

ORIGINAL

PRO SE

MR. LUCAS WILLIAMS #471-172
N.C.C.C.
P.O.Box 1812
Marion, Ohio
43302-1812

CHIEF JUSTICE MAUREEN O'CONNOR
:
:
T.C. CASE NO. 2002 CR 259

RELATOR PRO SE
VS

CASE NO. 13-1920

JUDGE Alfred Mackey
25 West Jefferson Street
Jefferson, Ohio 44047-1092

FILED
DEC 06 2013
CLERK OF COURT
SUPREME COURT OF OHIO

RESPONDENT,

PROCEDENDO W/WRIT OF MANDAMUS

.....

PROCEDENDO W/WRIT OF MANDAMUS

Now comes the RELATOR MR. LUCAS WILLIAMS #471-172 PRO SE, and without the benefit of Court Appointed Attorney, respectfully submit his PROCEDENDO W/WRIT OF MANDAMUS. The reasons for this cause of action is more fully set forth in the INCORPORATED MEMORANDUM IN SUPPORT herewith and made apart there of, to wit;

MEMORANDUM IN SUPPORT

The Relator asserts the following in support of his Procedendo W/Writ Of Mandamus, to wit;

I PARTIES

[1.] In that, the Relator, Mr. Lucas Williams #471-172 Pro Se, a Prisoner at n.c.c.c. (North Central Correctional Complex), herein, ~~hereafter the "Relator,"~~ in this cause of action.

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[2.] The Respondent, Judge, Alfred Mackey a Judge of the Court Of Common Pleas for Ashtabula County herein, hereafter the "Respondent," in this cause of action.

II PLEADING

[3.] A Procedendo Ad Judicium W/ Writ Of Mandamus is being filed before this Most Honorable Constitutional Court concerning Statutory / Mandatory Jail Time Credit, of which Judge Alfred Mackey have purposefully refused to Credit toward Each of the Relator's Sentences as imposed by the court, toward the Relator's Earliest Release Date in the instant Case.

III STANDARDS OF REVIEWING WRITS

[4.] Procedendo Ad Judicium - The Respondent have delay'd or refused to enter judgement concerning Statutory / Mandatory Jail Time Credit, which is Statutory / Constitutional as a matter of law. That the Relator have a Statutory / Constitutional Right to this Jail Time Credit. And, there is no other remedy in the ordinary course of the law.

[5.] Writ Of Mandamus - The Relator must have a Clear Legal Substantial Statutory / Mandatory Constitutional Right to Jail Time Credit on each Sentence. And

[6.] The Respondent, Judge, Alfred Mackey have a Clear Legal Correspondence Duty to Credit the Relator with this Statutory / Mandatory Jail Time Credit as put in place by the General Assembly and ruled by The United State Supreme Court as in this Case. And;

[7.] There is no adequate remedy in the ordinary course of Law as in this Case.

IV LAWS AND ARGUMENTS

[8.] In order for the Relator to be entitled to a Procedendo Ad Judicium,

the Respondent has purposefully delay'd or refused to enter into judgment, when Jail Time Credit is Substantial / Statutory in these proceeding as a matter of Law. SEE: HILL -VS- WAINWRIGHT, 465 F.2d 414.

Therefore, Relators is entitled to his Jail Time Credit on each Sentence according to Law in this Case.

[9.] Further, a Procedendo Ad Judicium is appropriate when a Court have unnecessarily delay'd in ruling or refused to rule according to Law. SEE: HART -VS- HENDERSON, 449 F.2d 183; 1971 U.S. LEXIS 7775. A Writ Of Mandamus is appropriate when a Court have likewise delay in giving the Relator's his Jail Time Credit. SEE: UNITED STATES -vs- DOWNEY, 649 F.2d 1030.

Therefore, the Relator is entitled to his Jail Time Credit as sought. Infact, Relator will be released immediately from prison once giving his jail time credit as in this case. Otherwise, the Relator would have to be compensated \$250,000.00 a year in loss wages, plus other damages as the court deem appropriate and just.

CLOSING SUMMATION

[10.] Furthermore, a Procedendo Ad Judicium is appropriate when a Court unjustly delay or refuse to enter judgment in a timely manner as sought in this Case. "An inferior Court's refusal or failure to timely dispose of a requested act is the ill a Writ Of Mandamus is designed to remedy." SEE: STATE -VS- FUGATE, 883 N.E.2d 440 (March 06th, 2008). Therefore, without question the Relator is entitled to said, "Procedendo Ad Judicium W / Writ Of Mandamus for his Jail Time Credit and Immediately Release as sought."

CONCLUSION

Wherefore, and fore the foregoing reasons the Relator's Procedendo Ad Judicium W/ Writ Of Mandamus will Issue. When the Respondent have purposefully delay's or refused to Credit the Relator with his Jail Time Credit, should be considered in a manner as prescribed by State, Statutory / Federal Constitutional Law, accepted in good faith, well taken, SUSTAINED / GRANTED, by issuing an ORDER, ORDERING THE RESPONDENT to CREDIT RELATOR with his Jail Time Credit, for which is ever PRAYED, BEFORE THIS MOST HONORABLE CONSTITUTIONAL COURT as sought.

Respectfully Submitted,



MR. LUCAS WILLIAMS

#471-172

N.C.C.C.

P.O. Box 1812

Marion, Ohio

43301-1812

CERTIFICATE OF SERVICE

I, hereby Certify, that the original along with photocopies have been sent by and through Regular U.S. Mail to the following parties, to wit; The Ohio State Supreme Court, Clerk Of Court's Office, 65 South Front Street, Columbus, Ohio 43215-3431.

And to: JUDGE, Alfred Mackey, 25 West Jefferson Street. Jefferson, Ohio, 44047-1092 This 2nd day of December 20 13



MR. LUCAS WILLIAMS

#471-172

N.C.C.C.

P.O. Box 1812

Marion, Ohio

43301-1812

STATE OF OHIO]
] SS:
MARION COUNTY]

SWORN AFFIDAVIT OF MR. LUCAS WILLIAMS
#471-172 PRO SE

I, MR. LUCAS WILLIAMS #471-172 PRO SE, after first being cautioned and sworn under oath, deposes and saith the following, to wit;

That according to the following CASE AUTHORITIES I Am entitled to my Jail Time Credit on Each Sentence imposed by the Sentencing Court, to wit;

- HART -VS- HENDERSON, 449 F.2d 183; 1971 U.S. LEXIS 7775
- HILL -VS- WAINWRIGHT, 465 F.2d 414
- UNITED STATES -VS- DOWNEY, 469 F.2d 1030
- KING -VS- WYRICK, 516 F.2d 321 (8th Cir. 1975); And:
- STATE -VS- FUGATE, 883 N.E. 2d 440 (March 06th, 2008)

The Relator asserts that he have a Substantial Statutory/ Mandatory and Federal Constitutional Right to his Jail Time Credit according to The UNITED STATES SUPREME COURT for Relator's Earliest Release which would be TODAY if given his Jail Time Credit, or be Entitled to \$250,000.00 a year in Loss Wages if held any longer within the DR/C plus any other Damages the Court deem just past Relator's FDS DATE in Case In Chief.

Affiant saith naught.



Affiant's Signature

NOTARY PUBLIC

Subscribed and sworn to in my presence a Notary Public in/for State of Ohio.

This 23 day of September 2013

STATE SEAL:



HEATHER HUGHES
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
4/9/2015

Heather Hughes
NOTARY PUBLIC