pursuant to Section 2725.03 of the

Ohio Revised Code and Article IV, Section 3(P)(c) of the Constitution of the State of Ohio.

IV. STATEMENT OF THE CASE AND FACTS

- 1) Petitioner was arrested February 10,1995 on the charge of Aggravated Murder and having weapon while under disability.
- 2). Petitioner was bound over to the Cuyahoga County Grand Jury on or about February 12,1995.
- 3) Petitioner was indicted on said charges and then arraigned on said indictment February 28,1995.
- 4) A pre-trial was scheduled for March 8,1995 continue to March 23,1995.
- 5) The case proceeded to a jury trial beginning May 10,1995 resulting in a guilty verdict on the charges within the body of the indictment after the court overruled Petitioner Rule 29 motion on May 12,1995.
- 6) The jury return the verdict of guilty to the charge of aggravated muder, R.C.§2903.01 as to count (1) in the indictment, And having weapon while under disability as to count (2) on May 15,1995.
- 7) on June 5,1995, Petitioner was sentenced to the Lorain Correctional Institution for a term of Life imprisonment on count (1) and 18 months on count (2) to be served consecutive with count (1).
- 7) A Jugment Entry was filed June 8,1995 sentencing the Petitioner to a term of Life imprisonment on count (1) and 18 months on count (2) to be served consecutive, And Petitioner to spend each January 27 in solitary confinement.
- 8) On July 18,1995 a direct Appeal was filed in the Eighth District Court of Appeals, docketed Case No. 69314 in an attempt to reverse an unjust conviction. Which Eighth District Court of Appeals reverse and remanded the case back to the trial court on September 30,1996.

9) Record reflect that Petitioner appealed his conviction for aggravated murder to the Eighth District Court of Appeals in Court of Appeals Case No. 69314 which was modified and as modified, affirmed on September 19,1996. In other words, the Petitioner raised the assignment of error claiming "[t]he trial court erred as a matter of law indenying Petitioner's motion for acquittal pursuant to Crim.R.29(A), Ohio Rules of Criminal Procedure, as there was insufficient evidence to prove prove each and every element of the offenses charged beyond a reasonable doubt. "The conviction for aggravated murder was modified to a conviction for murder and was affirmed in all other aspects. The case was "remanded to the trial court for further proceedings consisten with this opinion." (See State Vs. Timothy Simms Jr., 1996 WL 532090 (Ohio App. 8th Dist.)).

Petitioner was resentenced pursuant to this mandate by the Court of Appeals on May 12,1997, Appx. #A-2, attached hereto and fully incorporated herein). At no time was Petitioner advised by counsel or the court that he had a right to appeal or a right to appointed appellate counsel to appeal this resentencing hearing due to a void judgment. (See judgment entry denying delayed appeal, Appx. #A-3,attached hereto and fully incorporated herein).

V. THE MERITS

1) Petitioner contends that he is unlawfully restrained of his liberty and requests an immediate release from custody of Respondent, due to the fact that it was an ELaim Error of Law for the Court to deny Petitioner the right to appeal. And Petitioner is unlawfully restrained of his liberty due to violation of O.R.C.§2941.30 Which would not permit an amendment that changed the indictment to add another crime.

FIRST PROPOSITION OF LAW

An appellate remand is in effect a continuance of the first appeal as of right and the same state and federal constitutional provisions and protections apply to the resentencing with respect to notification of right to appeal and appointment of appellate counsel for purposes of appeal.

In Petitioner's case, even though this case refers to a resentencing hearing appeal, the trial court as well as the appellate court and this Court must construe the appeal as a continuation of Petitioner's direct appeal as of right. The Constitution is violated in this case if Appellant was not given the right to appeal his resentencing "by reason of his lack of knowledge of his right and the failure of his counsel or the court to advise him of his right to appeal with the aid of counsel." Jacobs Vs.Mohr, 265 F.3d 407,419 (6th cir.2001)(citing Goodwin Vs.Cardwell, 432 F.2d 521,522-23 (6th Cir. 1970). The Appellant has ultimate authority in making certain fundamental determinations pertaining to his case, including the right to appeal. Jones Vs.Barnes, 463 U.S. 745,751 77 L.Ed.2d 987, 103 S.Ct.3308 (1983). The authority to pursue an appeal is the Appellant's alone. Marrow Vs.United States, 772 F.2d 525,530 (th Cir.1985). The decision is not the determination of Appellant's lawyer. Id. In order to make such a decision, the Appellant must have had knowledge about the appeal options available to him. United States ex rel. Smith Vs.McMann, 417 F.2d 648,654 (2d Cir.1969), cert. denied, 397 U.S. 925 (1970)(construing Douglas Vs.Californai as imposing on a state "a duty to warn every person convicted of a crime of his right to appeal.... the right to appeal at the expense of the state is a mere illusion if the convicted indigent Defendant does not know such a right exists."); State Vs.Sims, 27 Ohio St.2d 79, 272 N.E.2d 87,91 (Ohio 1971)(finding that "in the absence of evidence in the record upon which it could be determined that an indigent convicted defendant knowingly and intelligently waived his right of

of direct appeal... it was error for the Court of APPEALS to dismiss the motion for leave to appeal without making such a factual determination."). In order to be properly informed, a defendant must be told of his right to appeal, the procedures and time limits involved in proceeding with that appeal, and the right to have the assistance of appointed appellate counsel for that appeal. White 180 F.3d at 652 (5th Cir.1999), Norris Vs.Wainwright, 588 F.2d 130,135 (5th Cir.), cert. denied, 444 U.S. 846, 62 L.Ed.2d 60, 100 S.Ct. 93 (1979) The Petitioner bears the burden of showing by a preponderance of the evidence that he was not advised of his rights. Faught Vs.Cowan, 507 F.2d 272,275 (6th Cir.1974), cert. denied, 421 U.S. 919, 43 L.Ed.2d 786, 95 S.Ct.1583 (1975).

Ohio has opted to act in a field where its action has significant discretionary elements, it must act in accord with the dictates of the Constitution.

The right to appeal a state criminal conviction is not specifically provided for in the Federal Constitution. Estelle Vs.Dorrough, 420 U.S. 534.536 (1975). However, where a state provides a process of appellate review, the procedures used must comply with the constitutional dictates of due process and equal protection. Griffin Vs.Illinois, 351 U.S. 12,18 (1956). When a state opts to act in a field where its action has significant discretionary elements, it must nonetheless act in accord with the dictates of the Constitution and, in particular, in accord with the Due Process Clause. Evitts Vs.Lucey, 469 U.S. 387, 393 (1985)

While Griffin held that due process does not require a state to afford Appellate review, the Court noted that "all of the States now provide some method of appeal from criminal convictions, recognizing the importance of appellate review to correct adjudication of guilt or innocence." Griffin, 351 U.S. at 18. Subsequent Supreme Court decisions have reinforced the importance

of appellate review in legitimizing state trial court convictions. See Ohio Adult Parole Authority Vs.Woodard, 523 U.S. 272,278 (1998); Halbert Vs.Michigan, 545 U.S. 605 (2005).

In Ohio there is both a statutory and constitutional right to appeal a criminal conviction. See R.C.§2953.02; Ohio Constitution :3,Art.4. An appeal as of right is also provided by rule. See App.R. 4(A). Because an appeal is an integral part of Ohio's system for adjudicating guilt or innocence, its procedures for review must not violate a defendant's federal due process rights. See Evitts 469. U.S. at 393.

Petitioner was not notified of his right to appeal this resentencing hearing nor of his right to appointed counsel to pursue the same. Even though Petitioner had a direct appeal and was notified of his rights in that context, there is no indication that Petitioner should have been aware of his right to appeal this resentencing hearing or his right to appointed counsel to pursue the same. In this light, this Court should review this case and grant counsel to argue the same on the merit to this Court.

SECOND PROPOSITION OF LAW

THE TRIAL COURT VIOLATED PETITIONER'S CONSTITUTIONAL RIGHTS UNDER THE FOURTEENTH AND FIFTH AMENDMENT WHEN IT RESENTENCED HIM TO A CHARGE THAT WAS NOT IN THE BODY OF THE INDICTMENT. UNDER THE FIFTH AMENDMENT'S PROVISION THAT NO PERSON SHALL BE HELD TO ANSWER FOR A CRIME UNLESS ON THE INDICTMENT OF A GRAND JURY.

Petitioner Simms were charge with aggravated murder in violation of R.C.§2903.01 but was resentenced to the charge of murder in violation of R.C.§2903.02 after his conviction was reversed by the Eighth District Court of Appeals.

