

ORIGINAL

IN THE SUPREME COURT OF OHIO

14-0482

THE STATE OF OHIO

ASSISTANT PROSECUTOR

MR. JAMES PRICE # 0073356
Justice Center, Courts tower
1200-Ontario Street
Cleveland, ohio #44113
Appellee/Plaintiff

***CASE NO.#13-CA-99936
On Discretionary appeal
from the eighth appeal-
-late court of appeals,
on (FEB. 13, 2014), dis-
-missal certificate Entry

V.

(PRO-SE): LOUIS CAMPBELL #600-748
Marion Correctional Institution
P.O./ BOX #57
Marion, Ohio #43301-0057
PRO_SE: Appellant: PRO_SE

CASE NO.#10-CR-538673
Original Felony Conviction
Collaterally challenged via
Postconviction R.C.2953.21,
DISMISSED ON MAY 08, 2013,
SIXTEEN CLAIMS BASED ON A
THEORY OF RESJUDICATA, NO
DOCUMENTED MENTIONING OF
WHAT PORTION OF RECORDS
ESTABLISHED RESJUDICATA!!!

MEMORANDUM IN SUPPORT OF JURISDICTION

(PRO SE:REPRESENTATION)
MR. LOUIS CAMPBELL #600748
P.O. BOX #57
MARION, OHIO #43301
PRO-SE:APPELLANT:PRO-SE

Louis Campbell #600-748

*RESPECTFUL: *
**I HEREBY SWEAR THAT THE
STATEMENT, IS THE TRUTH,
UNDER PENALTY OF PERJURY**

ASSISTANT PROSECUTOR

MR. JAMES PRICE #0073356
1200-ONTARIO STREET
JUSTICE/CENTER
CLEVELAND, OHIO 44113
*OFFICE:#216-443-2070
*FAX:216-443-7602

**NOTARY *Linda S. Smith* **
**DATE: *March 19, 2014* **

RECEIVED
MAR 28 2014
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
MAR 28 2014
CLERK OF COURT
SUPREME COURT OF OHIO



Linda S. Smith
Notary Public - State of Ohio
Marion County
My Commission Expires 9/5/2016

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*** (MEMORANDUM IN JURISDICTION) ***

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*(04): (PROPOSITION OF LAW/# ONE) (LAW AN ARGUEMENT INSUPPORT)

The judicial Trial Court, an Appellate court (BOTH), (MUST) Experience, (EXPRESSLY PROVIDE WRITTEN EXPLICIT SHOWING PURSUANT TO R.C.2953.21(C) A MEANINGFUL DEMONSTRATION IN CERTIFICATE ENTRY OF WHAT PARTS, AN PORTIONS, OF TRIAL RECORDS, THAT (NEGATIVE) PRO-SE, INDIVIDUAL CLAIMS......(08)(09)

*** (PROPOSITION OF LAW/# TWO) (LAW AN ARGUEMENT INSUPPORT)

***The State Violation of statutory (DIRECTIVE) R.C.2953.21(d)...POSTCONVICTION, (10-days/DEADLINE) to respond, is (NOT HARMLESS ERROR), or (FLEXIBLE), (ABSENT), request for extension, an (GOOD CAUSE SHOWN) explanation, thereby (VOIDING STATE JURISDICTION) ALLOWING (SOLE) RESPOSIVE DUTY TO TRIAL JUDGE (SOLELY)!!.....(10)(11)*

*** (PROPOSITION OF LAW/# THREE) (LAW AN ARGUEMENT INSUPPORT)

*** (MOOTNESS OF A MOTION TO AMEND), R.C.2953.21 Postconviction/R.C.2953.21-COLLATERAL CHALLENGE, based upon a (VOID AB INITIO) "ESSENTIAL ELEMENT" OF OFFENSE, (LACKING SUBJECT MATTER JURISDICTION), is (NOT) "BARRED BY RESJUDICATA"....when (EVIDENCE DEHOR THE RECORD)!!***.....(12)(13)(14)

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*****(CONSTITUTIONAL AUTHORITIES LISTED)*****

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§*(STATE V. CAMPBELL), (APRIL 19, 2012), OHIO APP., 1738, LEXIS#-1518.....(6)*
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**(STATE V. WILES), (APRIL 14, 1998), 126, OHIO APP., 3d.71, 709, LEXIS-1542... (9)*

*****(FEDERAL, AN U.S., CIRCUIT AUTHORITY)*****

**(ALLEN V. COLLINS), (FEB.19, 1999), 924, f2d., 88, U.S., APP., LEXIS-2555..(13)*
**(GASTON V. OHIO), (AUGUST 10, 2001), (6-TH/CIRCUIT),
27, FED., APP., 301, LEXIS#-18586.....(13)+

***(SIGNIFICANTLY NOTED): "ALL THREE PERTINENT CERTIFICATE JUDGEMENT ENTRIES, DATED: (MAY 08, 2013), (FEB.13, 2014), (MARCH 03, 2011)...
...ARE ATTACHED HEREFORTH, AT (REAR OF INSTANT BRIEF)*****

((EXPLANATION OF WHY THIS CASE PRESENT))
***((ISSUES OF PUBLIC, OR GREAT GENERAL INTE..))**
***((...REST, AND INVOLVE A SUBSTANTIAL CONST-)**
((-ITUTIONAL QUESTION.))**

##THIS cause present the constitutional legislative intent of...
...R.C.2953.21(C), AND R.C.2953.21(D), an (APP.R.# 26/12)(01)(C)!
The (U.S.C.A.#14/ DUE-PROCESS) is present in the cause herein and
previously been established, in prior (OHIO SUPREME COURT RULING).
The eighth district appellate court of appeals, in cleveland, ohio
have chosen to (IGNORE CONCRETE NONE AMBIVALENT CASE OF THE LAW, AN
LAW OF THE CASE DOCTRINE BLUEPRINT) to be FOLLOWED by all lower..
APPELLATE, an TRIAL OHIO COMMON PLEAS COURTS!!

***THE PUBLIC GREAT GENERAL INTEREST, IS THE NEED TO BE GUARANTEED
that the (DUE PROCESS RIGHTS AFFORDED BY OHIO SUPREME COURT PRECE-
-DENTS ENFORCEMENTS, OF LEGISLATIVE INTENDED STATUTORY EXECUTION OF
THE POSTCONVICTION PROCEDURAL PROCESSING, FOR ALL OHIO IMPRISONED)
(SHALL) be Administered, an NOT IGNORED AS DISCRETIONARY PRIVILEGE
never provided by SUPERIOR AUTHORITY!!!***

The OHIO SUPREME COURT MUST DETERMINE WHETHER ITS OWN PRIOR FOOT-
-NOTE AUTHORITY SUPPORT NEED TO TAKE (JURISDICTION OF INSTANT CASE).

***A APPEAL cannot be taken to a superior court for APPROPRIATE RE-
-VIEW, AN APPEAL...ABSENT A "JOURNAL ENTRY EXPRESSED DETAILS"***

***THIS PRO_SE: LOUIS CAMPBELL#600-748, REQUESTED "PORTIONS AN PA-
-RTS, OF THE RECORDS IN TRIAL COURT, AN EVIDENCE DEHOR THE RECORD,
TO BE EXPLICITEM SHOWN IN THE CERTIFICATE OF JUDGEMENT, THAT CRE-
-ATE RESJUDICATA BARRING SIXTEEN CLAIMS, FROM A EVIDENTIARY HEAR-
-ING, IN CUYAHOGA COUNTY COMMON PLEAS COURT, PURSUANT TO R.C.2953-
.21(C), an (F)!!!***

*** (continuance: of great general interest) ***
*** in the ohio supreme court ***

THIS OHIO SUPREME COURT MUST EXCEPT JURISDICTION, TO REINSTATE THE ORDERLY OPERATION OF THE MEANINGFUL RIGHT TO A FINAL APPEALABLE ORDER,...to be provided to the APPELLATE COURT, IN REGULATION ESTABLISHED BY THIS COURT IN....(STATE V. PERRY),(MAY 03,1967),10, (OHIO/S. CT.), 2d. 175, LEXIS# 387:....(HN2); If that petition allege such facts, but the records, and the files, an records of the case (NEGATIVE) the existence of facts, sufficient to entitle the prisoner relief, the court may so find, and dismiss the petition! HOWEVER, IN SUCH AN INSTANCE, THE FINDING OF THE COURT SHOULD SPECIFY THE PORTIONS OF THE FILES, AND RECORDS, WHICH (NEGATIVE)... THE EXISTENCE OF ALLEGED FACTS, THAT WOULD OTHERWISE ENTITLE THE PRISONER TO RELIEF.** (VERBATIMLY CITED ACCURATELY)*****

AGIAN, (STATE V. LESTER), (FEB.05,1975),41,(OHIO/S.CT.),41,2d. 51, LEXIS#421;....(HN4): IN ANY INSTANCE, THE FINDINGS WHICH NEGATIVE THE EXISTENCE OF ALLEGED FACTS, THAT WOULD OTHERWISE ENTITLE THE PRISONER TO RELIEF!!! (HN6): "The determination of whether an issue is barred by (RESJUDICATA), LARGELY INVOLVES A PERUSAL OF THE FACTS OF RECORD, TURNING ON SUCH MATTERS AS THE (ISSUES RAISED AT TRIAL, AND UPON APPEAL, THE AVAILABILITY OF EVIDENCE, AN WITNESS), an the (JURISDICTION OF THE TRIAL COURT).....AN WHERE APPROPRIATE (SHALL SPECIFY, THE PORTIONS, AN PARTS OF THE RECORDS AN FILES).. ...THAT ESTABLISH RESJUDICATA!!!

