

IN THE SUPREME COURT OF OHIO

ORIGINAL

STATE EX REL. HAKEEM SULTANA

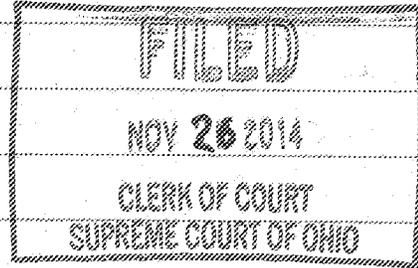
RELATOR

-VS-

CASE NO. 2014-1855

JUDGE PETER J. CORRIGAN

RESPONDENT



MOTION PURSUANT TO RULES OF CIVIL PROCEDURE 19(A) FOR EMERGENCY  
JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION  
(AFFIDAVIT ATTACHED)

RELATOR moves pursuant to Rule 19(A) of Ohio Civil Procedure, in an emergency set, to seek joinder of persons needed for just adjudication.

RELATOR commenced this instant original action under the mandate of S.Ct.Prac. Rules section 12.

S.Ct.Prac. Rule 12.01(A)(2)(b) mandates the Ohio Rules of Civil Procedure shall supplement this court rules unless clearly inapplicable.

Now reminder & Hoge Judicial Notice is hereby ~~given~~ <sup>GIVEN</sup> THAT RELATOR'S DIRECT APPEAL IS PENDING IN THE EIGHTH DISTRICT APPEAL COURT. (STATE V SULTANA C.O.A NO. 101492).

RELATOR IS SEEKING FROM THIS COURT A WRIT FOR RESPONDENT TO FURNISH THE ORIGINAL VERDICT FORM

And P.S.I Report For his appeal of Right and other post conviction relief options.

Now the party that need to be joined in this action is Andrea Rocco Cuyahoga County CLERK OF COURT For needed just Adjudication.

Civil Rule 19(A) States in part --- "A person who is subject to service of process shall be joined as a party in the action if (1) in his absence complete relief cannot be accorded among those already parties, or (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (a) as a practical matter "impair" or "impede" his ability to protect that interest or (b) leave any of the persons already parties subject to a substantial risk of incurring otherwise inconsistent obligations by reason of his claimed interest.

With such noted; Pursuant to R.C 2303.03(A) the clerk of the court of common pleas also serves as clerk of courts for the court of Appeals, 2014 OHIO 1563 s/o, exrel, West v McDonnell; Ordway v Motor Express, inc, 11 OHIO St. 2d 70; Wickham v First Federal SAV. & Loan Co. 177, OHIO St. 170 & s/o exrel CO Fall v Board of Elections 1964 176 OHIO St. 191

Keeping in mind relator's direct appeal is pending; Andrea Rocco Clerk of Court did its duty pursuant to Appellate Rule 10(A) by transmission of the record by sending over relator's record in

a timely manner. (see STATE V SULTAANA 8<sup>th</sup> DIST C.O.A NO 10142). But when The clerk of court sent the record to the appeal court of clerk the "original verdict form was not with the record". In FACT NO version of any Jury verdict form was presented for review.

Appellate rule 10(b) mandates the clerk of the trial court shall prepare & assemble the "original papers" and transmit the record upon appeal to the clerk of the court of appeals within the time stated in division (a) of Appellate rule 10.

Again the original verdict form was not presented when the trial court filed the record.

Now going to R.C 2303.09; this court held the clerk of the court of common pleas shall file together and carefully preserve in his office all papers delivered to him for that purpose in every action or proceedings. S/o ex rel Nelson v Fuerst 86 OHIO ST 3d 47; S/o ex rel Pollock v Clerk of Courts 1987 OHIO APP. LEXIS 8142

The issue that is enlarged is the clerk of the trial court never received the original verdict form from Respondent JUDGE PETER CORRIGAN.

Now IF THIS COURT VIEW RELATOR'S TRIAL COURT CASE DOCKET (STATE V SULTAANA 571-616 CUYAHOGA COMMON PLEAS) it will see the docket reflects on 4/8/14 the the notation of

"Jury Verdict Forms Filed!" This is the smokescreen of it all.