In reviewing this case. There is a constitutional difference between showing an illegal act as part of the surrounding circumstances of aggravated

murder and murder and seeking to convict a defendant for felony murder under an indictment for aggravated murder. In the latter situation, a defendant has not been given fair notice. An illegal act is not an element of aggravated murder. A defendant cannot be convicted for a charge that is not mention in the indictment. The charge of murder was not brought by the grand jury in the indictment. There are two main issues with respect to this question: (1) whether there was a constructive amendment, it violated Petitioner Simms constitutional rights under the Fourteenth Amendment in this court. Under the Fifth Amendment's provision that no person shall be held to answer for a crime unless on the indictment of a grand jury, it has been the rule that after an indictment has been returned its charges may not be broadened except by the grand jury itself. Stirone Vs. United States, 361 U.S. 212, 4 L.Ed.2d 252, 80 S.Ct. 270 (1960); Ex Parte Bain, 121 U.S. 1, 30 L.Ed. 849, 7 S.Ct. 781 (1887). See Russell Vs. United States, 369 U.S. 749,770, 8 L.Ed.2d 240, 82 S.Ct. 1038 (1962); United States Vs. Norris, 281 U.S. 619, 74 L.Ed. 1076, 50 S.Ct. 424 (1930). In 1887, the Supreme Court in Bain, supra, 121 U.S. at 9-10, [**11] held that a defendant could only be tried upon the indictment as found by the grand jury and that language in the charging part could not be changed without rendering the indictment invalid. Stirone supra, 361 U.S. at 217, the Supreme Court stated that Bain "stands for the rule that a court cannot permit a defendant to be tried on charges that are not in the indictment against him". This rule has been reaffirmed several times in Circuit. United States Vs. Maselli, 534 F.2d 1197, 1201 (6th Cir. 1976), United States Vs. Pandilidis, 524 F.2d 644 (6th Cir.1975), cert. denied, 424 U.S. 933, 47 L.Ed.2d 340, 96 S.Ct.1146 (1976). Although the language in Bain is broad, it has been recognized that Bain and Stirone do not prevent federal courts from changing an indictment as to matters of form or surplusage. Russell Vs. United States, supra, 369 U.S. at 770; United States Vs. Hall, 536 F.2d 313, 319 (10th Cir.1976); United States Vs. Dawson, 516 F.2d 796, 801 (th Cir.), cert. denied,

423 U.S. 855, 46 L.Ed.2d 80, 96 S.Ct. 104 (1975); [**12] Stewart Vs. United States, 395 F.2d 484, 487-89 (8th Cir.1968); United States Vs. Fruchtman, 421 F.2d 1019, 1021 (6th Cir.), cert. denied, [*334] 400 U.S. 849, 27 L.Ed. 86, 91 S.Ct. 39 (1970); United States Vs. Huff, 512 F.2d 66 (5th Cir. 1975).

In Gaither Vs. United States, 134 U.S. App. D.C. 154, 413 F.2d 1061, 1071 (D.C. Cir. 1969), this definition of an amendment prohibited by Stirone and Bain, as opposed to the concept of a variance in proof from the indictment, appears:

An amendment of the indictment occurs when the charging terms of the indictment are altered, either literally or in effect, by prosecutor or court after the grand jury last passed upon them. A variance occurs when the charging terms of the indictment are left unaltered, but the evidence offered at trial proves facts materially different from those alleged in the indictment. These definitions have been quoted with approval by several courts of appeal. United States Vs. Pelose, 538 F.2d 41,45 n. 8 (2d Cir.1976); United States Vs. Somers, 496 F.2d 723,743 n. 38 [**13](3d Cir.), cert. denied, 419 U.S. 832, 42 L.Ed.2d 58, 95 S.Ct. 56 (1974); United States Vs. Bursten, 453 F.2d 605,607 (5th Cir.1971), cert. denied, 409 U.S. 843, 34 L.Ed.2d 83, 93 S.Ct.44(1972).

This distinction between an amendment and a variance is critical because a variance is subject to the harmless error rule, Berger Vs. United States, 295 U.S. 78, 82 79 L.Ed. 1314, 55 S.Ct. 629 (1935), whereas an amendment prohibited by Stirone and Bain is prejudicial per se. United States Vs. Bryan, 483 F.2d 88, 96 (3d Cir.1971); Gaither Vs. United States, supra, 413 F.2d at 1072. Sometimes, however, there is a problem in identifying when an amendment is made to an indictment. That problem occurs when the charging terms of an indictment have not been literally changed but have been effectively altered by events at trial. United States Vs. Somers, supra, 496 F.2d at 744.

Stirone Vs. United States, supra, 361 U.S. 212, involved a "constructive" amendment. [**14] The defendant was found guilty, but the Supreme Court reversed the conviction, stating that the defendant's right to be tried only on the charges presented in an indictment returned by a grand jury had been destroyed even though the indictment had not been formally changed. Stirone Vs. United States, supra, 351 U.S. at 217.

Under Stirone, the question to be asked in identifying a constructive amendment is whether there has been a modification at trial in the elements of the crime charged. United States Vs. Somers, supra, 496 F.2d at 744; United States Vs. DeCavalcante, supra, 440 F.2d at 1272; United States Vs. Silverman, 402 U.S. 953, 29 L.Ed.2d 123, 91 S.Ct. 1619 (1971). Such a modification would result in a constructive amendment. Of course, if a different crime was added to the charges against which the defendant had to meet, there would have been a constructive amendment. United States Vs. Sir Kue Chin, 534 F.2d 1032, 1036 (2d Cir. 1976); United States Vs. Holt, 529 F.2d 981 (4th Cir. 1975).

Applying this [**15] test to the present case, there clearly was a constructive amendment to the indictment if defendant is correct in stating that the charge of murder was added to the charges against which defendant had to defend at the trial. Under Ohio Law, a felony murder conviction cannot be sustained under an indictment charging first degree aggravated murder and deliberate malice. The Ohio Supreme Court held in State Vs. Ferguson, 175 Ohio St. 300, 195 N.E.2d 794 (1964), although felony murder and premeditated murder were both included in the same paragraph of the then existing first degree murder statute, 3 felony murder and [**335] premeditated murder constituted separate offenses. For defendant to be convicted of felony murder he would have had to be indicted for that crime.

Under Ohio first degree murder statute, [**20] former Ohio Revised Code §2901.01 to uphold a conviction of first degree murder, the State had to

prove that defendant purposely killed another person and that defendant either killed with deliberation and premeditation or killed during the commission of a felony State Vs. Farmer, 156 Ohio St. 214, 102 N.E.2d 11 (1951); Robbins Vs. State, 8 Ohio St. 131 (1857); Note, the Felony Murder Rule in Ohio, 17 Ohio St. L.J. 130 (1956). A major portion of the trial, during the State's case, concerned the possible robbery and not facts going to a determination of premeditation. The trial court ruling that the State could prove felony murder was critical to defense strategy because defendant at trial claimed self-defense, which is not a defense to felony murder.

The trial court thus permitted a constructive amendment and then, upon request of the prosecution, permitted a withdrawal of the amendment. As the prosecutor aptly put it, when he asked the trial court not to change the jury on felony murder, the effect was "simply to remove what basically and normally would [have] been one count of the indictment. The grand jury had not [**21] put such a felony murder count in the indictment. Because the law of a constructive amendment has developed in the context of federal court trials and the Fifth Amendment, it must be determined whether defendant's constitutional rights under the Fourteenth Amendment were violated in the trial court. The problem stems from the fact that the rule against amendments contained in Ex Parte Bain, supra, 121 U.S. 1, and Stirone Vs. United States, supra, 361 U.S. 212, rests on the Fifth Amendment's guarantee of a grand jury indictment basis for the rule:

If it lies within the province of a court to change the charging part of an indictment to suit its own notions of what it ought to have been, or what the grand jury would probably have made it if their attention had been called to suggested changes, the great importance which the common law attaches to an indictment by a grand jury, as a prerequisite to a prisoner's trial for a crime, and without which the Constitution says "no person shall [**22] be held

to answer," may be frittered away until its value is almost destroyed.

After the indictment was changed it was no longer the indictment of the grand jury who presented it. Any other doctrine would place the rights of the citizen, which were intended to be protected by constitutional provision, at the mercy or control of the court or prosecuting attorney; if it be once held that changes can be made by the consent or the order of the court in the body of the indictment as present by the grand jury, and the prisoner can be called upon to answer to the indictment as thus changed, the restriction which the constitution place upon the power of the court, in regard to the prerequisite of an indictment, in reality no longer exists.

In this present case, Petitioner Simms was found guilty of aggravated murder with specifications and sentenced to the term of life in prison on that charge. Eighth District Court of Appeals for Cuyahoga County reverse the conviction, and the trial court resentenced Petitioner to serve a 15 years to life term for the charge of murder that was not in the body of the indictment, which Ohio Revised Code §2941.30 would not permit an amendment that changed the indictment to add another, different crime. See *Breinig Vs. State*, 124 Ohio ST. 39, 42-43, 176 N.E. 674 (1931); *Hasselworth Vs. Alvis*, 75 Ohio Law Abs. 238, 143 N.E.2d 862 (1956); *Horsley Vs. Alvis*, 281 F.2d 440 (6th Cir. 1960). In no way was Ohio Revised Code §2941.30 involved in the present case. According to *Breinig*, such a far reaching amendment as occurred in the present case would violate fundamental laws, cloaking the defendant with the right.

Under the Ohio Constitution to "demand the nature and cause of the accusation against him. "124 Ohio St. 42-43.

There is no question that the Fourteenth Amendment encompasses the right to fair notice of criminal charges. The Supreme Court in *In re Oliver*, 333 U.S. 257,273, 92 L.Ed. 682, 68 S.Ct. 499 (1948), [**28] in dealing with the Due Process Clause of the Fourteenth Amendment, stated that:

A person's right to reasonable notice of a charge against him, and an opportunity to be heard in his defense a right to his day in court are basic in our system of jurisprudence....

No principle of procedural due process is more clearly established than that of notice of the specific charge, and a chance to be heard in a trial of the issues raised by that charge, if desired, are among the constitutional rights of every accused in a criminal proceeding in all courts State and Federal.

Petitioner Simms, Due process rights were violated in all stages of the law and is being illegally restrained of his liberty at the Grafton Correctional in Grafton, Ohio. Which this Honorable Court should issue an Order for Petitioner' immediate release from the custody of the Respondent.

Respectfully Submitted



Timothy Simms, Jr.

Grafton Correctional Inst.

#310-050

2500 South Avon Belden Road

Grafton, Ohio, 44044

CERTIFICATE OF SERVICE

I, Timothy Simms Jr, hereby certify that four (4) copies of the foregoing Petition For a Writ of Habeas Corpus was sent by regular U.S. mail to the Ohio Supreme Court Clerk at: 65 South Front Street, Columbus, Ohio, 43215-3431 on this 4th day of October 2013.


Timothy Simms

A P P E N D I X

EXHIBIT

PAGE No.

- A. VERIFICATION.....

- B. PETITION TO PROCEED IN FORMA PAUPERIS: AFFIDAVIT PURSUANT
TO O.R.C. §2969.25 ET SEQ.....