***Thee precedents of the OHIO /S.CT.,..have been PRECISELY NOTED AN FOLLOWED BY THE LOWER OTHER (APPELLATE COURTS). SEE BELOW:

*(STATE V. GUENTHER),(FEB.20,2007),(9-th/DIST.),2007, ohio app.681 LEXIS# 622; *(HN01): VERBATIM NOTED AS ABOVE PRECEDENTS".

*(STATE V. PHILLIPS),(FEB.03,1999), OHIO APP.,LEXIS#245....AGIAN, A (HN01): VERBATIM NOTED AS ABOVE PRECEDENTS.*****

**(STATE V. WILES), (APRIL 14,1998), 126,OHIO APP. 32. 31, &)(, L

JURISDICTION SHOULD BE GRANTED, TO RESTORE ORDERLY STATE PROCEDURAL U.S.C.A.#-14,...DUE PROCESS FINAL APPEALABLE JOURNAL ENTRY MEANINGFUL EXPLICIT SHOWING OF PORTION OF RECORD, AN REJUDICATA!!!

(THE HISTORY STATEMENT OF)

*****(CASE PROCEEDING PROCESS)*****

*(01):NOV.14,2011, pro-se:louis Campbell#600-748, also (alias:--- David walker#R-132-833, 196-037, 330-631, filed a postconviction, R.C. 2953.21, PRESENTING SIXTEEN CLAIMS,***

*(02):MAY 08, 2013, "OVER ONE AN A HALF YEARS LATER:", the Cuyahoga County Criminal Division, Common Pleas Court, Administrative: Judge, Mrs.Nancy Fuerst, denied the R.C.2953.21 Postconviction...
...Based upon a "THEORY OF RESJUDICATA".***

*(03):MAY 28, 2013, the Pro-Se appellant filed for (CIVIL APPEAL) Case no.#13-CA-99936, in the eighth district appellate court of..
---APPEALS!!!-----

*(04):JUNE 21,2013, CASE NO.#13-CA-99936, was again dismissed, by the eighth appellate court of appeals, for failure to prosecute..
...the MAY 08, 2013, trial court dismissal of R,C.2953.21 postconviction.***

*(05):JULY 10,2013, CASE NO.#13-CA-99936, pro-se appellant then..
...filed the (APP.R.26-A/ 14-B), request for leave delayed Reconsideration Motion, explaining the clerk error, of failing to correctly file complete records, of a properly filed civil appeal.*

*(06):AUGUST-2013, pro-se appellant louis campbell was ordered by Eighth Appellate Court of Appeals, to submit a pro-se appellant, brief. THE CASE NO.#13-CA99936, was REINSTATED.**

*(07):SEPT. 13,2013, pro-se:LOUIS CAMPBELL#600-748, forwarded the appellant brief for filing timely, to eighth appellate court of..
...appeals. THE BRIEF ASSERTED SIXTEEN SPECIFIC CLAIMS, AN ATTACHED A APPENDIX OF ONE HUNDRED AN ELEVEN JURY TRIAL TRANSCRIPTS TO SHOW COURT RULING EXONERATING EVIDENCE INADMISSIBLE, THEREFORE UNAVAILABLE AT TRIAL, AN DIRECT APPEAL....BRIEF ALSO ATTACHED (A)-VIA-(T), DOCUMENTED EXHIBITS, EVIDENCE DEHOR THE RECORD.**

*(08): OCTOBER 15, 2013, The prosecutor: MR. JAMES PRICE#73356,..
...filed the state "RESPONSIVE OPPOSITION BRIEF, OPPOSING THE....
...sixteen claims, in the EIGHT APPELLATE DISTRICT COURT APPEALS*

*(09):NOV.2013, pro-se filed a twenty four page (JUDICIAL NOTICE) exhibits:(A)-VIA-(F), showing actual 16-claims filed:NOV.14,2011, , an attached lists of those specific outside record evidence.***

****(CONTINUANCE: OF HISTORY STATEMENT...)
OF CASE PROCEEDINGS PROCESS.***

(10):JAN.16,2014, (ORAL-ARGUEMENTS) was held in case#13-CA-99936

*(11):FEB.13,2014, (CERTIFICATE OF JUDGEMENT AFFIRMATION ENTRY)...
...CASE NO.#13-ca-99936.***(NOTED): "THIS JOURNAL ENTRY WAS NEVER
INDEXED BY VOLUME, AN PAGE NUMBER ON THE DOCKETSHEET JOURNALL,...
PURSUANT TO (STATE V. HILL),(JUNE 08,2007),2007,OHIO APP. 2832...
LEXIS#2647. Therefore, pro-se request ohio s./ct., to order the
lower eighth appellate court to commence proper filing.***

*(SIGNIFICANTLY NOTED): The pro-se :LOUIS CAMPBELL#600-748, filed,
a pending (MOTION FOR DELAYED RECONSIDERATION), pursuant to.....
(APP.R.26-A/ 14-B), regarding the (FIRST ASSIGNMENT OF ERROR IN..
...THE EIGHTH APPELLATE COURT OF APPEALS PRO-SE BRIEF SUBMITTED)*
The first assignment of error, claimed (REQUEST TO AMEND POSTCO-
-NVICTION, FILED: NOV.14,2011, WAS DENIED AS MOOT) however the
APPEALS COURT STATED, A VOID AB INITIO ISSUE, WOULD HAVE BEEN DIS-
-MISSED AS (RESJUDICATA)!!!????????

*THE (VOID AB INITIO ISSUE: THE PRIOR CONVICTION CASE NO.#84-CR--
#194750, APRIL 08,1985, in cuyahoga county ohio), is constitution-
-ally infirm, whereas, prior used to enhance current case no.#-
10-CR-538673, june 14,2010 offense indictment of count two, the
(HAVING WEAPONS UNDER DISABILITY/R.C.2923.13(A)(2)), an CREATED A
(ESSENTIAL ELEMENT OF THE OFFENSE) , REQUIRING THE STATE PROOF...
.....(BEYOND A REASONABLE DOUBT)!!! MOOTNESS BY RESJUDICATA, CAN-
-NOT STAND, WHERE COLLATERAL CHALLENGE IS VALID WHEN TRIAL COURT
LACK SUBJECT MATTER JURISDICTION, ON ESSENTIAL ELEMENTS OF MARCH-
03,2011, CONVICTION!!APRIL 08,1985, CASE NO.#84-CR-194750, Court
APPOINTED-COUNSEL, IN PRIOR CONVICTION IS CONST.,(INFIRM), ABSENT
VALID JUVENILE (BIND-OVER), WHEN NOTYPE BINDOVER PROCEDURE EVER..
...COMMENCED PURSUANT TO R.C.2151.26, an JUV.R.#30!!!NOTYPE JUV-
-NILE COUNSEL EVER APPOINTED, OR WAIVED. ADULT COURT APPOINTED...
...COUNSEL FOR INDIGENT DELINQUENT CHILD IS (VOID AB INITIO).***
(OUTSIDE EVIDENCE OF JUVENILE RECORDS IN SUPPORT, NOT RESJUDICATA)!

****(STATEMENT OF FACTS)****

****(OHIO SUPREME COURT)****

MARCH 03,2011, pro-se: louis campbell#600-748, was convicted in jurytrial, in case no.#10-CR-538673, Adm.Judge: Mrs. Nancy Fuerst on four count indictment....(01):2-nd/degree ROBBERY,...(02):having weapons under disability,3-rd/degree....(03):Carrying concealed weapons4-th/degree....(04):Resisting Arrest, 01-st/degree, a notice of prior conviction, repeat violent offender,(CONVICTION), resulting "FOUR YEAR CONCURRENT SENTENCE, MANDATORY TIME".

