

In The Supreme Court of Ohio

State of Ohio ex relator
Jerone McDougald
Toledo Correctional Institution
2001 East Central Avenue
Toledo, Ohio 43608

Original Action in
Writ of Prohibition
Case No. 21-0358

-vs-

Fourth District Court of Appeals
Scioto County
Clerk of Courts
Kathy Shupest
602 7th street
Portsmouth, Ohio 45662

Motion for supplemental writ of prohibition

RECEIVED
APR 12 2021
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
APR 12 2021
CLERK OF COURT
SUPREME COURT OF OHIO

Supplemental facts

On Feb 25, 2021 relator - Jerone McDougald received a Magistrate order stating that relator failed to comply with App. R. 16(A) pertaining to a reply brief plaintiff submitted after submitting his timely filed brief that was never filed by clerk of Courts Kathy Shupert and relator was given 20 days from February 25, 2021 to submit a brief that complies with App. R. 16(A). Although relator submitted a brief that fully complied with App. R. 16(A) before the Reply to brief of Appellee the magistrate speaks about in the order that is attached. However relator submitted a brief that fully complied with App. R. 16(A) see attached brief and submitted it timely see personal A/C withdrawal check out slip for certified mail that was sent on March 5, 2021 to the fourth District Court of Appeals, Scioto County at 602 seventh street Portsmouth, Ohio 45662 see attached, however fourth District Court of Appeals clerk of courts Kathy Shupert refuses to file Relators brief openly obstructing his abilities to litigate and violating Ohio Revised Code 2303.10 which states: The clerk of the court of common pleas and every other clerk of a court of record see Ohio Revised Code 2303.31 shall endorse upon every paper filed with him the date of the filing thereof. Therefore relator Jerone McDougald request this honorable Court issue a writ of prohibition prohibiting Kathy Shupert clerk of Court of Scioto County from exceeding her Jurisdiction by refusing to file Appeal brief with attached Exhibits and Ohio Revised Code 2939.20 and 2941.06 in relation to Appeal case No. 20-CA-3937 pursuant to O.R.C. 2303.10 and O.R.C. 2303.31

Certificate of Service

I hereby certify that a true copy of the foregoing motion was sent by regular U.S. mail paid postage to Ohio Assistant prosecuting Attorney Shane Tieman at 612 Six Th Street - RME partsmouth, Ohio 45662 on this April 5, 2021

Respectfully Submitted
Jerome McLaughlin 548-527
TOL

2001 East Central Ave
Toledo, Ohio 43608

Affidavit

In The Supreme Court of Ohio

I Jerone McDougald I am over 18 years old and competent to testify to the following facts: On Feb 25, 2021 relator Jerone McDougald received a magistrate order stating that relator failed to comply with App. R. 16(A) pertaining to a reply brief plaintiff submitted after submitting his timely filed brief that was never filed by clerk of Courts Kathy Shupert and relator was given 20 days from February 25, 2021 to submit a brief that complies with App. R. 16(A). Although relator submitted a brief that fully complied with App. R. 16(A) before the reply to brief of Appellee the magistrate speaks about in the order that is attached. However relator submitted a brief that fully complied with App. R. 16(A) see attached brief and submitted it timely see personal A/C withdrawal check out slip for certified mail that was sent on March 5, 2021 to the Fourth District Court of Appeals Scioto County At 602 Seventh Street Portsmouth, Ohio 45662 see attached however fourth District Court of Appeals clerk of Courts Kathy Shupert refuses to file relators brief openly obstructing his abilities to litigate and violating Ohio Revised Code 2303.10 which states: "The clerk of the court of common pleas and every other clerk of a court of record see Ohio Revised Code 2303.31 shall indorse upon every paper filed with him the date of the filing thereof." Therefore relator Jerone McDougald request this honorable Court issue a writ of prohibition prohibiting Kathy Shupert Clerk of Court of Scioto County from exceeding her jurisdiction by refusing to file Appeal brief with attached Exhibits A and Ohio Revised Code 2939.20 and 2941.06 in relation to Appeal Case No. 20-CA-3937 pursuant to O.R.C. 2303.10 and O.R.C. 2303.31

Sworn to, or affirmed, and subscribed in My presence
This 5 day of April 2021

James McLaughlin
Affiant

Patricia R. Ceglie
Notary Public

08/10/21
My Commission Expires



PATRICIA R. CEGLIO
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 08-10-2021

