

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE EX REL,
MICHAEL GOODWIN

Petitioner

vs.

EDWARD SHELDON, Warden
Toledo Correctional Institution

Respondent

CASE No. 13-1789

C.P. CASE No. CR314527

Cuyahoga App. No. 68531.

ORAL HEARING REQUESTED

PETITION FOR WRIT OF HABEAS CORPUS

Now comes the petitioner Michael Goodwin, acting in pro se, and before this honorable court by special appearance to R.C. 2725.01, 2939.20, and to writ the United State constitution; article 1, section 16, of the fifth and fourteenth amendments, as well as the fifth amendments article 1, section 10, of the Ohio Constitution. Respectfully moves this honorable court to issue a Writ Of Habeas Corpus compelling the petitioner's unlawful imprisonment and restraint of liberty by Edward Sheldon, Warden of Toledo Correctional Institution, Lucas County, Ohio.

Respectfully submitted,

Michael Goodwin
MICHAEL GOODWIN

#306-357
Toledo Correctional Institution
2001 East Central Avenue
Toledo, Ohio 43608

RECEIVED
NOV 08 2013
CLERK OF COURT
SUPREME COURT OF OHIO

RECEIVED
OCT 15 2013
CLERK OF COURT
SUPREME COURT OF OHIO

FILED DEFENDANT-APPELLANT, PRO SE
NOV 08 2013
CLERK OF COURT
SUPREME COURT OF OHIO

BRIEF IN SUPPORT

R.C.2725.01; Persons entitled to Writ Of Habeas Corpus provides in pertinent part : whoever is unlawfully restrained of his liberty, may prosecute a writ of Habeas Corpus, to inquire into the cause of such imprisonment or restrained or deprivation.

R.C.2939.20: Provides in pertinent part: at least twelve of the grand jurors must concur in the finding of and an indictment when found, the foreman shall indorse on such indictment the words True Bill and and subscribe his name.

Government Legislation: provides that all Statutory language and provisions and or requirement be clearly placed on the actual indictment.

Constitutional amendment: Fifth And Fourteenth Guarantees there will be no deprivation of life, liberty or property without due process of law.

Constitutional Amendment: Sixth Guarantees the right of Effective Assistance Of Counsel

Certified Conflict: In the Instant case there is and Certified conflict of offenses for which the petitioner Is unlawfully restrained And deprived O f his liberty; Fact Is there Is no degree of offense to support the conviction, and sentencing entry, please review attached hereto, there is no endorsement of indictment .

Argument: Provides In pertinent part:

- (1). In Ohio, All Crimes are statutory
- (2). The elements necessary to constitute a crime must be gathered wholly from the statute.
- (3). If any material or ingredient of an offense, as defined by statute, is omitted from the indictment, such omission is fatal to the validity of the indictment.

CASE SUMMARY

Case N0. CR314527 : In the instant case the petitioner was served a document (indictment) by the Cuyahoga County, Ohio grand jury term September(1994) True Bill by grand jury on two counts of Aggravated murder in violation of R.C.2903.01,and one count of Aggravated Robbery in violation of R.C.2911.01, and Having Weapon While Under Disability in violation of R.C. 2923.13.

It shall be noted that the instant case went before the court of common plea Cuyahoga County, Ohio on or about August 2011 on limited remand from the U.S. Sixth Circuit Court of Appeal,and U.S. District Court, Northern District of Ohio for re-sentencing.

On 8/3/2011 The petitioner was re-sentenced to count one, Aggravated Murder R.C.2929.01(A)(1), Petitioner is sentenced to Life with parole eligibility after severing 30 year's consecutive to mandatory 3 year firearm specification R.C.2941.141 for life with parole eligibility after 33 years.

Count three Aggravated Robbery R.C.2911.01 (pre SB.2) 9, to 25 years; Count four HWWUD, R.C.2923.13 (pre SB.2) 1 & half years count three and be served concurrently,but cumulative sentence of life with parole eligibility after 42 years.

Argument

(B) Ground Number One: R.C.2939.20.

In the instant case the petitioner was clearly deprived of all statutory requirements related to the grand jury and finding of an indictment for the forgoing reasons there are two major structural errors made by the grand jurors, and the Cuyahoga County, Ohio prosecuting attorney.

- (1). The actual document (indictment) was not (indorsed) by the foreman, Nor is there any statutory required degree of felony listed for the actual offenses of Aggravated Robbery. And having Weapon While Under Disability, R.C.2939.20 structural defect.

(C) Ground Number Two: 2939.20

In the instant case the fatally and defective Journal Entry sentencing the petitioner lacks the statutory language of the degree of offenses, and there is no way defect can be cured due to the lack of the actual document (indictment) lacking the degree of offense.

