

ORIGINAL

IN THE SUPREME COURT OF OHIO 15-0137

RAY S. HEID, APPELLANT,	:	ON APPEAL FROM THE SCIOTO COUNTY COURT OF APPEALS, FOURTH APPELLATE DISTRICT
V.	:	
STATE OF OHIO, APPELLEE.	:	COURT OF APPEALS CASE NO.: 14-CA-3670

MEMORANDUM IN SUPPORT OF JURISDICTION
OF APPELLANT RAY S. HEID

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EXPLANATION OF WHY THIS CASE IS A CASE OF PUBLIC
OR GREAT GENERAL INTEREST AND INVOLVES A
SUBSTANTIAL CONSTITUTIONAL QUESTION.

This cause presents critical issues of Constitutional violations by trial court and all acting agents thereof, who have conspired to deprive me of my Constitutional birthrights. In their gross negligence, they have attempted to make the Constitution void and of no force and affect.

In this case, the court of appeals excluded the plain error which resulted in a miscarriage of justice that has transpired upon the face of the record and disregarded my ardent attempt to spell-out the Manifest Errors in my grievance. The court of appeals overlooked the fact Appellant is a layperson and that "pro se complaints must be liberally construed." Erickson v. Pardus, 551 U.S. 89, 93, 127 S.Ct. 2197, 167 L.Ed. 2d 1081 (2007); Hughes v. Rowe, 449 U.S. 5, 9-10, 101 S.Ct. 173, 66 L.Ed. 2d 163 (1980).

The court of appeals denied Appellant's 'Motion for Delayed Appeal' without considering the plain error which resulted in a miscarriage of justice. Accordingly, "a delayed appeal should be granted only where it appears on the face of the record that denying leave would result in a miscarriage of justice." State v. Bednarik, 101 Ohio App. 339, 123 N.E. 2d 31 (7th Dist. 1954). The record is clear that a miscarriage of justice has occurred. Trial court had a legal duty pursuant to Sup.R. 20 to appoint the high quality of representation afforded to Appellant by Statutory and Constitutional provisions. This structural error is a clear denial of my trial rights.

When trial court deviated from this legal rule duly adopted and enacted by the General Assembly it, with effect, caused a miscarriage of justice to occur as Appellant was deprived of his Constitutional rights of due course of law, equal and fair treatment of law, and ineffective assistance of counsel; all of which resulted in depriving Appellant of a fair trial when causing him to self-

incriminate himself to an offense he is legally innocent of. The court of appeals was liberally informed of this miscarriage of justice, yet overlooked such and took no measures to correct said manifest errors.

The court of appeals abused its discretion when not addressing the plain error which has resulted in the miscarriage of justice and by not adhering to this Court's ruling that "cases are to be decided on the merits, and that various rules of court are to be applied so as to achieve substantial justice." Cf. State ex rel. Lapp Roofing & Sheet Metal Co., Inc. v. Indus. Comm., 117 Ohio St. 3d 179, 2008 Ohio 850, 882 N.E. 2d 911. This Court has also held that "only a flagrant, substantial disregard for the court rules can justify a dismissal on procedural grounds." DeHart v. Aetna Life Ins., Co., 69 Ohio St. 2d 189, 193, 431 N.E. 2d 644 (1982).

Appellant complied with the rules of court that were known to him. Appellant advised the court of appeals of sixty-three (63) points of action, spanning about five years, in his attempts to redress the government of his grievance(s). The court of appeals disregarded this information and the fact that counsel deliberately advised me I had no right to appeal, nor did trial court inform me of such pursuant to Crim.R.11, Crim.R.32 (B).

Furthermore, the court of appeals "has an affirmative, constitutional and statutory duty to review the trial court for error. [They] are the constitutional quality control for citizens of the State of Ohio. By denying delayed appeals I submit [they] are not performing [their] duties to the best of [their] constitutional and statutory obligation."; quoting the Honorable Judge Colleen Mary O'Toole, in her dissent of State v. Rose, 2014-Ohio-2705. Judge Colleen Mary O'Toole also states in her dissent, Id., that "the mechanical enforcement of a single appellate rule should not take precedence over enforcement of the law as a whole. The majority, in emphasizing form over function, is placing an unnecessary barrier in front of appellant by its strict reading of the rule."