Indigent Prisoner Legal Mail

Personal A/C Withdrawal Check Out-Slip

Dollars: 7 Cents: 70

Institution: <u>TCI</u>	Date: <u>March 5, 2021</u>
Name: <u>Fourth District Court of Appeals Scioto County</u>	
Address: <u>602 Seventh Street</u>	
City: <u>Parksmouth</u>	State: <u>Ohio</u>
	Zip Code: <u>45662</u>

- Postage Copies ID Misc. Check-out CK # _____

The inmate's signature on this withdrawal request verifies that the information listed above has been read to or by the inmate and is correct. In the event of an error in the address which results in the return of this package, the inmate shall assume financial responsibility.

INDIGENT

Inmate's Signature: <u>Genea McDonald</u>	Number: <u>548-527</u>	Block & Cell Number: <u>A-1 east cell</u>
Approved By: <u>[Signature]</u>	Witnessed: <u>[Signature]</u>	<u>3-5-21</u>

Ship Via: _____ Date Processed: _____

In The Fourth District Court
of Appeals Scioto County

State of Ohio
Plaintiff - Appellee

Case No. 20CA3937

v.

Jerone McDougald
Defendant - Appellant

Brief of Appellant

Respectfully Submitted
Jerone McDougald 518-527
TODI
3001 East Central Ave
Toledo, Ohio 43608

Attorney for Appellee:
Shane A. TIEMAN
Prosecuting Attorney
Scioto County, Ohio
Jay S. Willis
Assistant Prosecuting Attorney
6126th Street, Suite E
Parramouth, Ohio 45662

RECEIVED

APR 12 2021

CLERK OF COURT
SUPREME COURT OF OHIO

Table of Contents

Contents

Table of Contents	2
Table of Authorities	3
Statement of Assignment of ERROR	4
Statement of Case	5
Statement of facts	7
Legal Argument and Analysis	7
Assignment of Error one	7
Timeliness	8
Resjudicata does not apply	8
Second Assignment of Error	9
Legal Argument and Analysis	9
Conclusion	11
certificate of Service	11

Table of Authorities

Cases

- State vs McDougald, Scioto App. No. 07CA3157, 2008-Ohio-1398 page 5, 10
- State vs McDougald, Scioto App. No. 09-CA 3278-2009-Ohio-4417 page 5
- State vs McDougald, 4th Dist. Nos. 14CA 3649, 15CA3679, 2015-Ohio-5590 page 6
- State vs McDougald, 4th Dist. No 16CA3736 page 6
- State vs McDougald, 2017-Ohio-261, 147 Ohio St 3d 1507, 67 N.E. 3d 824, page 6
- State vs McDougald, 2008-Ohio-1398 page 10
- State vs Wilson, 1987 Ohio App. Lexis 9785 page 7
- State vs Diaz, 2016 Ohio Misc. Lexis 2176 page 8
- Kennedy Aluis, 76 Ohio Law abs, 132, 145 N.E. 2d 361 (1957) page 8
- Bates v. Board of Education, Allendale Community Consolidated School District No 17, 136 Ill. 2d 260, 267 (1990) page 8
- People ex rel. Gowdy vs Baltimore & Ohio R. R. Co, 385 Ill. 86, 92, 52 N.E. 2d 555 page 8
- State vs Rance, 85 Ohio St 3d 632, 1999 Ohio 291, 710 N.E. 2d 699 (1999) page 9
- State vs McGee, Lawrence App. No. 04CA15, 2005 Ohio 1585 page 10
- State vs McDougald, 2008-Ohio-1398 page 5, 10
- State vs Cabrales, 118 Ohio St. 3d 54-59-61, 2008 Ohio 1625, 866 N.E. 2d 181 (2015) pages 10, 11
- State vs Johnson, 128 Ohio St 3d 153, 161 2010 Ohio 6314, 942 N.E. 2d 1061 (2010) pages 10, 11
- Agee v. Russell, 92 Ohio St. 3d 540, 543, 2001 Ohio 1279, 761 N.E. 2d 1043 (2001) page 10
- Walter vs Sheets, 2011 U.S. Dist. Lexis 111631 page 11
- State vs Jones, Montgomery App. No. 23926, 2011 Ohio 1984, 94 page 11
- State vs Underwood, 124 Ohio St. 3d 365, 2010 Ohio 1, 922 N.E. 2d 923, HO 8 page 11