(D) Ground Number Three:

The petitioner was denied his guaranteed rights to effective assistance of counsel according to the sixth amendment to the U.S. Constitution; Article 1, section 10, both of petitioner's legal counsel Mr. Gregory W. Meyer's (0014887), And Mr. Richard G. Lillie(0023744), should have discovered and or objected to the clear defect within the state's document (indictment), and or acted to protect the petitioner by addressing an direct appeal, counsel for petitioner was ineffective and failed to discover the fatally defective document (indictment). See document (indictment) attached hereto there is (no endorsement) Nor (degree of felony). Fifth and fourteenth amendment violations to due process of law.

(E) Ground Number Four:

If the meaning of the statute is clear it face, thus it must be applied as it written. Thus if the statue is unambiguous and definite, there is no need for further interpretation to construe or interpret what is already plain is not interpretation but legislation which is not the function of the counts.

(F). Ground Number Five: Nullity:

In this instant case the purported indictment. And sentencing entry. Is a nullity as such, there is no cure and the honorable supreme court must grant the writ of Habeas Corpus, and release the petitioner from the unlawful restraint of imprisonment due to the lack of (indorsed indictment),and lack of (degree of offense on the indictment-document) along with the lack of degree on the (sentencing entry).

(G).Conclusion:

Wherefore the above petitioner,acting pro,se. Pursuant to R.C. 2725.01, R.C.2939.20 and pursuant to the U.S. Constitution ; Article 1, section 16, and Article 1, section 10, and now respectfully moves this honorable court for an issue of writ of Habeas Corpus and or oral hearing thereafter, order the release of petitioner unlawful restraint of imprisonment of his liberty by Edward Sheldon(Warden), of Toledo Correctional Institution, Lucas County, Ohio .

Respectfully Submitted



(A).Case Summary

Case No.CR.314527:

In the instant case the petitioner was served a document (indictment), by the Cuyahoga County,Ohio Grand jury term September (1994), True Bill by Grand jury on two counts of Aggravated Murder in violation of 2903.01, and one count of Aggravated Robbery in violation Of R.C.2911.01, and Having Weapon While Under Disability, in violation of R.C.2923.13. It shall be noted that court of common pleas of Cuyahoga County, Ohio, on or about August 3, 2011, on limited remand from the U.S. Sixth Circuit Court Of Appeals, And U.S. District Court, Northern district of Ohio for re-sentencing.



Patricia R Ceglio
Notary Public - Ohio
My Commission Expires
07-05-16



10/3/13

AFFIDVANT

STATE OF OHIO)
)
COUNTY OF LUCAS)

SS;

The above named petitioner Michael Goodwin, acting in pro se, and being first duly sworn according to law swears under penalty of perjury that the facts stated and the matter contained in the forgoing petition and application are known to me to be True and Correct.


MICHAEL GOOWDIN

NOTARY SERVICE

Sworn to me and subscribed in my presence this 3 day of October
in the year 20 13.


Notary Public



Patricia R Ceglio
Notary Public - Ohio
My Commission Expires
07-05-16



FILED

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

2011 AUG -5 P 4: 06

STATE OF OHIO

GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY

JUDGE TIMOTHY J. MCGINTY

Plaintiff,

CASE NO. CR 94 314527

vs.

MICHAEL GOODWIN

JOURNAL ENTRY

Defendant.

This matter is before the Court on limited remand from the U.S. Sixth Circuit Court of Appeals and U.S. District Court, Northern District of Ohio for resentencing.

On 8/3/11, Defendant waived his right to jury trial in open court and in writing in the presence of counsel. Said Jury Waiver was duly filed with the Clerk of Court.

On 8/3/11, in the presence of counsel and by random draw, Judges John P. O'Donnell and Judge Nancy A. Fuerst were selected to serve on the three-judge panel. Without objection from the parties, the judicial panel is comprised of Assigned Judge Timothy J. McGinty, Judge John P. O'Donnell and Administrative Judge Nancy A. Fuerst.

On 8/3/11, in open court and on the record, the State and Defendant represented by counsel, knowingly signed and submitted their Joint Stipulation of Facts which included a recommended finding that the aggravating circumstance does not outweigh the mitigating factors. Additionally, the parties requested a recommended cumulative sentence of life with possibility of parole after serving 42 years. Defendant knowingly and intelligently waived his right to present an unsworn statement or to obtain a presentence investigation or psychiatric report.

After adjournment for deliberation, the panel announced its decision on the record in open court. Upon review of the facts as submitted in the Joint Stipulation, the panel finds that the aggravating circumstance does not outweigh the mitigating factors beyond a reasonable doubt thereby rendering Defendant ineligible for the death penalty.

The parties concur that Counts 1 and 2 charging Aggravated Murder with the 3 Year Firearm Specification merge for purposes of sentencing. The State elects to proceed to sentence on Count 1.

As to Count 1, Aggravated Murder, R.C. 2903.01(A)(1) Defendant is sentenced to Life with Parole Eligibility after serving 30 years consecutive to the mandatory 3 Year Firearm Specification R.C. 2941.141 for Life with Parole Eligibility after 33 years.

obrac
Ohio State Pen. # 306357
m 8-5-11

Sheriff Signature [Signature] 8-9-11

KOREI + cost

Prior to imposition of sentence in remaining Counts 3 and 4, statements from the victim's family member and from the Prosecutor were heard. Defendant offered his statement of apology to the victim.