In this present case, the court of appeals has likewise 'emphasiz[ed] form over function' and 'is placing an unnecessary barrier in front of Appellant by its strict reading of the rule' and by not considering Appellant's actual cause(s) for the delay, the reasons given to justify such, and the plain error -which is clear upon the face of the record- that has caused a cascading effect which resulted in the manifest miscarriage of justice.

The United States Supreme Court held in Withrow v. Williams, 507 U.S. 680, 723, 113 S.Ct. 1745, 1770, 123 L.Ed. 2d 508 (1993):

"[T]he structure establishing this Court as the supreme judicial interpreter of the Federal Constitution and laws, but gives other federal courts no higher or more respected a role than state courts in applying that 'Law of the Land' -which it says all state courts are bound by, and all state judges must be sworn to uphold. United States Constitution, Article VI." (Emphasis in original).

See Robb v. Connolly, 111 U.S. 624, 637, 4 S.Ct. 544, 551, 28 L.Ed. 542 (1884); see also State v. Fletcher, 26 Ohio St. 2d 221, 225 (1971). By its rulings, the court of appeals undermines legislative intent, Constitutional provisions, Supreme Court case rulings and creates its own interpretation of law when disregarding the Constitution and statutes duly adopted by the General Assembly, specifically: Sup.R.20, App.R.5(A), Crim.R.52 (b) and R.C.2945.71, which in turn threatens the structure of the Constitution.

Legislative decisions and delegations of authority have clearly held that errors, such as in this case, are to be corrected. As upheld in U.S. v. Bailey, 488 F.3d 363, 368 (6th Cir. 2007)(appellate court may exercise discretion to correct an error seriously affecting fairness, integrity, or public reputation of judicial proceedings). Also, Crim.R.52(B) permits a reviewing court to take notice of "[p]lain errors or defects affecting substantive rights" even if a party forfeits an error by failing to object to the error at trial. See State v. Payne, 9th Dist. Nos. 2006-1245 & 2006-1383, 114 Ohio St. 3d 502, 2007 Ohio 4642, at ¶15, 873 N.E. 2d 306. Denial of counsel is a structural error

that can never be considered 'harmless'.

As the Constitution is the supreme 'Law of the Land', when the court of appeals disregarded my Constitutional and Statutory rights, their unprecedented actions offend the principles of Constitutional governance. the manifest miscarriage of justice urgently needs correction by this Court.

The implications of the decision of the court of appeals affect every governmental entity in Ohio, and touch the lives of tens of thousands of citizens in the State, not to mention seriously affecting the fairness, integrity, and public reputation of judicial proceedings. Such decision rendered by the court of appeals would sabotage the integrity of governmental contracts, and undermine the fundamental principle that the rule of law constrains government entities as well as citizens.

Similarly, the public interest is affected if the plain meaning of a statute duly adopted by the General Assembly can be judicially altered to subvert the legislature's intent of the statute, which has been enacted to ensure the Constitutional standard of effective assistance of counsel (Sup.R.20), has been rendered of no force and effect by the court of appeals and the trial court.

The decision of the court of appeals sets precedent that would exclude governmental entities from entire statutes that have been implemented to establish fair and equal treatment of the laws and as Constitutional safeguard(s). Under this ruling, Appellant is held accountable of court rules, while government entities are permitted to violate and disregard their own rules and procedures, and clear Constitutional rights. The result of this double standard is preposterous: Citizens are denied equal protection of Constitutional rights while government entities can pick and choose what statutes they are to be held accountable to.

Not surprisingly, the conclusion of the court of appeals is contrary both to the Statutory scheme of Sup.R.20; App.R.5(A);Crim.R.52(B) and R.C.2945.71,

and to all legal authority, as the decisions undermine the same.

Finally, this case involves a substantial Constitutional question. The decision offends the United States Constitution and Ohio's Constitutional scheme by depriving me of a fair trial and enforcing a conviction upon me based upon an unintelligent and involuntary guilty plea to an offense I am legally innocent of. This is clearly a miscarriage of justice which needs to be corrected as it is contrary to the delegation of authority that states that a "guilty plea must be knowingly and voluntarily made." Boykin v. Alabama, 395 U.S. 238, 23 L.Ed. 2d 274 (1969); and upheld by this Court in State v. Engle, 74 Ohio St. 525, 527, 1996 Ohio 179, 660 N.E. 2d 450 (1996) ("When a defendant enters a plea in a criminal case, the plea must be made knowingly, intelligently, and voluntarily. Failure on any of these points renders enforcement of the plea unconstitutional under both the United States and Ohio Constitutions"); State v. Lamb, 4th Dist. Highland No. 14CA3, 2014-Ohio-2960, ¶12.