Table of Authorities / Continuation Statutes

Ohio Revise Code 2941.25	page 4, 7, 9, 10, 11
Ohio Revise Code 2925.11 (C)(4)(E)	page 4, 5, 9, 10
Ohio Revise Code 2925.03 (A)(2)(C)(4)(F)	page 4, 5, 9, 10
Ohio Revise Code 2923.24 (A)(C)	page 5, 6
Ohio Revise Code 2933.13 (A)(3)	page 5, 6
Ohio Revise Code 2939.20	page 7
Ohio Revise Code 2941.06	
Ohio Revise Code 2953.21	page 7
Ohio Revise Code 2953.08	page 8
Ohio Const art 1 § 10	page 11
U.S. Const amend V	page 11

Statement of Assignment of Error

Assignment of Error One: The trial court didn't have Jurisdiction to convict Defendant Jerone McDougald of Possession of Drugs, Trafficking in Drugs, Weapons under Disability and Possession of Criminal Tools due to the indictment being Invalid.

Assignment of Error two: Ohio Revised Code 2941.25 was violated when Jerone McDougald was sentenced to consecutive sentences for possession of Drugs R.C. 2925.11 (A)(4)(e) and Trafficking in Drugs R.C. 2925.03 (A)(2)(C)(4)(f)

Statement of The case

On April 3, 2007 Defendant-Appellant was convicted in The Scioto County Court of Common Pleas of one count of possession of Drugs, a felony of the first degree, in violation of R.C. 2925.11(C)(4)(F) one count of Trafficking in Drugs a felony of the first degree in violation of R.C. 2925.1(A)(2)(C)(4)(F), however the count for one count of Trafficking in Drugs in The Indictment states R.C. 2925.1(A)(1)(C)(4)(F) of the Ohio Revised Code but the statutory language reflects R.C. 2925.1(A)(2)(C)(4)(F). ^{and but} R.C. 2925.1(A)(1)(C)(4)(F) is a typo Error Defendant Appellant was also found guilty of possession of Criminal tools, a felony of the fifth degree in violation of R.C. 2923.24(A)(C) and one count of weapons Under Disability, a felony of the Third degree, in violation of R.C. 2933.13(A)(3) and Defendant was sentenced to a total of 20 years, This Court affirmed Defendant's convictions in state v. McDougald, Scioto App. No. 07CA3157, 2008-Ohio-1393, In December 2008, Defendant filed a post conviction that was denied, and on the 17th of August 2009 affirmed The Convictions in state v. McDougald, Scioto App. No. 09CA3278-2009-Ohio-4417, Defendant filed a second post conviction relief petition October 19, 2009, on the 28th day of December 2009. The trial Court denied Defendant's Petition for Post Conviction Relief, Defendant filed an appeal in case number 12CA3529 which was dismissed by This Court for not complying

with the Courts order

On July 9th, 2014 Defendant filed a Third untimely Petition for post-conviction relief. The trial court denied This petition by Entry filed July 25, 2014. On Defendant 1, 2014, Defendant filed a fourth untimely Petition for post-conviction relief which the trial court denied by Judgment Entry filed December 23, 2014, Defendant appealed both of These decisions in consolidated case numbers 14 CA 3649 and 15 CA 3679 and the trial court's denial of the same was affirmed by Entry filed October 5, 2015 in State v. McDougald, 4th Dist, Nos. 14 CA 3649, 15 CA 3679, 2015-Ohio-5590.

Defendant filed another Petition for Post Conviction Relief, which the trial court denied by Judgment Entry filed Jan 27, 2016. On Feb 22, 2016, Defendant filed a Notice of Appeal in case number 16 CA 3736. by Decision filed July 15, 2016 the 4th District Court of Appeals affirmed Defendant's convictions and sentence Defendant appealed to The Ohio Supreme Court and Jurisdiction was declined on Feb 10, 2017, State v. McDougald, 2017-Ohio-261, 147 Ohio St. 3d 1507, 67 N.E. 3d 824, Appeal not allowed.

Defendant filed a Motion for Relief from Judgment and Motion to Declare Sentence void ~~and voidable~~ Aug 15, 2018 both of which was denied.

Defendant filed a Motion to Declare Sentence void on Feb 13, 2019 which was denied by The trial Court on June 21, 2019.