- C. PRAEIPPE.....

- D. AFFIDAVIT OF INDIGENCY AND WAIVER.....

- E. The criminal case information docket sheet of Cuyahoga
Clerk of Courts Case No. CR-320010

- F. Commitment Papers/Sentencing Journal Entries.....

- G. Direct Indictment.....

- H. Six Month Cashier Statement.....

STATE OF OHIO)
) SS: VERIFICATION
COUNTY OF LORAIN)

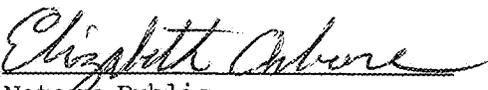
I, Timothy Simms, Jr, having first been duly sworn and cautioned of the penalties for perjury, hereby states that the facts set forth within the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, belief, and recollection. Further, I hereby state that the foregoing documents attached to the Petition for Writ of Habeas Corpus are true and accurate copies of those which are contained in my files.

FURTHER AFFIANT SAYETH NAUGHT.


Timothy Simms, Jr.
Inmate No. #310-050
Grafton Correctional Inst. ;
2500 South Avon Belden Road
Grafton, Ohio, 44044

NOTARY CERTIFICATION

On this 30th day of September 2013, personally before me comes Timothy Simms Jr, who having first been duly sworn according to law, stated that the facts contained within the foregoing Petition for Writ of Habeas Corpus are true and accurate to the best of his knowledge, belief and recollection. I, Timothy Simms Jr., further swore that the documents attached to the Petition for Writ of Habeas Corpus are true and accurate copies of those which are contained in his file.


Notary Public



ELIZABETH OSBORNE
Notary Public, State of Ohio
My Commission Expires
June 25, 2018
Recorded in Lorain County

IN THE SUPREME COURT OF OHIO

STATE ex rel.	:	
TIMOTHY SIMMS, Jr.	:	
INMATE No. #310-050	:	
GRAFTON CORRECTIONAL INSTITUTION	:	Trial Court No. <u>CR-320010</u>
2500 South Avon Belden Road	:	
Grafton, Ohio, 44044	:	
Petitioner	:	Case No. _____
	:	
Vs.	:	
	:	
BENNIE KELLY, WARDEN	:	<u>PETITION TO PROCEED IN</u>
GRAFTON CORRECTIONAL INSTITUTION	:	<u>FORMA PAUPERIS: AFFIDAVIT</u>
2500 South Avon Belden Road	:	<u>PURSUANT TO O.R.C. §2969.25 ET</u>
Grafton, Ohio, 44044	:	<u>SEQ.</u>
Respondent	:	

Now comes the Petitioner, Timothy Simms Jr, (hereinafter referred to as "Petitioner"), who respectfully moves this Honorable Court to allow him to proceed with the instant Writ for Habeas Corpus In Forma Pauperis.

Facts supporting this Petition are set forth more fully in the attached Memorandum in Support.

Respectfully Submitted


Timothy Simms Jr.

#310-050
Grafton Correctional Inst.
2500 South Avon Belden Road
Grafton, Ohio, 44044

MEMORANUM IN SUPPORT

PETITIONER'S FULFILLMENT OF THE MANDATORY REQUIREMENTS
OF OHIO REVISED CODE CHAPTER 2969 ET SEQ.

Petitioner, in propia persona, without the benefit of counsel and limited access to legal facilities/material, incorporates his Affidavits pursuant to Ohio Revised Code Chapter 2969 et seq.

Petitioner incorporates his affidavit of (Indigency and Waiver) in accordance with O.R.C. §2969.25(C)(1) & (2) with a copy of his certified inmate account statement as Exhibit (A).

Petitioner hereby deposes and says that he has initiated Two (2) prior civil actions or appeal of a civil action, to wit:

State of Ohio Vs. Timothy Simms Jr., A Appeal of Right in the Eighth District Court of Appeals Case No. 69314 Judgment Reverse and Petitioner was resentenced as to count one of the indictment to a term of 15 years to life on May 12,1997.

(2) Petitioner Appeal to the Ohio Supreme Court Case No. 99-1356 The Supreme Court of Ohio rendered its decision, denying leave to Appeal on May 20,1998.

(3) On June 16,1998 Petitioner file an Notice of Appeals Eighth District Court of Appeals Case No. 74702 Which was denied.

(4) Petitioner filed a Application for Reopening on August 13,1998, Eighth District Court of Appeals, Which was denied on August 27,1998.

(5) Petitioner filed a Motion to Reach a Decision in Appeal was Granted by the Court of Appeals April 15,1999.

(6) Petitioner file leave to Appeal in the Supreme Court of Ohio. Which was dismissed October 20,1999.

(7) Petitioner filed Notice of Appeal on July 17,2001 Case No. 79973,

Which was dismissed on August 13, 2001.

(8) Petitioner filed Notice of Appeal on October 7, 2003 Case No. 83583, Appeal dismissed December 2, 2003.

(9) Petitioner filed Delayed Appeal January 18, 2013 Case No 99435. The Appeal was dismissed on February 6, 2013.

(10) Petitioner Appeal to the Ohio Supreme Court Case No. 13-0823 The Supreme Court of Ohio rendered it decision, denying leave to Appeal on 24th day of July 2013.

Respectfully Submitted


Timothy Simms Jr.

#310-050

Grafton Correctional Inst.
2500 South Avon Belden Road
Grafton, Ohio, 44044

Sworn to and Subscribed before me, a Notary Public, in and for the County of Lorain, State of Ohio, on this 30th day of September 2013.


Notary Public



ELIZABETH OSBORNE
Notary Public, State of Ohio
My Commission Expires
June 25, 2016
Recorded in Lorain County

IN THE SUPREME COURT OF OHIO

STATE ex rel. :
TIMOTHY SIMMS, Jr. :
INMATE #310-050 :
GRAFTON CORRECTIONAL INSTITUTION :
2500 South Avon Belden Road :
Grafton, Ohio, 44044 :
Petition, :

Trial Court No. CR-320010

Case No. _____

Vs. :

BENNIE KELLY, WARDEN :
GRAFTON CORRECTIONAL INSTITUTION :
2500 South Avon Belden Road :
Grafton, Ohio, 44044 :
Respondent, :

PRAECIPE

TO THE CLERK OF COURT:

Please serve a copy of all the following documents upon Respondent listed in the case caption above pursuant to Civil Rule 4.1 (A), to wit:

- 1). Petitioner for Writ of Habeas Corpus:
- 2). Petition to proceed in Forma Pauperis; Affidavits Pursuant to Ohio Revised Code §2969.25 ET SEQ; and
- 3). Praecipe.

Respectfully Submitted



Timothy Simms
Grafton Correctional Inst.
#310-050
2500 South Avon Belden Road
Grafton, Ohio, 44044

STATE OF OHIO)
) SS: AFFIDAVIT OF INDIGENCY AND WAIVER
COUNTY OF LORAIN)

I, Timothy Simms, Petitioner of 2500 South Avon Belden Road, Grafton, Ohio, 44044, the affiant, hereinafter being duly sworn and caution of the penalties for perjury, on my Oath as required by law in accordance with O.R.C. §2969.25(C)(1) & (2), hereby deposes and says that I am indigent, completely destitute, or am a pauper due to, or attributed to my incarceration, and that I am without any possession such as real or personal property, or of any commodity of sufficient value in which to offer as security for the cost of this Writ of Habeas Corpus, and thus, requests a waiver of all costs associated with this action in accordance with O.R.C. §2969.25 (C)(1) & (2), Also see certified inmate account statement attached hereto and incorporated herein.

FURTHER AFFIANT SAYETH NAUGHT.

Respectfully Submitted

Timothy Simms

Timothy Simms
Grafton Correctional Inst.
#310-050
2500 South Avon Belden Road
Grafton, Ohio, 44044

Sworn to and Subscribed before me. a Notary Public, in and for the county of Lorain, State of Ohio, on this 30th day of September 2013.



ELIZABETH OSBORNE
Notary Public, State of Ohio
My Commission Expires
June 25, 2016
Recorded in Lorain County