APRIL 05,2011, pro-se:Louis Campbell#600748, filed "(APPEAL)" CASE NO.#11-CA-96628, in the (EIGHTH APPELLATE JUDICIAL DISTRICT COURT OF APPEAL, IN CLEVELAND OHIO).

***JUNE 21,2011, CASE NO.#11-CA-96628, in eighth court of appeals "WAS DISMISSED, FOR FAILURE TO PROSECUTE.....(ABSENT TRANSCRIPTS)!"

***OCT.03,2011, pro-se appellant:Louis Campbell case no.#11-CA-96628, was "REINSTATED, AN BRIEF DUE ~~DECEMBER~~ 02,2011,"JURYTRIAL TRANSCRIPTS TEMPORARILY GRANTED, UNTIL NOV.07,2011, RETURNED!!

***NOV.14,2011, pro-se:Louis Campbell#600-748, filed R.C.2953.21 postconviction motion, sixteen claims of const.,violation, also (ATTACHED APPENDIX: ONE HUNDRED ELEVEN JURYTRIAL TRANSCRIPTS.....

...DETAILING COURT RULING INADMISSIBLE EXONERATING EVIDENCE AT THE MARCH 2011 trial!! ALSO, THE EXHIBITS:(A)-VIA-(T)-DOCUMENTS OF EVIDENCE "POLICE REPORTS/ETC."*****

***DEC.06,2011, PROSECUTOR:JAMES PRICE#0073356, filed "OPPOSITION BRIEF UNTIMELY, BEYOND THE (DIRECTORY/ 10-DAY-DEADLINE)!!!!

MAY 08,2013..."OVER ONE AN A HALF YEARS LATER", the Eighth district Court of appeals, "DISMISSED THE POSTCONVICTION BASED UPON A THOERY OF RESJUDICATA"!! NO JOURNAL ENTRY DISMISSAL EXPRESSING THE PORTIONS AN PARTS OF RECORDS, THAT NEGATE CLAIMS, REJUDICATA!

*** (CONT: STATEMENT OF FACTS) ***
*** (OHIO SUPREME COURT) ***

**SEE: (STATE V. CAMPBELL), (APRIL 19, 2012), OHIO APP. 1738, LEXIS 1518

*** APRIL 19, 2012, 17-days after "ORAL ARGUMENTS, IN CASE NO. #---
11-CA-96628, THE EIGHTH APPELLATE DISTRICT COURT (REFUSED TO AD-
-DRESS THE EIGHT ASSIGNMENT OF ERRORS IN CASE NO. #11-CA-96628), AN
BASED UPON SUA-SPONTE RULING THAT PRO-SE BRIEF FORMAT DEFICIENCY!!
*** JAN. 17, 2012, an FEB. 21, 2012, ... PRO-se: Louis campbell #600-748,
received "TWO PROSECUTORS SEPARATE BRIEFS, AN RESPONSES TO EIGHT
ASSIGNMENTS OF ERRORS MERITS, AN NO MENTIONING OF A PROSECUTORS
AFFIRMATIVE DEFENSE OF A PRO-SE BRIEF DEFICIENCY BY THE STATE!!!!
no prior notice of dismissal pursuant to civil r. (41)(B)****

*** This instant appeal to "OHIO SUPREME COURT", is need to receive
"COURT-ORDER, FOR APPELLATE COURT TO ISSUE A EXPLICIT MEANINGFUL,
-FUL JUDGEMENT ENTRY, THAT EXPRESSIVELY PROVIDE ENOUGH SUFFICIENT
INFORMATION TO INFORM THE REVIEWING SUPERIOR COURT, WHAT PARTS OF
the trial, an dehor the record evidence that "(NEGATIVE THE DUE -
-PROCESS PRO-SE CLAIMED ASSERTIONS)"!!

*** MAY 28, 2013, pro-se: louis campbell "APPEALED THE MAY 08. 2013--
dismissal of nov. 14, 2011 postconviction*** (CASE NO. 10-CR538673)**
*** JUNE 21, 2013, CASE NO. #13CA-99936, "WAS REINSTATED AS APPEAL"*
*** EVENTUALLY, "(FEB. 13, 2014)", the CASE NO. #13-CA-99936, the...
... "CERTIFICATE OF JUDGEMENT", by the "COURT OF APPEALS", "CONSO-
LIDATED THE SIX-ASSIGNMENTS OF ERRORS, BY PRO-SE: L. CAMPBELL, ...
... FILED, SEPT. 13, 2013, in "APPEAL BRIEF ", allegedly for economy
purposes, "HOWEVER OMIT THE "VERBATIM WORDS IN PRO-SE ERRORS".

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(CONT: STATEMENT OF FACTS)

(OHIO SUPREME COURT)

***FEB.13,2014,"EIGHTH APPELLATE COURT OF APPEALS", CONSOLIDATED,
(THE PRO-SE FOURTH AN SIX ASSIGNMENT OF ERROR), an "RECONSTRUCTED
THE ERROR AS FOLLOWS,....(EXHIBIT:PAGE#02/of-08-ALPHABET-(B))*

(verbatim):"STATING...THAT (CAMPBELL)...argues t-
-he (TRIAL COURT), abused its discretion by DENYING HIS PETITION,
on the basis of(RESJUDICATA), (WITHOUT) establishing evidence
evidence to disprove his assertions. In the (SIXTH ASSIGNMENT OF
ERROR), (CAMPBELL)...argues the trial court erred in denying his
petition "WITHOUT A EVIDENTIARY HEARING". WE DISCUSS THESE ASSIGN-
-ED ERRORS TOGETHER,...."BECAUSE THEY ARE INTERRELATED".****

(THE ACTUAL PRO-SE 4-TH/6-TH, ERROR BELOW)

***(PRO-SE, ASSIGNED ERROR (04), FILED:SEPT.13,2013,APPEAL BRIEF)*

(VERBATIM):" The trial court (unreasonably abused its discretion)
BY dismissing the (r.c.2953.21-(F), petition improperly, based up-
-on a theory* of resjudicata, absent a (factual show of evidence,
to NEGATE pro-se assertions, pursuant to r.c.2953.21-(c), and....
...(EVIDENCE DEHORED THE TRIAL RECORD, AN ATTACHED-ONE HUNDRED, AN
ELEVEN , TRANSCRIPTS), in order to (PROVIDE SUFFICIENT FACTS, AN..
...FINDINGS) for appellate meaningful denova appeal review, of...
TRIAL FINDINGS!!!*****

**(PRO-SE, ASSIGNED ERROR (06), FILED:SEPT.13,2013,APPEAL BRIEF)*

(VERBATIM):"The trial court abused its discretion, an prejudiced
pro-se appellant substantial rights, by (NOT) granting a (EVIDEN-
-TIARY HEARING), pursuant to r.c.2953.21-(E)...And, (IGNORED) RE-
-VIEWING ALL EXHIBITS, AN JURY TRIAL TRANSCRIPTS, EVIDENCE DEHOR T-
-HE-TRIAL RECORD, prior to MAY 08,2013, SUA-sponte dismissal entry*

***The MAY 08,2013,dismissal trial court entry, an the FEB.13,2014
EIGHTH COURT OF APPEALS, CERTIFICATE OF JUDGEMENT ENTRY, NEVER ONCE
MENTIONED IN COURT-ORDER, WHAT POTION, AN PART OF RECORD NEGATE!*

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*** (CONT. STATEMENT OF FACTS) ***
*** (IN OHIO SUPREME COURT) ***

*** THE EIGHTH APPEALS COURT, AGIN ABBREVIATED THE PRO-SE (FIFTH ASSIGNMENT OF ERROR), FILED: (SEPT. 13, 2013)!! WHEREAS, the APPEALS COURT STATED ON (ATTACHED EXHIBIT: (B)-PAGE; -05/of-08).... THAT (VERBATIM): "In the fifth assignment of error, (CAMPBELL) states.. (ARGUES) the trial court (ABUSED ITS DISCRETION) by (NOT ISSUING MANDATORY FINDINGS OF FACTS, AN CONCLUSIONS OF LAW!!**

*** (PRO-SE: ASSIGNED ERROR (05), FILED: SEPT. 13, 2013, APPEAL BRIEF)

(VERBATIM): The trial court UNREASONABLY ABUSED ITS DISCRETION,.. BY (NOT) ISSUING MANDATORY FACTS, AN FINDINGS, as to the substantive basis of each, (SIXTEEN ASSIGNMENTS OF ERROR), pursuant to... (OHIO APP.R. (12), (01), (C)), thereby prejudicing pro-se appellant, (A MEANINGFUL APPEAL DENOVA REVIEW, OF THE TRIAL COURT), (REASON)! for it's claim, facts finding based on theory of resjudicata!!***

*** The EIGHTH APPELLATE COURT, have (NOT) (ENFORCED THE PRIOR CASE LAW PRECEDENTS,)... that dictates, that (INORDER FOR A FINAL APPEALABLE ORDER TO BE MEANINGFULLY INFORMATIVE TO APPEAL REVIEWING, OF THE LOWER COURT DENIAL REASONING, PURSUANT TO R.C. 2953.21, the SECTION: (C)! THE (COURT CERTIFICATE OF ENTRY), MUST (SHOW WHAT WAS PARTS, AN SPECIFIC POTIONS OF THE TRIAL RECORDS, NEGATES THE CLAIM)!

