

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex. rel. :
 DENNIS D. JACKSON :
 Relator, :
 vs. :
 GREGORY A. BRUSH :
 MONIGOMERY COUNTY CLERK OF COURTS :
 MONIGOMERY COUNTY COURTS BUILDING; :
 JUDGE ERIK BLAINE, MONT. CO. COURTS :
 Respondent. :

17-1670

Case No. _____

MANDAMUS/PROHIBITION

COMPLAINT

Dennis D. Jackson #645-759
 North Central Correctional Complex
 P.O. Box 1812
 Marion, OH 43301

PRO SE

Gregory A. Brush
 Montgomery County Clerk of Courts
 Montgomery County Courts Building
 41 N. Perry St.
 Dayton, OH 45422

RESPONDENT

Judge Erik Blaine
 Montgomery County Court of Common Pleas
 301 W. Third St.
 Dayton, OH 45422

RESPONDENT

FILED
 NOV 29 2017
 CLERK OF COURT
 SUPREME COURT OF OHIO

RECEIVED
 NOV 29 2017
 CLERK OF COURT
 SUPREME COURT OF OHIO

A. MANDAMUS:

NOW COMES Relator, Dennis D. Jackson, pro se, and hereby petitions this Honorable Court to issue a mandamus to compel the respondent herein to perform a lawful duty to file and enter all motions submitted to the Montgomery County Common Pleas Court upon the docket. A duty which Relator is entitled to have performed and for which no other adequate remedy exists.

Jurisdiction:

1. The jurisdiction of this Court to issue the above prayed for WRIT is invoked pursuant to Article IV., Section 2 of the Ohio Constitution, and ORC § 2731;

Venue:

2. The Respondent's primary office and/or branch which refuses to perform its duty is located at Montgomery County, Dayton, OH, within the territorial jurisdiction of this Court, thereby establishing proper venue in this Court;

Parties:

3. The Petitioner is a citizen of the State of Ohio, and who seeks to have, two renewed motions filed timely, without denial, or embarrassment by Respondent herein;

4. Respondent herein is Montgomery County Clerks Office with the statutory duty pursuant Crim. R. 49 (A), (B), and (C); Ohio Constitutional duty pursuant to Article I., Section 16; and United States Constitutional duty pursuant the 1st, 5th, and 14th Amendments to perform the acts as stated herein;

Cause of Action:

5. I am Defendant in Montgomery County Common Pleas Case No. 2010-CR-1126;
6. On October 27, 2010, I sent Mr. Jackson (hereinafter "Dad") to Gregory A. Brush, Clerks Office at 301 W. Third St., Dayton, OH 45422;
7. on this day my dad, on my behalf attempted to file (2) separate motions captioned as follows: (1) Motion To Dismiss (Pursuant 2945.71-2945.73 w/ Exhibits A - C; and (2) "Notice of Intent to Renew: Crim. R. 29(C) Motion of Acquittal; Crim. R. 33 Motion For New Trial, and Motion to Dismiss (Pursuant ORC 2945.71-2945.73);
8. the clerk on this day knowingly, purposely with malicious intent, sent my dad who is legally blind back and forth between the criminal and civil divisions of the clerks office. The criminal division telling him this was a civil issue, and the civil department stating they did not deal with these type of motions;
9. between this two divisions of the clerks office he was embarrassingly requested to perform tasks such as unstapling papers, to attempt to resort, and restaple, papers in which were mailed out to him in in proper order, and finally requested by the Clerk to fill out another form stating the judge said motions were to go to and case number where said motion were to be filed;
10. as can be seen from the face of said motions in Ex. A. and Ex. B, they were properly pre-arranged and pre-stapled, due to my knowledge of my dads eye issue, and due to the simplicity of a (2) page Notice/and Motion, and a (4) page Motion with 3 Exhibits, there was no explainable reason to embarrass and attempt to cofuse him, by performing a task already completed;
11. my dad has filed the majority of my motions in both criminal and civil divisions, since 2016, due to Montgomery County Clerk filing Court

documents incorrectly or sending time sensitive documents to any address, as shown in Ex. C, requiring me to rush documents to him in order to meet statutory deadlines;

12. upon filing of documents my dad finding a clerk who dealt with him on a regular, since 2016, only ran into this problem, on one other occasion which occurred September 14, 2017, in attempts to file in Second District Court of Appeals, Mont. Appeals Case No. CA 24430, a motion captioned "Motion For This Court To Revisit Its Jurisdiction", where these acts stretched out over a period of several hours, due to Clerks requesting him to perform said tasks as stated herein, while taking a lunch break after sending him away, and upon return requesting he take them home and return the next day, where said motion was filed September 15, 2017; See Exhibit E.

13. on the 14th of September, 2017, the clerks he always deals with was not there, but was there on September 15, 2017, to file said motion, which he was informed on October 27, 2017, that she was no longer employed there;

14. I did not take action in the September 14, 2017 incident due to filing being accomplished;

15. I have taken action in this instance as I have been prejudiced by the knowing acts, and denied equal protection of the law, due process, by being denied access to the Courts, a violation of the Ohio and U.S. Const;

16. my dad (Mr. Dennis Jackson will) submit an affidavit sworn to, of the occurrences with Respondent as asserted herein, as Exhibit D;

17. Respondent herein has tried by any means to knowingly deter me from asserting my Ohio and U.S. Constitutional rights as stated herein, which must be protected and upheld;

Clear Legal Right:

18. Relator argues that pursuant to Article I., Section 16 of the Ohio Constitution, all defendants are entitled to redress of injuries done them in their person, which provides in pertinent part:

"All courts shall be open and every person, for an injury done him in his land, goods, person or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay."

the Ohio Courts interpret this provision of the "Bill of Rights" to Ohio's Constitution as providing two distinct guarantees: "(1) that legislative exactments may abridge individual right only by 'due course of law'; and (2) that all Courts shall be open to every person with a right to remedy for injury to his person, property or reputation, with the opportunity for such remedy being granted at a meaningful time and in a meaningful manner"

19. the 1st, 5th, and 14th Amendments of the United States Constitution, support the same provisions and guarantees as provided by Article I., Section 2, and 16;

20. Relator asserts he had a clear legal right to have his motions, properly captioned "IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO, CRIMINAL DIVISION" to be filed and placed upon the docket of that Court pursuant Article I., Section 2, and 16, of the Ohio Const., and the 1st, 5th, and 14th Amendments of the U.S. Const., through the exercise of his right to access the Court, and address the injuries done him by the State of Ohio; See Ex parte Hull, 312 U.S. 546, 61 S. Ct. 640, 85 L. Ed. 1034 ("the State and it's officers may not abridge or impair petitioner's right to apply to a Federal Court..." Id. at 549, 61 S. Ct. at 641-642); also see Wolff v. McDonnell, 418 U.S. 539, 94 S. Ct. 2963, 2985, 41 L. Ed. 2d 935 ("it is fundamental that access of prisoners to the Court for the purpose of presentation, their complaints may not be denied or obstructed");

21. Relator asserts he had a clear legal right to renew original motions which had been filed and decided in Case No. 2010-CR-1126, due to lack of

a final appealable order which was not in compliance of the mandates of Crim. R. 32(C); ORC 2505.02; and in violation of Article IV., Section 3(B)(2);

22. a Court upon decision pursuant Crim. R. 32(C), and Civ. R. 58(A) is required to "promptly cause the judgment to be prepared, and having signed it, the Clerk shall Thereupon enter it upon the journal"; See Lamb v. Lamb, 2011-Ohio-2970 (2d Dist App.)(citing In Platt v. Lander, Mont. Appeal No. 12371, 1991 Ohio App. LEXIS 2117); See also In re Mitchell, 93 Ohio App. 3d 153, 154, 637 N.E. 2d 989; as can be seen by the cited cases a rubber stamp in place of a Judges signature is insufficient to the signature requirement of these rules, as was the Relators in Case No. 2010-CR-1126, which contained a rubber stamping on his judgment/sentencing entry;

23. here the failure of the Judge to sign Relators judgment/sentencing *entry* left his judgment of conviction non-final and the Courts order non-appealable, in Mont. Appeal Case No. 24430; see State v. Baker, 119 Ohio St. 3d 197, 2008-Ohio- 330, in which the Second District had obligation to raise question sua sponte concerning it's jurisdiction; see Whitaker-Merrell Co. v. Geupel Constr. Co., Inc., 29 Ohio St. 2d 184, 186, 280 N.E. 922;

24. as a result of these errors Relators judgment of conviction has never been final, and as such all judgments on motions, including judgment during sentencing were merely interlocutory, allowing all Relators motions to renew previous motions decided in this case, in which his dad attempted to file, in October 27, 2017, to be considered timely, as a criminal and not a civil matter; see Carlisle v. United States, 517 U.S. 416, 116 S. Ct. 1460, 134 L. Ed. 2d 613; also Pitts v. Ohio Dept. of Transp., 67 Ohio St. 2d 378, 379 n.1, 423 N.E. 2d 1105; and State v. Bashlor, 2008-Ohio-997; finally State v. Brown, 59 Ohio App. 3d 1, 569 N.E. 2d 1068;

25. Relator asserts he has a clear legal right, pursuant the Ohio and U.S. Const., as stated herein, to be free from prejudice and/or punishment for any delayed, untimely filings of the motions as stated herein, outside

of his control in exercising his right to access to the Courts, where such prejudice and delay, is created by an agency/office of the State of Ohio acting without authority and outside the scope of it's official duties, setting forth it's own discretion in filing motions, not facially defective, as such is a violation of equal protection and due process of law;

26. Finally, Relator has a Ohio and U.S. Constitutional right to access and address the Court without the use of harmful, intentional tactics, disabled or not, through request of unlawful acts, in attempts to deter the willful help of a family member, on behalf of Relator in his plight of justice;

Clear Legal Duty:

27. the Respondent herein has a clear legal constitutional duty to allow unabridged, unobstructed, and without denial, pursuant Article I., Section 2, and 16, of the Ohio Constitution, and the 1st, 5th, and 14th Amendments of the U.S. Const., Relator access to the Courts without delay, to timely file said motions he attempted to file on October 27, 2017; see Ex parte Hull, supra; and Wolff v. McDonnell, supra;

No Other Adequate Remedy At Law:

28. Relator has no other adequate remedy at law to compel the Respondent herein to perform it's lawful duty as noted herein, without an order from this Honorable Court, directing the Clerk to file said motions, and attribute any violation for delay and untimeliness in the filing of said motions to the State of Ohio, Respondent;

29. Relator is entitled to the issuance of this Writ of Mandamus to compel the performance of Respondent as fully set forth herein;

PROHIBITION:

NOW COMES, Relator Dennis D. Jackson, proceeding in pro se, and hereby petitions this Court for a Writ of Prohibition to order Judge Erik Blaine, Judge of the Montgomery County Common Pleas, successor of Judge Michael L. Tucker to cease from usurping his judicial function of resentencing and/or signing Relator's judgment entry in Case No. 2010-CR-1126 and commanding Montgomery County Clerk of Court to journalize such entry until judgment has been passed in the instant mandamus/Prohibition, by this Court.

