

ORIGINAL

IN THE SUPREME COURT OF OHIO

14-0386

Ronald E Harris II, CEO  
Particular Consultants id 2246774  
Appellant

V.

State Of Ohio  
Defendant

On Appeal from the  
Champaign County Court  
Of Appeals, Second  
Appellant District.  
Court Of Appeals  
Case No 2013-CA

Motion For Delayed Appeal

MOTION FOR JURISDICTIONAL APPEALS DELAYED S. Ct. PRAC.R.7.01.(A)(4)

INSTITUTION OF JURISDICTIONAL APPEALS

Ronald E. Harris II(Prose) 537076  
Particular Consultants CEO id 2246774  
Chillicothe Correctional  
Po Box 5500  
Chillicothe, Ohio 45601

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URBANA AND COUNTY OF CHAMPAIGN

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MAR 12 2014  
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SUPREME COURT OF OHIO

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SUPREME COURT OF OHIO

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Proposition of law No. 1: Equal Protection USCS Const. Amend. 14. (Copy w/ Cite Te ague v. Lane, 489 U.S. 288 (Copy w/ Cite) & ORC Ann. 2721.06 (Copy w/ Cite) Guarantees House bills 86 & 487 evidence stands to ORC Ann. 2721.02 (2013)(B) Declaratory judgments;

Proposition of law No. 2: Private Employment is bound by law under by OAC Ann 5120-3-04 & USCS Const. Art. I, § 8, Cl 8 (Copy w/ Cite) Sec. 8, Cl 8. Patents and copyrights.

CERTIFICATE OF SERVICES.....

APPENDIX

Opinion of the Champaign County Court of Appeals  
(November 1,2013)

Judgment Entry of the Champaign County Court Of Appeals  
(Nov. 6,2013)

Confidential Personal Identifier Contained in filing Motion To Stay  
GENERAL ASSEMBLY SENATE LEADERSHIP  
(Sep. 9,2013) Certified Mail 7011 0470 0002 1947 7211

REASONS FOR DELAYED FILING

On November 6 2013 The Champaign County Court Of Appeals Filed a NOTICE OF FINAL ENTRY INTO THE COUNTY CLERKS OFICE decision towards a independent Appeal Re Sentencing under T ague Rule Exception. All of Harri's assignment of error were over ruled On February 24,2014 Harris' filed Notice of Appeal In The Supreme Court Of Ohio,Said to be

untimely. See Clerks decree February 24,2014 Attached

Now Comes Harris" asking to Move This Court into accepting delayed appeal due to multiple filings / multiple district,filings during deadlines in questions that were also deadlines and requirements Harris had to make under indigently, Pro SE litigation

- (1) Summary Judgment Small Claims Court Columbus, Ohio 12-6-13 30 East High As pectic Review
- (2) filing Supplement per request for case 13-4249 Southern District Court Dayton Fax 12-13-2013
- (3) filing Notice Of Appeal United States Appeals Court Washington DC 12-31-13 2012-CV-410
- (4) Tax id request IRS Columbus Ohio side letters 12-24-2013 ID 2246774 Incorporated
- (6) Small Business Development Spfld Ohio side letters 12-5-2013
- (7) 1-800 Invention Pittsburgh PA invention review Reference Number\_\_\_\_\_1-7-2013
- (8) Case review 08-1140 Attorney Bradly ABS & Associates Lawrence Kansas 1-17-2014 Memo
- (9) Patent And Trademark Office Alexandria Va Patent Review Finance Director 2-6-2014

FACTS SUPPORTING THE MOTION IN AFFIDAVITS:

Rights to review evidence retroactively is a right to define Declaratory Judgments Ohio Civ. R.

57 (Copy w/ Cite) Judgment due in accordance with the United State Constitution all citizens are Given Due Process and Equal Protection of the law USCS Const. Amend. 14 § 1 BALLENTINE'S LAW DICTIONARY A **judgment** which declares conclusively the rights and duties, or the status, of the parties but involves no executor y or coercive relief following as of course. 2. An action for a **declaratory judgment** is the appropriate remedy for the determination of a justiciable controversy where the plaintiff is in doubt as to his legal rights and wishes to avoid the hazard of taking steps in advance of the determination of such rights. Gilberti v. United States, 917 F.2d 92 (Copy w/ Cite) Please see Entry **Opinion 1<sup>st</sup> November 2013 PG-2 Vs{ 3 }** attached **Declaratory Judgment** Teague v. Lane, 489 U.S. 288 (Copy w/ Cite) please See 42 USCS § 1983 Civil action for

deprivation of rights. & The USCS Const. Amend. 11 To Say Under Article IV, Section 2(B)