Defendant is sentenced on the remaining charges: **Count 3, Aggravated Robbery, R.C. 2911.01 (pre SB 2) 9 to 25 years; Count 4, HWWUD, R.C. 2923.13 (pre SB2) 1½ years. Counts 3 and 4 to be served concurrently but consecutively to Count 1.**

Defendant to serve a cumulative sentence of Life with Parole Eligibility after 42 years.

Credit for time served from 9/14/1994 to present.

Defendant determined indigent. Costs waived.

Defendant advised of his appellate rights as to sentencing only.

IT IS SO ORDERED.

Date

8/5/11

Judge Timothy J. McGinty

Judge John P. O'Donnell

Judge Nancy A. Fuerst



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

FILED

STATE OF OHIO,

2011 AUG -3 P 12:35

Plaintiff,

GERALD E. FUERST Case No. CR-94-314527-A
CLERK OF COURTS
JUDGE Timothy J. McGinty
CUYAHOGA COUNTY

v.

MICHAEL L. GOODWIN,

Defendant.

**DEFENDANT'S WAIVER OF HIS RIGHT TO A JURY TRIAL
CONDITIONED ON HIS SENTENCE AGREEMENT WITH PLAINTIFF**

I, Michael L. Goodwin, the Defendant in the above cause, hereby knowingly, intelligently, and voluntarily waive and give up my right to a trial by jury on the issue of punishment, and elect to have a three-judge panel determine my sentence for the charge of capital Aggravated Murder in my Indictment for which I have already been found guilty.

I understand that the Federal Court granted me habeas sentencing relief with respect to my capital conviction and death sentence imposed by Ohio's courts, and remanded my case to the Ohio trial court for a mitigation phase retrial. *Goodwin v. Johnson*, 632 F.3d 301 (6th Cir., 2011). I also understand that my convictions on the underlying crimes were not reversed or nullified by any court, which means I stand convicted of Aggravated Murder with Aggravating Circumstance specification (meaning I am exposed to sentences of 20 or 30 years to life, or death), Aggravated Robbery, and Weapon Under Disability, with a Firearm Specification attached to the first two of these

three offenses. I fully understand that under the laws of Ohio and the provisions of the United States Constitution, I may have a right to have a new jury impaneled to consider mitigating evidence and make a recommendation on my sentence for Aggravated Murder; and I also understand that under these same legal provisions, it is possible that the option of another death sentence could be ruled out depending on how higher courts answer legal and constitutional questions related to cases like mine, which could mean that either another jury or a judge would decide which sentence, other than death, should be imposed.

I understand that at a mitigation-phase jury trial on the aggravating circumstance and mitigating factors, the State of Ohio would be required to prove beyond a reasonable doubt that the indicted statutory aggravating circumstance under R.C. 2929.04(A) outweighs the mitigating factors that would be presented on my behalf.

I understand that if I went to a jury trial, a panel of twelve jurors would consider evidence of mitigating factors presented on my behalf and decide whether to recommend that I be sentenced to death or whether I should be sentenced to one of two life-in-prison options: life with parole eligibility after thirty full years, or life with parole eligibility after twenty full years. I understand that for a jury of twelve persons to recommend that I be sentenced to death, they must all agree and be unanimous. I also understand that a solitary juror may prevent the death penalty from being imposed.

With these understandings and information in mind, I, Michael L. Goodwin, hereby knowingly, intelligently, and voluntarily waive and give up my constitutional right to have a jury recommend or decide which sentence should be imposed for the charge of death-eligible Aggravated Murder in the Indictment.

My decision to give up my right to a jury trial is tied to my accepting an agreed-upon sentence as part of an agreement between my attorneys, the State of Ohio (through the Cuyahoga County Assistant Prosecuting Attorneys), and me. I am giving up my right to a jury trial as part of a Sentence Agreement, which is incorporated by reference as if fully rewritten herein.

My decision to waive a jury is based and conditioned on my attorneys' advice, without which I would not waive my right to a jury trial. My attorneys have explained to me the terms of a Sentencing Agreement that I have entered with counsel for the State of Ohio, and my attorneys have advised me to execute this jury waiver as part of that Sentencing Agreement. But for my counsel's advice, and but for the terms of that Sentencing Agreement, I would not give up my right to a jury trial. I would not waive my right to a jury trial were it not for my reliance on the accuracy of the advice I received from my counsel.

I waive any claim that this conditional jury waiver form fails to satisfy the requirements of Criminal Rule 23(A), R.C. 2945.05, or any other legal or procedural requirement with respect to the manner in which I can execute a binding jury waiver.