Defendant filed a motion for ~~Original~~ ^{Void} sentence and Conviction on August 24, 2020 which leads to The denial on Nov 13, 2020 which lead to This current Appeal in case number 20CA 3937

Statement of facts

Defendant-Appellant has filed post convictions in The past but has never raised a issue pertaining to a invalid Indictment and also plaintiff second Assignment of Error in relation to Altered offenses was decided in state vs McDougald, 2008-Ohio-1398 decided March 28, 2008 At a time when Ohio Courts misinterpretation of Ohio Revised Code § 2941.25 cause Defendant-Appellant to be held unlawfully in violation of The Federal Constitution and State Constitution to double Jeopardy

Legal Argument and Analysis and Assignment of Error one:

The pending Appeal is timely and not barred by res Judicata

Appellants brief contains Assignment of Error one The trial Court didnt have Jurisdiction to convict Defendant Jerome McDougald of possession of Drugs, Trafficking in Drugs, Weapons under disability and possession of Criminal tools due to The indictment being invalid. clearly in Defendant-Appellants Jerome McDougald ^{entitled} Indictment, Exhibit A attached There is no signature line for or signature by The grand Jury foreman in violation of Ohio Revised Code 2939.20 and Ohio Revised Code 2941.06 Attached

Ohio Revised Code 2939.20 states: At least twelve of The grand Jurors must concur in the finding of an indictment, when so found The foreman shall indorse on such indictment The words "A true Bill" and subscribe his name as foreman see state v. Wilson, 1987 Ohio App. Lexis 9785 HN1, HN2, HN3, HN4 HN8

See also state vs Diaz, 2016 Ohio Misc, LEXIS 2176, see also Kennedy v. Luis, 76 Ohio Law abs, 132, 145 N.E. 2d 361 (1957)

Time Lines

Ohio Revised Code 2953.21 (A)(a) states: any person who has been convicted of a criminal offense and who claims that there was such a denial or infringement of the person's rights as to render the judgment void or voidable under the Ohio Constitution or the Constitution of the United States... may file a petition in the court that imposed sentence, stating the grounds for relief relied upon, and asking the court to vacate or set aside the judgment or sentence or to grant other appropriate relief. see R.C. 2953.21(A)(a).

Clearly Defendant-Appellant's post conviction relief petition was timely as Defendant Appellant raised a valid ~~and~~ infringement of his rights under the Ohio Constitution and the Constitution of the United States due to his conviction **BEING** void.

res judicata does not apply

res judicata does not apply to a void conviction and sentence since a void order has no legal force or effect there can be no time limit within which to challenge the order or judgment. further since the order has no legal force or effect, it can be repeatedly challenged, since no judge has the lawful authority to make a void order valid.

see Bates v. Board of Education, Allendale Community Consolidated School District No. 17, 136 Ill. 2d 260, 267 (1990) (a court "cannot confer jurisdiction where none existed and cannot make a void proceeding valid."); people ex rel. Cowdy v. Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E. 2d 555

res judicata does not apply.

Second Assignment of Error

Ohio Revised Code 2941.25 was violated when Jerone McDougald was sentenced to consecutive sentences for possession of Drugs R.C. 2925.11 (C)(4)(E) and Trafficking in Drugs R.C. 2925.03 (A)(2)(C)(4)(F)

Legal Argument and Analysis

On April 3, 2007 Defendant-Appellant Jerone McDougald was sentenced to consecutive sentences for possession of Drugs R.C. 2925.11 (C)(4)(E), in which the stated sentence was 5 years and Defendant-Appellant Jerone McDougald was sentenced for Trafficking in Drugs R.C. 2925.03 (A)(2)(C)(4)(F) in which the stated sentence was 9 years for a total of 14 years in violation of Ohio's statute and the Double Jeopardy clause. see indictment and Judgment Entry that on file.

The Supreme Court of Ohio's interpretation of the allied offenses statute has evolved over the years. When the fourth District Court of Appeals decided Defendant's Appeal of his conviction, Ohio State Courts interpreted Ohio Revised Code § 2941.25 under the standard set forth in *State v. Rance*, 85 Ohio St. 3d 632, 1999 Ohio 291, 710 N.E. 2d 699 (1999). In *Rance* the Supreme Court of Ohio held that Ohio Revised Code § 2941.25 required courts to consider the statutory elements of each crime in the abstract. *Rance*, 85 Ohio St. 3d at 638. If in the abstract, the commission of one crime resulted in the commission of the other, the crimes were considered allied offenses of similar import. *Id.* If the offenses were allied, a defendant could be convicted of both only if the defendant committed the crimes separately or with separate animus. *Id.* At 638-39.