Jurisdiction:

30. The jurisdiction of this Court to issue the above prayed for WRIT is invoked pursuant to Article IV., Section 2(B)(1)(d) of the Ohio Const.;

Venue:

31. The Respondent's primary office and/or branch is located at Montgomery County, Dayton, OH, within the territorial jurisdiction of this Court, thereby establishing proper venue in this Court;

Parties:

32. The petitioner is a citizen of the State of Ohio, and who seeks to have *the* Court cease judicial functions in Case No. 2010-CR-1126, as stated herein;

33. Respondent herein is Judge Erik Blaine, Montgomery County, Common Pleas Court, Successor of Michael L. Tucker who is tasked with the duty to finalize judgment in Case No. 2010-CR-1126;

Cause of Action:

The facts upon which petitioner seeks release are as follows:

34. On September 18, 2017, Relator filed a motion in Mont. Appeals Case No. CA 24430, in the Second District Court of Appeals, captioned "Motion

For this Court to Revisit Its Jurisdiction" See Exhibit E (Motion to revisit jurisdiction, filed September 18, 2017 (14 pages));

35. On October 3, 2017, Relator filed a complaint in Franklin County Common Pleas Court, Case No. 17CV008881, Dennis D. Jackson v. 2nd Appellate District Court Judge Michael L. Tucker, Et Al, See Exhibit F (Oct. 3, 2017, complaint w/ Attachements A and B); (10 pages);

36. On October 27, 2017, Relator attempted to renew several trial motions due to his judgment of conviction not being final;

37. On October 27, 2017, the Montgomery County Clerk of Court, denied Relator access to the Court, by refusing to file said motions stated herein in mandamus;

Clear Legal Right

38. Relator argues he has a clear legal right to have the Montgomery County Common Pleas Court to review its previous decision; See State ex rel Hansen v. Reed, 63 Ohio St. 3d 597, 589 N.E. 2d 1324 (in absence of a formal journalization of the decision, the municipal Court possessed authority to review and reverse its previous decision, 63 Ohio St. 3d at 600, 589 N.E. 2d at 1327);

39. That pursuant Article I., Section 2 and 16 of the Ohio Const., and the 1st, 5th, and 14th Amendments of the U.S. Const., Relator has the Constitutional right to address the Court of his injury, without being denied access by the clerk, and prejudiced by a journalization of a valid, formal judgment/termination entry, by Respondent, in between time of petitioning this Court, and time needed for a decision to be made which must be done before finality in Case No. 2010-CR-1126, in order to be considered timely and not final;

Clear Legal Duty:

40. Respondent herein has a clear legal duty to cease usurping judgment, and directing the clerk to journalize judgment/termination entry in Case No. 2010-Cr-1126, until said motions as stated herein, as shown by stamping on documents, by Montgomery County Clerk, confirming such were presented October 27, 2017, to the clerk, can be filed by Relator;

41. Respondents failure to allow said motions to be filed and decided, before finalization, would work to operate and produce the same prejudice, and Constitutional violations as asserted herein, attributed to the clerk, due to Relators acts to file timely and clerks denial favorable to the State, and prejudicial to Relator;

42. Respondent's recognition of this Courts holding in State ex rel. Hanley v. Roberts, 17 Ohio St. 3d 1, 4, 476 N.E. 2d 1019 (noting, if a purported judgment entry lacks one of these components in Crim. R. 32(C) or ORC 2505.02, it is a nullity, thereby denying the Court jurisdiction to address the issues raised), here because the entry in Case No. 2010-CR-1126 is a nullity, the clerks journalization was not formal, and must be treated as if it never occurred, preventing the appellate clock from being triggered pursuant App. R. 4(A); See e.g., State v. Tripodo, 50 Ohio St. 2d 124, 4 O.O. 3d 280, N.E. 2d 719, leaving all motions interlocutory;

Adequate Remedy:

43. Relator therefore has no adequate remedy to prevent Respondent from finalizing his judgement, once judgment has been handed down in Mont. Appeals Case No. CA 24430; and Franklin County Common Pleas, Case No. 17CV008881, in order that his Ohio and U.S. Const. rights are not impeded, preventing his timely access to the Courts, and filing of said motions herein;

44. Considering Relator has a right to redress the Court due to a violation of Article IV., Section 3(B)(2) of the Ohio Constitution, and ORC 2505.02, passing judgment in Mont. Appeals Case No. CA 24430, State v. Jackson in which it lacked jurisdiction due to its failure to adhere to its obligation to review the judgment entry (Termination Entry herein), and sua sponte raise questions concerning its jurisdiction. See e.g. Whitaker-Merrell Co. v. Geupel Constr. Co., Inc., supra. Relator was therefore entitled to present the Trial Court with new evidence, in support of his claim in his renewed motions to comply with fair presentation to the Court, and a complete record on appeal.

45. Relator now prays this Honorable Court grant his writs and allow him to exercise his right to timely access the Court, and address his injury;

46. Relator has attached all exhibits as stated herein;

Relief Sought:

47. Relator asks that this Honorable Court allow in to file in its entirety said motions his dad attempted to file on October 27, 2017, in which he was prevented only being allowed to file the first page. He also asks in the event of denial of Relators Prohibition, said motions be considered filed on October 27, 2017, due to certificate of service and stamp form the Montgomery County Clerks Office, which clearly evinces an intent to file said documents in their completion said motions. See e.g., Taylor v. Knapp, 871 F.2d 803 n. 1 (9th Cir.); Haney v. Mizell Mem'l Hosp, 744 F. 2d 1467, 1472 (11th Cir.); McDaniel v. Harris, 639 F. 2d 1386, 1388 n.1 (5th Cir.);

48. Relator ask the granting of his Writs in order to correct and protect his Ohio and U.S. Constitutional rights as asserted herein;

49. Relator asks this Court to stay all proceedings in Montgomery County Court of Common Pleas, Case No. 2010-CR-1126, in the case of a favorable ruling by this Court, until motions submitted for filing on October 27, 2017, as shown herein to be renewed, has been filed and ruled upon;

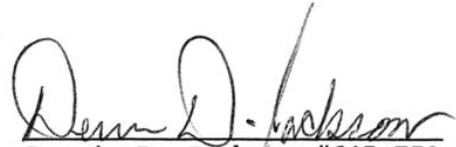
50. Relator asks this Court to order, in case of a favorable ruling, that said motions, once filed are to be addressed in a reasonable and timely manner, and without delay.

51. Relator asks pursuant Evidence Rule 201 and Civil Rule 44.1, that this Court take judicial notice of the following:

- (a). Pitt v. Ohio Dept. of Transp., 67 Ohio St. 378, 379, n.1, 423 N.E. 2d 1105;
- (b). State v. Baker, 119 Ohio St. 3d 1505, 2007-Ohio-4285;
- (c). Crim. R. 32(C);
- (d). Civ. R. 58(A);
- (e). ORC 2505.02;
- (f). S. Ct. Prac. R. 1.06(A);
- (g). Ohio Constitution Article IV., Section 3(B)(2)

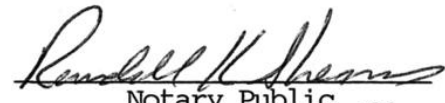
Verity:

I hereby swear and affirm that the foregoing statements are true and correct to the best of my knowledge and belief, in which I am competent to to all matters stated in affidavit.


Dennis D. Jackson #645-759
N.C.C.C. / P.O. Box 1812
Marion, OH 43301

Notary:

Sworn to and subscribed before me on this 1st day of November, 2017.


Notary Public
Randall K. Sherris
Exp: July 6, 2018

Seal

IN THE COURT OF COMMON PLEAS MONTGOMERY COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO : CASE NO. 2010-CR-1126
Plaintiff, : JUDGE: ERIK BLAINE
VS. :
DENNIS D. JACKSON : NOTICE OF INTENT TO RENEW CRIM.
Defendant. : R. 29(C) MOTION FOR ACQUITTAL; MOTION
: TO DISMISS (Pursuant ORC 2945.71
: 2945.73)

NOW COMES, Dennis D. Jackson, pro se, who gives notice and now Respectfully MOVES this Court to renew, all said motions herein: (1) Crim. R. 29(C) Motion For Acquittal; and Motion to Dismiss (Pursuant ORC 2945.71 - 2945.73). Mr. Jackson also plans to file a Crim. R. 33 Motion For New Trial, as the Courts previous decision in said motions are only interlocutory orders, until a valid entry of final judgment has been journalized in this case.