*Alternative Writ Quo warranto states (3-20 Administrative Law § 20.01 [1] In General power to subpoena or to compel the production of both testimonial and documentary evidence is recognized today as being a necessary adjunct to an agency's powers so that it can carry out congressionally mandated duties . <sup>1</sup> Please see clerks instruction to Review Motion to Stay alternative Writ Quo Wanto Attached Seeing*

Enclosure R.C. 1.58(B) states If the penalty, forfeiture, or punishment for any offense is reduced by a reenactment or amendment of a statute, the penalty forfeiture, or punishment, if not already imposed, shall be imposed according to the statute as amended. 5 A.L.R.2d 1270 (Copy w/ Cite)[\*9] *Repeal of sections amended A frequent form of the constitutional requirement her Equal Protection of the law USCS Const. Amend. 14 § 1 BALLENTINE'S LAW DICTIONARY USCS Const. Amend. 1 Religious and political freedom.*

Referencing OPINION 1<sup>st</sup> November 2013 { 7 } Harris 1<sup>st</sup>& 2 Assignment of were Error barred by Res judicature are Declaratory Judgments . Gilberti v. United States, 917 F.2d 92 (Copy w/ Cite)

Te ague v. Lane, 489 U.S. 288 (Copy w/ Cite) please See 42 USCS § 1983 Civil action for deprivation of rights. & The USCS Const. Amend. 11 To Say Under Article IV, Section 2(B)  
*Alternative Writ Quo warranto Motion To Stay Request To Clerk OSC Attached Quo warranto states (3-20 Administrative Law § 20.01 [1] In General power to subpoena or to compel the production of both testimonial and documentary evidence is recognized today as being a necessary adjunct to an agency's powers so that it can carry out congressionally mandated duties. <sup>1</sup>*

Proposition No 2 Says USCS Fed Rules Evid R 1002 (Copy w/ Cite) An original writing,  
recording 25-627 Moore's Federal Practice -- Criminal Procedure § 627.04 (Copy w/ Cite)§ 627.04

Evidence Rules Regarding Self-Authentication and Hearsay Implications of Public  
Documents or Absence Rule 1001(1) and (2), supra the rule requires a resolution of the question  
whether contents are sought to be proved. All self employment for quo verity.

Prayer For Relief fact  Keener v. Ridenour, 594 F.2d 581 (Copy w/ Cite) Quote State saying we  
are a power sitting board that refuses to grant State Vs Harris any accredit services for similarity user  
please submit Quo Wanna to for review and full scale review.

1-1 Chisum on Patents 1.syn (Copy w/ Cite) § 1.syn Synopsis to Chapter 1: Eligible Subject &

42 USCS § 2183 (Copy w/ Cite)  Mercer v. Jaffe, Snider, Raitt & Heuer, P.C., 736 F.

Supp. 764 (Copy w/ Cite) 42 USCS § 1 Nimmer on Copyright 5.syn § 5.syn Synopsis to Chapter 5:

Persons Entitled to Copyright§ 9.syn Synopsis to Chapter 9: Jurisdiction and Venue 29A Am Jur 2d

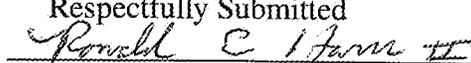
Evidence § 960 (Copy w/ Cite)general

ORC Ann. 2721.02 (Copy w/ Cite) Force and effect of declaratory judgments; action or proceeding  
against insurer

USCS Const. Art. I, § 8, Cl 8 (Copy w/ Cite) Sec. 8, Cl 8. Patents and copyrights.

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors  
and Inventors the exclusive Right to their respective Writings and Discoveries

Certificate of Service I Ronald E. Harris II certify that  
a copy of this Notice of Appeal was sent  
by ordinary U.S. Mail to counsel for appellees JANE A. NAPIER,ATTY.  
(0061426)Assistant Prosecuting AttorneyCity of Urbana Civil Prosecutor  
Office 200 N Main Street 43078 on March\_\_\_\_2014

Respectfully Submitted  
  
Ronald E. Harris II

IN THE SUPREME COURT OF OHIO

Affidavit of Verity

I Ronald E. Harris II the undersigned a citizen of the United States and Affiant herein, after being Duly Sworn on my oath as required by law, do hereby depose and Aver the following foregoing Captioned documents enclosed.

