

IN THE SUPREME COURT OF OHIO

ORIGINAL

Ronald E Harris II, CEO  
Particular Consultants id 2246774  
Appellant

14-0386

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 TO STAY

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MOTION TO STAY *Alternative Writ Quo warranto*

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

Po Box 5500  
Chillicothe, Ohio 45601

COUNSEL FOR APPELLANT PROSE

KEVIN S. TALEBI(#0069198)  
Urbana City Prosecuting Attorney  
JANE A. NAPIER,ATTY.(0061426)  
Assistant Prosecuting Attorney  
City Of Urbana Civil Law  
200 N. Main Street  
Urbana, Ohio 43078  
[wwwtalebi@Ct.com](mailto:wwwtalebi@Ct.com)

RECEIVED  
MAR 12 2014  
CLERK OF COURT  
SUPREME COURT OF OHIO

FILED  
MAR 12 2014  
CLERK OF COURT  
SUPREME COURT OF OHIO

Now Comes Petitioner Ronald E. Harris II asking to move this court into the direction of Motion To Stay *Alternative Writ Quo warranto to comply the record & Evidence in accordance with Facismile Transmission Sec 1 (B) of S.C.T. Prac R. xiv & Rule VI Section & Supplement briefing as to say hoping to review the briefs Writ Of Certiorari / Investigation of all briefs filed in captioned case 10/08/2013 Focal point Documentation Submitted commits no Perjury Or Contempt See Civil R Rule 33 Certified Question of briefs Please submit:*

- (1) *supplement filing Writ of certiorari request to Clerk Of Court Champaign County Re: Letter dated November 1 2013 attached Dual filings Certified Questions. Attached Pg 1111*
- (2) *Fully incorporated Personal Identifier Contained in filing as granted Attached Pg 1111*
- (3) *Place Public Record on Patent Request United States Patent And Trademark office I still have no record/docketing proof.*

Petitioner Prays for relief to be granted with USCS Fed Rules Evid R 1002 (Copy w/ Cite) And 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 There of Must Also Be Consider Ohio supreme court 2003-ca-10**

Respectfully Submitted

  
Ronald E Harris II Pro SE

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 Attorney City of Urbana Civil Prosecutor Office 200 N Main Street 43078 on March \_\_\_\_ 2014

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.

Ronald E Harris II  
Affiant

SWORN to,or affirmed,and subscribed in my presence this 7<sup>th</sup> day of March  
2014

Rita Roman

Notary Public



RITA ROMAN  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES  
MARCH 26, 2018

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 7<sup>th</sup> day of March 2014

Rita Roman



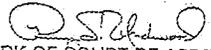
RITA ROMAN  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES  
MARCH 26, 2018

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*

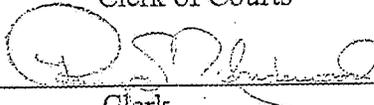
VS.

*Defendant*

CASE NO. 2013 CA 00010

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 : C.A. CASE NO. 2013 CA 10  
v. : T.C. NO. 06CR141  
RONALD E. HARRIS II : (Criminal appeal from  
Defendant-Appellant : 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 to] H.B. 487.” Harris filed a timely notice of appeal with this Court on March 4, 2013.

{¶ 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, CONTEMPT AND VIOLATE ARTICLE III OF EVIDENCE RULES FOR NOT REVIEWING

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 to jail time credit and/or risk reduction sentencing pursuant to H.B. 487. Harris fails to

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.

.....  
FROELICH, J. and WELBAUM, J., concur.

Copies mailed to:

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

IN THE SUPREME COURT OF OHIO  
PERSONAL IDENTIFIER FORM

RONALD E HARRIS II CEO  
PARTICULAR CONSULTANT  
ID NUMBER ID 2246774 Tax id  
Petitioner, V.

Case No. 2013-ca-10

STATE OF OHIO  
Appellee  
Respondent.

Confidential Personal Identifier Contained in filing

REFERENCE LIST

COMPLETE PERSONAL IDENTIFIER	CORRESPONDING REFERENCE	LOCATION
1. Particular Consultants 340 Hill Urbana, Ohio 43078	Ohio Secretary Of State Certificate ID 2246774	Particular Consultants 2936 W. 83 <sup>rd</sup> St. Chicago, Illinois
2. Particular Consultants Chillicothe Correctional Po Box 5500 Chillicothe, Ohio 45601	GENERAL ASSEMBLY SENATE LEADERSHIP Statehouse 1 Capitol Sq Columbus, Ohio 43215	website www.ohiosenate.gov Certified Mail #7011 0470 04 <u>70 0002 1947 7211</u> 9/9/13

Ronald E Harris II  
Signature of person submitting the information

2 / 21 / 2014  
Date

THIS IS PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES



**PENNY S. UNDERWOOD**  
*Champaign County Clerk of Courts*

*Legal Department*

200 N. Main Street,  
Urbana, Ohio 43078  
*phone (937)484-1047*  
*fax (937)484-5325*

*Title Department*

1512 S. US HWY 68, Bay 11,  
Urbana Ohio 43078  
*phone (937)484-1517*  
*fax (937)484-1518*

*Deputy Registrar*

1512 S. US HWY 68, Bay10,  
Urbana Ohio, 43078  
*phone (937)653-5996*  
*fax (937)484-1518*

November 8, 2013

Ronald E. Harris II #537076  
Chillicothe Corrections  
P.O. Box 5500  
Chillicothe, Ohio 45601

Re: Letter dated November 1, 2013

Mr. Harris:

Please find enclosed a docket sheet for Court of Appeals case #2013 CA 10. Please note on page 2 item #16, your request for a supplement brief that was filed with the United States Supreme Court, Washington DC for servicing, in not in the possession of the Champaign County Clerk of Courts. Furthermore, if the clerk is not in possession of the said brief, the said clerk is not capable of forwarding said brief to the Court of Appeals.

