IN THE SUPREME COURT OF OHIO

20-0716

STATE OF OHIO
PLAINTIFF - APPELLEE
V
JEFFREY LYNN MCCLAIN
DEFENDANT - APPELLANT

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CHAMPAIGN COUNTY
APPELLATE CASE NO. 2019-CA-12
TRIAL COURT CASE NO. 2018-CR-228
CRIMINAL APPEAL FORM
COMMON PLEAS COURT

MEMORANDUM IN SUPPORT OF JURISDICTION

JEFFREY L. MCCLAIN
A757194
NCCC
P.O. BOX 1812
670 MARION-WILLIAMSPORT RD. E.
MARION, OHIO 43301-1812

Jeffrey L. McClain
JEFFREY L. MCCLAIN
A757194

KING LAW OFFICES, LPA, LLC.

ADDIE J. KING

Attorney at law

548 N. Main St.,
Urbana, Ohio 43078
937-653-5557

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937-653-5558 (FAX)

March 3, 2020

Jeff McClain
Inmate A-757194, NCCI
P.O. Box 1812
Marion, OH 43301

Re: Champaign County Family Court Case # 2018 JC 18

Dear Jeff,

I was your attorney recently, and just received the final entry in your case. If you have not yet received it, you should receive it soon. If you have any questions about the case, or concerns about the final entry, please contact me as soon as possible, as any questions or concerns that could affect the final disposition must be raised with the court by **March 27, 2020 (THIRTY DAYS).** This includes any desire to appeal or object to the decision in this case. If you have concerns, please contact my office to discuss it before this date so that you can make an informed decision about this matter.

If you do not have any questions or concerns, you do not have to do anything. I wish you luck in all of your future endeavors, and hope you will keep me and my office in mind if you have any further legal needs.

Thank you for your consideration.

Sincerely,

Addie J. King
Attorney at law

Grievance Form

Ms. _____ Mrs. _____ Miss. _____ Mr. ✓

YOUR NAME: MCCLAIN (Last) JEFFREY (First) L. (MI) N/A (Phone No.)

PERMANENT ADDRESS: A757194 NCCC . P.O. BOX 1812 670 MARION-WILLIAMSPORT RD. E (Street) (Email Address)

MARION (City) MARION (County) OHIO (State) 43301-1812 (Zip Code)

ABOUT WHOM ARE YOU COMPLAINING?

(Please circle) ~~PROSECUTING~~ ATTORNEY or JUDGE

NAME: TALEBI (Last) KEVIN (First) S (MI) 937-484-1900 (Phone No.)

ADDRESS: 200 NORTH MAIN STREET (Street)

URBANA (City) CHAMPAIGN (County) OHIO (State) 43078 (Zip Code)

Have you filed this grievance with any other agency or bar association? _____ Yes ✓ No

If yes, provide name of that agency and date of filing: _____ date: _____

Did you receive a response?: _____ Yes ✓ No IF YES, PLEASE ATTACH A COPY

Did this attorney represent you? _____ Yes ✓ No Type of case: _____

Date the attorney was hired: STATE OF OHIO Does s/he still represent you?: _____ Yes ✓ No

Did you pay the attorney a fee/retainer? _____ Yes ✓ No If yes, how much?: N/A

Did you sign a written fee agreement/contract? _____ Yes ✓ No IF YES, PLEASE ATTACH A COPY

Has the attorney sued you for fees? _____ Yes ✓ No

Have you brought civil or criminal court action against this attorney or judge? _____ Yes ✓ No

If yes, provide name of court and case number CHAMPAIGN COUNTY OHIO COMMON PLEAS COURT 2018 CR 228

Result of court action: I WAS SENTENCED TO 13 YEARS BECAUSE OF LIES, WHY?

Name and contact ~~information~~ for attorney currently representing you, if different than attorney about whom you are complaining: 937-653-5557
MRS. ADDIE J. KING ATTORNEY AT LAW 548 N. MAIN ST. URBANA, OH. 43078

Does this grievance involve a case that is still pending before a court? ✓ Yes _____ No

If yes, provide name of court and case number: MY NEXT APPEAL - OHIO SUPREME COURT

What action or resolution are you seeking from this office? MR. TALEBI LIED - COACHED WITNESSES, AND CHANGED TESTIMONIES IN FIRST APPEAL, HE ADDED LIES FROM ORGINAL TRIAL. HE COACHED WITNESSES FROM THE SORAC MEETING AT CAC. HE NEEDS TO BE BROUGHT INTO THE LIGHT TO TELL WHY HE LIED, ABOUT MY 90W RYDER AND I, TO SET RYDER AND I FREE.
APPELLATE CASE # 2019-CA-12
TRIAL COURT CASE # 2018-CR-228 OPINION MARCH 13, 2020

WITNESSES:

List the name, address, and daytime telephone number of persons who can provide information, IF NECESSARY, in support of your grievance.

NAME	ADDRESS	PHONE NO.
MRS. ADDIE J. KING	548 N. MAIN ST. URBANA, OHIO 43078	937-653-5638

FACTS OF THE GRIEVANCE

Briefly explain the facts of your grievance in chronological order, including dates and a description of the conduct committed by this legal professional. Attach COPIES (DO NOT SEND ORIGINALS) of any correspondence and documents that support your grievance.

- HAND WRITTEN COPIES ENCLOSED.
- LETTER FROM MRS. KING
- P.A. TALBERT WILL BE HIS WAY OUT OF THIS. AS HE DOES MOST CASES.
- I BELIEVE HE TOLD MRS. KING TO STAND DOWN IN THE ORIGINAL TRIAL. WHY?
- THE COACH (DOUG) THAT STARTED THIS SITUATION DID NOT EVEN GET CALLED TO TESTIFY. WHY?
- THE WHOLE LEGAL SYSTEM IN URBANA IS CORRUPT.
- LETTER FROM CHRISTOPHER EDLEY & APPEAL WITH MY COMMENTS.
- PLEASE DON'T LET P.A. TALBERT SLIP THROUGH YOUR FINGERS TOO
- I CAN ONLY PRAY MRS. KING IS NOT CORRUPT ALSO.
- I HAVE ASKED MRS. KING TO FILE FOR MY NEXT APPEAL
- P.A. TALBERT HAS HURT TOO MANY PEOPLE, (RYDER AND I.)

The Rules of the Supreme Court of Ohio require that investigations be confidential. Please keep confidential the fact that you are submitting this grievance. The party against whom you are filing your grievance will receive notice of your grievance and may receive a copy of your grievance and be asked to respond to your allegations.

Signature

Date 2-1-20

UNSIGNED GRIEVANCES WILL NOT BE PROCESSED.

APRIL 1 2016 – RYDER BECAME MY FOSTER SON.

JULY 27-28 2018 COURT BECAUSE OF ~~ARRON~~ STEVENSON COVER UP. CHURCH SUMMER CAMP. DR. CRUZ, MARK FROM BELT USED AT SUMMER CHURCH CAMP. (STEVEN HAMILTON) RYDER'S LEFT FACE CHEEK
JUNE 26 2017 – I ADOPTED RYDER.

JUNE 23-24 – 2017 RYDER INVITED JAYDON YARGER & BROTHER JUSTIN BARGER (BARLOW?) TO AN OVER NIGHT SLEEP OVER. I FIXED DINER 6-27-. THE 3 BOYS IN THE BACK YARD PASSING BASEBALL AND FOOT BALL. DINER SERVED, CHICKEN & BISCUITS 3 BOYS PLAYED X BOX. AND HAD ICE CREAM. AT AROUND 9:30 PM I TOLD THEM TO FINISH GAMES AND GO TO BED. ALL HAD CLOTHES ON. THEY ALL 3 WENT TO RYDERS ROOM. I WENT TO MY BED ROOM ALONE. I HEARD NOISES AND FLICKER OF LIGHT ON THE WALLS. THE 3 BOYS WERE PLAYING X BOX AGAIN AROUND 11:00 PM. ALL HAD CLOTHES ON. I TOLD THEM TO GO BACK TO BED. THEY WENT, I WENT TO BED TO MY ROOM. ALL HAD CLOTHES ON, ME ALSO. AROUND 1:30 AM I FELT MY BED SHAKING. ALL 3 BOYS WITH CLOTHES ON GOT INTO MY BED. I TOLD THEM TO GET OUT OF MY BED. IT WAS NOT PROPER FOR THEM TO BE THERE. THEY GOT OUT AND WENT BACK TO RYDERS ROOM. WE ALL HAD CLOTHES ON. AROUND 3:00 AM I WENT TO REST ROOM, THEN CHECKED ON THE 3 BOYS. JUSTEN IN TOP BUNK, JAYDON ON BOTTOM BUNK, RYDER IN THE DOG'S BED ON FLOOR. (MAXIMO). ALL HAD CLOTHES ON, ME ALSO.