If allowed to stand, the decision of the court of appeals would ravage the United States Constitution, the Ohio Constitution and the General Assembly's enactments of Sup.R.20, App.R.5(A), Crim. R.52(B), and RC 2945.71. Under the decision, these statutes would be rendered of no force and effect of law, and would lack authority for situations such as in this case. The General Assembly's authority to enact statutes would be subject to interference and rejection by lower courts, whose actions not only undermine the General Assembly's enactments, but also the framework of the United States Constitution. The enactments of Sup.R.20, App.R.5(A), Crim.R.52(B) and RC 2945.71 are designed to be safeguards in the protection and enforcement of Constitutional provisions; which will be frustrated if the court of appeals' decision is permitted to stand.

In sum, this case puts in issue the essence of the validity of the plea; effective assistance of counsel; fast and speedy trial rights; due process vio-

lations; and the equal protection of the laws, thereby affecting every governmental entity whose duty it is to ensure justice for all and every citizen who has Constitutional rights in Ohio. In order to promote the purpose and preserve the integrity of the General Assembly's enactments of Sup.R.20, App.R.5(A), Crim.R.52(B) and RC 2945.71; to assure uniform application of the statute(s); to promote equal and fair treatment of the law; and to remove judicial bias, this Court must grant jurisdiction to hear this case and review the erroneous and dangerous decision of the court of appeals.

STATEMENT OF THE CASE AND FACTS.

This case arises from the attempt of Appellant, Ray S. Heid, to correct the manifest miscarriage of justice. The court of common pleas, Scioto County, Ohio failed to adhere to and enforce the General Assembly's enactment of Sup.R. 20, which is enacted by the General Assembly to protect and ensure Appellant's Constitutional Sixth Amendment right of effective assistance of counsel in capital cases -such as this. Once trial court deviated from this legal rule, the deprivation of the equal treatment of Ohio's legal rule had a cascading affect and resulted in a miscarriage of justice.

Appellant was appointed the sole counsel, Richard Nash Jr., who's assistance was ineffective by both United States and Ohio Constitutional standards and Statutory provisions. When trial court disregarded the Statutory scheme of Sup. R.20, it set in motion the undermining of not only the General Assembly's enactments, but also the general framework of the United States Constitution and the disregard of my Constitutional rights.

Appellant felt in his heart that counsel was ineffective, but he did not know how or to what extent. As soon as Appellant became aware of avenues to navigate in order to pursue adjudication to correct the Manifest Errors, he pursued such. The appellant made several attempts to correct the deprivations of his Constitutional rights with the Scioto County Common Pleas Court; all to no

avail. Appellant then filed for a Delayed Appeal in the Scioto County Court of Appeals, Fourth Appellate District. The Court of appeals failed to see my layman description of the manifest injustice which has occurred and denied my appeal.

The court erred in ruling that Appellant's reasons for a Delayed Appeal are not reasonably sufficient to justify for the lengthy delay and furthered their error in not addressing the manifest miscarriage of justice that has transpired. The court of appeals also failed to adhere to Crim.R.52(B) and review the record for plain error, as I was denied equal high quality representation as others receive in similarly situated instances, and which cause has resulted in the miscarriage of justice. In support of the position on these issues, the Appellant presents the following argument.

ARGUMENT.

Proposition of Law No.I.:

Defendant was denied his right to a fast and speedy trial and the effective assistance of counsel, which is protected and guaranteed by the Sixth and Fourteenth Amendments, United States Constitution; Section 2, 10, and 16, Article I, Ohio Constitution.

Trial court deliberately deprived Appellant of his Constitutional right to a public and speedy trial as outlined by the RC 2945.71. Trial court did not afford Appellant this Constitutional right of due course of law in order to cause anxiety on Appellant to aide counsel in the conspiracy to overwhelm Appellant and obtain a guilty plea to a charge he is legally innocent of.

Trial court covered this egregious act up when issuing a superceding indictment to cause the process to begin anew. The legal maneuver was a tactical measure which aided in Appellant's involuntary guilty plea.

Counsel, Richard Nash Jr, was fundamentally and Constitutionally ineffective when working coessentially with the prosecution to induce Appellant to plea guilty to an offense he is legally innocent of. "[A]ppointed counsel who consp-

ired with state officials to deprive client of constitutional rights may have acted under color of state law." Tower v. Glover, 467 U.S. 914, 919-20 (1984).