Elizabeth Osborne
Notary Public

Print

CASE INFORMATION

CR-95-320010-ZA STATE OF OHIO vs. TIMOTHY SIMMS

Docket Information

Proceeding Date	Filing Date	Side	Type	Description	Image
02/07/2013	02/07/2013	D1	NT	THE APPEAL IS DISMISSED PER ENTRY 461817 DATED FEBRUARY 6, 2013. (99435)	
02/07/2013	02/07/2013	D1	NT	MOTION BY APPELLANT, PRO SE, FOR LEAVE TO FILE DELAYED APPEAL IS DENIED. (99435)	
01/24/2013	01/25/2013	N/A	JE	DEFENDANT'S MOTION, FILED 01-18-13, FOR APPOINTMENT OF COUNSEL IS DENIED. 01/24/2013 CP1RB 01/24/2013 13:37:16	
01/18/2013	01/18/2013	D1	NT	NOTICE OF APPEAL, AFFIDAVIT OF INDIGENCY, JOURNAL ENTRY, PRAECIPE, DOCKETING STATEMENT (REGULAR), FILED PRO SE AND SENT TO THE COURT OF APPEALS WITH A COPY OF THE DOCKET SHEET. THE COURT OF APPEALS NUMBER ASSIGNED IS 99435.	
01/18/2013	01/18/2013	D1	MO	MOTION FOR APPOINTMENT OF COUNSEL, FILED. PRO-SE 310050 GRAFTON CORR. INST.	
08/13/2004	08/13/2004	D1	NT	CIVIL APPEAL IS AFFIRMED BY THE COURT OF APPEALS.	
11/06/2003	12/02/2003	D		APPEAL IS DISMISSED BY THE COURT OF APPEALS. ..SJO 12/05/03 15:25	
10/17/2003		D		RECORD ON APPEAL, PAGINATION SHEET AND CRIMINAL FILE SENT TO THE C OF A. ..RXR 10/17/03 16:18	
10/07/2003		D		THE COURT OF APPEALS NUMBER ASSIGNED IS 83583. ..RXR 10/09/03 09:29	
10/07/2003		D		NOTICE OF APPEAL, AFFIDAVIT OF INDIGENCY, PRAECIPE, DOCKETING STATEMENT (ACCELERATED), JOURNAL ENTRY, FILED PRO SE AND SENT TO THE COURT OF APPEALS WITH A COPY OF THE DOCKET SHEET. ..RXR 10/09/03 09:29	
09/25/2003		D		DEFENDANT'S BRIEF IN OPPOSITION TO THE PROSECUTOR'S BRIEF IN OPPOSITION TO DEFENDANT'S MOTION TO VACATE AND OR SET ASIDE SENTENCE AND OR CONVICTION, FILED. PRO SE 310050 LAKE ERIE CORR INST ..LRE 09/30/03 09:19	
09/22/2003		D		PETITIONER'S BRIEF IN OPPOSITION TO THE RESPONDENT'S BRIEF MUST BE DISMISSED, FILED. PRO SE 310050 LAKE ERIE CORR INST ..LRE 09/24/03 11:28	
09/15/2003	09/19/2003	D		DEFENDANT'S PETITION, FILED AUGUST 8, 2003, TO VACATE AND/OR SET ASIDE SENTENCE AND CONVICTION IS DENIED. ALTHOUGH DEFENDANT WAS INDIGENT, HE WAS NOT CHARGED WITH A CAPITAL OFFENSE. THIS COURT FINDS JOHN H. CARSON WAS COMPETENT AND QUALIFIED TO REPRESENT THE DEFENDANT. CLERK ORDERED TO SEND COPY OF THIS ORDER TO DEFENDANT TIMOTHY G. SIMMS, INMATE #310-050, LAKE ERIE CORRECTIONAL INSTITUTION, 501 THOMPSON RD., P. O. BOX 8000, CONNEAUT, OHIO 44030. ..KLS 09/17/03 14:10	
09/08/2003		D		BRIEF IN OPPOSITION TO PETITIONER'S MOTION TO VACATE OR SET ASIDE SENTENCE AND CONVICTION, FILED. ..LRE 09/10/03 10:01	
08/08/2003		D		AFFIDAVIT OF INDIGENCY, FILED. PRO SE 310050 LAKE ERIE CORR INST ..LRE 08/12/03 10:26	
08/08/2003		D		AFFIDAVIT OF VERITY, FILED. PRO SE 310050 LAKE ERIE CORR INST ..LRE 08/12/03 10:26	
08/08/2003		D		PETITION TO VACATE OR SET ASIDE SENTENCE AND CONVICTION, FILED. PRO SE310050 LAKE ERIE CORR INST ..LRE 08/12/03 10:26	

11/28/2001	D	AFFIDAVIT OF INDIGENCY, FILED. PRO SE 310050 MANSFIELD CORR. INST. ..LRE 11/29/01 09:46
11/28/2001	D	MOTION FOR PRELIMINARY AND ARRAINGMENT TRANSCRIPTS AT STATES EXPENSE, FILED. PRO SE 310050 MANSFIELD CORR. INST. ..LRE 11/29/01 09:45
09/13/2001 09/18/2001	D	COURT REPORTER ALLOWED \$20.40. RECEIVED FOR FILING. ..SJO 09/13/01 15:34
08/29/2001	D	RECORD ON APPEAL, PAGINATION SHEET AND CRIMINAL FILE SENT TO THE C OF A. ..RXR 08/29/01 15:41
08/15/2001 08/21/2001	D	COURT REPORTER ALLOWED \$442.80. RECEIVED FOR FILING. ..SJO 08/15/01 13:53
08/13/2001 09/04/2001	D	MOTION BY APPELLANT, PRO SE, FOR LEAVE TO FILE DELAYED APPEAL AND FOR APPOINTMENT OF COUNSEL AND TRANSCRIPT AT STATE'S EXPENSE IS DENIED BY THE COURT OF APPEALS. ..SJO 09/04/01 16:05
08/13/2001 09/04/2001	D	APPEAL IS DISMISSED BY THE COURT OF APPEALS. ..SJO 09/04/01 16:03
08/01/2001 08/10/2001	D	DEFENDANT'S MOTION, FILED JULY 26, 2001, FOR FINDINGS OF FACTS AND CONCLUSIONS OF LAW, PERTAINING TO DEFENDANT'S RE-SENTENCING HEARING IS DENIED. ..BXM 08/07/01 11:04
07/26/2001	D	AFFIDAVIT OF INDIGENCY, FILED. PRO SE 310050 MANSFIELD CORR. INST. ..MGV 07/30/01 14:51
07/26/2001	D	MOTION FOR FINDINGS OF FACTS AND CONCLUSIONS OF LAW, PERTAINING TO DEFENDANT'S RE-SENTENCING HEARING, FILED. PRO SE 310050 MANSFIELD CORR. INST. ..MGV 07/30/01 14:51
07/19/2001	D	COURT OF APPEALS NUMBER ASSIGNED IS 79973. ..RXR 07/19/01 10:44
07/17/2001	D	NOTICE OF APPEAL, AFFIDAVIT OF INDIGENCY, PRAECIPE, DOCKETING STATEMENT (REGULAR), JOURNAL ENTRY, FILED AND SENT TO THE COURT OF APPEALS WITH A COPY OF THE DOCKET SHEET. ..RXR 07/18/01 09:00
02/22/2001	D	MOTION IN PETITION TO ENFORCE CIVIL RULE 27, FILED. PRO SE 310050 MANSFIELD CORR. ..BJW 02/28/01 09:23
01/30/2001 02/07/2001	D	PETITION FILED JANUARY 25, 2001 IS DENIED. THIS COURT GRANTED DEFENDANT'S REQUEST FOR TRANSCRIPTS ON JULY 2, 1997. THE COURT'S DOCKET CLEARLY INDICATES THIS. DEFENDANT TO ORDER ANY TRANSCRIPTS NOT PREVIOUSLY RECEIVED FROM THE COURT REPORTER. THIS COURT WILL GRANT DEFENDANT'S TRANSCRIPTS REQUEST ONLY ONCE. ..MAB 02/05/01 13:14
01/25/2001	D	MOTION TO RELIEF FROM JUDGMENT FILED. PRO SE. (MANCI) ..CEK 01/29/01 11:15
01/25/2001	D	MOTION FOR ORDER OF CONTEMPT FILED. PRO SE. (MANCI 310-050) ..CEK 01/29/01 11:14
01/02/2001 01/05/2001	D	MOTION OF DEFENDANT TO ENFORCE CIVIL RULE 27 DENIED. ..BXM 01/03/01 11:14
01/02/2001 01/05/2001	D	MOTION OF DEFENDANT TO RELIEF FROM JUDGMENT DENIED. ..BXM 01/03/01 11:14
12/28/2000	D	DEFT.- PETITIONER AFFIDAVIT, MOTION TO REFIEF FROM JUDGMENT, FOR PURPOSES OF OBTAINING PERPETUATION OF TESTMONY OR STIPULATION FROM JOHN LUSKIN, FILED ..BJW 12/29/00 09:19
12/28/2000	D	PETITIONERS AFFIDAVIT, MOTION TO ENFORCE, PURSUANT TO CIV. R. 30 & 45, TO P RODUCE TESTIMONY REQUIRED TO PROVE FACTS CLAIMED BY RECORD & PETITIONER IN CASE AT BAR. FILED. PRO SE 310-050 ..BJW 12/29/00 09:17
10/18/2000	D	AFFIDAVIT OF INDIGENCY, FILED. ..KXL 10/19/00 14:48
10/18/2000	D	DEFENDANT-PETITIONER'S AFFIDAVIT; MOTION TO RELIEF FROM JUDGMENT, FILED PRO SE. (MANCI 310050) ..KXL 10/19/00 14:48
10/20/1999 11/10/1999	D	THE SUPREME COURT OF OHIO DISMISSES THE APPEAL. ..SJO 11/16/99 15:42