6-24-17
AT 6:00 AM I GOT UP, LOOKED IN RYDERS ROOM, ALL 3 BOY'S ASLEEP WITH CLOTHES ON. I WAS GETTING BREAKFAST PREPARED SAUSAGE, SCRAMBLED EGGS, AND SWEET ROLLS, ORANGE JUICE, MILK, HOT COCO. AT 8:00 AM I HEARD 3 BOYS STIRRING. THEY GOT UP. AT 8:30 I WENT INTO LIVING ROOM TO LET THEM KNOW BREAKFAST WAS READY. RYDER WAS ON X-BOX 6 INCHES FROM TV. SCREEN, AS NOT TO SEE THE 2 OTHER BOYS. JAYDON WAS AT RYDERS RIGHT NEXT TO END TABLE ON HIS RIGHT KNEE WITH AN ERECTION. WHEN I ENTERED THE LIVING ROOM AND SEEN WHAT WAS GOING ON. I SAID JUST THAT LOUDLY WHAT ARE YOU 2 BOYS DOING. MY VOICE STARTLED JUSTIN. HE HAD GOTTEN MY MASSAGER OUT OF MY BED ROOM HIMSELF. HE HAD IT ON HIS PRIVATE PARTS, AND HE EJACULATED WHEN HE HEARD MY VOICE. HE WAS IN MY LITTLE ROCKING CHAIR ON HIS RIGHT KNEE, I DID NOT SEE HIS PRIVATE PARTS. BOTH BOYS HAD THEIR PANTS PULLED DOWN, NOT OFF. RYDER WAS FULLY DRESSED. I GAVE JUSTIN 2 TISSUES THAT WAS ON THE DESK BEHIND HIM, A BOX OF KLEENEX NOT A "RAG" AND TOLD HIM TO CLEAN UP HIS MESS, NOT ME, I NEVER TOUCHED HIM. THIS WAS THE ONLY TIME I SEEN THEIR PRIVATE AREAS. OR MASSAGER
I WENT TO GET MY SHOES ON THAT WAS IN MY BED ROOM. THE 3 BOY WERE EXITING THE BATHROOM AND HEADED TO EAT BREAKFAST. THE MASSAGER FOUND IT'S WAY BACK TO MY BED ROOM. I DID NOT PUT IT BACK. WHEN PLUGGED IN IS CHARGE MODE.

IT WAS NOT LONG WHEN RYDER & I STARTED COOKING UP. (KETCHER) 3 BOYS WANT TO BACK YARD AND CONTINUED TO PLAY BALL. I DECIDED THE 2 BOYS NEEDED TO GO HOME. 3 BOYS AND I GOT INTO CAR 3 BOYS IN BACK SEAT WITH BELTS FASTENED. THEY TOOK THE REST (LEFT OVERS) OF DINER HOME WITH THEM. WHEN WE GOT TO THEIR HOUSE, THEIR MOTHER WAS WITH HER FEMALE HUSBAND "SHAY" SITTING ON THE COUCH. JUSTIN TOOK RYDER AND I TO THE ROOM WHERE THE 2 BOYS BED ROOM WAS. (JAYDON'S ROOM WAS HAVING MAINTANCE DONE ON IT) HE WANTED TO SHOW US THEIR SYSTEM, (X-BOX)? JUSTIN STARTED TO TELL RYDER AND I SOMETIMES JAYDON GETS "FRISKY" WITH HIM. I TOLD RYDER WE HAD TO GO. I DID NOT WANT TO HEAR ABOUT (FRISKY), WE LEFT. I WANTED TO TELL THE 2 BOYS MOM WHAT THEY HAD DONE, BUT DECIDED NOT TO, BECAUSE THE LAST STEVE THEIR MOTHER WAS HAVING, I DID NOT WANT THEM TO GET HURT. WE (RYDER AND I) LEFT. WHEN WE GOT HOME 10 MINS LATER, RYDER WENT INTO REST ROOM, HE CALLED FOR ME TO COME HELP. HE HAD A BOWL MOVEMENT. APPX. 6 INCHES LONG, DIA OF A NICKEL, COVERED WITH BRIGHT RED BLOOD, THE WATER WAS RED ALSO. HE FINISHED HIS BUSINESS, AND BECAUSE OF HIS FINGERS FROM BEING RAPED BY ANTHONY EVANS 250 TIMES, DR. CRUZ TOLD ME TO HELP CLEAN HIM UP. CLEAN ARSE, AND APPLY VASALINE WITH A Q-TIP. RYDER NEVER SAID ANYTHING, BUT I FEEL THOSE 2 BOY RAPED

MY SON RYDER THE EVENING OF THE 6-23 AD.

ALMOST 2 YEARS LATER THIS SITUATION HAPPENS. JAYDON BEAT HIS 4 YEAR OLD STEP SISTER UP. HIS MOTHER ASKED ME TO BE HIS FOSTER PARENT IF NEEDED. HE WENT TO YOUTH CHALLENGE COUNCELING ON HOME ROAD IN SPRINGFIELD, OHIO, I ALSO SEEN THE COACH THAT LIED AND STARTED THIS SITUATION, MAY HAVE HURT MY SON RYDER. RYDER WENT TO VISIT HIS (THE COACHES) 2 BOYS, THEY WERE ALL ON THE SAME FOOTBALL TEAM, RYDER WAS LATE, SO I WENT TO GET HIM. I SEEN THE COACH THREATENED HIM NOT TO TALK, THEN SEALED HE (RYDER) WOULD, THEN STARTED THIS SITUATION. THE COACH, AND HIS FAMILY ARE GOOD FRIEND WITH JAYDON, JUSTIN, AND THEIR MOTHER, AND THE NEW FOUND MALE HUSBAND. RYDER AND I WERE THE ONLY ONES THAT TOLD THE TRUTH AT THE TRIAL.

RYDER HAS ADHD, AND R.A.D.S. WHEN PUT UNDER PRESSURE, HE TENDS TO SHUT DOWN, WHICH HE DID IN THE TRIAL. THE P.A. TALEBI WAS THE P.A. IN THE FIRST RAPE CASE, WHICH HE SWEPT UNDER THE RUG. CO SPECIALIST DET. Kemp Ppo.
I GOT IN HIS FACE AND TOLD HIM HE SHOULD NEVER BE ABLE TO WORK WITH CHILDREN AGAIN, HE GOT MAD. LOOK WHO THE P.A. IS IN THIS CASE. DIRECT CONFLICT OF INTEREST. P.A. TALEBI COACHED THE 2 BOYS AND THEIR MOTHER FROM THE SAME BOOK FROM CRC. THE APPEAL REPORT DID NOT SAY EVERY WORD. SO THE APPEAL HAS BEEN TAMPERED WITH. THE APPEAL PAPER ADDED MORE TO THIS. MORE LIES.

RYDER AND I ARE INNOCENT. THEY TOOK MY SON RYDER DOWN ON 11-15-18. WITH NO VISITATION, PHONE CALLS, OR LETTERS. VERY CRUEL. I PRAY MY SON IS SAFE, WELL, AND ALIVE. THE COACH NEVER TESTIFIED IN COURT, WHY? PLEASE HELP MY SON RYDER AND I.

I TOOK RYDER TO ROCKING ROAD MEDICAL CENTER AFTER THE 6-24-17 BLEEDING. DR. CRUZ SAID HIS PRIVATES HAD BEEN "IRRITATED", TO THE POINT OF BLEEDING AGAIN. SHELLY ROBBINS, FOSTER REP. I WAS 63 AT THE TIME, NOW 64, WITH A 13 YEAR SENTENCE. MY FATHER PASSED AT 75. THE TRUTH HAS TO COME OUT. RYDER NEVER HAD A STABLE HOME TILL WE WERE BROUGHT TOGETHER. PLEASE HELP US. D.A TALEBI HAS CHANGED THE APPEAL PAPERS, SOME HOW. NOT LEGAL. HE DOESN'T DO LEGAL ANY WAY, WHAT EVER MAKES HIM LOOK GOOD. CHRIS EPLEY IS RUNNING FOR AN APPEAL JUDGES JOB, IS HE CROOKED TOO. THE APPEAL WAS CHANGED FROM WHAT WAS SAID IN THE TRIAL. TALEBI NEEDS TO BE EXPOSED AND TAKEN TO THE BAR ASSOCIATION. HE IS GUILTY OF HURTING PEOPLE AND FAMILIES, NO MATTER THE COST, OR HOW MUCH HURT IS DONE. THE WHOLE LEGAL SYSTEM IN URBANA IS CROOKED. URBANA POLICE, CC SHERIFF, CASA, CC DJJFS, THE JUDGES, AND COURT IN GENERAL. THEY ALL NEED TO BE BROUGHT INTO THE LIGHT SO THE PUBLIC CAN SEE WHAT KIND OF PEOPLE THEY REALLY ARE. WHERE IS MY SON RYDER? HIS LIFE ALONG WITH MINE IS AT HAND. ONCE AGAIN, THOSE 2 BOYS RAPED RYDER 6-23-17. WHY ELSE WOULD RYDER NOT WANT TO LOOK AT THEM 6-24-17 WHEN THEY ACTED OUT BAD.