See e.g., Carlisle v. United States, 517 U.S. 416, 116 S. Ct. 1460, 134 L. Ed. 2d 613; Pitts v. Ohio Dept. of Transp., 67 Ohio St. 2d 378, 379 n. 1, 423 N.E. 2d 1105; see also, State v. Bashlor, Ninth Dist. Nos. 07CA00919 07CA009209, 2008 Ohio 997.

A memorandum in support is attached. Mr. Jackson asks for oral hearings.

CERTIFICATE OF SERVICE

*Respectfully submitted,
Dennis D. Jackson*

I hereby certify that a true and accurate copy of this Notice of Intent to Renew Crim. R. 29(C) Motion For Acquittal; Motion to Dismiss (Pursuant ORC 2945.71-2945.73), has been forwarded to Mathias H. Heck, Montgomery County prosecutors Office, at 301 W. Third St., P.O. Box 972, 5th Floor, Dayton, OH 45402, on this 27th day of October, 2017.

Dennis D. Jackson
Dennis D. Jackson

MEMORANDUM IN SUPPORT

Mr. Jackson asserts that due to the Trial Courts failure to sign and properly journalize his judgment/sentencing (Termination) entry, his conviction has never been final and as such has always remained a interlocutory order, and non-appealable pursuant Crim. R. 32(C), ORC 2505.02, and Article IV., Section 3(B)(2) of the Ohio Constitution. See State v. Baker, 119 Ohio St. 3d 197, 2008 Ohio 3330, 893 N.E. 2d 163.

Furthermore, Mr. Jackson asserts because his initial sentencing entry was non-appealable, his right to due process, and equal protection of the law, pursuant the 5th and 14th Amendments of the U.S. Constitution, and Article I., Section 2, 10, and 16; and Article IV., Section 3(B)(2) of the Ohio Constitution being violated, this Court's prior decision may be reconsidered up until a final entry is entered in this case. See Pitt v. Ohio Dept of Trans., 67 Ohio St. 2d 378, 379 n.1, 423 N.E. 2d 1105; See also State v. Brown, 59 Ohio App. 3d 1, 569 N.E. 2d 1068 ("In the absence of a signed journal entry as to each charge, the order of the trial court is interlocutory).

All motions specified herein will be filed with arguments, authority, and exhibits in support thereof. Mr. Jackson asks for a oral hearing on all stated motions, and alerts this Trial Court that there is a pending motion in the Second District Court of Appeals concerning the judgment/sentencing entry now in question.

Respectfully Submitted,


Dennis D. Jackson

Dennis D. Jackson #645-759
N.C.C.C/ P.O. Box 1812
Marion, OH 43301

Montgomery County Ohio
Clerk Of Courts
Gregory A. Brush
Public Records Online System Version II
2010 CR 01126 - STATE OF OHIO Vs DENNIS DEVONE JACKSON

IMAGE	DATE	ENTRY
	10/27/2017	NOTICE OF INTENT TO RENEW CRIMLR.29(C) MOTION FOR AQUITTAL; MOTION TO DISMISS FILED PRO SE
	10/27/2017	MOTION TO DISMISS FILED PRO SE
	07/21/2017	DELAYED NOTICE OF APPEAL TO THE 2ND DISTRICT COURT OF APPEALS FILED CA 027664
	04/11/2017	ALL ORIGINAL PAPERS RETURNED FROM COURT OF APPEALS.
	03/29/2017	DECISION AND ENTRY FILED; SUSTAINING MOTON TO WAIVE COURT COST
	03/27/2017	MOTION FOR LEAVE TO SUPPLEMENT NOTICE OF ISSUES TO BE RESOLVED ON REMAND FILED PRO SE
	03/20/2017	REPLY TO ISSUES TO BE RESOLVED ON REMAND FILED BY Brandon Moermond
	02/28/2017	MOTION FOR NOTICE OF ISSUES TO BE RESOLVED ON REMAND FILED PRO SE
	02/28/2017	MOTION FOR APPEARANCE AT ALL PROCEEDINGS FILED PRO SE
	02/28/2017	MOTION TO APPOINT COUNSEL FILED PRO SE
	02/01/2017	ENTRY FILED; SETTING BRIEFING SCHEDULE
	01/04/2017	ALL ORIGINAL PAPERS RETURNED FROM COURT OF APPEALS.
	09/08/2016	RESPONSE TO TO TRIAL COURT'S ENTRY AND ORDER TO MOTIONS FOR LEAVE TO AMEND AND SUPPLEMENT RECORD FILED PRO SE
	08/29/2016	DECISION AND ENTRY FILED; REGARDING DEFENDANTS MOTIONS FOR LEAVE
	08/23/2016	MOTION FOR LEAVE TO SUPPLEMENT AND CORRECT RECORD FILED BY DEFENDANT
	07/18/2016	MOTION FOR LEAVE TO AMEND STATEMENT; PRAECIPE AND NOTICE TO CLERK FILED PRO SE
	07/18/2016	MOTION FOR LEAVE TO AMEND STATEMENT; PRACIPE AND NOTICE TO CLERK FILED PRO SE
	07/05/2016	STATEMENT AND PRAECIPE TO COURT REPORTER AND CLERK
	07/05/2016	NOTICE OF APPEAL TO THE 2ND DISTRICT COURT OF APPEALS FILED CA 027172
	06/08/2016	DECISION AND ENTRY FILED; OVERRULING DEFENDANTS PETITION SEEKING POST-CONVICTION RELIEF
	05/19/2016	MOTION FOR LEAVE TO AMEND THE PETITION FILED PRO SE
	05/19/2016	MOTION FOR LEAVE TO AMEND THE PETITION FILED PRO SE
	05/04/2016	MOTION TO COMPEL DISCOVERY FILED PRO SE BY DEFENDANT
	05/02/2016	NOTICE OF APPEAL TO THE 2ND DISTRICT COURT OF APPEALS FILED CA 027101
	04/19/2016	ENTRY FILED; SETTING SUBMISSION DATE OF MAY 23, 2016
	04/19/2016	DECISION AND ENTRY FILED; ENTRY AND ORDER OVERRULING DEFENDANTS MOTION TO VACATE COURT COST
	04/19/2016	MOTION TO WAIVE COSTS AND AFFIDAVIT OF INDIGENCE FILED PRO SE

04/12/2016	MOTION FOR NEW TRIAL AND AFFIDAVIT FILED PRO SE
08/28/2013	ALL ORIGINAL PAPERS RETURNED FROM COURT OF APPEALS.
05/20/2013	DECISION AND ENTRY FILED; OVERRULING DEFENDANT'S MOTION FOR A NEW TRIAL
05/17/2013	MOTION FOR LEAVE TO FILE A DELAYED MOTION FOR A NEW TRIAL FILED BY DEFENDANT.
04/01/2013	DECISION AND ENTRY FILED; OVERRULING DEFENDANT'S MOTION FOR PREPARATION OF COMPLETE TRANSCRIPT OF PROCEEDINGS AT STATE EXPENSE
12/10/2012	DECISION AND ENTRY FILED, OVERRULING MOTION FOR APPOINTMENT OF COUNSEL. TUCKER
11/16/2012	AFFIDAVIT OF INDIGENCY FILED
11/16/2012	MOTION OF DEFENDANT FOR APPOINTMENT OF COUNSEL FILED BY DEFT. Attorney: PRO SE (PR00000E)
11/16/2012	MOTION OF DEFENDANT FOR PREPARATION OF COMPLETE TRANSCRIPT OF PROCEEDINGS AT STATE EXPENSE FILED BY DEFT. Attorney: PRO SE (PR00000E)
11/16/2012	PRAECIPE TO THE CLERK AND COURT REPORTER FILED BY DEFT.
11/16/2012	NOTICE OF APPEAL FILED BY DEFT. (CA 25478)
10/19/2012	ENTRY AND ORDER FILED, OVERRULING DEFT;'S MOTION FOR PREPARATION OF COMPLETE TRANSCRIPT OF THE DEPOSITION OF CHRISTOPHER MONTOURO AT STATE'S EXPENSE. TUCKER
10/11/2012	MOTION OF DEFENDANT FOR PREPARATION OF COMPLETE TRANSCRIPT OF THE DEPOSITION OF CHRISTOPHER MONTOURO. Attorney: PRO SE (0000000E)
06/06/2012	ALL ORIGINAL PAPERS RETURNED FROM COURT OF APPEALS.
01/06/2012	CRIMINAL LTCONSULT LLC COLLECTION FEE
12/08/2011	TRANSCRIPT FILED - 1 VOL (DECISION ON MOTION FOR MISTRIAL)
07/20/2011	TRANSCRIPT FILED - 1 VOL (MATERIAL WITNESS HEARING)
07/20/2011	CD FILED (TESTIMONY & MOTION/ MOTION & DISCUSSION)
07/08/2011	TRANSCRIPT FILED - 1 VOL (JURY TRIAL)
07/06/2011	PRAECIPE TO THE COURT REPORTER FILED. Attorney: ARMSTRONG, JAMES S (0020638)
03/30/2011	TRANSCRIPTS FILED - 6 VOLS (MOTION TO SUPPRESS, DECISION, HEARING ON MOTION TO DISMISS, JURY TRIAL (EXCERPTED), VERDICT & SENTENCING)
03/30/2011	8 CD'S FILED (MOTION TO SUPPRESS, MOTION TO SUPPRESS DECISION, HEARING, JURY TRIAL & SENTENCING)
03/28/2011	ALERT CANCELED WARRANT canceled on: 03/24/2011 For: HORN, THOMAS
03/09/2011	ENTRY FILED, ORDERING AUDITOR TO PAY ATTY MICHAEL L. MONTA \$14,977.75 FOR SERVICES. TUCKER Receipt: 244775 Date: 07/24/2012
03/09/2011	ORDER FILED, FOR PAYMENT OF EXTRAORDINARY FEES TO COURT APPOINTED COUNSEL. TUCKER
02/11/2011	ENTRY FILED AUTHORIZING ADDITIONAL EXPENSE FOR INVESTIGATOR. TUCKER Receipt: 244775 Date: 07/24/2012
02/07/2011	EXHIBITS FILED IN THE COURT'S PROPERTY ROOM
01/19/2011	WARRANT TO CONVEY RETURNED ENDORSED 01-13-2011 BY DEPUTY SHERIFF
01/19/2011	PROSECUTOR CERTIFICATION OF COST
01/14/2011	ORDER OF APPOINTMENT FILED ATTORNEY JAMES ARMSTRONG IS APPOINTED TO REPRESENT THE DEFENDANT. TUCKER
01/13/2011	CRIMINAL DOCKET STATEMENT FILED BY ATTY MICHAEL MONTA.
01/13/2011	NOTICE OF APPEAL FILED BY ATTY MICHAEL MONTA. (CA 24430)