*** The trial court HAVE (UNREASONABLY APPLIED OHIO SUPREME COURT, PRIOR LAW OF THE CASE DOCTRINE, DENYING DUE PROCESS U.S.C.A.#14)!

*** (LAW PROPOSITION: NO.# ONE) ***

*** ((LAW AN ARGUMENT INSUPPORT OF)) ***

**** "THE JUDICIAL TRIAL, AN APPELLATE COURTS (BOTH), (MUST) EXPRESSLY PROVIDE WRITTEN EXPLICIT SHOWING PURSUANT TO R.C. 2953.21, (C), A MEANINGFUL DEMONSTRATION IN CERTIFICATE ENTRY, OF WHAT PARTS, AN PORTION OF TRIAL RECORDS, THAT NEGATIVE PRO-SE, INDIVIDUAL CLAIMS*

** (ARGUMENT): THE EIGHTH APPELLATE COURT OF APPEALS, have provided (REJUDICATA) as a BLANKET REASON FOR DENIAL OF SIXTEEN CLAIMS!!**

*** (PAGE 08 /OF 16) ***

(CONT.: PROPOSITION OF LAW ONE)

*(LAW&ARGUMENT)...CONT;..."RESJUDICATA BLANKET REASON FOR DENYING SIXTEEN ASSIGNED CLAIMS, IS VERY SIMILAR TO PRIOR APPELLATE CASELAW TO FOLLOW IN, CITED:(STATE V. WILES),(APRIL 14,1998),126,OHIO APP. 3d. 71, 709, LEXIS#1542:"stating'....The fact that the trial court (FAILED TO ADDRESS SPECIFICALLY SOME 22-CLAIMS alleging U.S.C.A., OF DEFENDANT, therefore facts an finding was INSUFFICIENT! IN IT'S (COURT JOURNAL ENTRY), the TRIAL COURT EXPRESSLY ADDRESSED TWO OF THE CLAIMS IN THE PETITION) VAGUELY ADDRESSED (SIX OF THE CLAIMS) an as to the REMAINING CLAIMS, merely stated that a "MAJORITY",OF the CLAIMS were BARRED BY RESJUDICATA, the court should SPECIFY T THE PARTS OF THE RECORD THAT ESTABLISH THE BAR!!

(WILES/SUPRA):"CLEARLY PROVIDE SPECIFICALLY HOW NUMEROUS CLAIMS MUST BE ADDRESS, BY THE REVIEWING COURT, AN WHAT INFORMATION (MUST) BE INCLUDED IN THE CERTIFICATE OF JUDGEMENT, AS THE EIGHTH APPEAL, DISTRICT COURT (CITED) IN IT'S (FEB.13,2013/ENTRY)...THE CASELAW (STATE V. PERRY),(MAY03,1967),10,(OHIO SUPREME COURT),2d.175,LEXIS # 387:"HOLDING!....(HNO2): "If that petition alleges such facts, but the (RECORDS and the FILES of the CASE, NEGATIVE the EXISTENCE) of FACTS SUFFICIENT to ENTITLE the (PRISONER RELIEF), the court may so FIND, and DISMISS THE PETITION!! However, (IN SUCH INSTANCE) the(FINDING OF THE COURT, SHOULD SPECIFY THE PORTIONS OF THE FILE, an RECORDS, WHICH NEGATIVE THE EXISTENCE OF ALLEGED FACTS, THAT.. ...WOULD OTHERWISE ENTITLE THE PRISONER TO RELIEF!!***

THE OHIO SUPREME COURT CITED:(PERRY/SUPRA) in it's (FEB.13,2013) EIGHTH DISTRICT COURT OF APPEALS!! FURTHER CASELAW, IN APPELLATE, COURT JURISDICTIONS RECITE THE SAME LAW.** SEE:(STATE V. GUENTHER) (FEB.05,1975), (FEB.20.2007),2007,OHIO APP. 681 lexis#622

*(STATE V.JACKSON), (1980),64,(OHIO/S.CT.), 2d.,107,413

*(STATE V. PHILLIPS),(FEB. 03,1999),OHIO APP. LEXIS#245***

(LAW&ARGUMENT): The "(LAW IS CLEAR CASE DOCTRINE IGNORED), by the "EIGHTH APPELLATE COURT, in CLEVELAND OHIO"!!! Agian, pro-se request this court (GRANT JURISDICTION TO HEAR MERITS OF CASE)

(LAW AN ARGUEMENT INSUPPORT)

(PROPOSITION OF LAW:NO.#TWO)

***THE STATE VIOLATION OF STATUTORY (DIRECTIVE) R.C.2953.21(d)...
...POSTCONVICTION, 10-DAY/ DEADLINE TO RESPOND, IS (NOT) A HARM-
-LESS ERROR, OR (FLEXIBLE), (ABSENT) REQUEST FOR EXTENSION, AN
GOOD CAUSE SHOWN EXPLANATION, thereby VOIDING STATE JURISDICTION
ALLOWING (SOLE) RESPONSIVE DUTY TO TRIAL JUDGE (SOLELY)!!***

(LAW & ARGUEMENT): FEB.13,2014,....The eighth judicial district..
...court of appeals "(CERTIFICATE OF JUDGEMENT), AFFIRMED THEMAY-
-08,2013 DISMISSAL by the (LOWER TRIAL COURT/COMMON PLEAS/CUYAHOGA
COUNTY, OHIO), ADMINISTRATIVE JUDGE:Mrs. Nancy Fuerst! HOWEVER,..
the JUDGE MOOTED THE MOTION OF PRO-SE: LOUIS CAMPBELL, REQUESTING
(OBJECTION OF PROSECUTOR:MR. JAMES PRICE#0073356 UNTIMELY OPPOSIT-
-ION RESPONSE BRIEF, DEC.06,2011....AND, FILED SUMMARY JUDGEMENT
MOTION REQUESTING, DEC.2012, FOR (SOLE TRIAL JUDGE RESPONSE)!!***

***(LAW & CITATION): (STATE V. SLAGTER), (OCT.13,2001), 2001, N.E.2d.
ohio app. WL-1243945, LEXIS #-4856...(8-TH/DISTRICT):...STATING:,
in HOUSE NOTE....(HN2): The state (MUST) respond to a petition for
postconviction relief (WITHIN 10-DAYS), after petition filed, alt-
-hough (R.C.2953.21),(d),....says the state (SHALL) respond, IT N-
-eed (not) to!! "IF THE STATE DEIGNS TO RESPOND AT ALL, IT (MUST)
DO SO (BEFORE) THE (PRESCRIBED TIME).***

(HN04): Despite the characterization of ohio R.C.2953.21(d), as (
DIRECTORY),....(SKELNAR), DOES (NOT) STAND FOR THE PROPOSITION TH-
-AT THE (10-DAY/ TIMELIMIT) SET FORTH IN THE STATUE IS (FLEXIBLE)!!

(HN05): The trial court (MUST) consider the (APPELLANTS FIRST PET-
-ITION FOR POSTCONVICTION RELIEF, (WITHOUT) THE BENEFIT OF A RESP-
-ONSE FROM THE STATE!!***

***(HN08): ISSUES (PROPERLY) MADE IN A POSTCONVICTION RELIEF PETI-
-TION, ARE THOSE WHICH COULD (NOT) BEEN RAISED ON (DIRECT APPEAL)
BECAUSE THE (EVIDENCE SUPPORTING SUCH ISSUES IS (OUTSIDE)...CONT:...