TALEBI WENT TO FOSTER HOME IN COLUMBUS BEFORE THE TRIAL TO COACH RYDER TO LIE ALSO. HE (RYDER) WOULD NOT. THIS IS PER KASSIDY FROM CCDJFS, WHICH WAS LET GO. NO LONGER THERE. SHE KNOWS THE TRUTH ALSO. ZACK WALDON IS NOT TRUSTWORTHY AS RYDER'S ONLY RELATIVE (ADOPTED DAD), IT IS MY RESPONCIBILITY TO TAKE CARE OF MY SON. SO THERE SHOULD NOT BE ANY COMMENT ABOUT ME WANTING MY SON BACK WITH ME. APRIL 15, RYDER AND I WILL BE SEPARATED 17 MONTHS, BECAUSE OF TALEBI'S LIES. MRS. KING, I THINK IS FILING FOR NEXT APPEAL. I AM ALSO SENDING A COPY OF APPEAL WITH MY COMMENTS. TALEBI CHANGED ALL COMMENTS FROM CORRC BOOK FROM CRC, AND ADDED MORE LIES. RYDER KNOWS THE TRUTH AS WELL AS I DO. WHAT DID TALEBI DO TO OR WITH MY SON, TO COVER UP HIS LIES. AFTER BEING SENT TO CRC, MY INSTRUCTORS MS. KNOTTS, AND MR. FERGUSON, I TOLD THEM WHAT WAS SAID OUT OF THE CORRC BOOK (ED TALEBI), TALEBI USED WORD FOR WORD. THEY BOTH ARE VERY CONCERNED. WHY WOULD TALEBI COACH WITNESSES TO LIE. PLEASE GET TO THE BOTTOM OF HIS LIES. PLEASE HELP RYDER AND I, GET US FREE FROM HIS HURT. WE HAVE LOST EVERY THING, HOME, CAR, BELONGINGS, AND OUR GREAT NAME. I HAVE NOT SEEN MY SON RYDER IN 17 MONTHS (4-15-20). GOD IS ALL WE HAVE. I HOPE MRS. KING WILL FILE FOR THE SUPREME COURT APPEAL IN A TIMELY MANNER. ONCE AGAIN, PLEASE HELP MY SON RYDER, AND I.

THANK YOU. Mary L McCoy

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March 13, 2020

Jeffrey McClain
#757-194
PO Box 1812
670 Marion-Williamsport Rd. E.
Marion, Ohio 43301-1812

In Re: State v. McClain
Court of Appeals

Dear Jeffrey,

On today's date, I received electronically a copy the Opinion and Final Entry from the Court of Appeals. I enclose it with this letter. The Court affirmed the judgment of the trial court. You have 45 days from the date of the Opinion to file an appeal with the Ohio Supreme Court (provided the issue is ripe) if you choose to do so. I was appointed only for your court of appeals case, however, and would not be able to assist you in pursuing a Supreme Court appeal.

Feel free to contact me with any questions.

Yours truly,

CHRISTOPHER B. EPLEY CO.
A Legal Professional Association

Chris Epley

Christopher B. Epley

Enclosure.

[Cite as *State v. McClain*, 2020-Ohio-952.]

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CHAMPAIGN COUNTY

STATE OF OHIO Plaintiff-Appellee v. JEFFREY LYNN MCCLAIN Defendant-Appellant	:	Appellate Case No. 2019-CA-12 Trial Court Case No. 2018-CR-228 (Criminal Appeal from Common Pleas Court)

. . . . . .

OPINION

Rendered on the 13th day of March, 2020.

. . . . . .

JANE A. NAPIER, Atty. Reg. No. 0061426, Assistant Prosecuting Attorney, Champaign County Prosecutor's Office, Appellate Division, 200 North Main Street, Urbana, Ohio 43078
Attorney for Plaintiff-Appellee

CHRISTOPHER B. EPLEY, Atty. Reg. No. 0070981, 10 West Second Street, Suite 2400, Dayton, Ohio 45402
Attorney for Defendant-Appellant

. . . . . .

HALL, J.

{¶ 1} Defendant-appellant Jeffrey Lynn McClain appeals from his convictions and sentences for gross sexual imposition and endangering children. McClain contends that his convictions were not supported by sufficient evidence and that they were against the manifest weight of the evidence. He also claims that the record did not clearly and convincingly support his 13-year prison sentence.

{¶ 2} We conclude the convictions were supported by sufficient evidence and were not against the weight of the evidence. We determine the sentence was not contrary to law, and we are unable to find by clear and convincing evidence in the record that the sentence was unsupported.

{¶ 3} Accordingly, we affirm the judgment of the trial court.

Course of Proceedings and Evidence Presented

{¶ 4} On December 3, 2018, McClain was indicted on charges of two counts of endangering children, in violation of R.C. 2919.22(B)(5)(E)(4), both felonies of the second degree; rape, in violation of R.C. 2907.02(A)(1)(b), a felony of the first degree; gross sexual imposition, in violation of R.C. 2907.05(A)(4)(C)(2), a felony of the third degree; and two counts of attempted gross sexual imposition, in violation of R.C. 2923.02/2907.05 (A)(4)(C)(2), both felonies of the fourth degree. At the beginning of the March 12, 2019 bench trial, the State moved to dismiss one count of endangering children and the two counts of attempted gross sexual imposition, and the court granted this motion.

{¶ 5} After deliberation at the conclusion of the trial, the court found McClain not guilty of rape, but guilty of a lesser included offense of gross sexual imposition and guilty of the remaining indicted charges of gross sexual imposition and endangering children.

{¶ 6} On March 27, 2019, McClain appeared for sentencing. The court indicated

the two verdicts for gross sexual imposition would merge as allied offenses, and the State elected to proceed with sentencing on the indicted gross sexual imposition. McClain was sentenced to 60 months in prison for gross sexual imposition and eight years in prison for endangering children to be served consecutively for an aggregate sentence of 13 years in prison, and he was classified as a Tier II sex offender with registration requirements for 25 years. McClain filed a timely appeal.

{¶ 7} McClain's charges stem from a June 23, 2017 sleepover where McClain's adopted son, R.M., then 11 years old, had two other boys stay the night at McClain's house. One of the boys, J.Y., then not quite age 11, was a friend of R.M. and the other guest was J.B., J.Y.'s 12-year-old brother. The birthdates of the boys had been stipulated. J.Y. and R.M. were 12, and J.B was 13 at the time of trial. J.Y. testified as follows:

> A. Okay. So we got there and played Xbox and we ate dinner. Then after that we played Xbox again. Then my brother [J.B.] got a vibrator from Jeff [Appellant McClain] and used it and then he cu[**]ed and Jeff cleaned it up. And then we ate ice scream (sic).
>
> Q. Okay. So where did your brother -- let me start over. How do you know that Jeff got a vibrator for your brother?
>
> A. Because [R.M.] was talking about it and Jeff heard him and got it out of his room somewhere.
>
> Q. What did Jeff do after he got it out of his room?
>
> A. Stand there and watched. He said, [J.B.] use it. It feels good.
>
> Q. What did he do with the vibrator?
>
> A. My brother or Jeff?

Q. Thank you for asking that. That is a great question. Any time I ask a question like that, I need you to ask me to clarify. What did Jeff do with the vibrator after he got it?

I DID NOT GET IT FROM MY BED ROOM

A. He gave it to my brother.

NO I DID NOT

Q. And did he say anything to your brother?

NOT TRUE

A. He said, use it. It feels good.

NOT TRUE

Q. And what did your brother do?

A. He used it.

NOT TRUE

Q. How did he use it?

A. He put it on his ba[**]s.

NO HE DID NOT.

Q. On his ba[**]s?

NOT TRUE

A. Yeah.

NO WAY

Q. And what was your brother wearing when he put it on his ba[**]s?

NOT TRUE

A. He had his shirt on but no pants or boxers.

NOT TRUE

Q. Where were his pants and boxers? Do you know?

A. On the floor.

NO TRUTH

NO TRUTH

Q. Okay. And where were you when this was happening?

A. In the living room playing Xbox.

NONE OF THIS IS TRUE, IT WAS ADDED BEFORE ADDED.

Q. And where was [R.M.] when this was happening?

A. Playing Xbox with me.

Q. And where was your brother when this was happening?

A. In, like, a recliner chair type thing.

ROCKING CHAIR.***

DID NOT HAPPEN

NOT TRUE

Q. [Wh]ere was Jeff when this happened?

A. He was behind in the chair. Like, behind the chair where my brother was sitting in. IN KITCHEN DOING DISHES

* * *

Q. After your brother ejaculated, what happened next?

HE DID NOT EJ-

A. Then Jeff got a rag and cleaned it up.

NO I DID NOT, I WAS IN KIT.