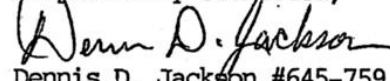
IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO : CASE NO. 2010-CR-1126
Plaintiff, : JUDGE: ERIK BLAINE
vs. :
DENNIS D. JACKSON : MOTION TO DISMISS
Defendant. : PURSUANT ORC 2945.71 - 2945.73

NOW COMES, Dennis D. Jackson-Defendant, pro se, who renews his Motion To Dismiss filed November 4, 2010, denied November 10, 2010, Respectfully MOVES the Court pursuant ORC 2945.71 - 2945.73, the 5th, 6th, and 14th Amend. of the U.S. Const., and Article I. Section 2, 10, and 16 of the Ohio Const., to vacate jury verdict and indictment in Case No. 2010-CR-1126, and discharge defendant, as there has been an error in proceedings, and violation of Ohio statutory law and Ohio and U.S. Constitutional rights.

A memorandum in support and affidavit is attached.

Respectfully submitted,


Dennis D. Jackson #645-759
N.C.C.C./ P.O. Box 1812
Marion, OH 43301

CERTIFICATE OF SERVICE

I hereby certify a accurate copy of this Motion to Dismiss has been forwarded by regular U.S. Mail to Mathias H. Heck, Montgomery County Prosecutors Office, at 301 W. Third St., P.O. Box 972, 5th Floor, Dayton, OH 45402, on this 27th day of October, 2017.


Dennis D. Jackson

MEMORANDUM IN SUPPORT

LAW:

ORC 2745.71 provides: "A person against whom a charge of felony is pending (2) shall be brought to trial within 270 days after his arrest." That "(E) For purposes of computing time under divisions... (C)(2)... of this section, each day during which the accused is held in jail in lieu of bail on the pending charge shall count as 3 days." ORC 2945.71(E).

UNREASONABLE:

Mr. Jackson was arrested on April 5, 2010. Remaining in custody at all times. Scheduling conference was set for May 5, 2010, which reset for May 19, 2010, *by counsel*.

On May 19, 2010, trial counsel filed a Motion To Suppress, which the Trial Court set an oral hearing for July 7th, 2010 (a period of 48 days), denying such motion on July 28, 2010 (another 20 day period), Mr. Jackson asserts a total of 68 days this court should find unreasonable. See State v. Ford, 180 Ohio App. 3d 636, 2009 Ohio 146 (citing State v. Palmer, 112 Ohio St. 3d 457, 2007 Ohio 374, 860 N.E. 2d 1010, ID at syllabus (holding "30 days to respond or rule on a motion is reasonable, noting specifically 60 days or more to be unreasonable").

SUA SPONTE CONTINUANCE:

Mr. Jackson asserts at the end of the July 7, 2010, Motion to Suppress Judge Tucker stated "Before I announce how I'm going to proceed in making this decision, I'd like to talk to the attorney's just for a moment in my office." (MTS Tr. 123) Ex. A1

After said recess the Trial Court held "All right. Here's what we're going to do. We're going to place this matter back on the docket for me to announce my decision. I'm going to do that on Wednesday, July 28, at 11 O'clock

And we also talked about any written argument that either side wished to make..." (MTS. Tr. 124) EX. A2.

Mr. Jackson asserts the Trial Courts decision to place the Motion to Suppress back on the docket was error, and violated his fast and speedy trial rights pursuant to ORC 2945.71 - 2945.73. In explaining continuances which toll time against defendants, ORC 2945.72(H) provides: "The period of any continuance granted on the accused's own motion, and the period of any reasonable continuance granted other than upon the accused's own motion".

Here trial counsel did not ask for a continuance in order to file a written supplemental motion, or for any other reason at all, as can be seen by the record. The Trial Court's statement that "we're going to place this matter back on the docket" in effect operated as a sua sponte continuance, which was unreasonable, and a violation of Mr. Jackson's fast and speedy for the following reasons: (1) consideration of any reasonable or unreasonable factors concerning the Trial Courts continuance due to the Courts failure to file a Entry and Order for such sua sponte continuance, therefore leaving any inference as of reasonableness without fact on record and unreasonable. (2) The Trial Court in this situation was required before expiration of Mr. Jackson's 90 day fast and speedy trial date pursuant ORC 2945.71 to enter and journalize an order for continuance explaining the reasons for continuance, identifying the party who motioned for said continuance, or that such continuance was ordered by the Trial Court itself, pursuant 2945.72(H).

See e.g. State v. Mincy, 2 Ohio St. 3d 6, 441 N.E. 2d 571.

The Court did not do this, but entered an order for appearance on 7/8/10 Ex. B-5 Such order is insufficient to allow the continuance of this proceeding to be tolled against Mr. Jackson, and is not in compliance with ORC 2945.72. See State v. Benson, 29 Ohio App. 321, 505 N.E. 2d 987 (Courts only speak through it's journal).

Furthermore even assuming the Court had in this case asserted upon the record it's reasons for it's continuance, as it is that a Court only speaks through it's journal. Failure to journalize a Entry and order for a continuance containing the required facts in order for this Court or a reviewing Court to ascertain such facts in order to find reasonable and lawful this placement of this matter backon the docket and charging and tolling time against Mr. Jackson, is again not in compliance with ORC 2945.72. See State v. Mincy, supra., and State v. Benson, supra., as a result the 20 days between the July 7, 2010 and July 28, 2010 hearing on the decision of Mr. Jackson's Motion To Suppress, must be tolled against the State of Ohio.

Mr. Jackson filed a Motion To Dismiss, Nov. 4, 2010, due to a fast and speedy trial violation, which the Trial Judge aware of his sua sponte continuance knowingly denied Mr. Jackson's motion on Nov. 10, 2010. Ex. C

Mr. Jackson renews his Motion To Dismiss in which this Court must rule

in his favor as 102 days has passed before the start of his September 30, 2010, trial date.

Mr. Jackson computes his time as follows:

1. April 6-31, 2010 (25 days);
2. May 1-4, 2010 (4 days);
3. May 5, 2010 (Scheduling Conf. continued until May 19, 2010) (0 days);
4. May 19, 2010 (Filing of Motion To Suppress, set for July 7, 2010) (0 days);
5. July 7, 2010 (Oral hearing, and sua sponte continuance of Trial Court to give a decision July 28, 2010); (0 days)
6. July 8-27, 2010 (20 days charged to the State of Ohio for continuance);
7. July 29-31, 2010 (3 days);
8. August 1-31 (31 days);
9. September 1-19, 2010 (19 days).


Next, Mr. Jackson asserts pursuant to ORC 2901.04(A), it is Ohio law which provides: "Statutes are to be strictly construed against the State and liberally in favor of the defendant..." Which must now be done in the present case pursuant to the mandates of ORC 2945.71 through 2945.73, and Ohio Supreme Court precedent. See e.g. State v. Pachay, 64 Ohio St. 2d 218, 221 [18 O.O. 3d 427] (holding "Speedy trial statutes are mandatory and must be strictly enforced").

This error in proceeding now requires this Court to vacate the verdict of the the jury and all charges in the indictment in Case No. 2010-CR-1126 and order Mr. Jackson's immediate discharge, pursuant to ORC 2945.73(B) which provides: "Upon motion made at or prior to the commencement of trial, a person charged with an offense shall be discharged if he is not brought to trial within the time required by sections 2945.71 and 2945.72 of the Revised Code."

CONCLUSION

Mr. Jackson's immediate discharge must be ordered.

Respectfully submitted,


Dennis D. Jackson #645-759
N.C.C.C./ P.O. Box 1812
Marion, OH 43301

1 THE COURT: You can step down. Thank you.
2 You're done.

3 (Witness stepped down.)

4 THE COURT: Any further witnesses on behalf of the --
5 any further witnesses on behalf of the State?

6 MS. HOBSON: No, Your Honor.

7 THE COURT: And I assume you're asking for the
8 admission, I believe, it's Exhibits 1 through 5; is that
9 correct?

10 MS. HOBSON: One through 6, Your Honor.

11 THE COURT: One through 6. Any objections to
12 Exhibits 1 --

13 MR. MONTA: I don't, Judge.

14 THE COURT: So without objection, for purposes of this
15 hearing, Exhibits 1 through 6 will be admitted.

16 (State's Exhibits 1 through 6 admitted.)

17 MS. HOBSON: Thank you, Your Honor.
18 With that, the State would rest, Your Honor.

19 THE COURT: Okay. Any witnesses?

20 MR. MONTA: We will not present --

21 THE COURT: All right.

22 Before I announce how I'm going to proceed in making this
23 decision, I'd like to talk to the attorneys just for a moment
24 in my office.

25 (Recess taken.)

EXHIBIT A-1
(Motion TO DISMISS)

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(In open court.)

THE COURT: All right. Here's what we're going to do. We're going to place this matter back on the docket for me to announce my decision. I'm going to do that on Wednesday, July 28th at 11 o'clock.

And we also talked about any written argument that either side wishes to make. I would request that that be submitted to me on or before July 21 by the end of business on that date.

UNIDENTIFIED SPEAKER: What you say -- 7/24?