I understand that by waiving my right to a jury trial, a three-judge panel will be seated to preside over the mitigation-phase of my trial. Further, I understand that the tribunal must be unanimous were it to reach a decision to impose a death sentence; but that, based on what my counsel have said, and based upon my Sentence Agreement with the State of Ohio, I expect that the Court will accept the sentence recommended by the Parties and impose a sentence of forty-two years to life in prison.

I relied on the advice of my attorneys when I made the decision to waive my right to a jury trial and accept the terms of the Sentence Agreement that I expect will lead to a sentence of forty-two years to life imprisonment. My attorneys have carefully explained to me everything in this document and in the Sentence Agreement, and they have explained to me all the reasons why they advised me to enter into the Sentence Agreement and waive my right to jury.

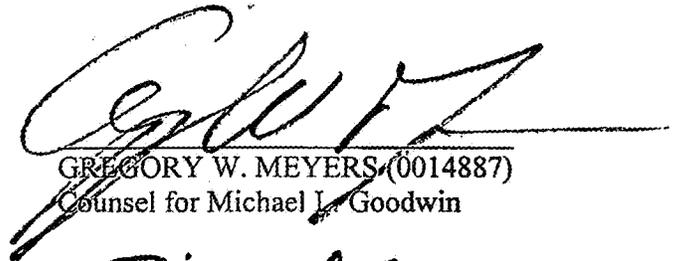
I acknowledge that this jury waiver document is a total of four pages. Signed in open court on this 3rd day of August, 2011.

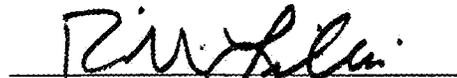

MICHAEL L. GOODWIN
Defendant

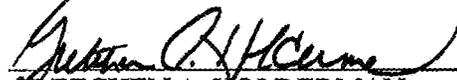
Witnessed by:


KEVIN R. FILIAUTRAUT (0075420)
Assistant Prosecutor


MATTHEW E. MEYER (0075253)
Assistant Prosecutor


GREGORY W. MEYERS (0014887)
Counsel for Michael L. Goodwin


RICHARD G. LULLIE (0023744)
Counsel for Michael L. Goodwin


GRETCHEN A. HOLDERMAN
(0058508)
Counsel for Michael L. Goodwin

Cuyahoga County Common Pleas

THE STATE OF OHIO
VS.

A TRUE BILL INDICTMENT FOR

MICHAEL GOODWIN

AGGRAVATED MURDER R.C. 2903.01

JAMES JOHNSON

JAMES PADGETT

DATE OF OFFENSE
September 13, 1994

THE TERM OF
SEPTEMBER OF 1994

CASE NO
CR 314527

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), on or about the date of the offense set forth above, in the County of Cuyahoga, unlawfully purposely with prior calculation and design, caused the death of another, to-wit: Mustafa Sammour.

SPECIFICATION ONE: (Felony Murder)

The Grand Jurors further find and specify that the offense presented above was committed while the offenders were committing, attempting to commit or fleeing immediately after committing or attempting to commit Aggravated Robbery and either the offenders were the principal offenders in the commission of the Aggravated Murder or, if not the principal offenders, committed the Aggravated Murder with prior calculation and design.

SPECIFICATION TWO: (Firearm)

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

FILED
SEP 28 1994
GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY, OHIO

PROCESSED
SEP 30 1994

GERALD E. FUERST
MICRO-DATA DEPT.

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

[Signature]
Foreman of the Grand Jury

[Signature]
Prosecuting Attorney

Case No. 06-3571/06-3572
Goodwin v. Johnson
000006 Pg. 251

Cuyahoga County Common Pleas

THE STATE OF OHIO
VS.

MICHAEL GOODWIN

JAMES JOHNSON

JAMES PADGETT

A TRUE BILL INDICTMENT FOR

AGGRAVATED MURDER R.C. 2903.01

DATE OF OFFENSE
September 13, 1994

THE TERM OF
SEPTEMBER OF 1994

CASE NO
CR 314527

COUNT
2

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 purposely caused the death of another, to-wit: Mustafa Sammour while committing or attempting to commit, or while fleeing immediately after committing or attempting to commit Aggravated Robbery.

SPECIFICATION ONE: (Felony Murder)

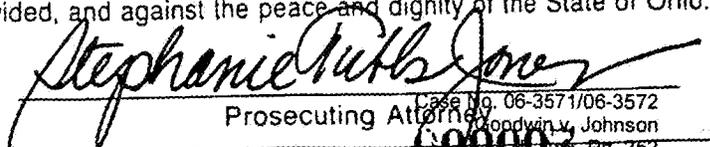
The Grand Jurors further find and specify that the offense presented above was committed while the offenders were committing, attempting to commit or fleeing immediately after committing or attempting to commit Aggravated Robbery and either the offenders were the principal offenders in the commission of the Aggravated Murder or, if not the principal offenders, committed the Aggravated Murder with prior calculation and design.