Q. So how did Jeff clean it up?

NONE OF THIS TOOK PLACE

A. He wiped it up. It was on my brother's clothes and he wiped it up.

NOT TRUE

(Trial Tr. at 24-26.)

{¶ 8} J.B. testified they were all in the living room when R.M. began talking about the massager. J.B. testified: NOT TRUE

Q. And how is it that you got to possess this massager?

A. Jeff gave it to me.

NO I DID NOT

Q. And when Jeff gave it to you, did he say anything?

NOT TRUE

A. He just said, use it. It will feel good.

NOT TRUE

Q. Did he tell you how to use it?

DID NOT HAPPEN

A. Yes.

NOT TRUE

Q. What did he say specifically?

A. He said, put it on your penis. It will feel good.

NO I DID NOT

Q. So what did you do?

A. I did it. I put it on my penis.

NOT TRUE

Q. What were you wearing when you put it on your penis?

NOT TRUE

A. I wasn't wearing anything below the waist.

NOT TRUE

DURING THE TRIAL THEY COULD NOT KEEP THEIR STORIES STRAIGHT THIS HAS BEEN TAILORED WITH MRS. KING KNOWING THE TRUTH AS WELL AS RYDER.

Q. Were you wearing that before he gave you the massager? Were you wearing that before he gave you the massager? [duplicate in original]

A. Yes.

Q. After he gave you the massager what did you do?

A. I took off my pants and underwear and put it on my penis.

Q. Where was Jeff McClain when this --

A. He was standing behind a recliner chair.

Q. Where were you?

A. I was sitting on the recliner chair.

Q. After you put it on your penis, what happened next?

A. Well, white stuff came out of my penis. And then Jeff got a napkin and cleaned it up.

Q. How did he clean it up?

A. With a napkin.

Q. And did he give it to you to clean it up yourself?

A. No, he did it himself.

Q. Where was he when you were using the massager on your penis?

A. Behind the recliner chair.

Q. And did he say anything to you?

A. No. He just standing there and watched me.

(Trial Tr. at 60-62.)

{¶ 9} J.Y. further testified that the boys all went to bed in R.M.'s room. A few hours

later, "Jeff came in and said, you guys want to come sleep with me? And he said, just sleep with me anyway because R.M. is coming in here." (*Id.* at 28.) They all got into McClain's bed with J.B. on one side, then J.Y., R.M. and then McClain. R.M. was already naked, and McClain took off his boxers when he got into the bed next to R.M. "And a few minutes later Jeff [McClain] starts like putting his penis in [R.M.]'s butt. And R.M. starts putting his penis in Jeff's butt." (*Id.* at 34.) J.Y.'s testimony though was unclear. At one point, he explained that "I saw [R.M.] but I didn't see Jeff." (*Id.* at 36.) He later said he did actually see McClain's penis go into R.M.'s butt. (*Id.* at 52.) When asked on cross-examination about R.M. having sex with McClain, J.Y. said R.M. and McClain were both laying down facing away from J.Y., which meant R.M.'s body was between J.Y. and R.M.'s penis. J.Y.'s head was on the pillow, and he did not lift his head to see what was happening except "maybe a few inches." (*Id.* at 52-53.) J.Y. also had testified that when McClain was having sex with R.M., "I was facing toward them [R.M. and McClain] for a second. Then I turned around because I knew what was going on." (*Id.* at 38.) They all slept in McClain's bed the rest of the night. (*Id.* at 39.)

{¶ 10} J.B.'s testimony corroborated that after sleeping a while, he woke up when R.M. stated that R.M. wanted to go in McClain's room. (*Id.* at 63.) All the boys moved into McClain's room and bed. J.B. corroborated their locations in the bed and that they spent the rest of the night there. But he was otherwise non-specific. He said McClain took his clothes off when McClain got into the bed. (*Id.* at 66.) He explained: "I started hearing noises, weird noises, but I didn't look over." (*Id.* at 63.) The "weird noises" consisted of "grunting." (*Id.* at 68.)

{¶ 11} The defense called R.M. to testify. He denied that his father touched him in

any way that night, denied that he had seen McClain naked that night, and denied that McClain had any sexual contact with him. (*Id.* at 112.) When asked if his dad had a "back massager," he said, "Yes, I think. I don't know." (*Id.*) He denied ever using the massager in any way and denied ever talking to anyone about using it, (*Id.* at 125-126.) He denied that McClain ever would have seen him touching his own private parts and said that if McClain told police he did see such a thing it would "probably be a lie." (*Id.* at 127.) At first, he denied sometimes sleeping in McClain's bed with him. Then, when asked if he ever slept in McClain's bed with him, he said, "I don't know." He then also said that for him to sleep in McClain's bed would be "unusual." (*Id.* at 129.) He also said he did not see anyone masturbate the next morning. (*Id.* at 113.) R.M. stated that he wanted to go home with his dad. (*Id.* at 123.)

{¶ 12} McClain also testified. (*Id.* at 136.) His adopted son was R.M.; they had lived together since April 1, 2016. McClain testified about pictures of locations from inside his house, pieces of furniture present and location of R.M.'s Xbox. (*Id.* at 141-143.) McClain testified that around 9:30 p.m. the boys all went to R.M.'s room to bed, and McClain went to his room to bed. Later in the night, he felt the bed moving. He explained, "Well, all three boys had gotten in my bed. We all had clothes on." (*Id.* at 155.) He told them to get out of his bed because it was not "proper," and the boys returned to R.M.'s room. (*Id.* at 156.)

{¶ 13} The next morning, while McClain was fixing breakfast, he went into the living area where he claimed he saw R.M. intently focused on playing his Xbox from eight inches away. (*Id.* at 158.) J.Y. was at an end table with his pants pulled down fully erected "waving his head up and down." (*Id.* at 159.) McClain found J.B. in a little rocking chair

with his pants pulled down with McClain's massager in his groin area. (*Id.*) When McClain walked in and asked what they were doing, J.B. "had a climax at that point." (*Id.*) McClain said he grabbed a couple of tissues from a nearby box, handed them to J.B., and told him to clean himself up. (*Id.* at 160.)

{¶ 14} McClain also testified that he has Chronic Inflammatory Demyelinating Polyneuropathy (CIPD), which has caused numbness in his body below his belly button. (*Id.* at 164.) He uses hand controls to drive a vehicle due to this disability. (*Id.* at 170.) He testified he has not been able to have an erection for six years. (*Id.* at 166.) He had never had any kind of sexual relationship with R.M. (*Id.*) And he never tried to get a juvenile, or J.B. in particular, to masturbate in front of him. (*Id.*) He said his "muscle massager" was for leg cramps, and he never used it for self-gratification. (*Id.* at 169)

{¶ 15} On cross-examination the State pointed out some inconsistencies with McClain's testimony and statements he made, or failed to make, at his previous police interviews. (*Id.* at 172-175) He was asked about his statement to police that he had seen R.M. use the massager on R.M.'s penis a "couple of times" (*Id.* at 177-178.), which was contrary to R.M.'s own testimony.

Sufficiency and Manifest Weight of the Evidence

{¶ 16} McClain's first and second assignments of error challenge the sufficiency of the evidence and contend the verdicts were against the manifest weight of the evidence. When a defendant challenges the sufficiency of the evidence, he is arguing that the State presented inadequate evidence on an element of the offense to sustain a verdict as a matter of law. *State v. Hawn*, 138 Ohio App.3d 449, 471, 741 N.E.2d 594 (2d Dist.2000). "An appellate court's function when reviewing the sufficiency of the evidence to support

a criminal conviction is to examine the evidence admitted at trial to determine whether such evidence, if believed, would convince the average mind of the defendant's guilt beyond a reasonable doubt. The relevant inquiry is whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt." *State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus.

{¶ 17} When a conviction is challenged on appeal as being against the weight of the evidence, an appellate court must review the entire record, weigh the evidence and all reasonable inferences, consider witness credibility, and determine whether, in resolving conflicts in the evidence, the trier of fact "clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered." *State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). A judgment should be reversed as being against the manifest weight of the evidence "only in the exceptional case in which the evidence weighs heavily against the conviction." *State v. Martin*, 20 Ohio App.3d 172, 175, 485 N.E.2d 717 (1st Dist.1983).

{¶ 18} Although "sufficiency and manifest weight are different legal concepts, manifest weight may subsume sufficiency in conducting the analysis; that is, a finding that a conviction is supported by the manifest weight of the evidence necessarily includes a finding of sufficiency." (Citations omitted.) *State v. McCrary*, 10th Dist. Franklin No. 10AP-881, 2011-Ohio-3161, ¶ 11. Accordingly, "a determination that a conviction is supported by the weight of the evidence will also be dispositive of the issue of sufficiency." *State v. Sarr*, 2d Dist. Montgomery No. 28187, 2019-Ohio-3398, ¶ 32. Here, because we believe the verdicts were not against the manifest weight of the evidence, which is dispositive of

WHERE IS THE TRUTH SO MANY WORDS NOT NEEDED.