Under the Rance standard, several Ohio courts, including the Fourth District Court of Appeals in *Defendants Appeal*, held that possession of crack cocaine R.C. 2925.11(C)(4)(e) and Trafficking in Drugs R.C. 2925.03(A)(2)(C)(4)(f) are not allied offenses of similar import see *State v. McChee*, Lawrence App. No. 04CA15, 2005 Ohio 1385, at P15 see also *State v. McDougald*, 2008-Ohio-1398 decided March 20, 2008. The Ohio Supreme Court has since revisited the Rance court's interpretation of Ohio Revised Code § 2941.25. In *State v. Cabrales*, the Supreme Court of Ohio clarified that HN4 when comparing elements of two crimes in the abstract, the elements need not align exactly in order to be allied offenses 118 Ohio St. 3d 54-59-61, 2008 Ohio 1625, 866 N.E. 2d 181 (2015). Rather, the elements merely need to be so closely aligned that the commission of one necessarily results in the commission of the other. *Id.* and the Supreme Court of Ohio explicitly overturned Rance's interpretation of Ohio Revised Code § 2941.25. *State v. Johnson*, 128 Ohio St. 3d 153, 161 2010 Ohio 6314, 942 N.E. 2d 1061 (2010). The interpretation of Ohio Revised Code § 2941.25 in *State v. Johnson* requires a court to consider whether it is possible to commit both offenses with the same conduct, instead of whether the offenses were committed by a single act and a single state of mind in the specific case. The Fourth District Court of Appeals, in *State v. McDougald*, 2008-Ohio-1398 decided March 20, 2008 did not have the benefit of *Johnson* when ruling in *McDougald's* case. When the Supreme Court of Ohio overrules its interpretation of a state statute, the correction has retroactive application. see *Agee v. Russell*, 92 Ohio St. 3d 540, 543, 2001 Ohio 1279, 751 N.E. 2d 1043 (2001). In reviewing a previous statutory interpretation the Court is not creating new law, but rather deciding what the statute meant from its inception. *Id.* additionally, *Johnson* and *Cabrales* make clear that decisions of lower Ohio Courts has misinterpreted

Ohio's statute governing allied offenses, thereby creating unreasonable results inconsistent with the Double Jeopardy Clause. See Johnson, 128 Ohio St. 3d at 158; Cabrales, 118 Ohio St. 3d at 59 (2008), therefore, Johnson's interpretation of Ohio Revised Code § 2941.25 has retroactive interpretation see Walter v. Sheets, 2011 U.S. Dist. Lexis 111631.

Ohio Revised Code 2953.08 does not bar appellate review of a sentence in violation of Ohio Revised Code 2941.25

Ohio Revised Code 2953.08(D)(1) does not bar appellate review of a sentence imposed in violation of Ohio Revised Code 2941.25 See state v. Underwood, 124 Ohio St. 3d 365, 2010 Ohio 1, 922 NE 2d 923, HW8

R.C. 2941.25 codifies the protections of the double Jeopardy clauses of the U.S. Const amend V and Ohio Const art 1 § 10, which prohibit multiple punishments for the same offenses and I also request this Court to take judicial notice pursuant to Ohio Rules of Evidence 201 and sue sponte Notice of this error see State v. Jones, Montgomery App. No. 23926, 2011 Ohio 1984, ¶ 4 (noticing the potential error of failing to merge allied offenses of similar import).

Conclusion

Wherefore, based on the foregoing Defendant Appellant request this Court vacate conviction of Defendant Appellant Jerome M. Dugald

Certificate of Service

I hereby certify that a true copy of the foregoing brief was sent by regular U.S. mail paid postage to Scioto County Prosecutor Shane Tieman at 612 6th Street, Suite E Portsmouth, Ohio 45662 on this March 5, 2021

Respectfully Submitted,
Jerome M. Dugald 515-527
JBT
200 East Central Ave
Toledo, Ohio 43605

Healy L. Shupert
CLERK OF COURTS

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

State of Ohio,
Plaintiff-Appellee,

v.