07/06/1999	07/15/1999	D	CRIMINAL APPEAL IS AFFIRMED BY THE COURT OF APPEALS. ..RXS 07/19/99 15:45
03/30/1999		D	MOTION TO REACH A DECISION IN APPEAL IS GRANTED BY THE COURT OF APPEALS. ..RXS 04/15/99 11:07
11/18/1998		D	THE SUPREME COURT OF OHIO DISMISSES APPEAL. ..RXS 12/10/98 09:09
08/13/1998		D	APPLICATION FOR REOPENING APPEAL IS DENIED BY THE COURT OF APPEALS. ..RXS 08/27/98 08:32
06/23/1998		D	RECORD ON APPEAL, PAGINATION SHEET AND CRIMINAL FILE SENT TO THE COURT OF APPEALS. ..RXS 06/23/98 11:08
06/17/1998		D	COURT OF APPEALS NUMBER ASSIGNED IS 74702. ..RXS 06/17/98 14:28
06/16/1998		D	NOTICE OF APPEAL, PRAECIPE, DOCKETING STATEMENT (ACCELERATED), AFFIDAVIT OF INDIGENCY, JOURNAL ENTRY, FILED AND SENT TO THE COURT OF APPEALS WITH A COPY OF THE DOCKET SHEET. ..RXS 06/16/98 15:52
06/03/1998		D	MOTION OF DEFENDANT FOR NEW TRIAL IS DENIED. ..MAB 06/04/98 11:33
05/20/1998		D	THE SUPREME COURT OF OHIO DISMISSES APPEAL. ..SJO 06/12/98 16:18
01/07/1998		D	MOTION OF DEFENDANT FOR TRANSCRIPT OF RESENTENCING HEARING IS OVERRULED. ..RLC 01/08/98 10:28
07/02/1997		D	DEFENDANT'S MOTION FOR PRODUCTION OF TRANSCRIPTS IS GRANTED. ..CAL 07/02/97 13:22
06/26/1997		D	MOTION FOR PRODUCTION OF TRANSCRIPTS BY INDIGENT DEFENDANT. DEVER ..GST 11/18/97 14:39
05/12/1997		D	THE ABOVE CASE HAVING BEEN RETURNED FROM THE COURT OF APPEAL EIGHTH DISTRICT, AND PURSUANT TO THE MANDATE FROM THE COURT OF APPEALS, IT IS HEREBY ORDERED THAT DEFENDANT IS RESENTENCED AS TO COUNT ONE FOR A TERM OF 15 YEARS TO LIFE AT THE LORAIN CORRECTIONAL INSTITUTION. THE REMAINDER OF THE ORIGINAL SENTENCE IS TO REMAIN IN EFFECT. IT IS FURTHER ORDERED THAT THE CLERK OF COURTS FORWARD CERTIFIED COPIES OF THIS ENTRY ALONG WITH A COPY OF THE COURT OF APPEAL'S JOURNAL ENTRY TO THE INSTITUTION THAT SAID DEFENDANT WAS SENTENCED TO. CORRECTED ENTRY NOTES 5/14/97 MAB: ADD SENT DESC ***** ..CLF 07/07/97 15:41
03/31/1997		D	DEFENDANT TO BE RETURNED TO CUYAHOGA COUNTY JAIL FOR RE-SENTENCING ON MAY 8, 1997 AT 9:30 A.M. SHERIFF TO TRANSPORT. (BLACK/MALE; DOB:07/19/66, SSN# XXX-XX-XXXX.) SHERIFF ORDERED TO RETURN DEFENDANT FROM INSTITUTION. ..1TT 04/01/97 15:09
03/26/1997		D	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 SUTULA. HEARD BY JUDGE RICHARD MCMONAGLE ..CLF 03/27/97 09:54
01/29/1997		D	THE SUPREME CURT OF OHIO DENIES LEAVE TO APPEAL AND DISMISSES THE APPEAL. ..DXR 02/24/97 15:58
09/30/1996		D	CRIMINAL APPEAL IS MODIFIED, AND AS MODIFIED, AFFIRMED BY THE COURT OF APPEALS. ..RXS 10/03/96 13:58
08/14/1995		D	MOTION FOR LEAVE TO FILE DELAYED NOTICE OF APPEAL INSTANTER IS GRANTED BY THE COURT OF APPEALS. ..RXS 08/22/95 14:35
07/21/1995		D	RECORD ON APPEAL, PAGINATION SHEET AND CRIMINAL FILE SENT TO COURT OF APPEALS. ..RXS 07/21/95 14:42
07/20/1995		D	COURT OF APPEALS NUMBER ASSIGNED 69314. ..RXS 07/20/95 10:21
07/18/1995		D	NOTICE OF APPEAL, PRAECIPE, DOCKETING STATEMENT (REGULAR), JOURNAL ENTRY, FILED AND SENT TO THE COURT OF APPEALS WITH A COPY OF THE DOCKET SHEET. ..RXS 07/18/95 14:40
07/12/1995		D	IT IS HEREBY ORDERED THAT JOHN P. LUSKIN, ESQ., HERETOFORE ASSIGNED AS COUNSEL FOR THE DEFENDANT IN THIS CAUSE, BE ALLOWED THREE THOUSAND DOLLARS (\$3,000.00) FOR SERVICES SO

RENDERED. IT IS ORDERED THAT THE COURT CERTIFY SAID AMOUNT TO THE COUNTY AUDITOR AND THE COMMISSIONERS FOR ALLOWANCE AND PAYMENT. AV 74755 ..KAM 07/12/95 09:14

07/10/1995	D	IT IS HEREBY ORDERED THAT JOHN H. CARSON, ESQ., HERETOFORE ASSIGNED AS COUNSEL FOR THE DEFENDANT IN THIS CAUSE, BE ALLOWED THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00) INCLUDES \$500.00 FOR INVESTIGATOR FEES. FOR SERVICES SO RENDERED. IT IS ORDERED THAT THE COURT CERTIFY SAID AMOUNT TO THE COUNTY AUDITOR AND THE COMMISSIONERS FOR ALLOWANCE AND PAYMENT. AV 74729 ..KAM 07/10/95 11:19
07/07/1995	D	FEE BILL SUBMITTED BY JOHN P. LUSKIN, ESQ. ..MKE 07/07/95 15:00
06/30/1995	D	FEE BILL SUBMITTED BY JOHN H. CARSON, JR., ESQ. ..MKE 06/30/95 11:23
06/05/1995	D	THE DEFENDANT HEREIN HAVING, ON A FORMER DAY OF COURT HAVING BEEN FOUND GUILTY BY A JURY OF AGGRAVATED MURDER, RC.2903.01 AF-1 AS CHARGED IN COUNT ONE AND FOUND GUILTY BY A JURY OF HAVING WEAPON WHILE UNDER DISABILITY, RC. 2923.13 (F4) AS CHARGED IN COUNT TWO, OF THE INDICTMENT, WAS THIS DAY IN OPEN COURT WITH HIS/HER COUNSEL PRESENT. THEREUPON, THE COURT INQUIRED OF THE SAID DEFENDANT IF HE/SHE HAD ANYTHING TO SAY WHY JUDGMENT SHOULD NOT BE PRONOUNCED AGAINST HIM/HER; AND HAVING NOTHING BUT WHAT HE/SHE HAD ALREADY SAID AND SHOWING NO GOOD AND SUFFICIENT CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED. IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT SAID DEFENDANT, TIMOTHY SIMMS JR., IS SENTENCED TO LORAIN CORRECTIONAL INSTITUTION FOR A TERM OF LIFE IMPRISONMENT, ON CT. 1, AND 18 MONTHS ON CT 2 TO BE SERVED CONSECUTIVE WITH CT 1. TRANSCRIPT ORDERED AT THE STATE'S EXPENSE. DEFENDANT FOUND TO BE INDIGENT AND ATTORNEY JAMES INGALLS APPOINTED FOR APPEAL. DEFENDANT GIVEN CREDIT FOR ALL TIME SERVED. SHERIFF TO CALCULATE TIME AND PROVIDE INFORMATION TO OHIO DEPARTMENT OF REHABILITATION AND CORRECTIONS. DEFENDANT TO SPEND EACH JANUARY 27, IN SOLITARY CONFINMENT. ..PAK 06/06/95 15:28
05/15/1995	D	THIS DAY AGAIN COMES THE PROSECUTING ATTORNEY ON BEHALF OF THE STATE AND DEFENDANT, TIMOTHY SIMMS, IN OPEN COURT, REPRESENTED BY COUNSEL. NOW COMES THE JURY, CONDUCTED INTO COURT BY THE BAILIFF AND RETURNED THE FOLLOWING VERDICT IN WRITING, TO-WIT: "WE THE JURY BEING DULY IMPANELED AND SWORN, FIND THE DEFENDANT, TIMOTHY SIMMS, GUILTY OF AGGRAVATED MURDER, RC. 2903.01 (AF-1) AS CHARGED IN COUNT ONE", AND "WE THE JURY FIND THE DEFENDANT GUILTY OF HAVING WEAPON WHILE UNDER DISABILTY, RC. 2923.13 (F-4) AS CHARGED IN COUNT TWO OF THE INDICTMENT. " JURY POLLED, IT IS THEIR VERDICT. DEFENDANT WAS INFORMED OF THE VERDICT OF THE JURY. JURY DISCHARGED. PRE-SENTENCE INVESTIGATION IS ASSIGNED TO JOANNA HAIRSTON, DEFENDANT ADVISED OF APPEAL RIGHTS. SENTENCING IS SET FOR JUNE 5, 1995 AT 2:30 P. M. ..PAK 05/16/95 14:24
05/15/1995	D	THIS DAY AGAIN COMES THE PROSECUTING ATTORNEY ON BEHALF OF THE STATE AND DEFENDANT, TIMOTHY SIMMS, IN OPEN COURT, REPRESENTED BY COUNSEL. JURY IN DELIBERATIONS. BAILIFF RETURNS WITH JURY QUESTION, ANSWERED IN OPEN COURT. CORRECTED ENTRY NOTES OF 5/16/96 CHANGED TIME FOR PURPOSES OF SEQ.) ..MAB 05/13/97 09:55
05/12/1995	D	DEFENDANT RESTS, MOTION FOR RULE 29 IS OVERRULED. THIS DAY AGAIN COMES THE PROSECUTING ATTORNEY ON BEHALF OF THE STATE AND DEFENDANT, TIMOTHY SIMMS, IN OPEN COURT, REPRESENTED BY COUNSEL WITH THE JURY PRESENT. WHEREUPON, THE SAID JURY HAVING HEARD ALL THE TESTIMONY ADDUCED, THE ARGUMENTS OF COUNSEL, AND THE CHARGE OF THE