NO EVIDENCE

THERE WAS NO CRIME, RYDER AND I ARE INNOCENT

ALL LIES.

TALEBI CHANGED EVERYTHING.

TALEBI TAMPERED WITH THE TRUTH.

RYDER KNOWS THE TRUTH.

YES, WE NEED A NEW TRIAL

ALL THESE NAMES AND NUMBERS DO NOT PROVE A THING, IN THIS CASE. TALEBI LIED.

P.A TALEBI COACHED THE 2 BOYS FROM CRC SCARC BOOK.

the first and second assignments of error, we address manifest weight first.

{¶ 19} Gross sexual imposition requires proof of the following elements:

(A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

* * *

(4) The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person.

{¶ 20} " 'Sexual contact' means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person." R.C. 2907.01(B).

{¶ 21} The weight of the evidence supports a conclusion that McClain and R.M. engaged in two acts of either actual or simulated anal intercourse with each other while naked in McClain's bed. Though McClain argues about what we perceive as minor inconsistencies, the visiting boys corroborated one another's testimony, R.M.'s conflicting, uncertain and variable testimony appeared devised to favor his father, and critical parts of McClain's testimony appeared implausible at best.

{¶ 22} With regard to the rape charge, the uncertain question was whether the evidence established penetration, which was required for there to be "sexual conduct" constituting rape, as opposed to evidence of "sexual contact" constituting gross sexual imposition. The trial court determined the evidence did not support penetration by proof

P.A. NEEDED CONVICTIONS TO MAKE HIMSELF LOOK GOOD FOR ANOTHER JOB.

beyond a reasonable doubt and, therefore, entered a verdict on that count for the lesser and included offense of gross sexual imposition. Our review of the record and the evidence we have detailed above convinces us that the weight of the evidence supports McClain's conviction on two counts of gross sexual imposition.

THE VERDICT WAS A LIE. UNTRUE STATEMENTS THROUGHOUT THIS WHOLE APPEAL. NONE OF THIS HAPPENED. THE 2 BOYS LIED (COACHED)

{¶ 23} Child endangering is proscribed in R.C. 2919.22(B)(5) as follows:

> (B) No person shall do any of the following to a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age:
>
> NONE OF THIS HAPPENED
>
> * * *
>
> (5) *Entice*, coerce, *permit*, *encourage*, compel, hire, employ, use or *allow*, the child to act, model, or in any other way *participate in* or be photographed for the production, *presentation*, dissemination, or advertisement, of any material or *performance* that he knows or reasonably should know is obscene, is *sexually oriented matter*, or is nudity-oriented matter.

(Emphasis added.)

{¶ 24} Under R.C. 2919.22(D)(4), "[s]exually oriented matter means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality."

{¶ 25} The evidence supports a conclusion that McClain enticed, permitted encouraged, and allowed J.B. to participate in the presentation of a masturbation performance with the aid of his massager for McClain's benefit. Our review of the record and the evidence we have quoted reveals the weight of the evidence supported the verdict finding McClain guilty of child endangering under R.C. 2919.22(B)(5).

FALSE ADDED — UNTRUE STATEMENTS ADDED TO APPEAL.

NONE OF THIS HAPPENED WITH ME THERE.

{¶ 26} In a bench trial, "the court shall make a general finding." Crim.R. 23(C). There is no requirement for explanation. Here, however, in explaining its verdicts the trial court found J.Y and J.B. to be credible and found the McClain was not. (Trial Tr. at 207-213.) Credibility primarily is for the trier of fact to determine, but on this record, even without the trial court's explanation, we conclude that parts of McClain's story were incredible on their face. We cannot say this is an exceptional case in which the evidence weighed heavily against the conviction. The first and second assignments of error are overruled.

McClain's Sentences

{¶ 27} McClain's third assignment of error states: "The record does not clearly and convincingly support McClain's sentence." An appellant can challenge consecutive sentences by (1) claiming the sentence is contrary to law because the trial court failed to make the R.C. 2929.14(C)(4) findings or (2) arguing that the record does not support the R.C. 2929.14(C)(4) findings made. *State v. Wiesenborn*, 2d Dist. Montgomery No. 28224, 2019-Ohio-4487, ¶ 15. Although the assignment of error does not specify which challenge is being made, the narrative argument refers to the preference for concurrent sentences, McClain's minimal record, and his previous community activities. We interpret this to be a contention that the record does not support consecutive-sentence findings. The standard applied to such a review is whether clear and convincing evidence exists in the record to demonstrate that the record does not support the trial court's R.C. 2929.14(C)(4) consecutive-sentence findings. *State v. Marcum*, 146 Ohio St.3d 516, 2016-Ohio-1002, 59 N.E.3d 1231, ¶ 22-23.

{¶ 28} Sentencing was conducted on March 27, 2017. The trial court indicated it

had reviewed a presentence-investigation report and medical documentation provided by McClain. McClain was informed of his registration duties as a Tier II sex offender. The trial court heard a victim-impact statement from the mother of J.Y and J.B., including adjustment difficulties and poor school performance that had arisen. The trial court heard from the prosecutor, defense counsel, and McClain. The trial court asked McClain about his medical conditions, his foster parenting, and his community service.

{¶ 29} At sentencing, the trial court indicated it considered the purposes and principles of sentencing in R.C. 2929.11. The trial court also said it considered the seriousness of the conduct and the likelihood of recidivism. The trial court specifically referred to multiple factors enumerated in R.C. 2929.12. The trial court noted that there were two children who were the subject of separate acts of criminal conduct committed in the vicinity of a third child. McClain's relationship with the children facilitated the offense, as he was the adoptive father of one child and in loco parentis of the others. The trial court recognized the nature of the offense was more serious because McClain believed his adoptive son previously had been the victim of sexual abuse. The trial court found the visiting children were lashing out at home and school, and grades were slipping.

One child moved to another school district, and the other had to change schools. And one child had been in trouble with the law. The trial court recognized that McClain's roles as a foster parent and Cub Scout leader had facilitated the offenses by the trust that parents and the community had placed in him. Finally, the trial court found that the McClain showed no genuine remorse for the offenses and that none of the statutory less-serious factors applied. Each of these conclusions found support in the record.

{¶ 30} Regarding potential for recidivism, the trial court acknowledged that

McClain had no prior criminal record, but it also found that subsequent to the sleepover events, McClain had a conviction for disorderly conduct for slapping R.M. in the face. Although the trial court regarded the potential for recidivism involving the visiting boys as not likely, it recognized that McClain actively was attempting to regain custody of R.M. In addition, McClain was involved in these offenses despite the training about social boundaries he encountered as a foster parent, a CASA volunteer, a Cub Scout leader, and a Big Brother. The trial court considered McClain's military service and determined that was not a contributing factor in the offenses. Both of the sentenced offenses carried a presumption of a prison term, and the trial court found that presumption was not rebutted. It then imposed prison sentences of five years and eight years respectively.

{¶ 31} Thereafter, the trial court made the findings required by R.C. 2929.14(C)(4). In particular, it found that consecutive sentences were necessary to protect the public from future crime and to punish the defendant. It also found that consecutive sentences were not disproportionate to the seriousness of the McClain's conduct and the danger he posed to the public, and that two or more of the multiple offenses were committed as part of a course of conduct and the harm caused was so great or unusual that no single prison term adequately reflected the seriousness of the conduct. This recitation legally satisfies R.C. 2929.14(C)(4). The trial court was not required to provide reasons to support its findings. *State v. Bonnell*, 140 Ohio St.3d 209, 2014-Ohio-3177, 16 N.E.3d 659, ¶ 37; *State v. Hayes*, 2d Dist. Clark No. 2014-CA-27, 2014-Ohio-5362, ¶ 10. Nonetheless, the trial court reiterated that three minors were involved in or exposed to sexual activity, and McClain participated in one offense and was an active observer in the other, all while he was in the position of a parent or in loco parentis.

I NEVER STRUCK RYDER-THIS HAPPENED AT AT CHURCH SURVEILLANCE CAM GET-A-WAY AARON STEVENSON LIED. RYDER GOT HIT BY A BELT AT CAMP. DR. CRUZ ASKED RYDER WHAT HAPPENED

MY TRAINING WAS PERFECT, NO PROBLEMS AT ALL. ASK MY INSTRUCTOR AND LOOK AT MY PERFORMANCE. THEY TRIED TO RUN ME DOWN.

BENCH

P.A. TAHERI TRYING TO MAKE HIM SELF LOOK GOOD.

HE SHOULD NOT HAVE BEEN ON THIS CASE DUE TO PRIOR CASE.

HE NEEDED CONVICTIONS FOR MAYBE A NEW JOB.

I AM NOT GUILTY, THOSE PEOPLE LIED.