THE COURT: Seven-21. One week before the --

MR. MONTA: Judge, may I ask you a question? And this is the technicalities of the filing. Are we doing these by electronic filing now?

THE COURT: No, not criminal yet.

MR. MONTA: Okay.

THE COURT: Not criminal yet. We're moving in that direction.

MR. MONTA: So I don't have to learn how to do that yet.

THE COURT: Not yet.








MR. MONTA: Okay.

THE COURT: Not yet.

All right. So just file it on before the end of business on the 21st and then I'll announce my decision on the 28th.

And I really don't think these motions are trial

EXHIBIT A-2
(Motion to Dismiss)

08/23/2010	CRIMINAL COUNTY FEE
 08/23/2010	EXHIBITS FILED IN THE COURT'S PROPERTY ROOM
08/02/2010	SUBPOENA FILED AND ISSUED TO SGT. TROY DEXTER BY THE STATE.
08/02/2010	SUBPOENA FILED AND ISSUED TO DET. MICHAEL PIGMAN, OFF. HENRY CRIST, OFF. AKSHAY GYAN AND OFF. MELISSA BROTHERS BY THE STATE.
08/02/2010	SUBPOENA FILED AND ISSUED TO OFF. TIMOTH DAVIS, OFF. BRIAN DOUGLAS AND OFF. NORMAN SCOTT BY THE STATE.
08/02/2010	SUBPOENA FILED AND ISSUED TO DET. JEREMY KINDER BY THE STATE.
08/02/2010	SUBPOENA FILED AND ISSUED TO DET. PATRICK CRAUN AND OFF. L.M. FOURNIER-WICK BY THE STATE.
08/02/2010	SUBPOENA FILED AND ISSUED TO OFF. JOSEPH MCCRARY, OFF. R. SMITH AND OFF. MALIA HUNLEY BY THE STATE.
08/02/2010	SUBPOENA FILED AND ISSUED TO OFF. WILLIAM MOORE AND OFF. JEFFREY DERRINGER BY THE STATE.
08/02/2010	SUBPOENA FILED AND ISSUED TO OFF. THOMAS QUIGLEY, OFF. MICHAEL RICHARDSON AND OFF JERRY JACKSON BY THE STATE.
08/02/2010	SUBPOENA FILED AND ISSUED TO ANDY SELFRING BY THE STATE.
08/02/2010	SUBPOENA FILED AND ISSUED TO, GOVINA ULOHO, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, DION SIMS, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, THOMAS HORN, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, ALAN BARKER, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, BRANDON HARRIS, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, NISHELLE HARRIS, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, ANJALEIGH STINSON, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, ALAN WEBB, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, TAHIRA ELAMIA, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, JANICE HEARD, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, INDIA HEARD, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, JAZMINE BUCHANON, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, LAKESHA GRAY, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, BRENDA TATE-HARRIS, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, JEREMY WHITE, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, BRANDON HENDERSON, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, KIMBERLY CARL, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, LAKIANNA HARRIS, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, CARMELITA MUHAMMAD, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, CASEY JONES, BY THE STATE
08/02/2010	SUBPOENA FILED AND ISSUED TO, SHAVONDA LESLIE, BY THE STATE
 07/30/2010	DECISION ENTRY AND ORDER OVERRULING DEFENDANT'S MOTION TO SUPPRESS TUCKER
 07/28/2010	ORDER OF APPEARANCE FILED, FINAL PRE-TRIAL 8/25/10 AND TRIAL 8/30/10. TUCKER
 07/28/2010	SHERIFF TRANSPORTATION FEE FILED.
 07/08/2010	ORDER OF APPEARANCE FILED, WRITTEN SUPP 7/21/10 AND DECISION ON MOTION 7/28/10. TUCKER
 07/07/2010	SHERIFF TRANSPORTATION FEE FILED.
 07/07/2010	SHERIFF TRANSPORTATION FEE FILED.
07/06/2010	MONTGOMERY COUNTY SHERIFF FEE
07/06/2010	MONTGOMERY COUNTY SHERIFF FEE



FILED IN THE COMMON PLEAS COURT OF
COURT OF COMMON PLEAS

2010 NOV -4 A 9-12 MONTGOMERY COUNTY, OHIO
CRIMINAL DIVISION

GREGORY A. BRUCE
CLERK OF COURTS
MONTGOMERY CO, OHIO
37

STATE OF OHIO
PLAINTIFF

CASE NO. 2010 CR 1126

JUDGE: MICHAEL L. TUCKER

VS.

DENNIS D. JACKSON
DEFENDANT

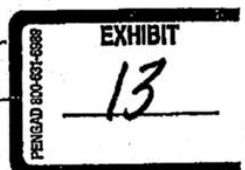
MOTION TO DISMISS

NOW COME THE DEFENDANT, DENNIS D. JACKSON,
PRO SE LITIGANT, RESPECTFULLY MOVES THE COURT PURSUANT
TO:

1. CRIMINAL RULE 12 (b) MOTION TO DISMISS DUE TO VIOLATION OF 90 DAY FAST AND SPEEDY TRIAL.
2. VIOLATION OF FIFTH AMENDMENT, DISCHARGE DUE TO DOUBLE JEOPARDY. ALL THE REASONS THAT THIS HONORABLE COURT SHOULD GRANT THESE MOTIONS ARE BETTER ARTICULATED IN ATTACHED MEMORANDUM IS SUPPORT.

1

EXHIBIT C-1
(Motion to Dismiss)



RESPECTFULLY SUBMITTED,

Dennis D. Jackson

DENNIS D. JACKSON

330 W. SECOND ST.

HOUSING UNIT E-3-N

DAYTON, OHIO 45422

MEMORANDUM

90 DAY FAST AND SPEEDY TRIAL:

A MOTION STATING THE DEFENDANT WAS NOT BROUGHT TO TRIAL WITHIN HIS 90 DAY FAST AND SPEEDY PERIOD WHICH WOULD FURTHER LEAVE THE COURT IN VIOLATION OF DEFENDANTS CONSTITUTIONAL RIGHTS. STATING DEFENDANTS 90 DAYS STARTS THE DATE AND TIME STAMPED IN INCIDENT REPORT AGAINST HIM AND DAY OF ARREST, SEE STATE V. AZBELL, 112 OHIO ST. 3d 300, 859 N.E.2d 532 (2006)

DOUBLE JEOPARDY:

A MOTION TO DISMISS DUE TO DOUBLE JEOPARDY. PROSECUTION HAS NOT PRESENTED NEW EVIDENCE IN CASE AGAINST DEFENDANT TO WHICH, WOULD

EXHIBIT C-2
(MOTION TO DISMISS)

BE A VIOLATION OF DEFENDANTS FIFTH AMENDMENT
CONSTITUTIONAL RIGHT, TO FURTHER CONTINUE ANY
PROCEEDINGS IN THIS MATTER. SEE
STATE V. LUCK, 15 OHIO ST. 3d 150

Respectfully Submitted,

Dennis D. Jackson

DENNIS D. JACKSON

330 W. SECOND ST.

HOUSING UNIT E-3-N

DAYTON, OHIO 45422

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THIS MOTION TO
DISMISS WAS SERVED TO THE MONTGOMERY COUNTY
PROSECUTOR'S OFFICE, AT: P.O. BOX 972, 5th FLOOR
COURTS BLDG., 301 W. THIRD ST., DAYTON, OH 45402
ON THIS ___ DAY OF NOVEMBER 2010

Respectfully Submitted,

Dennis D. Jackson

DENNIS D. JACKSON

330 W. THIRD ST.

HOUSING UNIT E-3-N

DAYTON, OHIO 45422

2

EXHIBIT C-3
(Motion to Dismiss)

0

f Appeals of Ohio

ID APPELLATE DISTRICT
11 N. PERRY ST.
C, OH 45422 - 2170



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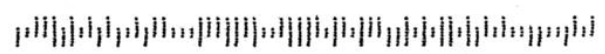
MAY 13

NCC1

Dennis Jackson
#645-759
2675 East 30th Street
Cleveland, Ohio 44115

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AFFIDAVIT

STATE OF OHIO)
) SS:
MONTGOMERY COUNTY)

I, DENNIS JACKSON, JR., FIRST BEING DULY SWORN AND CAUTIONED DO HEREBY STATE THE FOLLOWING:

1. I am the dad of Dennis D. Jackson #645-759, at N.C.C.C., P.O. Box 1812, Marion, OH, Defendant in Mont. Co. Common Pleas Case No. 2010-CR-1126;
2. on October 27, 2017, between the hours of 10 and 11 O'Clock I arrived at the Montgomery County Clerk of Courts office, and presented them with two separate motions;
 - (a) Renewal Motion To Dismiss (Pursuant 2945.71-2945.73); and
 - (b) Notice of Intent/Motion To Renew: Crim. R. 29(C) Motion of Acquittal; Crim. R. 33 Motion For New Trial; Motion To Dismiss (Pursuant ORC 2945.71-2945.73);
3. on this date I was attended by two different females, who refused to be of service to me, and put more focus into being obstructive, in the denial of filing motions stated herein;
4. I was sent back forth between the civil and criminal division, where the clerk at one desk, stated this was a civil matter, which could not be taken care of at that desk;
5. moving to the second desk the clerk there told me I needed to fill out additional paper work with the judges name and case number, something I have never been required to do, when filing paperwork far back as 2016;
6. upon being handed the paperwork I alerted the clerk that I had a bad vision problem;
7. at this point the clerk continued to remain unprofessional, upon my request to make an enlarged copy so I could comply with her request, in which another clerk did attempt to, but the small print remained;
8. upon going back to the desk the clerk stated she would not file the documents I had, which were stapled, in order and contained 3 copies and originals;
9. after being run back and forth, and required to fill out paperwork the clerk was aware I could not do, due to my vision, no assistance was offered, and while I grew angry of the treatment and the clerks decision not to file, after 30-45 mins. of this harassment, I thought best after being denied, to just request the clerk place a stamp upon on documents stated herein, to verify my attempt to file;
10. while the clerk usually stamps documents in red ink, this was stamped without regard of it's placement; (*in black ink*)

Exhibit D

11. while I attempted to deal with my normal clerk, who has been nothing but respectful and helpful, from the first day forward, I could not on this day, as I had learned she was no longer employed there;
12. I have stated facts as I best remember to my knowledge and belief, and am competent to testify in this matter.