		COURT, RETIRED TO THEIR ROOM IN CHARGE OF THE BAILIFF FOR DELIBERATION. JURY DELIBERATING. ..PAK 05/15/95 08:46
05/11/1995	D	THIS DAY AGAIN COMES THE PROSECUTING ATTORNEY ON BEHALF OF THE STATE AND DEFENDANT, TIMOTHY SIMMS, IN OPEN COURT, REPRESENTED BY COUNSEL WITH THE JURY PRESENT. ON TRIAL, PROGRESS. STATE RESTS. DEFENDANT'S MOTION FOR CRIMINAL RULE 29 IS OVERRULED. ..PAK 05/12/95 13:47
05/10/1995	D	THIS DAY AGAIN COMES THE PROSECUTING ATTORNEY ON BEHALF OF THE STATE AND DEFENDANT, TIMOTHY SIMMS, IN OPEN COURT, REPRESENTED BY COUNSEL WITH THE JURY PRESENT. ON TRIAL, PROGRESS. TRIAL CONTINUES. ..RXC 05/12/95 08:47
05/09/1995	D	THIS DAY AGAIN COMES THE PROSECUTING ATTORNEY ON BEHALF OF THE STATE AND DEFENDANT, TIMOTHY SIMMS, IN OPEN COURT, REPRESENTED BY COUNSEL WITH THE JURY PRESENT. ON TRIAL, PROGRESS. ..PAK 05/11/95 09:13
05/08/1995	D	NOW COMES THE PROSECUTING ATTORNEY ON BEHALF OF THE STATE AND THE DEFENDANT, TIMOTHY SIMMS, IN OPEN COURT, REPRESENTED BY COUNSEL AND FULLY ADVISED OF HIS/HER CONSTITUTIONAL RIGHTS. WHEREUPON, JURY PANEL HAVING BEEN EXAMINED, ACCEPTED AND SWORN, THIS CASE PROCEEDED TO TRIAL. ON TRIAL, PROGRESS. ..LMG 05/10/95 11:02
04/05/1995	D	DEFENDANT'S MOTION FOR AUTHORIZATION TO HIRE A PRIVATE INVESTIGATOR IS GRANTED. COST NOT TO EXCEED \$500.00. ..EDB 04/06/95 11:01
04/04/1995	D	FINAL PRE-TRIAL IS SET FOR APRIL 25, 1995 AT 9:00 A.M. TRIAL IS RESET FOR MAY 8, 1995 AT 9:00 A.M. DEFENSE ATTORNEY AND PROSECUTOR ARE NOT AVAILABLE. ..PAK 04/04/95 16:01
03/23/1995	D	PRETRIAL HELD; FINAL PRETRIAL SCHEDULED FOR APRIL 4, 1995 AT 9:00 A.M. TRIAL SCHEDULED FOR APRIL 10, 1995 AT 9:00 A.M. AT REQUEST OF DEFENDANT. ..RXC 03/23/95 13:21
03/13/1995	D	MOTION FOR DISCOVERY; DEVER ..GXS 03/14/95 15:22
03/08/1995	D	PRE-TRIAL HELD. ADDITIONAL PRE-TRIAL SET FOR MARCH 23, 1995 AT 10:00 A.M., AT THE DEFENDANT'S REQUEST. ..VMA 03/09/95 09:37
03/06/1995	D	MOTION FOR AUTHORIZATION TO HIRE A PRIVATE INVESTIGATOR; REQUEST FOR EVIDENCE NOTICE; MOTION TO COMPEL PROSEUCTOR TO PROVIDE DEFENDANT WITH A WRITTEN SUMMARY OF ORAL STATEMENTS OF DEFENDANTS AND CO-DEFENDANTS AND TO EXAMINE EXCULPAOTRY AND MITIGATORY EVIDENCE; DEVER ..WXG 03/09/95 14:24
02/28/1995	D	DEFENDANT FULLY ADVISED IN OPEN COURT OF HIS/HER CONSTITUTIONAL RIGHTS. READING OF INDICTMENT WAIVED. TWENTY-FOUR HOUR SERVICE WAIVED. DEFENDANT DECLARED INDIGENT. COURT ASSIGNED JOHN H CARSON, JR. AS COUNSEL. COURT ASSIGNED JOHN P LUSKIN AS COUNSEL. DEFN PLEAD NOT GUILTY TO INDICTMENT. JUDGE KATHLEEN A SUTULA ASSIGNED TO CASE. BOND SET AT 100,000 DOLLARS. BOND TYPE: CASH/SURETY/PROP. ADDITIONAL AMOUNT OF BAIL AS SET FORTH IN ORC. 2743.70 AND ORC. 2949.091 ..DXR 02/28/95 14:25

Only the official court records available from the Cuyahoga County Clerk of Courts, available in person, should be relied upon as accurate and current.

For questions/comments please [click here](#).

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Office of the Ohio Public Defender

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NEW# OLD # INMATE NAME D.O.B. AGE RACE E.D.S. F.H.D. E.M.S. E.S.T. .67 FHD .67 EDS
A310050 A259488 SIMMS, TIMOTHY 19660719 28 B 19960302 20100227 88888888 20090610 19960213

AGG SENT: 1.50 DEF+20.00-LIFE SHOCK:N ADMITTED:FROM COURT PLEA: FOUND GUILTY

JUN 09 1995

Table with columns: OFFENSE DATA, OFFENSE, DOCKET #, O.R.C., FEL, COMMITTING COUNTY, JTC, GN, DEF, MIN, MAX, AIT, LIFE/ C/S, DEATH. Rows include WEAPON UNDER and AGG MURDER.

ALIAS NAME ALIAS NAME ALIAS NAME

TIMOTHY SIMS

Following is the order in which sentences are served (O.R.C. 2929.11). If one of the following paragraphs does NOT apply to you, it will be X-ed out:

1. Actual Incarceration (gun) - AI (G) - Time is served first. Time begins on the day you arrive at This Institution. You have X gun spec(s) x 3 full years and your AI (G) is up X.

2. Definite Sentences are served next. You have a definite sentence of 1.5 years and your time will be served on 3-2-96.

3. Indefinite Sentences are served last. You have Indefinite sentences of 20-Life years, (concurrent-consecutive to your definite sentence.) Your FIRST HEARING DATE for the Board is 2-27-2010.

210000

STATE OF OHIO,
CUYAHOGA COUNTY

SS.

IN THE COURT OF COMMON PLEAS

MAY

TERM. 19 95

TO-WIT: JUNE 05
NO. CR-320010

STATE OF OHIO

PLAINTIFF

VS.

TIMOTHY SIMMS JR.

DEFENDANT

INDICTMENT AGG MURDER W/FRM. HAV WPN UNDER
DISABILITY

JOURNAL ENTRY

THE DEFENDANT HEREIN HAVING, ON A FORMER DAY OF COURT HAVING BEEN FOUND GUILTY BY A JURY OF AGGRAVATED MURDER, RC. 2903.01 AF-1 AS CHARGED IN COUNT ONE AND FOUND GUILTY BY A JURY OF HAVING WEAPON WHILE UNDER DISABILITY, RC. 2923.1 (F4) AS CHARGED IN COUNT TWO, OF THE INDICTMENT, WAS THIS DAY IN OPEN COURT WITH HIS/HER COUNSEL PRESENT.

THEREUPON, THE COURT INQUIRED OF THE SAID DEFENDANT IF HE/SHE HAD ANYTHING TO SAY WHY JUDGMENT SHOULD NOT BE PRONOUNCED AGAINST HIM/HER; AND HAVING NOTHING BUT WHAT HE/SHE HAD ALREADY SAID AND SHOWING NO GOOD AND SUFFICIENT CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED.

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT SAID DEFENDANT, TIMOTHY SIMMS JR., IS SENTENCED TO LORAIN CORRECTIONAL INSTITUTION FOR A TERM OF LIFE IMPRISONMENT, ON CT. 1, AND 18 MONTHS ON CT 2 TO BE SERVED CONSECUTIVELY WITH CT 1. TRANSCRIPT ORDERED AT THE STATE'S EXPENSE. DEFENDANT FOUND TO BE INDIGENT AND ATTORNEY JAMES INGALLS APPOINTED FOR APPEAL. DEFENDANT GIVEN CREDIT FOR ALL TIME SERVED. SHERIFF TO CALCULATE TIME AND PROVIDE INFORMATION TO OHIO DEPARTMENT OF REHABILITATION AND CORRECTIONS. DEFENDANT TO SPEND EACH JANUARY 27. IN SOLITARY CONFINMENT.

FILED
JUN 8 1995
6-8-95
GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY, OHIO

K.A. Sutula

SENT PAK 06/06/95 15:20

KATHLEEN A SUTULA

COPIES SENT TO:

- Sheriff
- Defendant

RECORDS OFFICE
6-8-95 12 PM 7:45

THE STATE OF OHIO }
Cuyahoga County } SS. GERALD E. FUERST, CLERK OF
THE COURT OF COMMON PLEAS
WITHIN AND FOR SAID COUNTY.
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND COPIED FROM THE ORIGINAL CR-320010
NOW ON FILE IN MY OFFICE
WITNESS BY HAND AND SEAL OF SAID COURT THIS 8
DAY OF June A.D. 1995
GERALD E. FUERST, Clerk
By [Signature] Deputy

STATE OF OHIO, }
CUYAHOGA COUNTY } SS.

IN THE COURT OF COMMON PLEAS

✓

MAY TERM, 19 97
19 97

STATE OF OHIO
VS.
TIMOTHY SIMMS JR.

PLAINTIFF }
DEFENDANT }

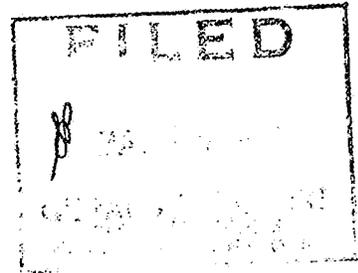
TO-WIT: MAY
NO. CR 320010

INDICTMENT AGG MURDER W/FRM, HAV WPN UNDER
DISABILITY

JOURNAL ENTRY

THE ABOVE CASE HAVING BEEN RETURNED FROM THE COURT OF APPEAL EIGHTH DISTRICT, AND PURSUANT TO THE MANDATE FROM THE COURT OF APPEALS, IT IS HEREBY ORDERED THAT DEFENDANT IS RESENTENCED AS TO COUNT ONE FOR A TERM OF 15 YEARS TO LIFE AT THE LORAIN CORRECTIONAL INSTITUTION. THE REMAINDER OF THE ORIGINAL SENTENCE IS TO REMAIN IN EFFECT.