UNREAL

THIS STUFF WAS DREAMED UP. NOT ONE BIT OF IT IS TRUE

MORE MURDERS BENCH

WHY NOT?

BENCH

I WAS NOT— I DID NOT KNOW WHAT THOSE 2 BOYS WERE DOING.

WHEN RYDER AND I TOOK THEM HOME 6-24-17 RYDER'S BOTTOM WAS BLEEDING. DR. CRUZ SAID HE HAD BEEN TOUCHED, THOSE 2 BOYS RAPED HIM. THEY KNEW WHAT THEY WERE DOING. BECAUSE OF

TAKEN HOME + TIED

{¶ 32} Upon review, we are unable to find by clear and convincing evidence in the record that the consecutive sentences were unsupported. To the contrary, the offenses involved separate victims, involvement of a third minor, serious resulting harm, no remorse, and an attempt to re-engage supervision of R.M. The third assignment of error is overruled.

I DID NOTHING TO BE SORRY ABOUT.

I AM THE ONLY FAMILY RYDER HAS. ADOPTED DAD. I PRAY HE IS SAFE, WELL, AND ALIVE.

THE ONLY VICTIMS ARE RYDER AND I

RYDER IS MY SON. RYDER WAS HURT BY THE 2 BOYS. RYDER KNOWS THE TRUTH.

Conclusion

{¶ 33} We have overruled each of McClain's assignments of error. The judgment of the Champaign County Court of Common Pleas is affirmed.

P.A. TALEBI DID NOT LIKE ME BECAUSE HE SWEPT RYDERS RAPE FROM ANTHONY EVANS UNDER THE RUG. I TOLD HIM HE SHOULD NEVER REPRESENT A CHILD AGAIN. HE WAS IN DIRECT CONFLICT OF INTEREST.

DONOVAN, J. and WELBAUM, J., concur.

Copies sent to:

Jane A. Napier
Christopher B. Epley
Hon. Nick A. Selvaggio

DEAR SIR: 4-7-20

OHIO SUPREME COURT APPEALS

OPINION 17 MARCH 2020 (45 DAYS) (BLU)

APPELLATE CASE # 2019-CA-12

TRIAL COURT CASE # 2018-CR-228
CHAMPAIGN COUNTY, URBANA, OHIO

I WISH TO FILE FOR MY APPEAL WITH THE OHIO SUPREME COURT APPEALS.
P.A. KEVIN TALEBI LIED AT THE ORIGINAL TRIAL AND ALSO CHANGED THE TESTIMONIES IN THE APPEAL. KEVIN TALEBI WAS THE P.A. IN MY ADOPTED SON'S RAPE CASE WITCH TOOK PLACE AT HIS LAST FOSTER HOME 2015-2016. HE SWEPT IT UNDER THE RUG. AND NOW HE IS THE P.A. IN THIS CASE. HE COACHED WITNESSES FROM THE SOARC MANUAL FROM CRC. DIRECT CONFLICT OF INTEREST. THE COACH (DOUG) THAT STARTED THIS SITUATION, I FEEL RAPED MY SON, THEN THREATENED HIM NOT TO TELL, THEN ALMOST 2 YEARS LATER, STARTED THIS CASE. MY SON RYDER AND I ARE INNOCENT, WE HAVE BEEN APART NOW 4-15-20, 17 MONTHS. SO CRUEL. PLEASE BRING THE TRUTH OUT INTO THE LIGHT, SO RYDER AND I CAN START OUR LIVES OVER AGAIN.

MY NAME IS JEFFREY L. MCCLAIN
A757194
NCCC
P.O. BOX 1812
670 MARION-WILLIAMSPORT RD. E.
MARION, OHIO 43301-1812

MRS. KING WAS MY ATTY. IN THE TRIAL 937-653-5557. SHE HAS ALL INFORMATION FOR THE TRIAL. SHE FILED FOR THE FIRST APPEAL, I ASKED HER TO FILE FOR THE SECOND ONE. MR. EPLEY DID NOT HAVE TIME TO FILE FOR THE SECOND ONE, HE IS RUNNING FOR AN APPEALS JUDGES JOB. I'M NOT SURE WHY HE LET P.A. TALBERT CHANGE ALL TESTIMONIES FOR THE APPEAL. PLEASE HELP MY SON RYDER AND I TO BRING OUT THE TRUTH. RYDER WILL BE 14 5-15-20 I AM 64, WITH A 17 YEAR SENTENCE FOR LIES.

THANK YOU.

Jeffrey L. McClain

JEFFREY L. MCCLAIN
A757194

OUR LEGAL LIBRARY IS CLOSED DUE TO THE VIRUS. I PRAY THIS NOTICE WILL BE SUFFICENT, TO FILE FOR MY APPEAL.

QUESTIONS.

1. WHY WAS THE COACH (DOUG) THAT STARTED THIS SITUATION NOT BROUGHT TO TRIAL? DID HE RAPE MY SON THEN THREATENED HIM NOT TO SAY ANYTHING, THEN AFTER ALMOST 2 YEARS FEARED RYDER WOULD TELL ON HIM, STARTED THE LIES.
2. WHY DID MY ATTY. MRS. KING STAND DOWN IN THE TRIAL? SHE SAID SHE IS THE BEST ATTOURNEY IN A TRIAL TO GRILL FOR THE TRUTH. DID P.A. TALEBI TELL HER TO STAND DOWN BECAUSE HE NEEDED ALL THE CONVICTIONS HE COULD GET TO MAKE HIMSELF LOOK GOOD FOR ANOTHER JOB, MAYBE A JUDGE POSITION. HE HAS DISTROYED MANY PEOPLE FOR HIS OWN GAIN.
3. WHY DID P.A. TALEBI SWEEP RYDER'S RAPE CASE UNDER THE RUG WITH DECEIVE KEMP'S HELP FROM THE CHAMPAIGN COUNTY SHERIFF'S DEPARTMENT?
4. WHY DID DR. ALLISON REPORT NOT GET READ?
5. WHY WAS DR. CRUZ NOT INCLUDED IN THE TRIAL?
6. WHY DID THE JUDGE APPROVE ME TO TRAVEL TO DETROIT MICH. WITH A MONITOR TO RENEW MY OHIMI.

Murray T. McClain

CLOSING STATEMENTS.

I HAVE BEEN SENTENCED TO 13 YEARS IN PRISON BECAUSE OF LIES. THE COACH (DOUG) AND THE 2 BOY'S AND THEIR FAMILY'S ARE CLOSE FRIENDS. WHAT TOOK PLACE AFTER TRIAL WITH THOSE 2 BOY'S WAS NO FAULT OF RYDER OR I. THE LIFE STYLE THEY ARE LIVING CAUSED THEIR PROBLEMS. I HAVE LOST MANY ITEMS BECAUSE OF THE LIES. HOME, CAR, BELONGINGS, AND MOST OF ALL THE TIME WITH MY FAMILY. 4-15-20 MARKS 17 MONTHS SINCE I TALKED TO OR SEEN MY SON RYDER. WHAT BETTER WAY TO HIDE THE TRUTH, GET RID OF THE ONE'S THAT KNOW THE TRUTH. I PRAY MY SON RYDER IS SAFE, WELL, AND ALIVE. IF P.A. CAN CHANGE THE TESTIMONIES IN THE APPEAL COURT WITH MR. EPLEY'S HELP, I FEEL HE IS CAPABLE OF DOING EVIL AND CORRUPT THINGS TO PEOPLE. WHAT HAPPENED TO KASSIDY WITH THE CHAMPAIGN COUNTY DEPARTMENT OF JOB AND FAMILY SERVICE? WHY WAS MY NAME NOT CORRECTED ON THE CASA REPORT. (VINCENT FOULK). WHO IS COLTON, CC DOYLES REPORT? GOD IS ALL I HAVE, AND KNOWING THAT, ALL ELSE FALLS INTO PLACE. "ONE GOD- ONE TRUTH." I WOULD LIKE TO REQUEST MR. ADAM RINEHART FROM DUBLIN TO REPRESENT RYDER AND I. HE TOLD ME NOT TO GIVE UP OR TO GIVE IN, HOLD ON TIGHT TO MY DREAMS. THOSE LIERS NEED TO BE BROUGHT TO JUSTICE.

