

ORIGINAL

IN THE SUPREME COURT OF OHIO

ROBERT MCCLAIN III
5787 State Route 63
Lebanon, Ohio, 45036

Case No. 14-1644

COMPLAINT FOR WRIT OF MANDAMUS

Relator

Original Action in Mandamus

vs.

PATRICIA HORNER
412 14th Street
Toledo, Ohio 43604

FILED
SEP 24 2014
CLERK OF COURT
SUPREME COURT OF OHIO

RE: LUCAS COUNTY CASE
NO: G-4801-CL-201301014-000

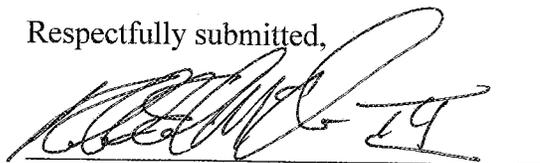
Respondent

Specific Facts: Relator is the Defendant in the above captioned case in which he was convicted in January 2013. Relator tried to contact Respondent on a few occasions trying to obtain the transcripts and other materials related to Relator's trial. Respondent to this date had not responded. Because of Relator's position as a prison inmate, it has been near impossible for him to find out anything about his case without the documents he needs. In addition, Relator has requested copies of documents that are/were in the possession of Respondent that Relator needs for post-conviction pursuits, and per the Ohio Professional Code of Conduct, 1.16, since Respondent is no longer Relator's counsel, those documents should be turned over to Relator, including, without limitation, his transcripts.

(1) Relator has a clear right to have his discovery materials related to his post conviction pursuits and appeals. (2) Respondent has a duty to oblige said right, and (3) Relator has no adequate remedy in the ordinary course of law to compel Respondent to do the acts herein stated.

WHEREFORE, Relator prays the Court will issue the writ requested, or an alternative writ, and any other relief deemed just and appropriate.

Respectfully submitted,



Robert McClain III

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Relator

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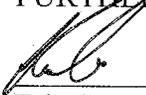
Respondent

: Case No. _____
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: **COMPLAINT FOR WRIT OF MANDAMUS**
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: **RE: LUCAS COUNTY CASE**
: **NO. G-4801-CL-201301014-000**
:
:
:

STATE OF OHIO)
)
WARREN COUNTY) ss:

I, Robert McClain III, after first being duly sworn, upon his personal knowledge to which he is competent to testify, deposes and states that all information and facts in the accompanying complaint for writ of mandamus are true and correct.

FURTHER AFFIANT SAYETH NAUGHT



Eric Stenson

Sworn to and subscribed in my presence this 18 day of Sept
20 14.



Notary

My commission expires: March 31, 2016



Carmen Nelson
Notary Public, State of Ohio
My Commission Expires Mar. 31, 2016

AFFIDAVIT OF INDIGENCY

STATE OF OHIO
COUNTY OF WARREN, ss:

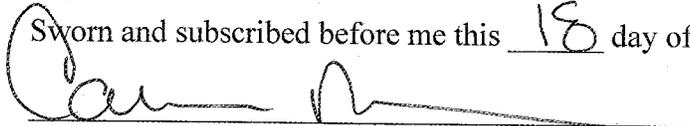
Robert McClain III after first being duly sworn deposes and states that: I have no financial means with which to pay any costs associated with the accompanying legal matter as I earn less than \$18 monthly from my prison job assignment, and these earnings are to pay for hygiene items, postage and other personal items not provided by the prison system. Having to prepay any costs/fees would impose an undue financial hardship against me. In addition, I own no property or thing of value to provide in lieu of any costs or fees.

FURTHER AFFIANT SAYETH NAUGHT



Affiant, Robert McClain III

Sworn and subscribed before me this 18 day of Sept 2014.



Notary

Carmen Nelson
Notary Public, State of Ohio
My Commission Expires Mar. 31, 2016.

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