

ORIGINAL

IN THE OHIO SUPREME COURT

STATE OF OHIO, ex rel,
HAKEEM SULTANA

2014-1855

PETITOR

CASE NO. 2014-1844

v.

CUYAHOGA COUNTY Common Pleas PETER CORALAN
RESPONDENT

FILED
DEC 17 2014
CLERK OF COURT
SUPREME COURT OF OHIO

JUDICIAL NOTICE PERTAINING TO RESPONDENT'S NOTICE OF JUDICIAL ACTION
WITH REQUEST TO STRIKE FROM RECORD

RECEIVED
DEC 17 2014
CLERK OF COURT
SUPREME COURT OF OHIO

PETITOR HEREBY gives Judicial notice to Respondent's 11/17/14 Judicial Action Filing while Requesting this court to STRIKE FROM the RECORD.

The Notice that is given that can not be reasonably questioned is the fact Respondent in his Affidavit lodged the INCORRECT CASE number to PETITOR'S CASE pertaining to the ISSUE of the original verdict forms. PETITOR brings to the attention of this court the case he is seeking the writ from is 571-616. Respondent in his Judicial Action Filing along with his motion

* Exhibit A

to dismiss stated the wrong CASE NUMBER.

Thus to halt gamesmanship related request
the 11/17/14 filing to be stricken from the record
via inaccurate CASE NUMBERS lodged in
respondent's motion to dismiss and judicial
Action Notice.

Respectfully Submitted


SERVICE

A copy of This notice/motion has been sent
Regular US mail on this 14th day of
December 2014 at 1200 ONTARIO AVE
Cleveland, Ohio 44113 to James Moss.

Exhibit A

copy of his presentence investigation report after he has been sentenced in a criminal action); *State ex rel. Normand v. Wilkinson*, 10th Dist. Franklin App. No. 95APE05-563, 1995 WL 705204 (Nov. 28, 1995) (court affirmed trial court's denial of application for writ of mandamus in which relator sought access to the presentence investigation report due to the fact that presentence investigation report is not a public record and is exempt from disclosure). Consequently, Suldaana is not entitled to a remedy by way of writ of mandamus to obtain a copy of the presentence investigation report in his underlying criminal case.

Suldaana also seeks to have this Court compel respondent Judge Corrigan to provide him with a copy of the completed jury verdict form in case number CR-13-571616-A. However, a writ of mandamus cannot be used to compel a respondent to furnish records not in respondent's possession or control. *State ex rel. Hubbard v. Fuerst*, 8th Dist. Cuyahoga App. No. 94799, 2010-Ohio-2489, ¶ 2-3 (respondent does not have a duty to furnish copy of jury verdict form that is not in respondent's possession), citing *Fant v. Mengel*, 62 Ohio St.3d 197, 580 NE.2d 1085 (1991), *State ex rel. Marshall v. Fuerst*, 8th Dist. App. No. 78609, 1997 WL 72134, *1 (respondent does not have a clear legal duty to provide relator with a copy of jury verdict form not in respondent's possession).

W/long case no.

Neither respondent Judge Corrigan nor his bailiff possess a completed jury verdict form in *State of Ohio v. Hakeen Suldaana*, Cuyahoga County Case No. CR-13-576616-A. (See affidavit of Judge Corrigan, attached to the "Notice of Judicial Action" filed contemporaneously with this Motion and identified as Exhibit A).²

Moreover, the signed jury verdict form Suldaana requests contain the names of the jurors who deliberated in his underlying criminal case who ultimately found him guilty of numerous

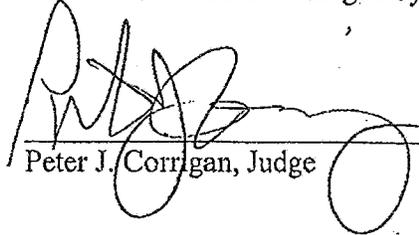
² Said "Notice of Judicial Action" appends respondent Judge Corrigan's affidavit signed on November 12, 2014. (Ex. A).

STATE OF OHIO)
) ss:
COUNTY OF CUYAHOGA)

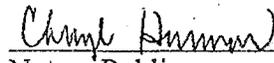
I, Peter J. Corrigan, being duly sworn, state the following to be true and accurate:

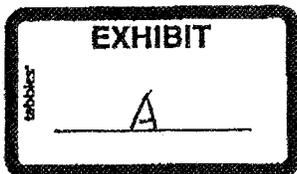
1. I am a judge in Cuyahoga County Court of Common Pleas, State of Ohio.
2. I have been a judge in the Cuyahoga County Court of Common Pleas, State of Ohio, for over nine years.
3. I am the assigned judge for the case of *State of Ohio v. Hakeem Sultaana*, Cuyahoga County Case No. CR-13-576616-A ("Sultaana Case").
4. I have reviewed the print and electronic documents and records in my possession. I do not currently possess a completed jury verdict form in the Sultaana Case.
5. My bailiff has reviewed the print and electronic documents and records in his possession. He does not currently possess a completed jury verdict form in the Sultaana Case.
6. Neither I nor my bailiff at any time destroyed or otherwise damaged the completed jury verdict form in the Sultaana Case as alleged by Defendant.

Further affiant sayeth not.


Peter J. Corrigan, Judge 11/12/14

Sworn to and subscribed in my presence this 12 day of November, 2014.


Notary Public
no expiration - attorney



WRONG
CASE NUMBER →