FURTHER AFFIANT SAYETH NAUGHT

Ronald E. Harris II  
AFFIANT

SWORN TO AND SUBSCRIBED, IN MY PRESENCE THIS 5<sup>TH</sup> day of March 2014

Melvin Bastin Alexander  
NOTARY

MY COMMISSION EXPIRES 9-12-2018

IN THE SUPREME COURT OF OHIO

Affidavit of Indigence

I Ronald E. Harris II, do hereby state that I am with out the necessary funds  
to pay the cost of this action for the following reason(s):

- 1 The Affiant is a State Prisoner incarcerated in a Correctional institution within that State of Ohio,stationed in the city of Chillicothe,County of Ross,and that I am without the necessary funds with which to pay for the cost of his action;
- 2 That affiant is without possession of real or personal property and assets of sufficient value with which to offer as security or such cost; Pending
- 3 That affiant is true indigent and pauper within the meaning of the law.

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

Affiant

Ronald E Harris II

SWORN to,or affirmed,and subscribed in my presence this 5<sup>th</sup> day of March  
2014

Melvin Barber Alund  
Notary Public

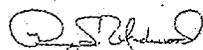
My Commission Expires 9-12-2018

PENNY S. UNDERWOOD  
CHAMPAIGN COUNTY CLERK OF COURTS  
200 N. MAIN ST.  
URBANA, OHIO 43078

TO: RONALD E HARRIS II #537076  
CHILlicoTHE CORRECTIONAL INSTITUTE  
P.O. BOX 5500  
CHILlicoTHE, OHIO 45601.

**FILED**  
CHAMPAIGN COUNTY OHIO

NOV 6 \_ 2013

  
CLERK OF COURT OF APPEALS

**NOTICE OF FILING**

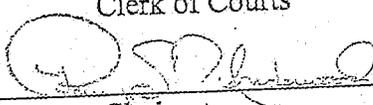
RONALD E HARRIS II  
*Plaintiff*  
VS.

CASE NO. 2013 CA 00010

*Defendant*

You are hereby notified that on NOVEMBER 5, 2013, SECOND DISTRICT  
COURT OF APPEALS, filed NOTICE OF FINAL ENTRY into the CHAMPAIGN  
COUNTY CLERK OF COURTS.

PENNY S. UNDERWOOD  
Clerk of Courts

By: 

Clerk

CC:  
RONALD E HARRIS II  
JUDGE DAVID FAULKNER  
JANE A. NAPIER

IN THE COURT OF APPEALS FOR CHAMPAIGN COUNTY, OHIO

STATE OF OHIO

Plaintiff-Appellee

v.

RONALD E. HARRIS II

Defendant-Appellant

C.A. CASE NO. 2013 CA 10

T.C. NO. 06CR141

(Criminal appeal from  
Common Pleas Court)

.....  
OPINION

Rendered on the 1st day of November, 2013.  
.....

JANE A. NAPIER, Atty. Reg. No. 0061426, Assistant Prosecuting Attorney, 200 N. Main Street, Urbana, Ohio 43078  
Attorney for Plaintiff-Appellee

RONALD E. HARRIS II, #537076, Chillicothe Correctional Institute, P. O. Box 5500, Chillicothe, Ohio 45601  
Defendant-Appellant  
.....

DONOVAN, J.

{¶ 1} Defendant-appellant Ronald E. Harris, II, appeals a decision of the Champaign County Court of Common Pleas overruling his "motion requesting re-sentencing [pursuant

{¶ 2} Following a jury trial, Harris was convicted on four counts of felonious assault, one count of improperly discharging a firearm at or into a habitation, and two counts of having a weapon while under disability. Several of the counts included firearm specifications. The convictions stemmed from Harris' act of shooting a gun toward an occupied vehicle and a house. The trial court imposed an aggregate sentence of twelve years in prison. We affirmed the convictions in *State v. Harris*, 2d Dist. Champaign No. 2006 CA 39, 2008-Ohio-1753 (hereinafter "*Harris I*").