(CONTINUES):....(HN05):...THE RECORD, TO (OVERCOME) THE (RESJUDIC-A BAR), THE (OUTSIDE EVIDENCE MUST SHOW), that the petitioner...
...(COULD NOT), have (APPEALED) the (CONSTITUTIONAL CLAIM) BASED
ON THE (INFORMATION IN THE ORIGINAL TRIAL RECORD).****

***This citation of authority "(SLAGTER/SUPRA)" is the (LANGUAGE)
of the (EIGHTH DISTRICT APPELLATE JUDICIAL COURT OF APPEALS)!!***

**THE FEB.13,2014, CERTIFICATE OF AFFIRMING ENTRY, ON THE PRO-se
(SECOND ASSIGNMENT OF ERROR/10-DAY DIRECTIVE BEING NONE FLEXIBLE),
the (EIGHTH COURT OF APPEALS) have (NOT) (CITED ANY CASELAW AUTHO-
-RITY,)SUPPORTING IT'S (HARMLESS ERROR RULING OF R.C.2953.21, DIR-
-ECTORY, AS HARMLESS JUSTIFICATION)!! (PAGE-#07/of-#08), of the..
,,,(FEB.13,2014), CERTIFICATE OF JUDGEMENT , "CONCEDES", that the
(STATE) OFFERED NO EXPLANATION, for it's (UNTIMELINESS), NIETHER
did (STATE OFFER ANYTYPE OF REASON FOR GOOD CAUSE SHOWN, AS EXCUSE).

***(ARGUMENT): THE STATE (UNREASONABLY APPLIED LESGISLATIVE INT-
-ENT OF R.C.2953.21(d)****

***THE EIGHTH APPELLATE DISTRICT COURT, (CREATED CONFLICT WITHIN
IT'S OWN PRIOR COURT RULING, ON ISSUE, OF (10-DAY/NONE FLEXIBILITY
OF DEADLINE, ABSENT REQUEST PRIOR TO VIOLATION, AN FOR GOOD CAUSE
SHOWN, PURSUANT TO R.C.2953.21(d), DIRECTIVE IN (SLAGTER/SUPRA)!!

***PRO-SE:LOUIS CAMPBELL#600-748, do (NOT) have any (FINANCIAL...
...RESOURCES),TO PURSUE (CONFLICT OF DISTRICT RULINGS)! Therefore,
REQUEST THIS COURT (SUA-SPONTE) INITIATE CONFLICT IN SAME DISTRICT
EIGHTH APPELLATE DISTRICT,...THERE BY (GRANTING JURISDICTION), TO
(RULE UPON MERITS AT ISSUE),WARRANTING (SOLE SUA-SPONTE CONFLICT)*
*IN THE ALTERNATIVE, THIS COURT REVERSE, TO TRIAL COURT, FOR (SOLE)
(JUDGE REVIEW, AN JURISDICTIONAL RULING, AN EXPLICIT SHOWING ENTRY)*

****(LAW AN ARGUEMENT IN SUPPORT OF)****

****(PROPOSITION OF LAW:NO.# THREE)****

***(MOOTNESS OF A MOTION TO AMEND), R.C.2953.21 POSTCONVICTION,..
...R.C.2953.21-COLLATERAL CHALLENGE, BASED UPON A (VOID AB INITIO)
"ESSENTIAL ELEMENTS OF OFFENSE", (LACKING SUBJECT MATTER JURISDIC-
-TION), is (NOT) BARRED BY (RESJUDICATA)...WHEN (EVIDENCE DEHOR T-
-HE RECORD)!***

**(LAW & ARGUEMENT): NOV.14,2014, PRO-SE: LOUIS CAMPBELL# 600-748,
requested to file a (R.C.2953.21/POSTCONVICTION), (AMEND WITH LEA-
-VE MOTION)....WAS FILED:DEC.2011!!*** Although, (CAMPBELL), fail-
-ed to FILE A ISSUE OF (SUBJECT MATTER JURISDICTION/NOV.14,2011)
when initially filed. The R.C.2953.21 PETITION. Nevertheless, the...
...@ (ISSUE OF VOID AB INITIO)), was determined by the (FEB.13,20-
-14/ CERTIFICATE OF JUDGEMENT) to be (RESJUDICATA), as (COURT REA-
-SON FOR MOOTNESS), (SEE: EXHIBIT:(B), PAGE# 06/of #-08.88*****

***(ARGUES): The (FEB.13,2014/ CERTIFICATE OF JUDGEMENT) DECISION
fails to"CITE ANY AUTHORITY JUSTIFYING RESJUDICATA, BARRING A VOID
AB INITIO , LACK OF SUBJECT MATTER JURISDICTION ISSUE."

***(THE PRO-SE VOID AB INITIO ISSUE IS):..."PRO-SE is allowed by
LAW TO(COLLATERALLY CHALLENGE) the PRIOR CONVICTION, that was CON-
-STITUTIONALLY INFIRM, VIOLATION OF (U.S.C.A.-# 06), an (# 14-DUE-
PROCESS). Whereas, the(PRIOR CONVICTION), lacked subject matter j-
-urisdiction, FAILING to (BIND-OVER, JUVENILE COURT ADJUDGED DELI-
-QUENT, 19-YEAR OLD/ on JUVENILE PAROLE), (NEVER PROVIDING JUVENI-
-LE ANY COUNSEL, PRIOR TO ADULT CUYAHOGA COUNTY, CLEVELAN, OHIO..
...COMMON PLEAS COURT, APPOINTING ADULT COUNSEL, FOR NEGOTIATION
OF PLEA-DEAL, GUILTY CONVICTION))!!

****(CONTINUANCE: OF PROPOSITION: #-03)****

***(MEMORANDUM): (STATE V. CHIOMINTO), (JULY 09, 2008), (11-th/DIST.)
2008, -OHIO APP. 3393, LEXIS #-2889----(HN01): "When a (PRIOR CONV-
-ICTION) is used by the STATE (NOT), to simply (ENHANCE A PENALTY)
but to (TRANSFORM THE CRIME), itself....by (INCREASING IT'S DEGR-
-EE), the (PRIOR CONVICTION IS AN ESSENTIAL ELEMENT OF THE CRIME),
and (MUST BE PROVED BEYOND A REASONABLE DOUBT)! Where the STATE is
(REQUIRED TO PROVE) the (PAST CONVICTION), adefendant POSSESSES T-
-he LIMITED RIGHT TO COLLATERAL CHALLENGE THE VALIDITY OF ANY, OR
ALL OF THE CONVICTIONS***INCLUDING...(STATE V. LEWIS), (SEPT.10, 20-
-10), 2010-OHIO APP., 4288, (11-TH), LEXIS# 3630@@ AGIAN, CITING:
(STATE V. DOWHAN), (FEB,13,2009), OHIO APP. 684, LEXIS#-576***

**(FEDERAL CITED AUTHORITY CASELAW): (ALLEN V. COLLINS), (FEB, 19,-
-91), 924, F.2D. 88, U.S., APP. (5-th/CIR.), LEXIS #-2555--"HELD", ..
...(VOID OR VOIDABLE)ISSUE IRRELEVNT, A (PRIOR CONVICTION COMPLET-
-ED SENTENCE, USED TO ENHANCE A CURRENT SENTENCE, COULD BE CHALLE-
-NGED VIA HABEAS CORPUS,)@@

****THE RECORD IS CLEAR, that (SIXTH/CIRCUIT-U.S., APPEALS COURT),
have made (VERY CLEAR), that (PRO-SE ALLEGATIONS OF FACTS), BASED
UPON (EVIDENCE OUTSIDE THE RECORD, IS NOT BARRED BY RESJUDICATA)!

SEE:(CITATION)....(GASTON V, OHIO), (AUGUST 10, 2001), (6-TH/CIRCUIT)
27, FED., APPX., 301, LEXIS#-18586*****

***(ARGUEMENTS): The feb.13, 2013, ... (CERTIFICATE OF JUDGEMENT)...
(STATED VERBATIM): "NONE OF THE PROPOSED AMENDMENTS WOULD HAVE....
....(RAISED ISSUES NOT BARRED BY RESJUDICATA, AN THEREFORE IT WAS
WITHIN THE (TRIAL COURT DISCRETION TO DENY CAMPBELLS MOTION TO...
AMEND THE PETITION AS MOOT)***** PRO -SE: CAMPBELL, CLAIM THIS
THE EIGHTH APPELLATE COURT DECISION DENY, ADEQUATE COLLATERAL REM-
-EDY REDRESS TO COURTS, GUARANTEED BY THE @@@@@ (U.S.C.A.#06, #-14,
Whereas, the (PRO-SE: CAMPBELL), MUST BEABLE TO PROVIDE (OUTSIDE
EVIDENCE IN HIS POSSESSION, TO THE AMEND MOTION), TO PROVE THE...