Counsel deliberately chose not to ensure that Appellant enjoyed the benefits of the adversarial process which the law affords him for testing the charges brought by the state. Strickland v. Washington, (1984) 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed. 2d 674. Counsel had a duty and responsibility to subject the prosecution's case to adversarial testing. Similarly, if counsel "entirely fails to subject the prosecution's case to meaningful adversarial testing" the adversarial process itself becomes presumptively unreliable. U.S. v. Cronin, 466, U.S. at 659 (1984).

Counsel deliberately misadvised Appellant of the affirmative defense of Voluntary Manslaughter which was available and would have prevailed at trial. See Hill v. Lockhart, 474 U.S. 52, 59, 88 L.Ed. 2d 203 (1985)(when the alleged error of counsel is a failure to advise of an affirmative defense, the outcome of the prejudice inquiry will depend on whether the defense would have succeeded at trial). The affirmative defense is supported by the preponderance of the evidence. Carter v. Bell, 218 F.3d 581, 596 (6th Cir.2000)(counsel's duty to conduct an independent investigation into mitigating evidence was ineffective assistance despite petitioner's reluctance to present such a defense); Hill v. Lockhart, supra,(prejudice surrounding an attorney's failure to investigate depends on the likelihood that discovery of the evidence likely would have led counsel to change his recommendation as to the plea, [and] a prediction whether the evidence likely would have changed the outcome of the trial).

Appellant cannot presume or even slightly evince that counsel would have changed his mind about coercing Appellant to plea guilty, as the affirmative defense was stated to counsel and supported by the preponderance of the evidence and the fact counsel has a modus operandi of engaging in a conspiracy to deprive Appellant of his rights as he did so in trial case no.:04-CR-853, known

in this Court as case no. 14-1624. Counsel has time and again consciencely decided to provide faulty advice to mislead appellant and induce a guilty plea. "[A]ffirmative misadvice by an attorney and a failure to advise about the advantages and disadvantages of a guilty plea are treated the same when assessing whether counsel's performance was deficient." Padilla v. Kentucky, 559 U.S. ____, 176 L.Ed.2d 284, 296-97 (2010).

Counsel, inter alia, coerced Appellant to plea guilty when uttering the threat that if he did not plea guilty he would never get out of prison again. This uttered threat, induced Appellant to plea guilty. Brady v. U.S., 397 U.S. 742, 750 (1970)(state may not induce guilty plea by threatening defendant with physical harm or by mental coercion overbearing defendant's will).

Proposition of Law No. II:

Defendant was deprived of his right to the First, Fifth, and Fourteenth Amendments, United States Constitution; Section 2, 10, and 16, Article I, Ohio Constitution, when being deprived of the fair and equal treatment of the law which violated his due process rights and prevented a fair trial.

Trial court committed plain error when depriving Appellant of his due process rights, which in turn violated his First, Fifth, and Fourteenth Amendment rights of the United States Constitution. Trial court deviated from the legal rule of Sup.R.20 and committed structural error when not ensuring Appellant of Statutory protected rights which in turn resulted in his Constitutional right of counsel to be violated.

This deviation of the legal rule, Sup.R.20 has resulted in substantial and Constitutional violations and did affect the outcome of the case. This error of depriving Appellant with appropriate counsel as outlined by the General Assembly's framework for capital cases is an open unjust act that "can never be treated as harmless error." Cf. Chapman v. Cal., 386 U.S. 18, 23 (1967); see also Satterwhite v. Tex., 486 U.S. 249, 256 (1988); Ariz. v. Fulminante, 499 U.S. 279, 310-11(1991)(structural errors, as opposed to trial errors, involve funda-

mental framework allowing criminal trials to fairly assess guilt).

The trial court's deviation is a violation of Appellant's Fourteenth Amendment right to due process of substantial and Constitutional rights and has created a structural error of depriving Appellant of his Constitutional guarantee to counsel. The sole appointed counsel was Constitutionally and fundamentally defective and his gross negligence resulted in Appellant's First, Fifth, Sixth, and Fourteenth Amendment rights to be violated.

Due to trial court's actions, counsel caused an invalid guilty plea to occur, thus depriving Appellant of his Fifth Amendment right against self-incrimination. Counsel's fraudulent advice and coercive pressures, inter alia, induced Appellant to plea guilty to an offense he is legally innocent of.