It is unclear to my office what other requests you are asking for. Please clarify in specific language exactly what further you are in need of.

Sincerely,

A handwritten signature in cursive script, appearing to read "Penny S. Underwood".

Penny S. Underwood  
Champaign County Clerk of Courts

2013 CA 00010 HARRIS II, RONALD Evs. STATE OF OHIO

No.	Date of Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
10	07/01/13 BRIEF OF DEFT/APPELLANT FILED		0.00	0.00
11	08/13/13 IT IS ORDERED THAT APPELLEE SHALL WITHIN FOURTEEN DAYS OF JE EITHER FILE A BRIEF OR SHOW CAUSE IN WRITING		6.00	6.00
12	08/26/13 MERIT BRIEF OF APPELLEE STATE OF OHIO FILED AND SERVICE BY ASST PROS ATTY NAPIER		0.00	0.00
13	09/06/13 FILE OUT TO CAO		0.00	0.00
14	09/16/13 MOTION TIME INSTANCER/FILE THE RECORD APP R RULE 4		0.00	0.00
15	10/04/13 MAGISTRATE'S ORDER THAT APPELLANTS REPLY BRIEF IS NOW DUE TO BE FILED ON OR BEFORE OCTOBER 17, 2013		3.00	3.00
16	10/08/13 REQUEST FOR SUPPLEMENT BRIEF THAT WAS FILE WITH THE UNITED STATES SUPREME COURT WASHINGTON, DC FOR SERVICING; THIS CLERK DOES NOT POSSESS SAID BRIEF		0.00	0.00
17	10/17/13 SUPPLEMENTAL BRIEF FILED		0.00	0.00
18	10/25/13 MERIT BRIEF OF DEFENDANT-APPELLANT REPLY BRIEF FILED (FILE AT COA-ORIGINAL AND COPIES MAILED TO COA)		0.00	0.00
19	10/29/13 NOTICE OF SUPPLEMENTAL DOCUMENTATION FILED BY DEFT APPELLANT "PRO-SE"		0.00	0.00
20	11/05/13 OPINION RENDERED ON NOVEMBER 1, 2013 STATES: ALL OF HARRIS'S ASSIGNMENTS OF ERROR HAVING BEEN OVERRULED, THE JUDGMENT OF TRIAL COURT IS AFFIRMED		15.00	15.00
21	11/05/13 PURSUANT TOTHE OPINION OF THIS COURT RENDERED ON THE 1ST OF NOVEMBER, 2013; THE JUDGMENT OF THE TRIAL COURT IS AFFIRMED		6.00	6.00
22	11/05/13 NOTICE OF FILING FINAL ENTRY ISSUED TO COUNTY PROSECUTOR, DEFT RONALD HARRIS II AND JUDGE FAULKNER		3.00	3.00

Totals By: COST

INFORMATION

90.00

90.00

My Copy

To: OFFICE OF THE CLERK  
KRISTINA D. FROST  
CLERK OF THE COURTS  
8 TH FLOOR  
65 SOUTH FRONT STREET  
COLUMBUS, OHIO 43215-3431  
WWW.supremecourt.ohiogov/clerk

FEBRUARY 15 2014

Case arises from Champaign  
County Appeals Court Second  
District, Urbana  
Case No 2013-CA-10

From: RONALD E. HARRIS II 537076  
CHILLICOTHE CORRECTIONAL  
PO BOX 5500  
CHILLICOTHE, OHIO 45601

ALTERNATIVE WRITS  
**TERM: Quo warranto (L.).**

Dear Clerk

My Name is Ronald E. Harris II, I am on a long winding road of attempting to learn how to express my complaint and grievances in a civil matter in the court system. I have over 6 docket numbers in this court alone. OSC

Since my incarceration here at Chillicothe I have decided to peruse my Private Consulting business that I done as a intern of Urbana, University. I am not a educated Attorney, as a matter of fact all my life I have been labeled paranoid schizophrenia mentally Handicap. Private Employment

In short may I file this Notice Of appeal as a request to review the evidence, briefs ,multiple filings for success filing thinking. Would you please complete the record as evidence, affidavits, that stand to public record and verity as affidavits of good faith intention.

**TERM: Quo warranto (L.).**

**CONFIDENTIAL PERSONAL IDENTIFIERS RULE 45(D)(D) Duties in responding to subpoena.**

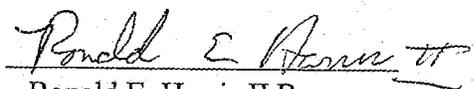
(1) A person responding to a subpoena to produce documents

**TERM:** Procedure civil.

**TERM:** Obligation

Ronald E. Harris II Pro se  
Particular Consultants CEO  
ID 2246774 Certificate  
Tax id \_\_\_\_\_

Thank You

  
Ronald E. Harris II Pro se