****(PAGE 13 /OF 16)****

*****(CONTINUANCE: OF PROPOSITION: #-03)*****

(ARGUE CONTINUE):.....(ESSENTIAL ELEMENTS OF HAVING WEAPONS UNDER
DISABILITY, HAVE NOT BEEN PROVEN BEYOND A REASONABLE DOUBT, AND
(LACK SUBJECT MATTER JURISDICTION)!!!**THE PRIOR IS CASE NO.#-...
84-CR-194750# AGG. ROBBERY, APRIL 08, 1985, date of conviction,...
SENTENCE: 08-TO-25-TEARS!!!***(SUBJECT TO COLLATERAL CHALLENGE)!*

*****(SUMMARY OF MEMORANDUM JURISDICTION)*****

***A UNREASONABLE UNDUE DELAY, BETWEEN (NOV.14, 2011) FILING OF...
R.C.2953.21 postconviction, an (ATTACHED APPENDIX: ONE HUNDRED-
JURY TRIAL TRANSCRIPTS, AN DOCUMENT EXHIBITS:(A)-VIA-(T), AN THE
(MAY 08, 2013) TRIAL COURT DISMISSAL ENTRY, (WAS PREJUDICIAL) ___!
***NO WHERE WITHIN THE CASELAW AUTHORITY, IS IT FOUND, THAT A ATT-
-ACK UPON THE ESSENTIAL ELEMENTS OF A OFFENSE, THAT LACKS SUBJECT
MATTER JURISDICTION, (CANNOT BE COLLATERALLY CHALLENGED)! A ADEQU-
-ATE REMEDY IS EXPEDIENT.....(NOT) A (OVER ONE AN A HALF YEAR RE-
-SPONSE), RULING PROHIBITING EFFECTIVE (SHOWING OF OUTSIDE EVIDEN-
-CE), IS "DENIAL OF MEANINGFUL ACTUAL INNOCENCE PROOF OF ENHANCED
3-RD/DEGREE WEAPON CHARGE, LACKING SUBJECT MATTER JURISDICTION)"!
***(THIS COURT SHOULD GRANT JURISDICTION TO HEAR MERITS OF CASE)*

****(NOV.14, 2011, R.C.2953.21)****
attached outside EVIDENCE

(DEHOR THE RECORD AT TRIAL!)

*(EXHIBIT:(H): Is Prima-Facie SHOWING OUTSIDE EVIDENCE, in CASE.
-#10CR-538673, of (STATE WITNESS PERJURED CONTRADICTING...(CONT):

****(PAGE 14 /OF 16)****

****(CONT: OF NOV.14,2011, OUSIDE..)****
EVIDENCE..SHOWING ACTUAL INNO-
-CENCE CLAIM OF ROBBERY UNAVAILABLE!!

....(CONT.)...JUNE 14,2010, Date of event, (DAVID FOSTER), WRITTEN
WITNESS COMPLAINT STATEMENT, ON CRIME SCENE,...ALLEGING, CAMPBELL
DID NOT SEARCH THE POCKETS OF UNCONCIOUS PERSON! THIS EVIDENCE...
WAS MADE "(UNAVAILABLE AT TRIAL-BY COURT RULING INADMISSABLE)"!!!!

***(EXHIBIT:F(F):...SHOWING A (THREE PAGE POLICE REPORT, OF OFFIC-
-ER:MR. PEYTON)..(RULED INADMISSIBLE AT TRIAL, BY JUDGE), THEREFO-
-RE UNAVAILABLE! EXONERATING EVIDENCE OF OFFICER STATEMENT THAT..
...(STATE WITNESS: DAVID FOSTER), LIED AT JURYTRIAL,(MARCH-2011),
CLAIMING (CAMPBELL) DID SEARCHED THE (POCKETS) OF A UNCONCIOUS...
...PERSON! HOWEVER, DOCUMENT EXHIBIT (SHOW THE EXONERATION TRUTH)!

**(SUMMARY): NIETHER MAY 08,2013,-FEB.28,2014, (DUAL COURT ENTRIES)
SHOW THAT (A SPECIFIC PORTION OF RECORDS WAS MADE PRIOR TO RULIG)*

****(ATTACHED EXHIBITS: TO INSTANT)****
****(OHIO SUPREME COURT APPEAL!!!)****

***(EXHIBIT:(A)-"THE SENTENCING JOURNAL ENTRY CASE NO.#10-CR-538673
(SHOWING COURT DECLARATION OF INDIGENCY)...(TWO-PAGES)!!***** MARCH 03,2011

***(EXHIBIT:(B)-"THE EIGHT PAGE (FEB.13,2014), EIGHT APPELLATE...
...JUDICIAL DISTRICT, COURT OF APPEALS, CASE NO.#13CA-99936, cert-
-ificate of judgement, (REGARDING MAY.08,2013-DISMISSAL ENTRY)!!*

****(EXHIBITS:(C)-" THE (MAY.08,2013), CASE NO.#11-CA-((538673), D-
-dismissal ebtry, based upon a theory of resjudicata. And, fails to
(SHOW WITHIN ENTRY, ANY MENTIONING OF A PART, OR PORTION OF RECORD
THAT (NEGATIVE ANY OF SIXTEEN CLAIMS)...VIOLATING U.S.C.A.#-14)!!*

****(RELIEF SOUGHT BELOW)****

***** PRO-SE: LOUIS CAMPBELL#600-748, REQUEST THE OHIO SUPREME CO-
-URT, TO REMAND THE CASE NO.#13-CA-99936, FEB.13,2014-CERTIFICATE
OF JUDGEMENT, TO EIGHTH DISTRICT COURT OF APPEALS, TO INSTRUCT THE
LOWER COURT (CLEVELAND, OHIO/COMMON PLEAS), CASE NO.#10-CR-538673
TO PROVIDE COMPLETE INFORMATION IN ENTRY, FOR OHIO SUPREME COURT....

(PAGE 15 /OF 16)

***** (RELIEF SOUGHT IN OHIO SUPREME COURT) *****
***** (NOTICE OF APPEAL/MEMORANDUM IN JURISDICTION) *****

(CONTINUANCE ENDING)

(CONT); TO DECIPHER WHAT PORTIONS, AND PARTS OF RECORDS, IS..
... AN NEGATIVE THE (SIXTEEN CLAIMS), OF PRO-SE ASSERTIONS, CONSIS-
-TENT WITH PRIOR OHIO SUPREME COURT RULINGS, IN (LESTER/PERRY-SUPRA)*
ABSENT SUCH REQUIRED INFORMATION, THE FEB.13,2014 (2014) ENTRY, IS
A (NONE APPEALABLE FINAL ORDER, DEPRIVING THIS COURT OF JURISDICT-
-ION)!! A COMPLETE UNDERSTANDING OF (#-16/ISSUES-CLAIMS), DEFICIENT)*

*(RELIEF NO.#-02): IN ADDITION, THE REMAND FOR FINAL APPEALABLE OR-
-DER INFORMATION REQUIREMENT.... (MUST INCLUDE), THAT (SOLE JURISD-
-ICTION TO RULE ON MOTION R.C.2953.21, BELONGS TO TRIAL JUDGE ONLY)*

***** (CERTIFICATE OF SERVICE) *****

* I PRO-SE: LOUIS CAMPBELL# 600-748, CERTIFY THAT I SEND A (SCAN-
READY-FORM-COPY), OF THE (TWO-PAGE/NOTICE OF APPEAL), AN (MEMORAN-
-DUM, IN JURISDICTION, (#15-PAGE))!!! TO THE OHIO SUPREME COURT*
IN ADDITION, (A COPY TO PROSECUTOR: JAMES PRICE#00733560), 1200-ONTA-
-RIO STREET/JUSTICE CENTER (PROSECUTOR-OFFICE), CLEVELAND OHIO#441-
-13..... (BOTH), BY U.S. POSTAL REGULAR MAIL POSTAGE* ON THIS DAY
(MARCH 23, 2014)*****

RESPECTFULLY:

Louis Campbell
#600-748
(PRO-SE: LOUIS CAMPBELL)
(600-748)

(MARION CORR. INST.)

(P.O.-BOX#-57)

MARION, OHIO # 43301-0057

(PAGE 16/OF 16)



67529193

IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

THE STATE OF OHIO
Plaintiff

LOUIS CAMPBELL, II
Defendant

Case No: CR-10-538673-A

Judge: NANCY A FUERST

INDICT: 2911.02 ROBBERY /FORS /NPC /RVOS
2923.13 HAVING WEAPONS WHILE UNDER
DISABILITY /FORS
2923.12 CARRYING CONCEALED WEAPONS
/FORS
ADDITIONAL COUNTS...

JOURNAL ENTRY

DEFENDANT IN COURT WITH COUNSEL (STAND BY) - DEFENDANT PRO SE. PROSECUTING ATTORNEY MELISSA RILEY PRESENT.