FURTHER AFFIANT SAYETH NAUGHT

Demi Jackson
[Signature]
AFFIANT

Subscribed and sworn to in my presence on this 9th day of November, 2017.

Hyman F. Blum
NOTARY PUBLIC

EXP: HYMAN F. BLUM, Notary Public
My Commission Expires Nov. 6, 2022

FILED IN THE COURT OF APPEALS
COURT OF APPEALS
SECOND APPELLATE DISTRICT
2017 SEP 18 AM 11:07 MONTGOMERY COUNTY, OHIO

GREGORY A. BRUSH
CLERK OF COURTS
MONTGOMERY CO. OHIO

STATE OF OHIO 39
Appellee-Plaintiff,

Case No. CA 24430

vs.

DENNIS D. JACKSON
Appellant-Defendant

MOTION FOR THIS COURT
TO REVISIT JURISDICTION
W/ EXHIBITS A THROUGH J

NOW COMES, Dennis D. Jackson, Appellant, pro se, who respectfully MOVES this Court to exercise its inherent power to vacate after term his 2012 judgment in Montgomery County Appeals Case No. 24430, as his 2011 journal/ judgment entry from Montgomery County Common Pleas Court, Case No. 2010-CR-1126, is void ab initio, and as such is a nullity. See *Van Deryt v. Van Deryt*, 6 Ohio St. 2d 31, 215 N.E. 2d 698 at [**704] (Citing *Snyder v. Clough*, 71 Ohio App. 440 ¶ 1 of syllabus).

Mr. Jackson now asks this Court to revisit its jurisdiction and remand to Trial Court with instructions to issue a final appealable order, in compliance with ORC 2505.02 and Crim . R. 32(C), as such is in violation of Ohio Constitution Article IV., 3(B)(2). See *State v. Baker*, 119 Ohio St. 3d 197, 2008-Ohio-3330, 893 N.E. 2d.

Mr. Jackson request pursuant to App. R. 15(C), that this motion is heard by presiding Judge Mary E. Donovan, Courthouse, 41 N. Perry St., Rm 515, P.O. Box 972, Dayton, Ohio 45401.

Exhibit E

Defendant-Appellant, Dennis D. Jackson, here calls for this Court to revisit it's jurisdiction and vacate it's judgment in Mont. Co. Appeal Case No. CA 24430, 2012-Ohio-2335 (2d Dist.), and also vacate the judgment of Montgomery County Common Pleas Court Case No. 2010-CR-1126, as both are void ab initio and a nullity.

Unless this Court can find that (1) Crim. R. 32(C), and ORC 2505.02 as to each and every essential element did not apply to Mr. Jackson, during his January 5, 2011, sentencing, and did not affect the finality of his Termination (sentencing/judgment) Entry, and judgment of conviction, filed January 10, 2011; and that (2) Article I., Section (3)(B)(2), allowed this Court jurisdiction to review the merits of Mr. Jackson's direct appeal after seeing his sentencing/ judgment entry facially defective.

This Court must then find that Mr. Jackson's right to due process of law and equal protection of the law, pursuant to his 5th and 14th Amendment rights of the U.S. Constitution and Article I., Sections 2, 10 and 16 of the Ohio Constitution has been violated and has caused an undue delay in sentencing.

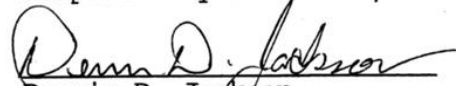
The Ohio Supreme Court in Ohio Pyro, INC. ET AL v. Ohio Department of Commerce, Division of State Fire Marshal, ET AL, 115 Ohio St. 3d 375, 2007-Ohio-5024, 875 N.E. 2d 550 at ¶ 20, noted that "Collateral attacks on judgment conceivably can be mounted in either the court that issued the judgment or in a different court, as they involve any new 'proceeding' not encompassed within the proceeding in which the original judgment was entered", also noting at ¶ 23 that "This court has determined that the reasons for disfavoring collateral attacks do not apply in two principal circumstances -- when issuing court lacked jurisdiction or when the order was a product of fraud".

In the interest of justice, these judgments must be vacated, as this court must protect it's integrity by exercise of it's inherent power to vacate

when recognizing the fact that the judgment in Case No. 2010-CR-1126, has always been a nullity for the following reasons: (1) failure to impose a mandated term pursuant to ORC 2743.70(A)(1)(a), to each and every charge convicted of, and then run concurrent during sentencing; (2) failure to dispose of all remaining unresolved firearm specifications and specify to what predicate offense such specification attached to, during sentencing and incorporate such in it's entry; (3) journalization of a unsigned and facially defective judgment/sentencing entry.

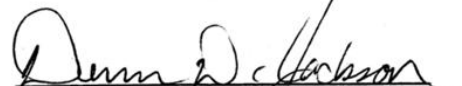
A memorandum in support of the asserted grounds and the facts surrounding such grounds, and course of remedy, to vacate, resentence Mr. Jackson de novo, and journalize a valid, final and appealable order is attached.

Respectfully submitted,


Dennis D. Jackson

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this Motion For This Court To Revisit Jurisdiction, w/ Exhibits A through J, has been forwarded by regular U.S Mail to Mathias H. Heck Jr., Prosecuting Attorney, Montgomery County, 301 West Third St. Dayton, OH 45422 on this 5th day of September, 2017.


Dennis D. Jackson #645-759

FILED
2011 JAN 10 PM 3:52

CLERK OF COURTS
MONTGOMERY CO., OHIO
8

I hereby certify this to be a true and correct copy.

Witness my hand and seal this 11 day of Jan 2011.

[Signature], Clerk

Clerk of Common Pleas
Court of Montgomery County, Ohio

By *[Signature]* Deputy

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CRIMINAL DIVISION**

STATE OF OHIO

CASE NO. 2010 CR 01126

Plaintiff

JUDGE MICHAEL L. TUCKER

vs.

DENNIS DEVONE JACKSON
DOB: 03/08/1975 SSN: 287-82-7524

TERMINATION ENTRY

Defendant

The defendant herein having been found Guilty after a jury trial of the offenses:

COUNT 1, MURDER (PROXIMATE RESULT) – 2903.02(B) – UNCLASSIFIED, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145.

COUNT 2, AGGRAVATED BURGLARY (deadly weapon) – 2911.11(A)(2) – F1, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145.

COUNT 3, MURDER (PROXIMATE RESULT) – 2903.02(B) – UNCLASSIFIED, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145. For purposes of sentencing, Count 3 is merged into Count 1.

COUNT 4, AGGRAVATED ROBBERY (deadly weapon) - 2911.01(A)(1) - F1, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145.

COUNT 5, MURDER (PROXIMATE RESULT) - 2903.02(B) – UNCLASSIFIED, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145. For purposes of sentencing Count 5 is merged into Count 1.

COUNT 6, FELONIOUS ASSAULT (deadly weapon) - 2903.11(A)(2) - F2, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145. For purposes of sentencing, the Court hereby merges Count 6 into Count 1.

COUNT 7, FELONIOUS ASSAULT (serious harm) – 2903.11(A)(1) - F2, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145. For purposes of sentencing, the Court hereby merges Count 7 into Count 6.

*Exhibit A1
(Motion to Revisit Jurisdiction)*

PAGE: 2
CASE NO. 2010 CR 01126
STATE VS. DENNIS DEVONE JACKSON

COUNT 8, AGGRAVATED BURGLARY (physical harm) - 2911.11(A)(1) - F1, with a THREE-YEAR FIREARM SPECIFICATION - 2929.14/2941.145. For purposes of sentencing, the Court hereby merges Count 8 into Count 2.

COUNT 9, AGGRAVATED ROBBERY (serious harm) - 2911.01(A)(3) - F1, with a THREE-YEAR FIREARM SPECIFICATION - 2929.14/2941.145. For purposes of sentencing the Court hereby merges Count 9 into Count 4.

was on January 5, 2011 brought before the Court,

WHEREFORE, it is the JUDGMENT and SENTENCE of the Court that the defendant herein be delivered to the CORRECTIONAL RECEPTION CENTER there to be imprisoned and confined for a term of:

COUNT 1: FIFTEEN (15) YEARS TO LIFE
COUNT 2: TEN (10) YEARS
COUNT 4: TEN (10) YEARS

COUNTS 2 AND 4 ARE TO BE SERVED CONCURRENTLY WITH EACH OTHER AND CONSECUTIVELY TO COUNT 1.

THE COURT HEREBY MERGES ALL FIREARM SPECIFICATIONS INTO ONE FIREARM SPECIFICATION AND IMPOSES AN ADDITIONAL TERM OF THREE (3) YEARS ACTUAL INCARCERATION ON THE FIREARM SPECIFICATION, WHICH SHALL BE SERVED CONSECUTIVELY TO AND PRIOR TO THE DEFINITE TERM OF IMPRISONMENT.

TOTAL SENTENCE: TWENTY-EIGHT (28) YEARS TO LIFE.

Court costs to be paid in full in the amount determined by the Montgomery County Clerk of Courts.

The number of days for which the defendant should receive jail time credit is indicated in the entry and warrant to transport filed in this case.

The Court notifies the defendant that, as a part of this sentence, on Count 1: MURDER (proximate result) - 2903.02(B) UNCLASSIFIED FELONY, the defendant is NOT ELIGIBLE for Post-Release Control. While the Court is including language concerning Post-Release Control in order to comply with the statute, under the circumstance in this case, due to his sentence of life. THE DEFENDANT WILL BE SUPERVISED BY THE PAROLE BOARD FOR LIFE.