The plea is invalid because it was one (1) coerced and two (2) not made knowingly, intelligently, or voluntarily, and therefore is void. Said plea was coerced in part by the statement made by trial Judge Howard H. Harcha, III, whom stated in my previous case 04-CR-853 that "...this is my court room and I'll do what I want...", during sentencing -so it is available on the record; by trial court's legal maneuvers to frustrate due process when depriving Appellant of his Constitutional fast and speedy trial right and then covering that act up when issuing a superceding indictment so the process begins anew (tactic to overbear my will); by counsel's deliberate acts of manipulating the facts and his uttered lies that my affirmative defense was not applicable; by stating that the sole witness was testifying against me saying I purposely committed the act (again a lie to overbear my will); and by counsel's uttered threat that if Appellant did not plea guilty he would never get out of prison again. These confluent factors all played a role in overbearing Appellant's will to induce a (coercive) guilty plea.

The plea is invalid because counsel provided faulty legal advice about the affirmative defense when stating it was not available. The affirmative defense

of Voluntary Manslaughter was an available defense, one that is supported by the preponderance of the evidence, and would have prevailed at trial. "The long standing test for determining the validity of a guilty plea is 'whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant.'" Hill v. Lockhart, supra,;in turn quoting North Carolina v. Alford, 400 U.S. 25, 31 (1970). Appellant had a right to choose what course of action he wished to pursue in his defense, and due to counsel he was prevented of this choice.

Counsel's gross negligence in purposely misadvising Appellant and his tactical maneuvers that he carried out to overbear Appellant's will, along with his uttered threat, ~~make~~ the guilty plea void. " A guilty plea, if induced by promises or threats which deprive it of the character of a voluntary act, is void." Machibroda v. United States, 368 U.S. 487, 493 (1962). Counsel's actions, inter alia, caused said invalid plea which deprived Appellant of a fair trial when causing him to self-incriminate himself to an offense he is legally innocent of.

Trial court's deviation from Sup.R.20 resulted in Appellant's First Amendment right to be violated as its deviation resulted in the violation of his substantial and Constitutional right of the effective assistance of counsel. The sole counsel, still in collusion with the prosecution, advised Appellant that he had no right to appeal, thereby preventing Appellant from redressing the government of grievance(s).

Trial court's deviation from Sup.R.20 resulted in ineffective assistance of counsel. This act, in turn, resulted in the violation of Appellant's Fourteenth Amendment right of fair and equal treatment of the laws. Voluntary Manslaughter was the offense Appellant's course of conduct required fair and just punishment for. Sup.R. 20 required trial court to appoint two attorney. RC 29-45.71 required trial court to produce a jury trial in a timely manner. Counsel

lead/induced Appellant to plea guilty to murder and thus deprived him of equality before the law, equal protection of the law, and violations of his Constitutional birthrights.

CONCLUSION/RELIEF.

The court of appeals' adverse decision is fundamentally wrong in its reasoning and perilous in its interpretations of statutes enacted by the General Assembly and contradictorily to standings that have been upheld in the United States Supreme Court. The adverse decision undermines the structure and purpose of legislature's judiciary enactments of these standings, seriously affecting the reputation of the court. In place of the finality of the statutes, the adverse decision would establish a disorderly and confounded method of upholding Statutory and Constitutional law, a method completely contradictory to this Court's conclusion in State v. Barnett, 73 Ohio App. 3d 244, 596 N.E. 2d 1101, 1991 Ohio App. Such an adverse judgment by the court of appeals, if allowed to stand, would render the United States Constitution and all Superior Court Rulings void and of no effect; allowing said court free to disregard the well established mandates of both.

The adverse decision of the court of appeals must be reversed. A reversal will promote the exemplary purposes of the United States Constitution and Statutes enacted to carry out those rights and preserve the unmistakable legislative intent, which this Court has uniformly supported.

Respectfully Submitted,

R. S. Heid

Mr. Ray S. Heid

RCI -- #578-945

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Defendant-Appellant, pro se

* CERTIFICATE OF SERVICE *

I certify that a copy of this Memorandum In Support of Jurisdiction was sent by ordinary U.S. Mail to counsel for Appellee, Mark E. Kuhn, at 612 Sixth Street, Suite E, Portsmouth, Ohio 45662 by RCI Mail-Room staff on this 21 day of January, in the year of our Master 2015.