COURT REPORTER CARYN LOTT PRESENT.

THE JURY RETURNS A VERDICT OF GUILTY OF ROBBERY 2911.02 A(2) F2 UNDER COUNT(S) 1 OF THE INDICTMENT.
THE JURY RETURNS A VERDICT OF NOT GUILTY OF FORFEITURE SPECIFICATION(S) (2941.1417) AS CHARGED IN
COUNT(S) 1 OF THE INDICTMENT.

THE COURT FINDS THE DEFENDANT GUILTY OF NOTICE OF PRIOR CONVICTION SPECIFICATION(S) AS CHARGED
IN COUNT(S) 1 OF THE INDICTMENT.

THE COURT FINDS THE DEFENDANT GUILTY OF REPEAT VIOLENT OFFENDER SPECIFICATION(S) 2941.119 AS
CHARGED IN COUNT(S) 1 OF THE INDICTMENT.

BASED UPON EVIDENCE ADDUCED AT TRIAL, THE COURT FINDS THAT THE STATE PROVED BEYOND A
REASONABLE DOUBT THAT DEFENDANT IS GUILTY OF NPC AND RVOS SPECIFICATIONS AS CHARGED IN COUNT
1.

THE JURY RETURNS A VERDICT OF GUILTY OF HAVING WEAPONS WHILE UNDER DISABILITY 2923.13 A(2) F3
WITH FORFEITURE SPECIFICATION(S) (2941.1417) AS CHARGED IN COUNT(S) 2 OF THE INDICTMENT.

THE JURY RETURNS A VERDICT OF GUILTY OF CARRYING CONCEALED WEAPONS 2923.12 A(2) F3 WITH
FORFEITURE SPECIFICATION(S) (2941.1417) AS CHARGED IN COUNT(S) 3 OF THE INDICTMENT.

THE JURY RETURNS A VERDICT OF GUILTY OF RESISTING ARREST 2921.33 B M1 UNDER COUNT(S) 4 OF THE
INDICTMENT.

FORFEITURE SPEC ON COUNT 4 PREVIOUSLY DISMISSED.

DEFENDANT TO FORFEIT TO THE STATE: HANDGUN.

DEFENDANT ADDRESSES THE COURT.

THE COURT CONSIDERED ALL REQUIRED FACTORS OF THE LAW.

THE COURT FINDS THAT PRISON IS CONSISTENT WITH THE PURPOSE OF R. C. 2929.11.

THE COURT IMPOSES A PRISON SENTENCE AT THE LORAIN CORRECTIONAL INSTITUTION OF 4 YEAR(S).
4 YEARS MANDATORY TIME ON COUNT 1; 3 YEARS ON COUNT 2; 12 MONTHS ON COUNT 3. COUNTS TO RUN
CONCURRENT TO EACH OTHER.

POST RELEASE CONTROL IS PART OF THIS PRISON SENTENCE FOR 3 YEARS MANDATORY FOR THE ABOVE
FELONY(S) UNDER R.C.2967.28. DEFENDANT ADVISED THAT IF POST RELEASE CONTROL SUPERVISION IS
IMPOSED FOLLOWING HIS/HER RELEASE FROM PRISON AND IF HE/SHE VIOLATES THAT SUPERVISION OR
CONDITION OF POST RELEASE CONTROL UNDER RC 2967.131(B), PAROLE BOARD MAY IMPOSE A PRISON TERM AS
PART OF THE SENTENCE OF UP TO ONE-HALF OF THE STATED PRISON TERM ORIGINALLY IMPOSED UPON THE
OFFENDER.

DEFENDANT TO RECEIVE JAIL TIME CREDIT FOR 267 DAY(S), TO DATE.

(MANDATORY 3 YEARS PRC ON COUNT 1, UP TO 3 YEARS PRC ON COUNTS 2 AND 3)

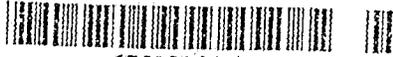
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GERALD E. FUERST, CLERK

* EXHIBIT: (A)

*
(PAGE 01 / OF 02)



67529193

AS TO COUNT 4, DEFENDANT IS SENTENCED TO TIME SERVED.
DEFENDANT ADVISED OF APPEAL RIGHTS.
TRANSCRIPT AT STATE'S EXPENSE.
DEFENDANT WISHES TO APPEAL PRO SE.
DEFENDANT IS TO PAY COURT COSTS.
COLLECTION OF COSTS STAYED PENDING DEFENDANT'S RELEASE FROM PRISON.
DEFENDANT REMANDED.
SHERIFF ORDERED TO TRANSPORT DEFENDANT LOUIS CAMPBELL, II, DOB: 09/29/1965, GENDER: MALE, RACE:
BLACK.

03/03/2011
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Rafuerst

Judge Signature

03/04/2011

EXHIBIT: (A)

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FEB 13 2014

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 99936

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

LOUIS CAMPBELL, II

DEFENDANT-APPELLANT

JUDGMENT:
AFFIRMED

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CR-538673

BEFORE: E.T. Gallagher, J., Celebrezze, P.J., and Rocco, J.

RELEASED AND JOURNALIZED: February 13, 2014

= < 8 - PAGES >

* < EXHIBIT: (B) > *

(PAGE: ONE OF 8)

ALL ATTACHED

EILEEN T. GALLAGHER, J.:

{¶1} This cause came to be heard on the accelerated calendar pursuant to App.R. 11.1 and Loc.R. 11.1.

{¶2} Defendant-appellant, Louis Campbell, II (“Campbell”), appeals the denial of his petition for postconviction relief. We find no merit to the appeal and affirm.

{¶3} In March 2011, Campbell was convicted of robbery, having a weapon while under disability, carrying a concealed weapon, and resisting arrest. The court sentenced Campbell to four years in prison. Campbell appealed the trial court’s judgment, and this court affirmed Campbell’s convictions. *See State v. Campbell*, 8th Dist. Cuyahoga No. 96628, 2012-Ohio-1738.

{¶4} On November 14, 2011, during the pendency of his appeal, Campbell filed a petition for postconviction relief styled, “Petition to Vacate or Set Aside Sentence.” Campbell subsequently filed a petition to amend his petition for postconviction and a motion to disqualify the prosecutor’s untimely response to his petition. The trial court denied Campbell’s petition as barred by res judicata and denied the other motions as moot. Campbell now appeals and raises six assignments of error, which we combine where appropriate and discuss out of order for the sake of economy.

Res Judicata and Evidentiary Hearing

{¶5} In the fourth assignment of error, Campbell argues the trial court abused its discretion by denying his petition on the basis of res judicata without establishing evidence to disprove his assertions. In the sixth assignment of error, Campbell argues the trial court erred in denying his petition without an evidentiary hearing. We discuss these assigned errors together because they are interrelated.

{¶6} A trial court is not required to hold a hearing on a petition for postconviction relief if the record and the petition fail to show that the defendant is entitled to relief. *State v. Calhoun*, 86 Ohio St.3d 279, 714 N.E.2d 905 (1999), paragraph two of the syllabus. Under R.C. 2953.21, a petitioner is entitled to postconviction relief “only if the court can find that there was such a denial or infringement of the rights of the prisoner as to render the judgment void or voidable under the Ohio Constitution or the United States Constitution.” *State v. Perry*, 10 Ohio St.2d 175, 226 N.E.2d 104 (1967), paragraph four of the syllabus. “A postconviction petition is not intended to provide a petitioner a second opportunity to litigate his or her conviction.” *State v. Williams*, 8th Dist. Cuyahoga No. 99357, 2013-Ohio-2706, ¶ 17, citing *State v. Hessler*, 10th Dist. Franklin No. 01 AP-1011, 2002-Ohio-3321, ¶ 23.

{¶7} In deciding whether to grant a petition for postconviction relief, the trial court must: (1) consider the record from the underlying proceeding and any

evidence submitted in support of the petition, and (2) determine whether the petitioner has set forth “sufficient operative facts to establish substantive grounds for relief.” *Calhoun*, paragraph two of the syllabus.