{¶ 3} Harris commenced his first pro se post-conviction action in January 2007, while his direct appeal was pending. Harris' petition set forth six claims for relief. The State opposed the petition, arguing that most of Harris' claims were barred by res judicata and that others lacked sufficient evidentiary support to warrant a hearing. The trial court denied the petition on September 27, 2007. We affirmed the trial court's judgment in *State v. Harris*, 2d Dist. Champaign No. 2007 CA 32, 2008-Ohio-5165 (hereinafter "*Harris II*"). Specifically, we found that because Harris failed to provide the trial court with evidentiary documents containing sufficient operative facts to warrant a hearing, the trial court did not err in denying the petition without a hearing.

{¶ 4} On January 2, 2013, Harris filed a "motion requesting re-sentencing [pursuant to] H.B. 487." The trial court denied the motion in a journal entry filed on February 11, 2013.

{¶ 5} It is from this judgment that Harris now appeals.

{¶ 6} Harris' first assignment of error is as follows:

{¶ 7} "DID THE CHAMPAIGN COUNTY COURTS COMMIT PERJURY,

RE-SENTENCING UNDER HOUSE BILL 86 WITH-IN TEAGUE RULE EXCEPTIONS AND USCS CON. ST. ART.III, §2, CL1."

{¶ 8} Although his briefs are difficult to follow, in his first assignment, Harris contends that the trial court erred when it overruled his motion for re-sentencing pursuant to H.B. 86. Specifically, Harris argues that due to the passage of H.B. 86 in 2011, he is entitled to retroactive application of the statute resulting in a reduction in his sentence which was imposed in 2006.

{¶ 9} The General Assembly expressly provided in H.B. 86 when its amendments were to be applicable: "The amendments \* \* \* apply to a person who commits an offense specified or penalized under those sections on or after the effective date of this section and to a person to whom division (B) of section 1.58(B) of the Revised Code makes the amendments applicable." In turn, R.C. 1.58(B) identifies the law to apply when a statute is amended after the commission of a crime but before sentencing: "If the penalty, forfeiture, or punishment for any offense is reduced by a reenactment or amendment of a statute, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the statute as amended." *State v. Jenkins*, 2d Dist. Montgomery No. 25414, 2013-Ohio-3038.

{¶ 10} In the instant case, Harris was convicted and sentenced for his offenses in 2006, more than five years before the effective date of H.B. 86. Pursuant to R.C. 1.58(B), the amendments regarding sentencing in criminal cases set forth in H.B. 86 do not apply to Harris, and he is not entitled to reconsideration of his sentence.

{¶ 11} We also note that Harris argues in his underlying motion that he was entitled

establish or even argue how risk reduction sentencing should be retroactively applied in his case. Additionally, he has failed to demonstrate any error regarding the application of jail time credit.

{¶ 12} Finally, in a somewhat rambling fashion, Harris raises several other issues regarding evidence admissibility, venue, suppression of evidence, prosecutorial misconduct, juror misconduct, and witness availability. "Res judicata bars the assertion of claims against a valid, final judgment of conviction that have been raised or could have been raised on appeal. *State v. Perry*, 10 Ohio St.2d 175, 226 N.E.2d 104 (1967), paragraph nine of the syllabus. Clearly, Harris' claims could have been raised on direct appeal. Accordingly, we conclude that Harris' arguments are barred by res judicata.

{¶ 13} Harris' first assignment of error is overruled.

{¶ 14} Harris' second assignment of error is as follows:

{¶ 15} "DID THE CHAMPAIGN COUNTY COURTS DENY DECLARATORY JUDGMENT, PRIVATE EMPLOYMENT, INMATE ART, AND GOOD DAY ASSESSMENTS, UNDER CIVIL R [sic] RULE 52 WRIT OF PROHIBITION? RETRO"

{¶ 16} In his second assignment, Harris again asserts that H.B. 86 should be applied retroactively in order to reduce his sentence. As we previously stated, H.B. 86 has no applicability to Harris' sentence.

{¶ 17} Harris' second assignment of error is overruled.

{¶ 18} All of Harris's assignments of error having been overruled, the judgment of trial court is affirmed.

.....

Copies mailed to:

Jane A. Napier  
Ronald E. Harris II  
Visiting Judge Hon. David C. Faulkner,  
Champaign County Common Pleas Court