By: 

Mr. Ray S. Heid

RCI -- #578-945

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Defendant-Appellant, pro se

cc:File

IN THE SUPREME COURT OF OHIO

STATE OF OHIO : Case No.: _____
Plaintiff-Appellee,
v. : On Appeal from the Scioto
County Court of Appeals
Ray S. Heid : Fourth Appellate District
Court of Appeals
Defendant-Appellant : Case No.: 14-CA-3670

APPENDIX TO
MEMORANDUM IN SUPPORT OF JURISDICTION OF
APPELLANT RAY S. HEID

Judgment Entry and Opinion, Court of Appeals, Scioto Co.

(Dec.16, 2014 AD).....A-1

THE COURT OF APPEALS OF OHIO
SCIOTO COUNTY
OHIO
FILED

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
SCIOTO COUNTY

2014 DEC 16 AM 9:20

State of Ohio, :
Plaintiff-Appellee, :
v. :
Ray Scott Heid, :
Defendant-Appellant. :

Case No. 14CA3670

Erica Thompson
CLERK OF COURTS

**DECISION AND
JUDGMENT ENTRY**

Appellant Ray Scott Heid has filed a motion for delayed appeal. Upon consideration, the Court **DENIES** the motion.

Heid pled guilty to one count of murder in violation of R.C. 2903.02, with a firearm specification in accordance with R.C. 2941.145. The Scioto County Court of Common Pleas sentenced Heid to an agreed sentence of fifteen years to life on the murder conviction and three years on the firearm specification, with the sentences to be served consecutively to one another and to sentences imposed in another case. The sentencing entry was journalized on May 30, 2008. On November 17, 2014, Heid filed the motion for delayed appeal that is now before this Court.

App.R. 5(A), which governs appeals by leave of court, states:

(1) After the expiration of the thirty day period provided by App.R. 4(A) for the filing of a notice of appeal as of right, an appeal may be taken by a defendant with leave of court to which the appeal is taken in the following classes of cases:

(a) Criminal proceedings;

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(2) A motion for leave to appeal shall be filed with the court of appeals and shall set forth the reasons for the failure of the appellant to perfect an appeal as of right. Concurrently with the filing of the motion, the movant shall file with the clerk of the trial court a notice of appeal in the form prescribed by App.R. 3 and shall file a copy of the notice of appeal in the court of appeals. ***

A delayed appeal should be granted only where it appears on the face of the record that denying leave would result in a miscarriage of justice. *State v. Bednarik*, 101 Ohio App. 339, 123 N.E.2d 31 (7th Dist.1954). Whether to grant or refuse leave to file a delayed appeal is within the sound discretion of the appellate court. See, e.g., *State v. Fisher*, 35 Ohio St.3d 22, 26, 517 N.E.2d 911 (1988). When requesting leave to file a delayed appeal, the movant is required to explain his failure to perfect a timely appeal so that this court can determine whether there was sufficient justification for the failure to do so. In support of his motion, Heid states that his defense counsel incorrectly informed him that he had no right to appeal; that he had no access to the law library for the first six months of his incarceration; that he was placed in the "hole" for extended periods and, therefore, could not use the library; that he has had to educate himself on the law in order to file this appeal; and that the evidence demonstrates that Heid committed manslaughter, not murder.

We conclude that Heid has not presented an adequate explanation to justify granting him leave to file a delayed appeal over six years after his conviction and sentencing. It is well settled that "[l]ack of effort or imagination, and ignorance of the law * * * do not automatically establish good cause for failure to seek timely relief." *State v. Reddick*, 72 Ohio St.3d 88, 91, 647 N.E.2d 784 (1995). Heid has cited no reasonable justification for the extremely lengthy delay in attempting to file this appeal.

Accordingly, we **DENY** the motion for delayed appeal. **ANY PENDING MOTIONS ARE DENIED AS MOOT.** The clerk shall serve a copy of this order on appellant by certified mail and on all counsel of record at their last known addresses by ordinary mail. **IT IS SO ORDERED.**

Abele, P.J. & McFarland, J.: Concur.

FOR THE COURT



Marie Hoover
Administrative Judge

STATE OF OHIO
SCIOTO COUNTY, SS.
CLERK OF COURT OF
COMMON PLEAS
JANET D. COLEMAN
Clerk
DEC 16 2014
LISA NOVINSKI, CLERK
C. Shenburda