{¶8} In *Calhoun*, the Ohio Supreme Court held that a trial court could dismiss a petition for postconviction relief without a hearing “where the petition, the supporting affidavits, the documentary evidence, the files, and the records do not demonstrate that petitioner set forth sufficient operative facts to establish substantive grounds for relief.” *Id.* at ¶ 286. The *Calhoun* court further held that the trial court “is entitled to deference, including the court’s decision regarding the sufficiency of the facts set forth by the petitioner and the credibility of the affidavits submitted.” *Id.* at ¶ 285. Accordingly, reviewing courts will not disturb the trial court’s decisions in a postconviction proceeding absent an abuse of discretion. *Id.*

{¶9} Here, the trial court denied Campbell’s petition as barred by res judicata. Res judicata, which applies to postconviction proceedings, bars the assertion of claims against a valid, final judgment of conviction that had 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; *State v. Blalock*, 8th Dist. Cuyahoga No. 94198, 2010-Ohio-4494, ¶ 19. Thus, a defendant may not raise any issue in a motion for postconviction relief if he could have raised the issue in a direct appeal. *State v. Reynolds*, 79 Ohio St.3d 158, 679 N.E.2d 1131 (1997).

{¶10} In his petition for postconviction relief, Campbell argued his conviction and sentence should be vacated because: (1) his convictions were against the manifest weight of the evidence and not supported by sufficient evidence, (2) the trial court violated his right of confrontation, (3) the trial court made erroneous evidentiary rulings, (4) the trial court committed a structural error by allowing certain jurors to remain on the jury, and (5) the indictment was defective. All of these arguments could be litigated in a direct appeal and are therefore barred by res judicata. Having determined that Campbell's petition for postconviction relief was barred by res judicata, the court properly determined that a hearing was unnecessary. We therefore find no abuse of discretion in the trial court's decision to deny Campbell's petition without a hearing.

{¶11} The fourth and sixth assignments of error are overruled.

Disputed Issues of Fact

{¶12} In the third assignment of error, Campbell argues the trial court erred in denying his petition for postconviction relief because there were disputed issues of fact. However, as previously stated, the issues raised in Campbell's petition could have been raised in his appeal. They were therefore barred by res judicata and the trial court properly denied the petition. *Perry*, 10 Ohio St.2d 175, 226 N.E.2d 104, at paragraph nine of the syllabus.

{¶13} The third assignment of error is overruled.

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Findings of Fact and Conclusions of Law

{¶14} In the fifth assignment of error, Campbell argues the trial court abused its discretion by not issuing mandatory findings of fact and conclusions of law.

{¶15} R.C. 2953.21(G), which governs postconviction proceedings, states that “if the court does not find grounds for granting relief, it shall make and file findings of fact and conclusions of law and shall enter judgment denying relief on the petition.” Findings of fact and conclusions of law are required to allow meaningful judicial review of the allegations raised in a petition. *State v. Lester*, 41 Ohio St.2d 51, 56, 322 N.E.2d 656 (1975).

{¶16} Despite Campbell’s argument to the contrary, the court provided findings of fact and conclusions of law in its judgment entry denying the petition. Although Campbell listed 16 “assignments of error” in his petition, they were duplicative and there was no need for the trial court to address each “assigned error” individually so long as the trial court made a finding as to the substantive basis of each claim for relief. *Id.* Furthermore, all of Campbell’s arguments were barred by res judicata and the court explained this fact in its judgment entry:

This matter is before the court on Deft Louis Campbell II’s 11/14/11 pro se Petition to Vacate or Set Aside Sentence pursuant to R.C. 2953.21. Findings of fact and conclusions of law in support of his petition, petitioner essentially submits a copy of his appellate brief alleging numerous trial errors, failure to grant motions for acquittal

and deficiencies in the indictment. Petitioner's conviction was affirmed on appeal by the Eighth District Court of Appeals in Case No. 096628. The Ohio Supreme Court dismissed Deft's appeal on 10/22/12. The Ohio Supreme Court has held that the doctrine of res judicata bars the assertion of any issue which was raised or which could have been raised at trial or on direct appeal. *State v. Perry*, Ohio St.2d 175, 226 N.E.2d 104 (1967); *State v. Ishmail*, 67 Ohio St.2d 16, 423 N.E.2d 1068 (1981); *State v. Steffen*, 70 Ohio St.3d 399, 639 N.E.2d 67 (1994). Accordingly, the court denies Deft's Petition to Vacate or Set Aside sentence on a theory of res judicata.

{¶17} Therefore, the trial court provided sufficient findings of fact and conclusions of law in its judgment entry denying Campbell's petition. Accordingly, the fifth assignment of error is overruled.

Leave to Amend Petition

{¶18} In the first assignment of error, Campbell argues the trial court abused its discretion by dismissing his petition for postconviction relief without ruling on his motion to amend the petition.

{¶19} In his motion to amend the petition, Campbell explained that he wished to amend the petition "to include deficiency requirements, and add two claims of void abinitio [sic] substantive violations of U.S.C.A. #14, #5," and "to include extensive statement of proceeding and statement of facts." None of the proposed amendments would have raised issues that were not barred by res judicata. Therefore, it was within the court's discretion to deny Campbell's motion to amend the petition as moot.

{¶20} Therefore, the first assignment of error is overruled.

Motion to Disqualify State's Response

{¶21} In the second assignment of error, Campbell argues the trial court abused its discretion by failing to rule on his motion to disqualify the state's response to his petition. He contends the state's response should have been stricken as untimely.

{¶22} R.C. 2953.21(D) provides that the state must respond to a petition for postconviction relief within ten days after the docketing of the petition. It also gives the trial court discretion to consider responses filed beyond the ten-day deadline "for good cause shown." *Id.*

{¶23} The state did not explain why it filed its response after the ten-day deadline. Nevertheless, any error in refusing to strike the response is harmless because Campbell fails to show how his substantial rights were affected by the trial court's acceptance of the state's late response. Furthermore, because all of the arguments raised in Campbell's petition are barred by res judicata, the court would have denied his petition even in the absence of a response from the state.

{¶24} Therefore, the second assignment of error is overruled.

{¶25} Judgment affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to
Rule 27 of the Rules of Appellate Procedure.

Eileen T. Gallagher
EILEEN T. GALLAGHER, JUDGE

FRANK D. CELEBREZZE, JR., P.J., and
KENNETH A. ROCCO, J., CONCUR

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79294213

IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

THE STATE OF OHIO
Plaintiff

LOUIS CAMPBELL, II
Defendant

Case No: CR-10-538673-A

Judge: NANCY A FUERST

INDICT: 2911.02 ROBBERY /FORS /NPC /RVOS
2923.13 HAVING WEAPONS WHILE UNDER
DISABILITY /FORS
2923.12 CARRYING CONCEALED WEAPONS
/FORS
ADDITIONAL COUNTS...

JOURNAL ENTRY

THIS MATTER IS BEFORE THE COURT ON DEFT LOUIS CAMPBELL II'S 11/14/11 PRO SE PETITION TO VACATE OR SET ASIDE SENTENCE PURSUANT TO R.C. 2953.21.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

IN SUPPORT OF HIS PETITION, PETITIONER ESSENTIALLY SUBMITS A COPY OF HIS APPELLATE BRIEF ALLEGING NUMEROUS TRIAL ERRORS, FAILURE TO GRANT MOTIONS FOR ACQUITTAL AND DEFICIENCIES IN THE INDICTMENT. PETITIONER'S CONVICTION WAS AFFIRMED ON APPEAL BY THE EIGHTH DISTRICT COURT OF APPEALS IN CASE NO. 096628.

THE OHIO SUPREME COURT DISMISSED DEFT'S APPEAL ON 10/22/12.

THE OHIO SUPREME COURT HAS HELD THAT THE DOCTRINE OF RES JUDICATA BARS THE ASSERTION OF ANY ISSUE WHICH WAS RAISED OR WHICH COULD HAVE BEEN RAISED AT TRIAL OR ON DIRECT APPEAL. STATE V. PERRY (1967), OHIO ST. 2D 175; STATE V. ISHMAEL (1981), 67 OHIO ST. 2D 16; STATE V. STEFFEN (1994), 70 OHIO ST. 3D 399.

ACCORDINGLY, THE COURT DENIES DEFT'S PETITION TO VACATE OR SET ASIDE SENTENCE ON A THEORY OF RES JUDICATA.

ALL REMAINING MOTION ARE HEREBY RENDERED MOOT.

CLERK ORDERED TO SEND A COPY OF THIS ORDER TO:

DEFENDANT, LOUIS CAMPBELL, II #600-748; MARION CORR INST PO BOX 57 MARION, OH 43301-0057
PROSECUTOR; JUSTICE CENTER 1200 ONTARIO ST, 8TH FLOOR CLEVE 44113

05/08/2013
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"ORIGINAL"

OBR+C
Cuyahoga Co. Prosecutor
Louis Campbell

N. Fuerst

Judge Signature

05/08/2013

Marion C.I. #60048
M 5-8-13

EX: (C)

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By: CLIDB

ANDREA F. ROCCO, CLERK

Cost

*** PAGE #04 / OF 16 ***

HEAR
05/08/2013