This notation was sent to the clerk via the Respondent Computer Data Base. Respondent sent this electronically to the court but never ever delivered the original verdict forms. In fact the docket reflects "o/t" Filed this purported filing but if this court look carefully the notation of "o/t" is lodged. This "o/t" means other than (Emphasis Added).

Now Respondent gave this court a notice of Judicial Action that he does not have in his possession any completed verdict form.

Thus if Respondent never gave the Trial Court Clerk of Court any verdict forms and the Trial Court <sup>clerk</sup> never sent to Appeal Court as part of the record any verdict then who has the original verdict forms? (Emphasis Added)

Again The Trial Clerk Court of Court has repeatedly has informed later they do not have verdict forms, more so they never possessed any verdict forms to send to the court of Appeals.

Thus for in the interest of Justice the clerk of the Trial Court (Andrea Bocco) is needed for just adjudication

For the interest of this instant action.

An Seperate Action (writ) against Andrea Rocco clerk of ~~court~~<sup>court</sup> will cause undue delay pertaining to this Public Record Request that should never be under Seal.

RELATOR assigned counsel in his current direct Appeal is filing over objection a purported Scanned verdict Form that never touched the hands of the trial clerk of court.

Wherefore, the clerk of the trial court will set the record straight that will speak in volumes, but what the record reflects. Good cause has been shown.

Respectfully Submitted  
Helen A

### Service

A copy of this motion has been sent regular US mail to James Moss at 1200 Ontario Ave Cleveland OH 44113 on this 21<sup>ST</sup> day of November 2014

Helen A

S. C. T., PtAC. R

12:06 Filings

STATE OF OHIO )  
County of ASHTABULA ) ss:

AFFIDAVIT OF VERITY OF HAKHEEM SULTANA

I, HAKHEEM SULTANA, being first duly sworn according to the laws of the State of Ohio, depose and assert the following true statements.

The Andrea Rocco Cuyahoga County Clerk of Court has informed me that they do not have any verdict forms (original) while they never possessed any original verdict form. While they do not have any copy to send to appellants/relator (myself) record. If they did possess any original verdict form they informed me that they would send it over. Also the Andrea Rocco clerk informed me that they did not enter "Jury Verdict forms Filed on 4/8/14 in my case of 571-616" They informed me the trial court electronically sent over that notation.  
Further, Affiant sayeth naught.

[Signature]  
Affiant

Sworn to and subscribed in my presence, a notary public, on this 21 day of November, 2014.



**JENNIFER MAKI**  
Notary Public, State of Ohio  
Recorded in Ashtabula County  
My Commission Expires  
April 25, 2017

[Signature]  
Notary Public



## CUYAHOGA COUNTY PUBLIC DEFENDER

*Robert L. Tobik*  
*Public Defender*

### LEGAL MAIL – PERSONAL AND CONFIDENTIAL

11/17/14

Hakeem Sultaana, A654265  
P. O. Box 8000  
501 Thompson Road  
Conneaut, Ohio 44030

Dear Mr. Sultaana:

Based on the messages your mother has left me as well as several recent pleadings that you filed in your pending appeal, it is clear to Mr. Sweeney and I that you have objections to our work on your behalf. Before addressing those objections, I want to explain a couple of things: We have filed a brief on your behalf. In it we argued the following four points:

HAKEEM SULTAANA WAS DEPRIVED OF HIS LIBERTY WITHOUT DUE PROCESS OF LAW, WHERE HIS CONVICTION FOR ENGAGING IN A PATTERN OF CORRUPT ACTIVITY IS INSUFFICIENT AS A MATTER OF LAW.

THE TRIAL COURT ERRED BY REFUSING TO GRANT MR. SULTAANA'S RULE 29 MOTION FOR ACQUITTAL ON THE TAMPERING WITH RECORDS CHARGES BECAUSE THOSE COUNTS WERE MORE SPECIFICALLY AND PROPERLY CHARGED UNDER R.C. 4505.01, PROVIDING FALSE STATEMENTS ON REQUESTS FOR DUPLICATE TITLES.