SPECIFICATION TWO: (Firearm)

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

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


Prosecuting Attorney

Case No. 06-3571/06-3572
Goodwin v. Johnson
Pg. 252

000002

Cuyahoga County Common Pleas

THE STATE OF OHIO
VS.

A TRUE BILL INDICTMENT FOR

MICHAEL GOODWIN

AGGRAVATED ROBBERY R.C. 2911.01

JAMES JOHNSON

JAMES PADGETT

DATE OF OFFENSE
September 13, 1994

THE TERM OF
SEPTEMBER OF 1994

CASE NO
CR 314527

COUNT
3

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

did, in attempting or committing a theft offense, as defined in Section 2913.01 of the Revised Code, or in fleeing immediately after such attempt or offense upon Mustafa Sammour, have a deadly weapon or dangerous ordnance, to-wit: firearm, on or about their person or under their control.

SPECIFICATION ONE: (Firearm)

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

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

Prosecuting Attorney

Case No. 06-3571/06-3572
Goodwin v. Johnson

000008 Pg. 253

Cuyahoga County Common Pleas

THE STATE OF OHIO
VS.

MICHAEL GOODWIN

A TRUE BILL INDICTMENT FOR

HAVING WEAPON WHILE UNDER DISABILITY
R.C. 2923.13

DATE OF OFFENSE
September 13, 1994

THE TERM OF
SEPTEMBER OF 1994

CASE NO.
CR 314527

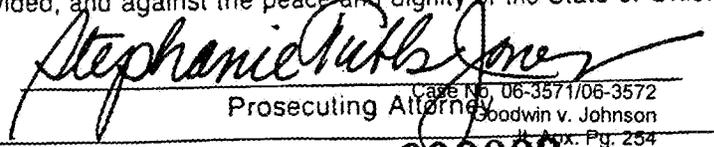
COUNT
4

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 under indictment for or had been convicted of an offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse, to-wit: on or about the 18th day of May, 1994, in the Court of Common Pleas of Cuyahoga County, Ohio, Case No. CR 307256, having been convicted of the crime of Drug Abuse, in violation of Revised Code Section 2925.11, of the State of Ohio,

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


Prosecuting Attorney

Case No. 06-3571/06-3572
Goodwin v. Johnson
App. Pg. 254

000009

RECEIVED
OCT 15 2013
CLERK OF COURT
SUPREME COURT OF OHIO

IN THE SUPREME COURT OF OHIO

RECEIVED
NOV 08 2013
CLERK OF COURT
SUPREME COURT OF OHIO

MICHAEL GOODWIN,
PETITIONER,

SUPREME NO:-----

C.P.CASE NO:CR314527

Cuyahoga App. No.68531.

VS.

EDWARD SHELDON, (WARDEN)
TOLEDO CORR. INST.
RESPONDENT.

MOTION TO FILED REDUCED NUMBER OF COPIES OF WRIT OF HABEAS CORPUS,
PURSUANT TO SUPREME COURT PRACTICE RULE 3.10(A).

Now comes the Petitioner, Michael Goodwin in pro se counsel and respectfully moves this Honorable Court to Grant him leave to filed (1) Motion of his WRIT OF HABEAS CORPUS, instead of the (10) copies of the WRIT OF HABEAS CORPUS as required, pursuant to Supreme Court Practice Rule 3.10(A).

Petitioner, Michael Goodwin states that good cause exist as set forth in his Memorandum in Support attached hereof.



Patricia R Ceglio
Notary Public - Ohio
My Commission Expires
07-05-16

RESPECTFULLY SUBMITTED,

Michael Goodwin

MICHAEL GOODWIN #306-537
P.O. BOX 80033
TOLEDO, OHIO 43608

Patricia R Ceglio
10/3/13

MEMORANDUM IN SUPPORT

I petitioner, Michael Goodwin is incarcerated at the Toledo Corr. Inst., and he is being denied access to the LAW LIBRARY COPY MACHINE because he doesn,t has the necessary funds to pay for the (10) copies of his WRIT OF HABEAS CORPUS, pursuant to Supreme Court Practice Rule 3.10(A), which states in part; "Petitioner must file (10) copies of an original action.

So, petitioner, Michael Goodwin respectfully moves this Honorable Court to allowed him to filed (1) copy of his WRIT OF HABEAS CORPUS, instead of the (10) copies which is required by the Supreme Court Practice Rule 3.10(A).

RESPECTFULLY SUBMITTED,

Michael Goodwin

MICHAEL GOODWIN #306-537

PROOF OF SERVICE

I petitioner, Michael Goodwin certify that an true copy of this Motion to filed reduce number of copies of the his WRIT OF HABEAS CORPUS was served upon the OHIO SUPREME COURT on this -----3----- day of -----October-----, 2013, via U.S. MAIL.