IT IS FURTHER ORDERED THAT THE CLERK OF COURTS FORWARD CERTIFIED COPIES OF THIS ENTRY ALONG WITH A COPY OF THE COURT OF APPEAL'S JOURNAL ENTRY TO THE INSTITUTION THAT SAID DEFENDANT WAS SENTENCED TO.



05-12-97

MAB 05/14/97 12:26

JUDGE K. A. Sutula

KATHLEEN A SUTULA

COPIES SENT TO:

Sheriff _____ Other Lorain 5/19/97
 Defendant _____

STATE OF OHIO }
Cuyahoga County } SS. I. GERALD E. FUERST, CLERK OF
THE COURT OF COMMON PLEAS
WITHIN AND FOR SAID COUNTY.
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
CORRECT AND COPIED FROM THE ORIGINAL
Journal Entry
FILED IN MY OFFICE.
WITNESS MY HAND AND SEAL OF SAID COURT THIS 18
OF Feb A.D. 20 11
GERALD E. FUERST, Clerk
R. C. [Signature] Deputy

THE STATE OF OHIO
vs.

A TRUE BILL INDICTMENT FOR

TIMOTHY SIMMS, JR.

AGGRAVATED MURDER R.C. 2903.01

01-01-95

DATE OF OFFENSE January 27, 1995	THE TERM OF JANUARY OF 1995	CASE NO. CR 320010	COUNT 1
-------------------------------------	--------------------------------	-----------------------	------------

The State of Ohio, }
CUYAHOGA COUNTY } ss.

The Jurors of the Grand Jury of the State of Ohio, within and for the body of the County aforesaid, on their oaths, IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OHIO, Do find and present, that the above named Defendant(s), or about the date of the offense set forth above, in the County of Cuyahoga, unlawfully

purposely and with prior calculation and design, caused the death of another, to-wit:
Milton Witlow

SPECIFICATION ONE: (Firearm)

The Grand Jurors further find and specify that the offender had a firearm on or about his person or under his control while committing the offense charged in this count of the indictment.

THE STATE OF OHIO }
Cuyahoga County } ss. I. GERALD E. FUERST, CLERK OF
THE COURT OF COMMON PLEAS
WITHIN AND FOR SAID COUNTY.

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND COPIED FROM THE ORIGINAL

NOW ON FILE IN MY OFFICE
WITNESS MY HAND AND SEAL OF SAID COURT THIS 18
DAY OF Feb A.D. 20 95

GERALD E. FUERST, Clerk

By *R. Cothran* Deputy

Exhibit "A"

contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

Foreman of the Grand Jury

Stephanie Ruth Jones
Prosecuting Attorney

THE STATE OF OHIO
vs.

A TRUE BILL INDICTMENT FOR

TIMOTHY SIMMS, JR.

HAVING WEAPON WHILE UNDER DISABILITY
R.C. 2923.13

DATE OF OFFENSE January 27, 1995	THE TERM OF JANUARY OF 1995	CASE NO. CR 320010	COUNT 2
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The State of Ohio, }
CUYAHOGA COUNTY } SS.

The Jurors of the Grand Jury of the State of Ohio, within and for the body of the County aforesaid, on their oaths, **IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OHIO**, Do find and present, that the above named Defendant(s), on or about the date of the offense set forth above, in the County of Cuyahoga, unlawfully

and knowingly acquired, had, carried, or used a firearm or dangerous ordnance while being under indictment for or having been convicted of an offense involving the illegal possession, use, sale, administration, distribution or trafficking in any drug of abuse, to-wit: the said Timothy Simms, Jr., with counsel, on or about the 14th day of September, 1992, in the Court of Common Pleas, Cuyahoga County, Ohio, Case No. CR 280286, having been convicted of the crime of Aggravated Trafficking, in violation of Revised Code Section 2925.03 of the State of Ohio.

THE STATE OF OHIO }
Cuyahoga County } SS. I. GERALD E. FUERST, CLERK OF
THE COURT OF COMMON PLEAS
WITHIN AND FOR SAID COUNTY.

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND COPIED FROM THE ORIGINAL

NOW ON FILE IN MY OFFICE:
BY MY HAND AND SEAL OF SAID COURT THIS 18

Feb A.D. 20 11
D. E. FUERST, Clerk
R. Culbert Deputy

Exhibit "A"

contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

Foreman of the Grand Jury

Stephanie Ruth Jones
Prosecuting Attorney

09/20/2013

Grafton Correctional Institution

Inmate Demand Statement

Inmate Name: SIMMS, TIMOTHY

Number: A310050

Lock Location: GCI,D,02,B,,0120

Date Range: 03/20/2013 Through

09/21/2013

Beginning Account Balances:

Ending Account Balances:

	Saving	Debt	Payable
Electronics Usage	\$0.00	\$0.00	\$1.00
Inmate's Personal	\$81.62	\$0.00	\$0.00
Begin Totals	\$81.62	\$0.00	\$1.00

	Saving	Debt	Payable
Electronics Usage C	\$0.00	\$0.00	\$1.00
Inmate's Personal A	\$90.43	\$0.00	\$0.00
End Totals	\$90.43	\$0.00	\$1.00

Transaction Date / Inst.	Transaction Amount	Description	Comment	Saving Balance	Debt Balance	Payable Balance
03/20/2013	\$42.00	OffConnect Kiosk Deposit	4413920018533212467/SI MMS, DORA	\$123.62	\$0.00	\$1.00
		GCI				
03/20/2013	\$17.00	OffConnect Kiosk Deposit	4413916404720886066/SI MMS, DORA	\$140.62	\$0.00	\$1.00
		GCI				
03/20/2013	(\$32.29)	Commissary Sale	Ticket Number 242358	\$108.33	\$0.00	\$1.00
		GCI				
03/26/2013	(\$40.39)	Commissary Sale	Ticket Number 242937	\$67.94	\$0.00	\$1.00
		GCI				
03/29/2013	(\$1.00)	Payment to Treasurer, State of Ohio	ECP	\$67.94	\$0.00	\$0.00
		GCI				
04/01/2013	(\$15.00)	Inmate's Personal Account	POS Exemption Transfer	\$52.94	\$0.00	\$0.00
		GCI				
04/01/2013	\$15.00	Pos Exemption	POS Exemption Transfer	\$67.94	\$0.00	\$0.00
		GCI				
04/01/2013	(\$25.91)	Commissary Sale	Ticket Number 243407	\$42.03	\$0.00	\$0.00
		GCI				
04/05/2013	\$22.00	State Pay	State Pay	\$64.03	\$0.00	\$0.00
		GCI				
04/05/2013	(\$1.00)	Electronics Usage Charge	Electronic Usage Charge	\$63.03	\$0.00	\$1.00
		GCI				
04/05/2013	(\$6.00)	Club Dues	MTA MEMBERSHIP DUES	\$57.03	\$0.00	\$1.00
		GCI				
04/05/2013	(\$12.50)	Club Sales	VVA-FOOD PROJECT	\$44.53	\$0.00	\$1.00
		GCI				
04/09/2013	(\$37.43)	Commissary Sale	Ticket Number 244219	\$7.10	\$0.00	\$1.00

GCI					
04/12/2013	\$67.00	OffConnect Kiosk Deposit	4461778192787071283/SI MMS, AVA	\$74.10	\$0.00 \$1.00
GCI					
04/12/2013	(\$5.80)	Postage Charges (USPS)		\$68.30	\$0.00 \$1.00
GCI					
04/16/2013	(\$28.34)	Commissary Sale	Ticket Number 245270	\$39.96	\$0.00 \$1.00
GCI					
04/23/2013	(\$25.92)	Commissary Sale	Ticket Number 245892	\$14.04	\$0.00 \$1.00
GCI					
04/23/2013	(\$2.42)	Commissary Sale	Ticket Number 245895	\$11.62	\$0.00 \$1.00
GCI					
04/27/2013	\$37.00	OffConnect Kiosk Deposit	4461780312621867315/SI MMS, AVA	\$48.62	\$0.00 \$1.00
GCI					
04/29/2013	(\$26.08)	Commissary Sale	Ticket Number 246494	\$22.54	\$0.00 \$1.00
GCI					
04/30/2013	(\$1.00)	Payment to Treasurer, State of Ohio	ECP	\$22.54	\$0.00 \$0.00
GCI					
04/30/2013	(\$1.92)	Postage Charges (USPS)		\$20.62	\$0.00 \$0.00
GCI					
04/30/2013	(\$1.92)	Postage Charges (USPS)		\$18.70	\$0.00 \$0.00
GCI					
04/30/2013	\$1.92	Reversed Postage Charges (USPS)	Reversed Task No. 34842304	\$20.62	\$0.00 \$0.00
GCI					
05/01/2013	(\$15.00)	Inmate's Personal Account	POS Exemption Transfer	\$5.62	\$0.00 \$0.00
GCI					
05/01/2013	\$15.00	Pos Exemption	POS Exemption Transfer	\$20.62	\$0.00 \$0.00
GCI					
05/03/2013	\$22.00	State Pay	State Pay	\$42.62	\$0.00 \$0.00
GCI					
05/03/2013	(\$1.00)	Electronics Usage Charge	Electronic Usage Charge	\$41.62	\$0.00 \$1.00
GCI					
05/03/2013	(\$2.00)	Pos Exemption		\$39.62	\$0.00 \$1.00
GCI					
05/03/2013	\$2.00	Inmate's Personal Account		\$41.62	\$0.00 \$1.00
GCI					
05/03/2013	(\$29.50)	Fundraisers - No Specific Club	ARC FOODSALE	\$12.12	\$0.00 \$1.00