THE TRIAL COURT ERRED IN FAILING TO MERGE THE SECURING WRITINGS BY DECEPTION AND THEFT BY DECEPTION AS ALLIED OFFENSES OF SIMILAR IMPORT.

THE TRIAL COURT IMPOSED A SENTENCE CONTRARY TO LAW AND VIOLATED HAKEEM SULTAANA'S FOURTEENTH AMENDMENT RIGHT TO DUE PROCESS AND SIXTH AMENDMENT RIGHT TO TRIAL BY JURY WHEN IT PUNISHED SULTAANA FOR EXERCISING HIS RIGHT TO TRIAL.

**310 Lakeside Avenue Suite 200, Cleveland, OH 44113**  
**(216) 443-7223 Felony • (216) 443-7583 Appeals • (216) 443-2190 Municipal**  
**Fax (216) 443-6911 Felony • Fax (216) 443-3632 Appeals •**  
**Fax (216) 698-3233 Municipal Division**

Both you and your mother have noted that you have additional issues that you wish to raise. In correspondence to me, you have claimed that there are some 49 issues you want to raise, I have not seen them. The four issues noted above are the ones Cullen and I decided were the best for this case. We considered and rejected a host of other issues because ultimately, we determined they are not legally and/or factually salient to your case. Nevertheless, I have told you repeatedly that if you send me your *pro se* brief with the additional assignments of error, I will ask the Court of Appeals for leave to file them. I have done this for clients in the past and the Court usually grants the motion and agrees to consider the additional issues. I have not received your brief. When you send it, I will gladly seek the Court's leave to file it.

With regard the jury verdict forms – during the phone call that Cullen and I had with you, we explained that we were still looking for the verdict forms and were not clear on what had happened to them. That lack of clarity was due to the fact that the Clerk's Office has not had a clear policy with regard to the forms and their previous practice had been to destroy them or let the judge hang on to them. That practice has changed. The Clerk's Office now scans the verdict forms and makes them available to counsel to determine if they give rise to any issues on appeal. The Clerk's Office advised us that if we needed to supplement them into the record on appeal, we should ask to do so under seal. Cullen and I obtained and reviewed the forms. Neither of us believes the forms are problematic or create issues for your appeal. But because we knew you wanted them before the court, we supplemented them into the record. We did so with the suggestion that the court might want them under seal, but ultimately that decision belongs to the Court.

Based on your pleading of November 12, 2014 entitled: **Objection to purported scanned Jury Verdict Form surfacing up at this point of due process, with Objection to filing under seal and Objection to assigned Counsel 11-10-2014 filing "Miscarriage of Justice Alert"** – it is clear that you oppose what we did. But I don't think we had a choice. If you think the verdict forms are relevant to certain legal issues you hope to raise, then the only thing I can suggest is that you ask the court to release the sealed documents to you with an explanation of why they are necessary. Ultimately, if you disagree with our office's handling of your case, you can petition the Court of Appeals to remove us and replace us with other appointed counsel. Alternatively, you can hire an attorney to appear and submit an amended brief on your behalf. It seems to me those are your only legitimate options at this point.

As always, if you have any questions, you are welcome to call me collect. My direct line is (216) 443-8353.

Sincerely,

Erika Cunliffe  
Assistant Public Defender  
Cuyahoga County Public Defender's Office

Cc: Cullen Sweeney, Assistant Public Defender

*Frank had to do*

*Sent to you  
if you have brief  
with 10/29/14*

*Where did they  
come from at  
that point?*

*NOT  
Original*

*CLERK  
can not  
give  
legal  
Advice*

*Affidavit  
of  
Soy  
mintel*

*CAS decker  
does not  
show  
when  
properly  
scanned*

*Unproper sealed non-original  
case document*

*Communicate  
with  
me  
First*

*UN YEM*

*OPTING THIS RIGHT*

*You never  
ever  
except  
call*

*FRAUD*