Jerone McDougald,
Defendant-Appellant.

Case No. 20CA3937

MAGISTRATE'S ORDER

On February 8, 2021 this Court ordered Appellant to file a motion showing good cause for enlarging the briefing time, together with his brief and assignment of error(s) within 10 days because he had not filed his initial Appellant's brief. On February 22, 2021, Appellant filed a two-page document titled "Reply to Brief of Appellee," however it did not comply with the Appellate Rules of Procedure. App.R. 16(A) sets forth the requirements for an Appellant's brief. Specifically, the brief must contain: (1) a table of contents, with page references; (2) a table of cases; (3) a statement of the assignments of error presented for review; (4) a statement of the issues presented for review; (5) a statement of the case briefly describing the nature of the case, the course of proceedings, and the disposition in the court below; (6) a statement of facts relevant to the assignments of error presented for review; and (7) an argument containing the contentions of the Appellant with respect to each assignment of error with citations to the authorities, statutes, and parts of the record on which Appellant relies.

The brief filed by Appellant does not comply with these rules. Accordingly, the Court **STRIKES** the brief of Appellant filed on February 22, 2021. Appellant shall file a

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brief that complies with the appellate rules within 20 days of the filing of this order.

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE DISMISSAL OF THIS APPEAL. A sample brief is available on this Court's website:

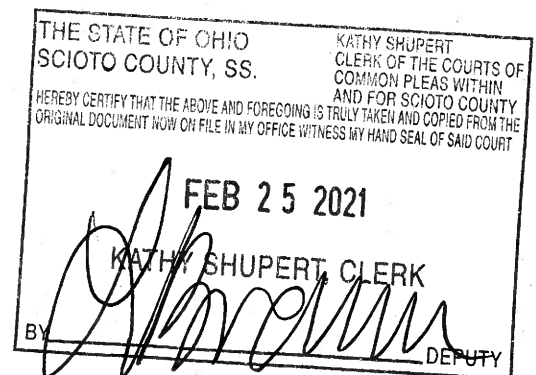
<http://4thdistrictappeals.com>.

The clerk is **ORDERED** to serve a copy of this order on all counsel of record and unrepresented parties at their last known addresses by ordinary mail. **IT IS SO ORDERED.**

FOR THE COURT



Tasha R. Ruth
Magistrate



20CA003937 MCDUGALD, JERONE -VS- STATE OF OHIO

- Case Type:
COURT OF APPEALS
- File Date
12/11/2020
- DCM Track:
- Action:
COURT OF APPEALS / CRIMINAL
- Case Judge:
- Next Event:

- All Information
- Party
- Docket
- Disposition
- Linked Case

Party Information

STATE OF OHIO
- APPELLEE

- DOB
- Disposition
- Disp Date
- Address
- Alias
- **Party Attorney**
- Attorney
- TIEMAN, SHANE ANDREW
- Address
- 612 6TH ST ROOM E
COURTHOUSE ANNEX
PORTSMOUTH, OH 45662
- Phone
- (740)981-3112

[More Party Information](#)

MCDUGALD, JERONE
- APPELLANT

- DOB
- xx/xx/1977
- Disposition
- Disp Date
- Address
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2001 EAST CENTRAL AVE
TOLEDO, OH 43608
- Alias
- **Party Attorney**
- Attorney
- PRO SE
- Address
- Phone

[More Party Information](#)

