

ORIGINAL

IN THE SUPREME COURT OF OHIO

16-0284

STATE OF OHIO

:
: Case No: 16-0281

Appellee

VS

QUENTIN FRANKLIN

Appellant

FILED
MAY 13 2016
CLERK OF COURT
SUPREME COURT OF OHIO

: C.A: 14AP0055

: C.P: 2014CRCI000031

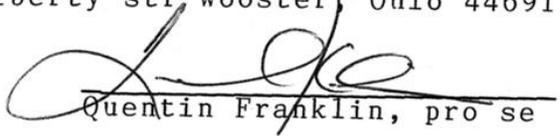
MOTION FOR LEAVE OF COURT TO SUPPLEMENT/AMEND
THE MEMORANDUM IN SUPPORT OF JURISDICTION OF
APPELLANT QUENTIN FRANKLIN

The appellant, Quentin Franklin hereby moves the court for leave of court to allow him to supplement/amend more pages to THE MEMORANDUM IN SUPPORT OF JURISDICTION. On April 28, 2016, the appellant filed a MOTION OF LEAVE OF COURT TO SUPPLEMENT/AMEND THE MEMORANDUM IN SUPPORT OF JURISDICTION OF APPELLANT QUENTIN FRANKLIN. The appellant has stumbled upon a key point that will establish that the appellants guilt was not proven beyond a reasonable doubt, nor the elements of the crime charged. The appellant apologizes to the court at this late hour, asking the court to amend this argument to THE MEMORANDUM IN SUPPORT OF JURISDICTION. The appellant hope that the court will amend this argument to THE MEMORANDUM IN SUPPORT OF JURISDICTION, in the interest of justice.


Quentin Franklin, pro se

CERTIFICATE OF SERVICE

I certify that a copy of this MOTION FOR LEAVE OF COURT TO SUPPLEMENT/AMEND THE MEMORANDUM IN SUPPORT OF JURISDICTION OF APPELLANT QUENTIN FRANKLIN, was sent by ordinary U.S. mail to the Wayne County prosecutor at 115 W.Liberty str, Wooster, Ohio 44691 on May 6, 2016.


Quentin Franklin, pro se

RECEIVED
MAY 13 2016
CLERK OF COURT
SUPREME COURT OF OHIO

ARGUMENT

The trial court denied appellant due process when it failed to direct a verdict of acquittal as to each count in the indictment pursuant to Crim.R.29.

The absence of direct testimony regarding sexual arousal or gratification, the fact finder may "INFER" a purpose of sexual arousal or gratification from the Type, Nature, and Circumstances of the contact, along with the personality of the defendant. STATE V ANTOLINE, 2003 Ohio 1130 at paragraph 64.

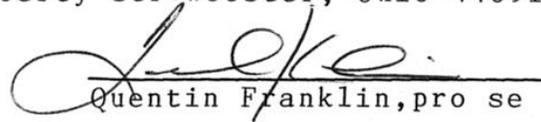
The Type, Nature, and Circumstances of the contact, along with the personality of the defendant was unknown, nor established by the fact finder. Failure to establish what the sexual contact is, NO rational fact finder can "INFER" that something unknown is for the purpose of sexual arousal or gratification. The key elements of the crime charged is missing. In the TRANSCRIPT OF VERDICT, the fact finder reached the conclusion after reviewing the DVD's and all the evidence that something happened, and of course, the question is what happened. (Verdict.Tr.p.3,4 25-7) Reasonable doubt was established by the fact finder of his uncertainty of what happened, which made the conviction unlawful and unconstitutional. The state failed to prove beyond a reasonable doubt what happened. The fact finder abused his discretion by concluding that the state met it's burden. Testimony presented by the state had the fact finder unsure of what happened. He assumed that something happened. As to counts 9 and 10, the court was firmly convinced that something happened, so, he made the defendant guilty of two counts of Gross Sexual Imposition. (Verdict.Tr.p.4,21-25) The fact finder, due to the type of case chose to convict the appellant of something; eventhough he was not sure of what happened.

The U.S supreme court has held that a criminal defendant is denied due process of law when his conviction is not supported by sufficient evidence to prove his guilt of every element of the crime charged beyond a reasonable doubt. In such a case due process requires that the defendants conviction be reversed. JACKSON V VIRGINIA(1979),443 U.S.307


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