RESPECTFULLY SUBMITTED,

Patricia R Ceglio

MICHAEL GOODWIN #306-537
P.O. BOX 80033
TOLEDO, OHIO 43608



Patricia R Ceglio
Notary Public - Ohio
My Commission Expires
07-05-16

APPENDIX E. AFFIDAVIT OF INDIGENCE

IN THE SUPREME COURT OF OHIO

Affidavit of Indigence

I, Michael Goodwin, do hereby state that I am without the necessary funds to pay the costs of this action for the following reason(s)*:

I have been incarcerated since September 1994 and do not have the means to cover the cost of the filing fees. I have enclosed a printout of my last six months of my inmate pretrial account.

If you require additional space for your statement of reasons, you may continue on the back side of this form.

Pursuant to Rule 3.06, of the Rules of Practice of the Supreme Court of Ohio, and for the reasons stated above, I am requesting that the filing fee and security deposit, if applicable, be waived.

Michael Goodwin
Affiant

Sworn to, or affirmed, and subscribed in my presence this 31 day of October, 2013.**

Patricia R Ceglio
Notary Public

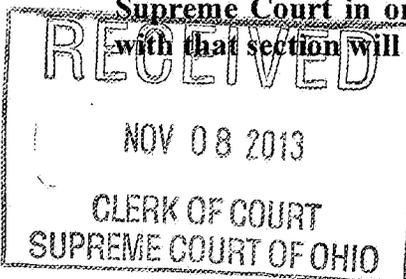


Patricia R Ceglio
Notary Public - Ohio
My Commission Expires
07-05-16

My Commission Expires: 7/5/14.

* S.Ct.Prac.R. 3.06 requires your affidavit of indigence to state the reason(s) you are unable to pay the docket fees and/or security deposit. Failure to state specific reasons that you are unable to pay will result in your affidavit being rejected for filing by the clerk.

**This affidavit must be executed not more than six months prior to being filed in the Supreme Court in order to comply with S.Ct.Prac.R. 3.06. Affidavits not in compliance with that section will be rejected for filing by the clerk.



10/28/2013

Toledo Correctional Institution

Inmate Demand Statement

Inmate Name: GOODWIN, MICHAEL

Number: A306357

Lock Location: ToCI,B4,E,T,,0007

Date Range: 04/28/2013 Through 10/29/2013

Beginning Account Balances:

Ending Account Balances:

	Saving	Debt	Payable
Electronics Usage	\$0.00	\$0.00	\$0.00
RIB - No Cash Slip	\$0.00	\$0.00	\$0.00
Inmate's Personal Account	\$23.24	\$0.00	\$0.00
Begin Totals	\$23.24	\$0.00	\$0.00

	Saving	Debt	Payable
Electronics Usage Charge	\$0.00	\$0.00	\$1.00
RIB - No Cash Slip Signature	\$0.00	(\$13.21)	\$0.00
Inmate's Personal Account	\$20.00	\$0.00	\$0.00
End Totals	\$20.00	(\$13.21)	\$1.00

Transaction Date / Inst.	Transaction Amount	Description	Comment	Saving Balance	Debt Balance	Payable Balance
04/30/2013	(\$23.07)	Commissary Sale	Ticket Number 209813	\$0.17	\$0.00	\$0.00
ToCI						
05/01/2013	\$0.00	\$15.00 Reservation to Pos Exemption	OdrC Pos Exemption	\$0.17	\$0.00	\$0.00
ToCI						
05/03/2013	\$18.00	State Pay	State Pay	\$18.17	\$0.00	\$0.00
ToCI						
05/03/2013	(\$1.00)	Electronics Usage Charge	Electronic Usage Charge	\$17.17	\$0.00	\$1.00
ToCI						
05/07/2013	(\$15.66)	Commissary Sale	Ticket Number 210560	\$1.51	\$0.00	\$1.00
ToCI						
05/13/2013	(\$10.00)	RIB - No Cash Slip Signature	stolen food	\$1.51	(\$10.00)	\$1.00
ToCI						
05/20/2013	\$18.50	JPay MoneyOrders	25748188/GOODWIN, CALLIE	\$20.01	(\$10.00)	\$1.00
ToCI						
05/21/2013	(\$1.29)	Commissary Sale	Ticket Number 211998	\$18.72	(\$10.00)	\$1.00
ToCI						
05/29/2013	(\$17.50)	Commissary Sale	Ticket Number 212457	\$1.22	(\$10.00)	\$1.00
ToCI						
05/29/2013	(\$0.64)	Postage Charges (USPS)	B. Dowling	\$0.58	(\$10.00)	\$1.00
ToCI						
06/01/2013	\$0.00	\$15.00 Reservation to Pos Exemption	OdrC Pos Exemption	\$0.58	(\$10.00)	\$1.00
ToCI						
06/07/2013	\$17.00	State Pay	State Pay	\$9.08	(\$1.50)	\$9.50
ToCI						