Jeffrey D. McQuay

MY DAUGHTER INFORMED ME, I AM GOING TO BE A GRANDFATHER 4-20-

5-13-2

CERTIFICATE OF SERVICE
RULE 3.11 (D) (1) (A)

I CERTIFY THAT A COPY OF THIS NOTICE WAS SENT BY MAILED, REGULAR MAIL AT NCCC 5-13-20

ATTORNEY FOR PLAINTIFF - APPELLEE
KEVEN TALEBI
200 NORTH MAIN STREET
URBANA, OHIO 43078

THE SUPREME COURT OF OHIO

STATE OF OHIO
PLAINTIFF - APPELLEE
V
JEFFREY L. MCCLAIN
DEFENDANT - APPELLANT

APPELLATE CASE NO. 2019-CA-12
TRIAL COURT CASE NO. 2018-CR-22

JEFFREY L. MCCLAIN
A757194
NCCC
P.O. BOX 1812
670 MARION-WILLIAMSPORT RD. E.
MARION, OHIO 43301-1812

Jeffrey L. McClain
JEFFREY L. MCCLAIN
A757194

5-13-20

NOTICE OF APPEAL OF APPELLANT JEFFREY L. MCCLAIN

APPELLANT JEFFREY L. MCCLAIN HEREBY GIVES NOTICE OF APPEAL TO THE SUPREME COURT OF OHIO FROM THE JUDGMENT OF THE CHAMPAIGN COUNTY COURT OF APPEALS, SECOND APPELLATE DISTRICT,

APPELLATE CASE NO. 2019-CA-12
TRIAL COURT CASE NO. 2018-CR-228
CRIMINAL APPEAL FORM
COMMON PLEAS COURT

THIS CASE RAISES A SUBSTANTIAL CONSTITUTIONAL QUESTION AND IS ONE OF PUBLIC OR GREAT GENERAL INTEREST. THIS CASE ALSO INVOLVES A FELONY.

RESPECTFULLY SUBMITTED

Jeffrey L. McClain
JEFFREY L. MCCLAIN
A757194

DEAR SUPREME COURT: 4-23-20

AS YOU READ THROUGH MY PAPER WORK YOU CAN TELL I AM NOT AN ATTORNEY. I AM A COMMERCIAL PILOT BY TRADE. I WAS MR. DEWINES PILOT IN THE EARLY 1990's AT SUNBIRD AIR SERVICES IN SPRINGFIELD, OHIO. I HAVE WRITTEN HIM ASKING FOR HELP. WITH THIS VIRUS, HE HAS PROBABLY NOT EVEN SEEN MY LETTERS. MR. DEWINE IS ONE I TRUST ALONG WITH GOD. MY SON RYDER AND I NEED TO HAVE THE TRUTH BROUGHT OUT TO SET US BOTH FREE, AND BRING US HOME TOGETHER TO THIS DAY, I CAN NOT IMAGINE WHY THESE PEOPLE LIED. I PRAY THE SUPREME COURT WILL EXCEPT MY PAPER WORK. MY CASE MANAGER MR. MANNS DID HIS BEST WITH THE COPIES. LOTS OF INMATES, PASTOR ROUK, AND PASTOR SUTERS, AND MY INSTRUCTORS ARE PRAYING FOR RYDER AND I. THIS HAS BEEN A JOURNEY, I NEVER WANT TO DO AGAIN. RYDER IS MY ADOPTED SON, HE WILL BE 14 IN MAY, AND I AM 64. MY DAUGHTER ANNOUNCED I AM GOING TO BE A GRANDFATHER, AND RYDER WILL BE AN UNCLE. PLEASE SEE FIT TO EXCEPT MY PETITION. RYDER AND I HAVE BEEN SEPARATED ALMOST 18 MONTHS NOW.

THANK YOU,

JEFFREY L. MCCLAIN

A957194

Jeffrey L. McClain

DEAR SUPREME COURT: 4-27-2

DURING MY LIFE, EVEN IN MY YOUNGER YEARS, I HAVE ALWAYS BEEN A GIVER. I GAVE MY TIME, CARE, AND LOVE MOST OF ALL. AS I AGED, GIVING STAYED THE SAME. I ENLISTED INTO THE UNITED STATES AIR FORCE. EVEN THERE I GAVE ALL I HAD. WHEN I WAS HONORABLY DISCHARGED, I WENT THROUGH LOTS OF TRAINING TO BE ABLE TO WORK WITH YOUTH. MY DAUGHTER AND BOTH MY SONS DID NOT LACK FOR ANYTHING. RYDER, MY ADOPTED SON, NEVER HAD A STABLE HOME. HIS LIFE STORY IS UNBELIEVABLE. AS TIME PASSED, RYDER AND I HAVE BEEN THROUGH LOTS OF UNREAL SITUATIONS. JUST DAYS AFTER HE CAME FROM A VERY BAD FOSTER HOME, HE TRIED 2 TIMES TO KILL HIMSELF. I STOPPED HIM EACH TIME. GOD HAD ME IN THE RIGHT PLACE AT THE RIGHT TIME. I HAVE TRIED TO PROTECT HIM IN ALL AREAS. RYDER HAS ADHD, AND P.T.S.D. I NEED RYDER IN MY LIFE, AND I KNOW HE NEEDS ME. HE DOES NOT NEED ANOTHER ADOPTION. PLEASE HELP ME TO BRING OUT THE TRUTH. "ONE-GOD-ONE-TRUTH." THESE PEOPLE, AND THEIR LIES NEED TO BE BROUGHT OUT INTO THE LIGHT. PLEASE HELP RYDER AND I. I WANT RYDER AND I TO STOP HURTING BECAUSE OF THESE EVIL PEOPLE AND THEIR LIES. THANK YOU,

Mary T. McDonald

DEAR SUPREME COURT: 4-25-20

NOW COMES THE TIME TO GIVE P.A. TALEBI COPIES OF MY STATEMENTS. I WISH NOT TO DO THAT, BECAUSE HE ALREADY HAS HIS COPY OF THE APPEAL THAT HE AND MR. EPLEY CHANGED. WHICH THEY DELEATED MANY ITEMS, AND ADDED MORE LIES. I PRAY I WILL BE GIVEN A NEW TRIAL, AND IF I CAN NOT FIND AN ATTORNEY TO REPRESENT ME, I WOULD ONCE AGAIN LIKE THE CHANCE TO REPRESENT RYDER, AND MYSELF. RYDER AND I KNOW THE TRUTH, AND WE HAVE BEEN SEPARATED OVER 18 MONTHS, SO OUR ANSWERS HAVE NOT BEEN COACHED, LIKE P.A. TALEB COACHED HIS WITNESSES, TO NOT TELL THE TRUTH, AND TO COACH THEM FROM THE SORRC MANUAL AT CRC. PLEASE, ONCE AGAIN THE TRUTH MUST BE MADE KNOWN. I.E. IF I AM GRANTED A NEW TRIAL, I PREFER A JURY TRIAL.

THANK YOU,
Jeffrey L. McClaren
JEFFREY L. MCCLAREN
A757194

The Supreme Court of Ohio

In re: Application of the Rules of Practice of the Supreme Court of Ohio

ENTRY

WHEREAS, on March 9, 2020, the Governor of Ohio issued Executive Order 2020-01D and declared a state of emergency in Ohio in response to COVID-19;

WHEREAS, on March 11, 2020, the World Health Organization publicly characterized COVID-19 as a global "pandemic" requiring "urgent and aggressive action" to control the spread of COVID-19;

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency;

WHEREAS, on March 27, 2020, the Governor of Ohio signed into law Am. Sub. H.B. 197, which immediately tolled all statutes of limitations and other criminal, civil, and administrative time limitations under the Ohio Revised Code set to expire between March 9, 2020, and the expiration of Executive Order 2020-01D or July 30, 2020, whichever is sooner;

WHEREAS, on March 27, 2020, the Court issued the order entitled "Tolling of Time Requirements Imposed by Rules Promulgated by the Supreme Court and Use of Technology," which immediately tolled all time requirements imposed by rules promulgated by the Court set to expire between March 9, 2020, and the expiration of Executive Order 2020-01D or July 30, 2020, whichever is sooner;

WHEREAS, the Court's hearing and consideration of cases ordinarily require limited personal interaction between the Justices and employees of the Court, attorneys, parties, and the public;

WHEREAS, through the use of technology such as video conferencing, those portions of the hearing and consideration of cases that ordinarily necessitate personal interaction can be performed in a manner that complies with social distancing requirements;

WHEREAS, the Court utilizes the E-Filing Portal, which allows for the electronic filing of case documents, and in 2019 the E-Filing Portal accounted for 67% of all filings, including 92% of all attorney filings;

WHEREAS, parties who are unable to use the E-Filing Portal may still maintain social distancing by filing paper documents by submission through delivery service or the mail, or in-person at the Clerk's office;

WHEREAS, as the court of last resort in Ohio, parties and the public anticipate and expect the Court's issuance of decisions;

WHEREAS, as the court of last resort in Ohio, the Court's hearing and consideration of cases and issuance of decisions is vital to promoting uniformity and continuity amongst the courts of Ohio and ensuring the continued and effective operation of the judicial system;

WHEREAS, the effects of and measures necessitated by the COVID-19 emergency, including but not limited to social distancing, stay-at-home orders, and other directives of the Ohio Department of Health and local health departments, may require the extension of time for filing a document;

WHEREAS, in light of the foregoing, the Court has the ability and obligation to continue hearing and considering cases and issuing decisions during the emergency period;

NOW THEREFORE, the Court hereby orders the following:

(A) As used in this order, "time requirement" means a time for filing a pleading, appeal, or other filing; time limitation; deadline; or other directive related to time, including a non-constitutional jurisdictional deadline; imposed by the Rules of Practice of the Supreme Court.