Docket Information

Date	Docket Text
12/11/2020	

<u>Date</u>	<u>Docket Text</u>
	NOTICE OF APPEAL. - APPEALING FROM JUDGMENT ENTRY ON NOVEMBER 13, 2020 (COPY ATTACHED) CC: 4 TO THE COURT OF APPEALS SHANE TIEMAN BY COURTHOUSE MAILBOX AT 602 7TH ST ROOM 205 PORTSMOUTH, OH 45662 JUDGE KUHN BY COURTHOUSE MAILBOX AT 602 7TH ST ROOM 205 PORTSMOUTH, OH 45662 JERONE MCDUGALD BY CERT MAIL AT #A548527 (TOCI) 2001 EAST CENTRAL AVE TOLEDO, OH 43608 LOWER CASE NO. 07-CR-001
12/11/2020	CLERK COMPUTER
12/11/2020	CRIMINAL CASE DOCKETING STATEMENT: - TRANSCRIPT CONSISTS OF 50 OR FEWER PAGES, OR IS OF SUCH LENGTH THAT ITS PREPARATION TIME WILL NOT BE A SOURCE OF DELAY CC: 4 TO THE COURT OF APPEALS SHANE TIEMAN BY COURTHOUSE MAILBOX AT 602 7TH ST ROOM 205 PORTSMOUTH, OH 45662
12/11/2020	DEFT'S STATEMENT OF ASSIGNMENT OF ERRORS CC: 4 TO THE COURT OF APPEALS SHANE TIEMAN BY COURTHOUSE MAILBOX AT 602 7TH ST ROOM 205 PORTSMOUTH, OH 45662
12/11/2020	AFFIDAVIT OF DEFT-APPELLANT
12/11/2020	DEFT-APPELLANT'S MOTION FOR PREPARATION OF COMPLETE TRANSCRIPT OF PROCEEDINGS AT STATE EXPENSE CC: 4 TO THE COURT OF APPEALS SHANE TIEMAN BY COURTHOUSE MAILBOX AT 602 7TH ST ROOM 205 PORTSMOUTH, OH 45662 JUDGE KUHN BY COURTHOUSE MAILBOX AT 602 7TH ST ROOM 205 PORTSMOUTH, OH 45662 LOWER CASE NO. 07-CR-001 Attorney: PRO SE
12/11/2020	DEFICIENCY NOTICE: APPEAL DOES NOT INCLUDE - WRITTEN ORDER TO THE COURT OF REPORTER CC: 4 TO THE COURT OF APPEALS JERONE MCDUGALD BY CERT MAIL AT #A548527 (TOCI) 2001 EAST CENTRAL AVE TOLEDO, OH 43608
12/15/2020	THIS IS TO CERTIFY THAT A COPY OF THE PLEADING &/OR ENTRY FILED ON 12/11/2020 (NOTICE OF APPEAL) WAS DULY SERVED UPON THE SCIOTO COUNTY PROSECUTORS OFFICE ON 12/15/2020 SIGNED FOR BY: SUSAN J.
12/28/2020	RETURN RECEIPT FILED. SERVED JERONE MCDUGALD AT #A548527 (TOCI) 2001 EAST CENTRAL AVE TOLEDO, OH 43608 ON 12-22-20 SIGNED BY K. BIGS
12/29/2020	NOTIFICATION TO THE COURT OF APPEALS: - DEFT-APPELLANT HAS NOT PERFECTED SAID APPEAL CC: 4 TO THE COURT OF APPEALS
12/29/2020	NOTICE OF TRANSMISSION OF THE RECORD: IT DOES INCLUDE A TRANSCRIPT OF PROCEEDINGS - TRANSCRIPT OF JURY TRIAL ON APRIL 2&3, 2007 (2 VOLUMES) (TIME STAMPED JULY 3, 2007) - TRANSCRIPT OF HEARING ON MOTION TO SUPPRESS ON MARCH 28, 2007 (TIME STAMPED JULY 24, 2007) CC: 4 TO THE COURT OF APPEALS SHANE TIEMAN BY COURTHOUSE MAILBOX AT 602 7TH ST ROOM 205 PORTSMOUTH, OH 45662 JERONE MCDUGALD BY CERT MAIL AT #A548527 (TOCI) 2001 EAST CENTRAL AVE TOLEDO, OH 43608
01/04/2021	THIS IS TO CERTIFY THAT A COPY OF THE PLEADING &/OR ENTRY FILED ON 12/29/2020 (NOTICE OF TRANSMISSION OF THE RECORD) WAS DULY SERVED UPON THE SCIOTO COUNTY PROSECUTORS OFFICE ON 12/30/2020 SIGNED FOR BY: ERIN S.
01/05/2021	DEFT-APPELLANT'S REPLY TO COURT OF APPEALS DEFICIENCY NOTICE CC: 4 TO THE COURT OF APPEALS
01/11/2021	RETURN RECEIPT FILED. SERVED JERONE MCDUGALD AT #A548527 (TOCI) 2001 EAST CENTRAL AVE TOLEDO, OH 43608 ON 1-6-21 SIGNED BY K.BIAS
02/01/2021	BRIEF OF APPELLEE CC: 4 TO THE COURT OF APPEALS
02/08/2021	