06/07/2013	(\$1.00) Electronics Usage Charge	Electronic Usage Charge	\$8.08	(\$1.50)	\$10.50
ToCI					
06/07/2013	\$50.00 JPay MoneyOrders	26120899/STEIGMEYER, JOAN	\$58.08	(\$1.50)	\$10.50
ToCI					
06/11/2013	(\$48.33) Commissary Sale	Ticket Number 213440	\$9.75	(\$1.50)	\$10.50
ToCI					
06/13/2013	(\$0.64) Postage Charges (USPS)	Alison R	\$9.11	(\$1.50)	\$10.50
ToCI					
06/18/2013	(\$6.24) Commissary Sale	Ticket Number 214404	\$2.87	(\$1.50)	\$10.50
ToCI					
06/18/2013	(\$8.50) Payment to Offender Financial Responsibility Fund - Treasurer of State	June RIB payments	\$2.87	(\$1.50)	\$2.00
ToCI					
06/21/2013	\$40.00 JPay MoneyOrders	26397398/GOODWIN, CALLIE	\$42.87	(\$1.50)	\$2.00
ToCI					
06/25/2013	(\$12.57) Commissary Sale	Ticket Number 214989	\$30.30	(\$1.50)	\$2.00
ToCI					
06/25/2013	(\$0.64) Postage Charges (USPS)	B. Dowling	\$29.66	(\$1.50)	\$2.00
ToCI					
06/27/2013	(\$0.64) Postage Charges (USPS)	A. Reboul	\$29.02	(\$1.50)	\$2.00
ToCI					
07/01/2013	(\$15.00) Inmate's Personal Account	POS Exemption Transfer	\$14.02	(\$1.50)	\$2.00
ToCI					
07/01/2013	\$15.00 Pos Exemption	POS Exemption Transfer	\$29.02	(\$1.50)	\$2.00
ToCI					
07/05/2013	\$17.00 State Pay	State Pay	\$44.52	\$0.00	\$3.50
ToCI					
07/05/2013	(\$1.00) Electronics Usage Charge	Electronic Usage Charge	\$43.52	\$0.00	\$4.50
ToCI					
07/05/2013	(\$1.50) Payment to Offender Financial Responsibility Fund - Treasurer of State	July RIB payments	\$43.52	\$0.00	\$3.00
ToCI					
07/05/2013	(\$3.00) Payment to Treasurer, State of Ohio	Electronics charges	\$43.52	\$0.00	\$0.00
ToCI					
07/12/2013	(\$0.64) Postage Charges (USPS)	postage	\$42.88	\$0.00	\$0.00
ToCI					
07/15/2013	(\$0.64) Postage Charges (USPS)	B. Dowling	\$42.24	\$0.00	\$0.00

ToCI					
07/16/2013	(\$0.64) Postage Charges (USPS)	L. Colbourn	\$41.60	\$0.00	\$0.00
ToCI					
07/19/2013	(\$7.63) Commissary Sale	Ticket Number 217382	\$33.97	\$0.00	\$0.00
ToCI					
07/29/2013	\$23.50 JPay MoneyOrders	27175255/GOODWIN, CALLIE	\$57.47	\$0.00	\$0.00
ToCI					
07/31/2013	(\$24.96) RIB - No Cash Slip Signature	urine test	\$57.47	(\$24.96)	\$0.00
ToCI					
08/01/2013	(\$8.63) Inmate's Personal Account	POS Exemption Transfer	\$48.84	(\$24.96)	\$0.00
ToCI					
08/01/2013	\$8.63 Pos Exemption	POS Exemption Transfer	\$57.47	(\$24.96)	\$0.00
ToCI					
08/09/2013	\$3.00 State Pay	State Pay	\$60.47	(\$24.96)	\$0.00
ToCI					
08/09/2013	(\$1.00) Electronics Usage Charge	Electronic Usage Charge	\$59.47	(\$24.96)	\$1.00
ToCI					
08/15/2013	(\$0.64) Postage Charges (USPS)	B. Dowling	\$58.83	(\$24.96)	\$1.00
ToCI					
08/15/2013	\$18.50 JPay MoneyOrders	27586076/GOODWIN, CALLIE	\$77.33	(\$24.96)	\$1.00
ToCI					
08/21/2013	(\$12.21) Commissary Sale	Ticket Number 220239	\$65.12	(\$24.96)	\$1.00
ToCI					
08/23/2013	\$50.00 JPay MoneyOrders	27755781/STEIGMEYER, JOAN	\$115.12	(\$24.96)	\$1.00
ToCI					
08/27/2013	(\$29.68) Commissary Sale	Ticket Number 220502	\$85.44	(\$24.96)	\$1.00
ToCI					
08/29/2013	(\$2.00) Copy Charges	reload copy card	\$83.44	(\$24.96)	\$1.00
ToCI					
08/29/2013	(\$3.00) Copy Charges	reload copy card	\$80.44	(\$24.96)	\$1.00
ToCI					
08/30/2013	(\$0.64) Postage Charges (USPS)	A. Reboul	\$79.80	(\$24.96)	\$1.00
ToCI					
09/01/2013	(\$15.00) Inmate's Personal Account	POS Exemption Transfer	\$64.80	(\$24.96)	\$1.00
ToCI					
09/01/2013	\$15.00 Pos Exemption	POS Exemption Transfer	\$79.80	(\$24.96)	\$1.00
ToCI					