The Court notifies the defendant that, as a part of this sentence, on Count 2: AGGRAVATED BURGLARY (deadly weapon) - 2911.11(A)(2) F1, the defendant WILL be supervised by the Parole Board for a period of FIVE (5) years Post-Release Control after the defendant's release from imprisonment.

Exhibit A2

PAGE: 3
CASE NO. 2010 CR 01126
STATE VS. DENNIS DEVONE JACKSON

The Court notifies the defendant that, as a part of this sentence, on **Count 4: AGGRAVATED ROBBERY (deadly weapon) - 2911.01(A)(1) - F1**, the defendant **WILL** be supervised by the Parole Board for a period of **FIVE (5)** years Post-Release Control after the defendant's release from imprisonment.

Should the defendant violate any post-release control sanction or any law, the adult parole board may impose a more restrictive sanction. The parole board may increase the length of the post-release control. The parole board also could impose up to an additional nine (9) months prison term for each violation for a total of up to fifty percent (50%) of the original sentence imposed by the court. If the violation of the sanction is a felony, in addition to being prosecuted and sentenced for the new felony, the defendant may receive from the court a prison term for the violation of the post-release control itself.

Pursuant to R.C. 2929.19(B)(3)(f), the defendant is ordered not to ingest or be injected with a drug of abuse. The defendant is ordered to submit to random drug testing as provided in section 341.26, 753.33, or 5120.63 of the Revised Code. The results of the drug test administered shall indicate that the defendant did not ingest and was not injected with a drug of abuse.

The Court did fully explain to the defendant his appellate rights and the defendant informed the Court that said rights were understood.

BOND IS RELEASED.

HON. MICHAEL L. TUCKER

JUDGE MICHAEL L. TUCKER

MATHIAS H. HECK, JR.
PROSECUTING ATTORNEY

By: *Sandra K. Hobson*
SANDRA K. HOBSON, #0030745
Assistant Prosecuting Attorney

By: *Jennifer M. Denslow*
JENNIFER M. DENSLow, #0075426
Assistant Prosecuting Attorney

Defense Counsel: **MICHAEL L. MONTA**, 3625 OLD SALEM ROAD, DAYTON, OH 45415
Montgomery County Sheriff's Office, Attn: Jail Records
Montgomery County Clerk of Courts - Bookkeeping Dept.

PJW - 1/6/2011

Exhibit A3

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

DENNIS D. JACKSON
N.C.C.C./ P.O. BOX 1812
Marion, OH 43301

Plaintiff,

vs.

JUDGE MICHAEL L. TUCKER, Second
Appellate District Court, 301 W.
Third St., Dayton, OH 45422;
(Successor) JUDGE ERIK BLAINE,
Montgomery County Court of Common
Pleas, 301 W. Third St., Dayton, OH
45422; ANITA HARMAN, Montgomery
County Clerk of Court, Clerk Office
41 N. Perry St., Rm 104, Dayton, OH
45422; MARY ANNE REESE, Ohio
Attorney General Office, 30 Broad
St., 16th Floor, Columbus, OH 43215

Defendant.

:
: Case No. _____
:
: COMPLAINT
: (Declaratory Relief Pursuant
: Civ. R. 57/ ORC 2721.01 -2721.15)
:
: w/ Motion to Proceed In Forma Pauperis
: Affidavit in Support to Proceed In
: Forma Pauperis; Affidavit of Civil
: proceedings file last 5 years; Exhibit
: A1 through A3 (Certified Copy Of
: Termination Entry Filed by Montgomery
: County Clerk of Court, January 10,
: 2011); Exhibit B1 through B3 (Termination
: Entry provided by The Ohio Attorney
: General Office, February 28, 2014,
: filed February 26, 2014); Request of
: Service Summons; Request for Waiver
: of Prepayment; AFFIDAVIT TO REDUCE
: NUMBER OF COPIES; SIX MONTH INMATE
: DEMAND STATEMENT

For its Complaint Dennis D. Jackson states as follows:

I. THE PARTIES AND JURISDICTION:

1. Plaintiff Dennis D. Jackson, N.C.C.C., P.O. Box 1812, Marion, OH 43301;
2. Defendant Judge Michael L. Tucker may be served with process at: Second Appellate District Court, 301 W. Third St., Rm , Dayton, OH 45422;
3. Defendant Judge Erik Blaine (Successor) may be served with process at: Montgomery County Court of Common Pleas, 301 W. Third St., Dayton, OH
4. Defendant Anita Harman, Montgomery County Clerk of Court Deputy, may be served with process at: Montgomery County Clerk Office, 41 N. Perry St., Rm 104, Dayton, OH 45422;
5. Defendant Mary Anne Reese may be served with process at: Ohio Attorney General Office, 30 Broad St., 16th Floor, Columbus, OH 43215;
6. Jurisdiction is proper in this Court pursuant to ORC 2721.02;

II. FACTS:

7. In January 10, 2011, Plaintiff was issued a certified copy of his journalized Termination Entry (sentencing/judgment entry), filed by Montgomery County clerk of court and signed by Deputy Clerk, Anita Harman. See Exhibit A1 through A3 (Certified Copy of January 10, 2011 Termination Entry);

8. The certified copy of the January 10, 2011 sentencing/judgment entry (hereinafter Termination Entry) bears a printed rubber stamping of Defendant's name which states "Hon. Michael L. Tucker", and not a signature. See Exhibit A1 through A3;

9. In February 28, 2014 the Ohio Attorney General in response to Mr. Jackson's filing of a WRIT of Habeas Corpus, in U.S. District Court, Southern District of Ohio, Western Division, Case No. 3:13 cv 00347, provided him with the same exact Termination Entry, bearing a time and date stamp of January 10, 2011, the only difference being, (1) the time and date stamp resides with the 8 resting between the (o) and the (u) in the word COURT in this document, as it rests overt the letter (t) in the word COURT in the certified copy provided by the Montgomery County Clerk of Court; and (2) this document now bears what apparently seems to be the signature of Trial and Sentencing Judge Michael L. Tucker, contrary to the Termination Entry in Exhibit A, which bears the printed rubber stamping. See Exhibit B1 through B3 (Termination Entry Provided February 24, 2014 by Mary Anne Reese and the Ohio Attorney General Office, bearing Federal Case and Docket No.);

10. By reason of these two separate but identical bearing the same file date, both purportedly representing a final judgment given by authority of Judge Michael L. Tucker, on January 5, 2011, Plaintiff, is in great doubt of which document represents the final judgment in Montgomery County Case No. 2010-CR-1126;

III. DECLARATORY RELIEF SOUGHT BY PLAINTIFF:

11. PLAINTIFF REALLGE AND INCORPORATE BY REFERENCE PARAGRAPHS 1 - 10;

CLAIM I.

DECLARE both Termination Entries, attached herein, are not in compliance with Crim. R. 32(C)(3), and (4), and ORC 2505.02.

12. Crim. R. 32(C)(3) require the Judge signature;

13. Crim. R. 32(C)(4) require journalization of judgment;

14. Exhibit A3 shows a printed name rubber stamped referencing the trial Judge by unknown party, on certified copy of Termination Entry, provided by Montgomery County Clerk of Courts;

15. Exhibit B3 shows a signature apparently belonging to Judge Michael L. Tucker, in copy of Termination Entry provided as state record from Ohio Attorney General Office;

16. Both Termination Entries shown herein in Exhibits A and B, bear ththe same time and date stamp;

17. ORC 2505.02 require the same elements be met as Crim. R. 32;

WHEREFORE declare the facts contained in each document do not comply with or display all requirements needed for a final order.

CLAIM II.

DECLARE two Termination Entries exist for one judgment, bearing the same time and date stamp, one containing the signature of the Judge, the other a printed name of Trial Court Judge rubber stamped, and as such, one shall forfeit the other;

16. The Termination Entry in Exhibit A (Certified Copy provided by Montgomery County Clerk of Court), as opposed to Exhibit B (Copy of Termination Entry provided by the Ohio Attorney General Office), both showing a file date of January 10, 2011, differ in endorsement as Exhibit A is rubber stamped and Exhibit B, bears a signature;

WHEREFORE declare there are two documents representing a Termination Entry.

CLAIM III.

DECLARE both Termination Entries representing one judgment differing in endorsement, suggest manipulation, tampering of a Government document, and fraud upon the Court.

19. The Termination Entry in Exhibit A, certified by Clerk of Court Deputy Anita Harman, on January 11, 2011, does not bear a signature from the Trial Court Judge, but only a rubber stamped printed name;

20. The Termination Entry in Exhibit B, provided by Mary Anne Reese, and the Ohio Attorney General Office, on February 28, 2014, bears a time and date stamp, which shows the numeral 8, underneath the word Montgomery Co. Ohio, in the time and date stamp to rest between the (O) and (U) in the word COURT, in the caption "IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO CRIMINAL DIVISION", as opposed to the numeral 8 in the time and date underneath the word MONTGOMERY CO. Ohio, comes to rest in the certified copy of the Termination Entry provided by the Montgomery County, Clerk of Courts, and it's Deputy, above the letter (T), suggesting a manipulation, tampering, and fraudulent act in respect to this document;

21. The Termination Entry in Exhibit B, provided by Mary Anne Reese, and The Ohio Attorney General Office, on February 28, 2014, now bears a signature apparently belonging to the Trial Judge Michael L. Tucker;

22. The docket in Case NO. 2010-CR-1126, does not support a showing of a revised entry being filed, furthermore the time and date stamp also does not support such event taking place;

23. The facts asserted herein support showing of manipulation, tampering, and fraud as a highly, knowingly, and probable presumption;

WHEREFORE declare both Termination Entries one of a kind, suggest a showing of fraud upon the Court.

