ORIGINAL

IN THE SUPREME COURT OF OHIO

	:	Case No: 16-0284
STATE OF OHIO	:	
Appellee	:	C.A: 14AP0055
VS	:	
QUENTIN FRANKLIN	:	
Appellant	:	C.P: 2014CRCI000031

MOTION OF LEAVE OF COURT TO SUPPLEMENT /AMEND THE MEMORANDUM IN SUPPORT OF JURISDICTION OF APPELLANT QUENTIN FRANKLIN

The appellant,Quentin Franklin hereby moves this court of leave of court to allow him to Supplement/Amend additional pages to **THE MEMORANDUM IN SUPPORT OF JURISDICTION,** because the appellant did not have this vital information that is detrimental to the Proposition of law No.I, as well as, Proposition of law No.II at the time, but have acquired from the common pleas court in Wayne County, Ohio on April 4th, 2016. These additional pages consist of 2 page's from the **TRANSCRIPT OF VERDICT,** and 1 page of key points to support the fact that the appellants guilt was not proven beyond a reasonable doubt, nor the essential elements of the crime charged.

Quentin Franklin, Pro se

CERTIFICATE OF SERVICE

I certify that a copy of this MOTION OF LEAVE OF COURT TO SUPPLEMENT/AMEND THE MEMORANDUM IN SUPPORT OF JURISDICTION OF APPELLANT QUENTIN FRANKLIN, was sent by ordinary U.S. mail to Daniel R Lutz, Wayne County Prosecutor at 115 W. Liberty Str Wooster, Ohio 44691 on April 22, 2016.

Quentin Franklin, Pro se

RECEIVED
APR 28 2016
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
APR 28 2016
CLERK OF COURT
SUPREME COURT OF OHIO

Proposition of law No.I:

THE EVIDENCE WAS INSUFFICIENT TO SUSTAIN A FINDING OF GUILT BECAUSE THE STATE FAILED TO PRESENT EVIDENCE TO ESTABLISH BEYOND A REASONABLE DOUBT THE ELEMENTS NECESSARY TO SUPPORT A CONVICTION

Proposition of Law No. II:

THE VERDICT WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE

Due process demands are great, an neither a trial court, nor an appellate court may abdicate it's responsibility to enter a judgment of acquittal when the evidence is legally insufficient to support a conviction. STATE V GOODEN(1979),56 Ohio st.2d.438 442

Since, the fact finder is free to believe all, part, or none of E.B.'s statements, what acts constituted the verdict of guilt pursuant to the two counts?

Within the **TRANSCRIPT OF VERDICT**, the fact finder reached the conclusion after reviewing the DVD's and all the evidence, that **SOMETHING HAPPENED, THE QUESTION IS WHAT HAPPENED**, which leaves the fact that the appellants guilt was not proven beyond a reasonable doubt.(Verdict.Tr.p.3,4 25-7)

The **TRANSCRIPT OF VERDICT**, establishes doubt shared by the fact finder of his uncertainty of **WHAT HAPPENED**, which made Mr. Franklin's conviction unlawful and unconstitutional. In regards to his verdict, the fact finder was convinced that **SOMETHING HAPPENED**, but he did not know **WHAT**, in reference to what the alleged sexual contact was. **THE SEXUAL CONTACT IS THE MOST ESSENTIAL ELEMENT OF GROSS SEXUAL IMPOSITION.** Failure to establish **WHAT** the sexual contact was, **NO** rational fact finder can " infer" that **SOMETHING** unknown was for the purpose of sexual arousal or gratification.

The trial court lost it's way in finding the defendant guilty of Gross Sexual Imposition, because the elements were not proven beyond a reasonable doubt.STATE V EZELL(2007)

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Quentin Franklin, Pro se

THE COURT: We are reconvening the trial of State vs. Quentin Franklin. The case was tried to the court on October 2nd and 3rd and at the conclusion of the testimony, the court took the matter under advisement and scheduled the reconvening of the trial for the court's verdict this morning at 8:00 o'clock. This case was originally indicted on twelve separate counts and at the conclusion of the State's case, Counts 7 and 8 and 11 and 12 were dismissed, which, leaving Counts 1 through 6 and 9 and 10. Counts 1 through 6 involve two counts of Rape, which would be Counts 1 and 2; and four counts of Sexual Battery, Counts 3 through 6 and Counts 9 and 10 are Gross Sexual Imposition. Since we adjourned on October 3rd, the court has reviewed all the evidence. I've

watched the DVD's that were submitted for my review, but, not played during the trial and have reached the conclusion that, that something did happen here and of course, the question is what happened and has the State proved, proved it beyond a reasonable doubt and for the court to conclude that the State has met its burden, I have to be firmly convinced of the truth of the charge, that's what we tell juries all the time and my decision is that as to Counts 1 through 6, which would be the two counts of Rape and the four counts of Sexual Battery, the court is not firmly convinced and finds the defendant not guilty of those charges. As to Counts 9 and 10, the court is firmly convinced and finds the defendant guilty of two counts of Gross Sexual Imposition,