<u>Date</u>	<u>Docket Text</u>
	MAGISTRATE'S ORDER - THE APPEAL SHALL BE DISMISSED UNLESS APPELLANT FILES A MOTION SHOWING GOOD CAUSE FOR ENLARGEMENT OF BRIEFING TIME, TOGETHER WITH THE BRIEF AND ASSIGNMENT OF ERROR WITHIN 10 DAYS FROM THE FILING OF THIS ORDER. 67/31 CC: 4 TO COURT OF APPEALS JERONE MCDUGALD #548527 (TOCI) AT 2001 EAST CENTRAL AVE, TOLEDO, OH 43608 BY CERT US MAIL SCIOTO COUNTY PROSECUTING ATTY SHANE TIEMAN BY COURTHOUSE MAILBOX AT 602 7TH STREET, ROOM 205, PORTSMOUTH, OH 45662
02/10/2021	THIS IS TO CERTIFY THAT A COPY OF THE PLEADING &/OR ENTRY FILED ON 02/08/21 (MAGISTRATE'S ORDER) WAS DULY SERVED UPON THE SCIOTO COUNTY PROSECUTORS OFFICE ON 02/10/2021 SIGNED FOR BY: SUSAN J.
02/22/2021	DEFT-APPELLANT'S REPLY TO BRIEF OF APPELLEE CC: 4 TO THE COURT OF APPEALS
02/25/2021	MAGISTRATE'S ORDER: THE BRIEF FILED BY APPELLANT DOES NOT COMPLY WITH THE RULES (SEE ENTRY FOR COMPLETE DETAILS) ACCORDINGLY, THE COURT STRIKES THE BRIEF OF APPELLANT FILED ON FEBRUARY 22, 2021. APPELLANT SHALL FILE A BRIEF THAT COMPLIES WITH THE APPELLATE RULES WITHIN 20 DAYS OF THE FILING OF THIS ORDER. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE DISMISSAL OF THIS APPEAL. A SAMPLE BRIEF IS AVAILABLE ON THIS COURT'S WEBSITE: HTTP://4THDISTRICTAPPEALS.COM . 67/45 CC: 4 TO THE COURT OF APPEALS SHANE TIEMAN BY COURTHOUSE MAILBOX AT 602 7TH ST ROOM 205 PORTSMOUTH, OH 45662 JERONE MCDUGALD BY CERT MAIL AT #A548527 (TOCI) 2001 EAST CENTRAL AVE TOLEDO, OH 43608
02/26/2021	THIS IS TO CERTIFY THAT A COPY OF THE PLEADING &/OR ENTRY FILED ON 02/25/2021 (MAGISTRATE'S ORDER) WAS DULY SERVED UPON THE SCIOTO COUNTY PROSECUTORS OFFICE ON 02/26/2021 SIGNED FOR BY: SUSAN J.
03/08/2021	RETURN RECEIPT FILED. SERVED JERONE MCDUGALD AT #A548527 (TOCI) 2001 EAST CENTRAL AVE TOLEDO, OH 43608 ON 3-3-21 SIGNED BY (UNABLE TO READ)

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Undisposed		

Linked Cases

<u>Link Group</u>	<u>Case #</u>	<u>File Date</u>	<u>Link Role</u>
JERONE MCDUGALD 2	07CR000001	01/03/2007	COMPANION CASES
JERONE MCDUGALD 2	16CA003736	02/22/2016	COMPANION CASES

2939.20 Concurrence by twelve grand jurors for indictment.

At least twelve of the grand jurors must concur in the finding of an indictment. When so found, the foreman shall indorse on such indictment the words "A true bill" and subscribe his name as foreman.

Effective Date: 10-01-1953.

2941.06 Form of indictment.

An indictment may be substantially in the following form:

"The State of Ohio,) ss .

..... County)

In the Year

The jurors of the Grand Jury of the State of Ohio, within and for the body of the County aforesaid, on their oaths, in the name and by the authority of the State of Ohio, do find and present that A.B., on the day of
....., at the county of aforesaid, did (here insert the name of the offense if it has one, such as murder, arson, or the like, or if a misdemeanor having no general name, insert a brief description of it as given by law) contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

..... C.D.

Prosecuting Attorney

(Indorsed) A true bill.

E.F., Foreperson of the Grand Jury."

Effective Date: 05-09-2000.