09/04/2013	(\$7.76) Commissary Sale	Ticket Number 220946	\$72.04	(\$24.96)	\$1.00
ToCI					
09/06/2013	\$6.50 State Pay	State Pay	\$75.29	(\$21.71)	\$4.25
ToCI					
09/06/2013	(\$1.00) Electronics Usage Charge	Electronic Usage Charge	\$74.29	(\$21.71)	\$5.25
ToCI					
09/06/2013	(\$3.25) Payment to Offender Financial Responsibility Fund - Treasurer of State		\$74.29	(\$21.71)	\$2.00
ToCI					
09/06/2013	(\$2.00) Payment to Treasurer, State of Ohio		\$74.29	(\$21.71)	\$0.00
ToCI					
09/16/2013	(\$0.30) Copy Charges	library copies	\$73.99	(\$21.71)	\$0.00
ToCI					
09/17/2013	(\$19.64) Commissary Sale	Ticket Number 222497	\$54.35	(\$21.71)	\$0.00
ToCI					
09/24/2013	(\$35.88) Commissary Sale	Ticket Number 222987	\$18.47	(\$21.71)	\$0.00
ToCI					
09/25/2013	\$18.50 JPay MoneyOrders	28512864/GOODWIN, CALLIE	\$36.97	(\$21.71)	\$0.00
ToCI					
09/26/2013	(\$0.30) Copy Charges	library copies	\$36.67	(\$21.71)	\$0.00
ToCI					
10/01/2013	(\$15.00) Inmate's Personal Account	POS Exemption Transfer	\$21.67	(\$21.71)	\$0.00
ToCI					
10/01/2013	\$15.00 Pos Exemption	POS Exemption Transfer	\$36.67	(\$21.71)	\$0.00
ToCI					
10/01/2013	(\$29.84) Commissary Sale	Ticket Number 223354	\$6.83	(\$21.71)	\$0.00
ToCI					
10/04/2013	\$17.00 State Pay	State Pay	\$15.33	(\$13.21)	\$8.50
ToCI					
10/04/2013	(\$1.00) Electronics Usage Charge	Electronic Usage Charge	\$14.33	(\$13.21)	\$9.50
ToCI					
10/04/2013	(\$1.10) Postage Charges (USPS)	B. Dowling	\$13.23	(\$13.21)	\$9.50
ToCI					
10/04/2013	(\$8.50) Payment to Offender Financial Responsibility Fund - Treasurer of State		\$13.23	(\$13.21)	\$1.00
ToCI					
10/04/2013	(\$1.00) Inmate's Personal Account	Offset neg balance due to s/w bug.	\$12.23	(\$13.21)	\$1.00

ToCI

10/04/2013 \$1.00 AR5120 - Exemption Offset neg balance due to s/w bug. \$13.23 (\$13.21) \$1.00

ToCI

10/08/2013 (\$1.72) Postage Charges (USPS) OH Supreme Court \$11.51 (\$13.21) \$1.00

ToCI

10/08/2013 (\$4.46) Commissary Sale Ticket Number 223924 \$7.05 (\$13.21) \$1.00

ToCI

10/09/2013 (\$5.00) Withdrawal to CLEVELAND CLERK OF COURTS \$2.05 (\$13.21) \$1.00

ToCI

10/11/2013 (\$0.64) Postage Charges (USPS) postge \$1.41 (\$13.21) \$1.00

ToCI

10/23/2013 (\$1.41) Commissary Sale Ticket Number 225671 \$0.00 (\$13.21) \$1.00

ToCI

10/25/2013 \$20.00 JPay MoneyOrders 29263118/GOODWIN, CALLIE \$20.00 (\$13.21) \$1.00

ToCI

Outstanding Debts:

Start Date	Description	Case	Agency	County	Total Debt	Paid to Date	Balance Owed
07/31/2013	RIB - No Cash Slip Signature	TOCI 13-4890	Offender Financial Responsibility Fund - Treasurer of State		(\$24.96)	\$11.75	(\$13.21)
	Electronics Usage Charge						\$0.00
05/13/2013	RIB - No Cash Slip Signature	ToCI 13-2145	Offender Financial Responsibility Fund - Treasurer of State		(\$10.00)	\$10.00	\$0.00
Total Outstanding Case Balances					(\$13.21)		

Outstanding Holds:

Start Date	Description	Case	Agency	County	Total Debt	Paid to Date	Balance Owed
Total Outstanding Case Holds					\$0.00		

Outstanding Investments / EPC:

Investment Type	Investment Type Description	Invest Company	Company Description	Balance
EE	Savings Bonds Series EE	HUNTINGTON NATIONAL BANK	HUNTINGTON NATIONAL BANK	\$0.00