(B) This order shall be effective April 21, 2020, and shall expire on the date the emergency period declared by Executive Order 2020-01D ends or July 30, 2020, whichever is sooner.

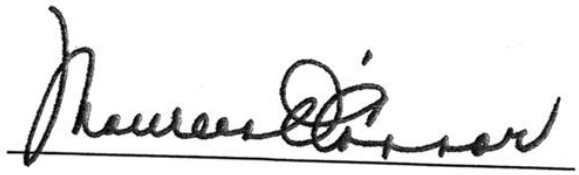
(C) This order shall supersede the March 27, 2020, order, but only as it applies to the time requirements prescribed by the Rules of Practice of the Supreme Court.

(D) The following shall apply to filings with the Court:

(1) For any document that was filed between March 9, 2020, and April 21, 2020, and for which a time requirement had expired during that time period, the document is deemed properly filed;

(2) For any document that has not been filed and for which a time requirement would have expired between March 9, 2020, and April 21, 2020, but for the March 27, 2020 order, the party shall file the document within 30 days of this order. A party that fails to timely file pursuant to this division may file a motion for leave to file out of time, and the Clerk shall accept the motion if the delay in filing is due to the effects of or measures necessitated by the COVID-19 emergency and the motion explicitly states it is being filed because of the COVID-19 emergency.

(3) For any other document that is filed after April 21, 2020, the party shall comply with the applicable time requirements. In addition to the provisions of S.Ct.Prac.R. 3.03(B), the Court will also grant reasonable requests to extend the time for filing of any type of document, provided that the request is necessitated by the COVID-19 emergency. A party may also file a motion for leave to file out of time, and the Clerk shall accept the motion if the delay in filing is due to the effects of or measures necessitated by the COVID-19 emergency and the motion explicitly states it is being filed because of the COVID-19 emergency.



Maureen O'Connor
Chief Justice

The Supreme Court of Ohio

OFFICE OF THE CLERK
65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE
MAUREEN O'CONNOR

JUSTICES
SHARON L. KENNEDY
JUDITH L. FRENCH
PATRICK F. FISCHER
R. PATRICK DEWINE
MICHAEL P. DONNELLY
MELODY J. STEWART

CLERK OF THE COURT
SANDRA H. GROSKO

TELEPHONE 614.387.9530
FACSIMILE 614.387.9539
www.supremecourt.ohio.gov

April 09, 2020

Jeffrey McClain A757194
North Central Correctional Complex
P.O. Box 1812
Marion, OH 43302

Dear Mr. McClain:

This letter is in response to your letter dated April 7, 2020. The enclosed document was not filed because it does not comply with the Rules of Practice of the Supreme Court of Ohio. It is insufficient to initiate a new appeal.

If you wish to file an appeal of a court of appeals' decision in the Supreme Court of Ohio, please refer to the enclosed copy of the Rules of Practice and Guide to Filing.

Please note, due to your concern with the closing of the institution's legal library, we have enclosed a copy of the COVID-19 Tolling order issued by the Supreme Court of Ohio on March 27, 2020 which immediately tolls, retroactive to March 9, 2020, the time requirements imposed by the Supreme Court Rules of Practice until the expiration of Executive Order 2020-01D or July 30, 2020, whichever is sooner.

Sincerely,
Clerk's Office

Enclosures

The Supreme Court of Ohio

OFFICE OF THE CLERK
65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CLERK OF THE COURT
SANDRA H. GROSKO

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www.supremecourt.ohio.gov

May 07, 2020

Jeffrey Lynn McClain #757-194
North Central Correctional Complex
670 Marion-Williamsport Road P.O. Box 1812
Marion, OH 43302

Dear Mr. McClain:

We are unable to file the enclosed notice of appeal and memorandum in support because they do not contain a certificate of service. Pursuant to Rule 3.11(D)(1)(a), all documents must contain a certificate of service indicating the date and manner by which a copy was served upon all other parties to the case.

Pursuant to Rule 7.01(B)(d) the notice of appeal shall contain a statement that the case raises a constitutional question, the case involves a felony, or is one of public interest. Rule 7.02(D)(3) states that the appellant may attach judgement entries or opinions, but the memorandum shall not include any other attachments.

You may resubmit your document for review once it is corrected.

Additionally, if you would like to file a complaint against an attorney, you may contact the Office of the Disciplinary Counsel. Their address is:

Office of the Disciplinary Counsel
250 Civic Center Drive
Suite 325
Columbus, OH 43215

Please see the Rules of Practice of the Supreme Court of Ohio for additional information.

Sincerely,
Clerk's Office

Enclosures

The Supreme Court of Ohio

OFFICE OF THE CLERK
65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CLERK OF THE COURT
SANDRA H. GROSKO

TELEPHONE 614.387.9530
FACSIMILE 614.387.9539
www.supremecourt.ohio.gov

May 20, 2020

Jeffrey L. McClain #757-194
North Central Correctional Complex
P. O. Box 1812
Marion, OH 43302

Dear Mr. McClain:

The enclosed documents were not filed because they do not meet the requirements of the Rules of Practice of the Supreme Court of Ohio. Specifically, your appeal is untimely. Pursuant to Rule 7.01(A)(1), your notice of appeal and memorandum in support of jurisdiction are due within 45 days from the date of the court of appeals judgment being appealed. An appeal of a March 13, 2020 decision was due in the clerk's office on or before April 27, 2020. Your documents were received on May 20,2020. The clerk's office is not permitted to file untimely documents and motions to waive this rule are prohibited pursuant to Rule 3.02(B).

The Rules of Practice permit the filing of a delayed appeal if the appeal is from a felony conviction. A motion for delayed appeal can be filed by submitting all of the following: a notice of appeal listing the date of the court of appeals judgment being appealed and stating that the case involves a felony; a motion for delayed appeal that states the date of the entry of the judgment being appealed, gives adequate reasons for the delay, and contains a notarized affidavit in support of the facts set forth in your motion; a complete copy of the court of appeals' decision being appealed; and a notarized affidavit of indigence meeting the court's requirements (or an entry appointing you counsel or the $100 filing fee).

For further guidance, please refer to the copies of the Rules of Practice and Guide to filing previously sent to you. Information on delayed appeals begins on page 20 of the guide. Enclosed is a copy of the Supreme Court of Ohio order dated April 14, 2020 that addresses the COVID-19 emergency. The order reinstates tolling provisions in the Supreme Court of Ohio. However, section (D)(3) of the order states a party may file a motion for leave to file out of time if the delay in filing is due to the effects of COVID-19.

Sincerely,
Clerk's Office

Enclosures

AFFIDAVIT IN SUPPORT OF THE FACTS SET FORTH IN MY MOTION.

JEFFREY L. MCCLAIN A757194 BEING DULY SWORN REQUESTS A MOTION FOR DELAYED APPEAL.

NOW COMES APPELLANT JEFFREY L. MCCLAIN THAT STATES AS FOLLOWS:

1. A NOTICE OF APPEAL DATED 5-13-2020

2. THE CONVICTION CONTAINS A FELONY.

3. THE REASON FOR THE DELAY IS DUE TO MAIL TO AND FROM THE OHIO SUPREME COURT OF OHIO, AND ALSO DUE TO THE COVID-19, AND NOT BEING ABLE TO ACCESS HELP FROM THE LEGAL DEPARTMENT AT NORTH CENTRAL CORRECTIONAL COMPLEX, ALSO DUE TO THE COVID-19, ALL AREAS CLOSED, ALSO DUE TO NOTARY TIMES.

SWORN TO, OR AFFIRMED, AND SUBSCRIBED IN MY PRESENCE THIS 2 DAY OF June, 2020. AFFIANT. Jeffrey L. McClain

NOTARY PUBLIC Donna Evans JEFFREY L. MCCLAIN A757194

DONNA EVANS
NOTARY PUBLIC • STATE OF OHIO
Recorded in Crawford County
My commission expires Feb. 12, 2024

MY COMMISSION EXPIRES 2-12-24

THIS DATE, JEFFREY L. MCCLAIN DID EXECUTE THIS AFFIDAVIT AS BEING TRUE AND ACCURATE TO THE BEST OF HIS KNOWLEDGE.

SWORN TO, OR AFFIRMED, AND SUBSCRIBED IN MY PRESENCE

THIS DATE 2 DAY OF JUNE, 2020.

NOTARY PUBLIC
Donna Evans

AFFIANT. Jeffrey L. McClain
JEFFREY L. MCCLAIN
A757194

MY COMMISSION EXPIRES.
2-12-24

DONNA EVANS
NOTARY PUBLIC • STATE OF OHIO
Recorded in Crawford County
My commission expires Feb. 12, 2024