05/06/2013	\$132.00 OffConnect Kiosk Deposit	4493539590411936050/SI MMS, DORA	\$144.12	\$0.00	\$1.00
GCI					
05/06/2013	(\$11.78) Commissary Sale	Ticket Number 247124	\$132.34	\$0.00	\$1.00
GCI					
05/13/2013	(\$67.54) Commissary Sale	Ticket Number 248185	\$64.80	\$0.00	\$1.00
GCI					
05/13/2013	(\$0.20) Postage Charges (USPS)		\$64.60	\$0.00	\$1.00
GCI					
05/15/2013	(\$0.64) Postage Charges (USPS)		\$63.96	\$0.00	\$1.00
GCI					
05/15/2013	(\$0.40) Postage Charges (USPS)		\$63.56	\$0.00	\$1.00
GCI					
05/17/2013	(\$1.92) Postage Charges (USPS)		\$61.64	\$0.00	\$1.00
GCI					
05/20/2013	(\$21.57) Commissary Sale	Ticket Number 248760	\$40.07	\$0.00	\$1.00
GCI					
05/28/2013	(\$20.18) Commissary Sale	Ticket Number 249360	\$19.89	\$0.00	\$1.00
GCI					
05/31/2013	(\$1.00) Payment to Treasurer, State of Ohio	ECP	\$19.89	\$0.00	\$0.00
GCI					
06/01/2013	(\$15.00) Inmate's Personal Account	POS Exemption Transfer	\$4.89	\$0.00	\$0.00
GCI					
06/01/2013	\$15.00 Pos Exemption	POS Exemption Transfer	\$19.89	\$0.00	\$0.00
GCI					
06/04/2013	(\$19.63) Commissary Sale	Ticket Number 250114	\$0.26	\$0.00	\$0.00
GCI					
06/06/2013	\$132.00 OffConnect Kiosk Deposit	4528364684074049842/SI MMS, DORA	\$132.26	\$0.00	\$0.00
GCI					
06/07/2013	\$22.00 State Pay	State Pay	\$154.26	\$0.00	\$0.00
GCI					
06/07/2013	(\$1.00) Electronics Usage Charge	Electronic Usage Charge	\$153.26	\$0.00	\$1.00
GCI					
06/07/2013	(\$21.00) Club Sales	MTA FUNDRAISER	\$132.26	\$0.00	\$1.00
GCI					
06/07/2013	(\$6.00) Club Dues	VVA MEMBERSHIP DUES	\$126.26	\$0.00	\$1.00
GCI					
06/12/2013	(\$37.93) Commissary Sale	Ticket Number 251120	\$88.33	\$0.00	\$1.00

GCI					
06/13/2013	(\$1.52) Postage Charges (USPS)		\$86.81	\$0.00	\$1.00
GCI					
06/17/2013	(\$1.52) Postage Charges (USPS)		\$85.29	\$0.00	\$1.00
GCI					
06/19/2013	(\$17.88) Commissary Sale	Ticket Number 251948	\$67.41	\$0.00	\$1.00
GCI					
06/25/2013	(\$20.64) Commissary Sale	Ticket Number 252573	\$46.77	\$0.00	\$1.00
GCI					
06/28/2013	(\$1.00) Payment to Treasurer, State of Ohio	ECP	\$46.77	\$0.00	\$0.00
GCI					
07/01/2013	(\$15.00) Inmate's Personal Account	POS Exemption Transfer	\$31.77	\$0.00	\$0.00
GCI					
07/01/2013	\$15.00 Pos Exemption	POS Exemption Transfer	\$46.77	\$0.00	\$0.00
GCI					
07/02/2013	(\$26.12) Commissary Sale	Ticket Number 253114	\$20.65	\$0.00	\$0.00
GCI					
07/05/2013	\$22.00 State Pay	State Pay	\$42.65	\$0.00	\$0.00
GCI					
07/05/2013	(\$1.00) Electronics Usage Charge	Electronic Usage Charge	\$41.65	\$0.00	\$1.00
GCI					
07/05/2013	(\$19.00) Club Sales	AMVETS FOOD SALE	\$22.65	\$0.00	\$1.00
GCI					
07/05/2013	(\$4.50) Club Sales	NGVJ PHOTO	\$18.15	\$0.00	\$1.00
GCI					
07/05/2013	(\$5.00) Fundraisers - No Specific Club	AMVETS HOT DOG SALE	\$13.15	\$0.00	\$1.00
GCI					
07/07/2013	\$137.00 OffConnect Kiosk Deposit	4575960981152751922/SI MMS, DORA	\$150.15	\$0.00	\$1.00
GCI					
07/10/2013	(\$51.27) Commissary Sale	Ticket Number 253993	\$98.88	\$0.00	\$1.00
GCI					
07/16/2013	(\$12.65) Commissary Sale	Ticket Number 254740	\$86.23	\$0.00	\$1.00
GCI					
07/23/2013	(\$30.29) Commissary Sale	Ticket Number 255382	\$55.94	\$0.00	\$1.00
GCI					
07/25/2013	(\$5.00) JPay Media Credits	Automated JPay Media Credits	\$50.94	\$0.00	\$1.00
GCI					

07/29/2013	\$37.00 OffConnect Kiosk Deposit	4613485967308251442/SI MMS, DORA	\$87.94	\$0.00	\$1.00
GCI					
07/30/2013	(\$28.35) Commissary Sale	Ticket Number 255936	\$59.59	\$0.00	\$1.00
GCI					
07/31/2013	(\$1.00) Payment to Treasurer, State of Ohio	ECP	\$59.59	\$0.00	\$0.00
GCI					
08/01/2013	(\$15.00) Inmate's Personal Account	POS Exemption Transfer	\$44.59	\$0.00	\$0.00
GCI					
08/01/2013	\$15.00 Pos Exemption	POS Exemption Transfer	\$59.59	\$0.00	\$0.00
GCI					
08/07/2013	\$187.00 OffConnect Kiosk Deposit	4634624911575900466/SI MMS, DORA	\$246.59	\$0.00	\$0.00
GCI					
08/08/2013	(\$48.90) Commissary Sale	Ticket Number 256674	\$197.69	\$0.00	\$0.00
GCI					
08/09/2013	\$22.00 State Pay	State Pay	\$219.69	\$0.00	\$0.00
GCI					
08/09/2013	(\$1.00) Electronics Usage Charge	Electronic Usage Charge	\$218.69	\$0.00	\$1.00
GCI					
08/09/2013	(\$20.50) Fundraisers - No Specific Club	NAACP FUNDRAISER	\$198.19	\$0.00	\$1.00
GCI					
08/14/2013	(\$6.00) Withdrawal to EXOTIC EYE CANDY ENT	A310050 TIMOTHY SIMMS	\$192.19	\$0.00	\$1.00
GCI					
08/16/2013	(\$44.32) Commissary Sale	Ticket Number 257800	\$147.87	\$0.00	\$1.00
GCI					
08/19/2013	(\$3.26) Postage Charges (USPS)		\$144.61	\$0.00	\$1.00
GCI					
08/22/2013	(\$38.44) Commissary Sale	Ticket Number 258482	\$106.17	\$0.00	\$1.00
GCI					
08/29/2013	(\$39.38) Commissary Sale	Ticket Number 259070	\$66.79	\$0.00	\$1.00
GCI					
08/30/2013	(\$1.00) Payment to Treasurer, State of Ohio	ECP	\$66.79	\$0.00	\$0.00
GCI					
09/01/2013	(\$15.00) Inmate's Personal Account	POS Exemption Transfer	\$51.79	\$0.00	\$0.00
GCI					
09/01/2013	\$15.00 Pos Exemption	POS Exemption Transfer	\$66.79	\$0.00	\$0.00
GCI					

09/03/2013	(\$2.12) Postage Charges (USPS)				\$64.67	\$0.00	\$0.00
GCI							
09/03/2013	(\$14.88) Commissary Sale	Ticket Number 259190			\$49.79	\$0.00	\$0.00
GCI							
09/06/2013	\$22.00 State Pay	State Pay			\$71.79	\$0.00	\$0.00
GCI							
09/06/2013	(\$1.00) Electronics Usage Charge	Electronic Usage Charge			\$70.79	\$0.00	\$1.00
GCI							
09/06/2013	(\$37.75) Fundraisers - No Specific Club	NGVJ FOOD SALE			\$33.04	\$0.00	\$1.00
GCI							
09/06/2013	(\$4.82) Club Sales	VVA OFFICE SUPPLIES			\$28.22	\$0.00	\$1.00
GCI							
09/09/2013	(\$20.36) Commissary Sale	Ticket Number 259861			\$7.86	\$0.00	\$1.00
GCI							
09/11/2013	\$152.00 OffConnect Kiosk Deposit	4686164752431866163/SI MMS, DORA			\$159.86	\$0.00	\$1.00
GCI							
09/13/2013	(\$11.16) Postage Charges (USPS)				\$148.70	\$0.00	\$1.00
GCI							
09/16/2013	(\$55.22) Commissary Sale	Ticket Number 261019			\$93.48	\$0.00	\$1.00
GCI							
09/17/2013	(\$2.75) Postage Charges (USPS)				\$90.73	\$0.00	\$1.00
GCI							
09/20/2013	(\$0.30) Postage Charges (USPS)	ACCT. PRINT OUT /6MO			\$90.43	\$0.00	\$1.00
GCI							
09/20/2013	\$0.30 Reversed Postage Charges (USPS)	Reversed Task No. 36832710			\$90.73	\$0.00	\$1.00
GCI							
09/20/2013	(\$0.30) Copy Charges	ACCT. PRINT OUT /6MO			\$90.43	\$0.00	\$1.00
GCI							

Outstanding Debts:

Start Date	Description	Case	Agency	County	Total Debt	Paid to Date	Balance Owed
	Electronics Usage Charge						\$0.00
Total Outstanding Case Balances					\$0.00		

Outstanding Holds:

Start Date	Description	Case	Agency	County	Total Debt	Paid to Date	Balance Owed