CLAIM IV.

DECLARE these documents herein are not now, nor have they ever been legally binding, and that they SHALL not be, until properly conformed and, in strict compliance with Crim. R. 32(C), and ORC 2505.02.

24. The Termination Entries provided herein, in **Exhibit A1** through **A3**, and **Exhibit B1** through **B3**, are in conflict with Plaintiff, right to due process of law and equal protection of the law, pursuant to the 5th and 14th amendments of the U.S Constitution and Article I., Sections 2, 10, and 16 of the Ohio Constitution;

25. The suggestion of tampering with Government documents, and fraud upon the Court, from the facts contained in the documents asserted herein, (Exhibits A and B), found to be true, such acts would violate the 5th and 6th, and 14th Amendments of the U.S. Constitution, and Article I., Sections 2, 10, and 16 of the Ohio Constitution;

26. The Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by conduct of the Defendants unless this Court grants declaratory relief which Plaintiff seeks.

WHEREFORE declare Plaintiffs United States and Ohio Constitutional rights have been violated, by the State of Ohio.

IV. PRAYER FOR RELIEF:

WHEREFORE, Plaintiff respectfully prays that this Court enter judgment granting Plaintiff:

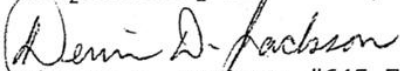
27. A declaration that the Termination Entries herein violate Crim. R. 32(C) and ORC 2505.02, both statutorily mandated, that due to a suggestion from the facts herein of manipulation, tampering, and fraud neither is binding and cannot represent a judgment in Case No. 2010-CR-1126;

28. Any other equitable remedy this Court deems sufficient;

29. The acts and omissions described herein violated Plaintiff's rights under the Constitution and laws of the U.S. and State of Ohio.

Dated: September 1, 2017

Respectfully submitted,



Dennis D. Jackson #645-759
N.C.C.C./ P.O. Box 1812
Marion, OH 43301

VERITY:

I hereby swear and affirm under the penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Dennis D. Jackson
Dennis D. Jackson #645-759
N.C.C.C./ P.O. Box 1812
Marion, OH 43301

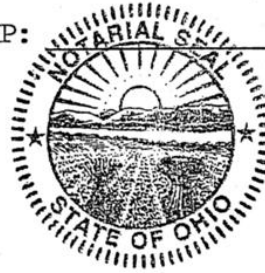
NOTARY:

Sworn to and subscribed before me on this 1 day of September, 2017.

Melinda Taylor
NOTARY PUBLIC

SEAL

EXP:



MELINDA TAYLOR

Notary Public
State of Ohio

My Commission Expires

5-17-22

FILED
2011 JAN 10 PM 3: 52

CLERK OF COURTS
MONTGOMERY CO., OHIO
6

I hereby certify this to be a true
and correct copy.

Witness my hand and seal this 11
day of Jan 2011.

Walter C. Paul, Clerk
Clerk of Common Pleas
Court of Montgomery County, Ohio
By Antonia Harman Deputy

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO

CASE NO. 2010 CR 01126

Plaintiff

JUDGE MICHAEL L. TUCKER

vs.

DENNIS DEVONE JACKSON
DOB: 03/08/1975 SSN: 287-82-7524

TERMINATION ENTRY

Defendant

The defendant herein having been found Guilty after a jury trial of the offenses:

COUNT 1, MURDER (PROXIMATE RESULT) – 2903.02(B) – UNCLASSIFIED, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145.

COUNT 2, AGGRAVATED BURGLARY (deadly weapon) – 2911.11(A)(2) – F1, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145.

COUNT 3, MURDER (PROXIMATE RESULT) – 2903.02(B) – UNCLASSIFIED, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145. For purposes of sentencing, Count 3 is merged into Count 1.

COUNT 4, AGGRAVATED ROBBERY (deadly weapon) - 2911.01(A)(1) - F1, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145.

COUNT 5, MURDER (PROXIMATE RESULT) - 2903.02(B) – UNCLASSIFIED, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145. For purposes of sentencing Count 5 is merged into Count 1.

COUNT 6, FELONIOUS ASSAULT (deadly weapon) - 2903.11(A)(2) - F2, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145. For purposes of sentencing, the Court hereby merges Count 6 into Count 1.

COUNT 7, FELONIOUS ASSAULT (serious harm) – 2903.11(A)(1) - F2, with a THREE-YEAR FIRARM SPECIFICATION – 2929.14/2941.145. For purposes of sentencing, the Court hereby merges Count 7 into Count 6.

Exhibit A1
(Declaratory Judgment)

PAGE: 2
CASE NO. 2010 CR 01126
STATE VS. DENNIS DEVONE JACKSON

COUNT 8, AGGRAVATED BURGLARY (physical harm) - 2911.11(A)(1) - F1, with a THREE-YEAR FIREARM SPECIFICATION - 2929.14/2941.145. For purposes of sentencing, the Court hereby merges Count 8 into Count 2.

COUNT 9, AGGRAVATED ROBBERY (serious harm) - 2911.01(A)(3) - F1, with a THREE-YEAR FIREARM SPECIFICATION - 2929.14/2941.145. For purposes of sentencing the Court hereby merges Count 9 into Count 4.

was on January 5, 2011 brought before the Court,

WHEREFORE, it is the JUDGMENT and SENTENCE of the Court that the defendant herein be delivered to the CORRECTIONAL RECEPTION CENTER there to be imprisoned and confined for a term of:

COUNT 1: FIFTEEN (15) YEARS TO LIFE
COUNT 2: TEN (10) YEARS
COUNT 4: TEN (10) YEARS

COUNTS 2 AND 4 ARE TO BE SERVED CONCURRENTLY WITH EACH OTHER AND CONSECUTIVELY TO COUNT 1.

THE COURT HEREBY MERGES ALL FIREARM SPECIFICATIONS INTO ONE FIREARM SPECIFICATION AND IMPOSES AN ADDITIONAL TERM OF THREE (3) YEARS ACTUAL INCARCERATION ON THE FIREARM SPECIFICATION, WHICH SHALL BE SERVED CONSECUTIVELY TO AND PRIOR TO THE DEFINITE TERM OF IMPRISONMENT.

TOTAL SENTENCE: TWENTY-EIGHT (28) YEARS TO LIFE.

Court costs to be paid in full in the amount determined by the Montgomery County Clerk of Courts.

The number of days for which the defendant should receive jail time credit is indicated in the entry and warrant to transport filed in this case.

The Court notifies the defendant that, as a part of this sentence, on **Count 1: MURDER (proximate result) - 2903.02(B) UNCLASSIFIED FELONY**, the defendant is **NOT ELIGIBLE** for Post-Release Control. While the Court is including language concerning Post-Release Control in order to comply with the statute, under the circumstance in this case, due to his sentence of life. **THE DEFENDANT WILL BE SUPERVISED BY THE PAROLE BOARD FOR LIFE.**

The Court notifies the defendant that, as a part of this sentence, on **Count 2: AGGRAVATED BURGLARY (deadly weapon) - 2911.11(A)(2) F1**, the defendant **WILL** be supervised by the Parole Board for a period of **FIVE (5) years** Post-Release Control after the defendant's release from imprisonment.

Exhibit A2

PAGE: 3
CASE NO. 2010 CR 01126
STATE VS. DENNIS DEVONE JACKSON

The Court notifies the defendant that, as a part of this sentence, on **Count 4: AGGRAVATED ROBBERY (deadly weapon) - 2911.01(A)(1) - F1**, the defendant **WILL** be supervised by the Parole Board for a period of **FIVE (5) years** Post-Release Control after the defendant's release from imprisonment.

Should the defendant violate any post-release control sanction or any law, the adult parole board may impose a more restrictive sanction. The parole board may increase the length of the post-release control. The parole board also could impose up to an additional nine (9) months prison term for each violation for a total of up to fifty percent (50%) of the original sentence imposed by the court. If the violation of the sanction is a felony, in addition to being prosecuted and sentenced for the new felony, the defendant may receive from the court a prison term for the violation of the post-release control itself.

Pursuant to R.C. 2929.19(B)(3)(f), the defendant is ordered not to ingest or be injected with a drug of abuse. The defendant is ordered to submit to random drug testing as provided in section 341.26, 753.33, or 5120.63 of the Revised Code. The results of the drug test administered shall indicate that the defendant did not ingest and was not injected with a drug of abuse.

The Court did fully explain to the defendant his appellate rights and the defendant informed the Court that said rights were understood.

BOND IS RELEASED.

HON. MICHAEL L. TUCKER

JUDGE MICHAEL L. TUCKER

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PROSECUTING ATTORNEY

By: *Sandra K. Hobson*
SANDRA K. HOBSON, #0030745
Assistant Prosecuting Attorney

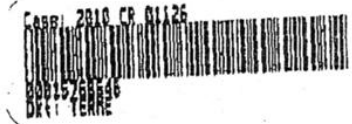
By: *Jennifer M. Denslow*
JENNIFER M. DENSLow, #0075426
Assistant Prosecuting Attorney

Defense Counsel: **MICHAEL L. MONTA, 3625 OLD SALEM ROAD, DAYTON, OH 45415**
Montgomery County Sheriff's Office, Attn: Jail Records
Montgomery County Clerk of Courts - Bookkeeping Dept.

PJW - 1/6/2011

Exhibit A3

Redacted by Clerk of Court



FILED

2011 JAN 10 PH 3: 52

CLERK OF COURTS
MONTGOMERY CO. OHIO

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CRIMINAL DIVISION**

STATE OF OHIO

CASE NO. 2010 CR 01126

Plaintiff

JUDGE MICHAEL L. TUCKER

vs.

DENNIS DEVONE JACKSON

TERMINATION ENTRY

DOB: 03/08/1975 SSN: [REDACTED]

Defendant

The defendant herein having been found Guilty after a jury trial of the offenses:

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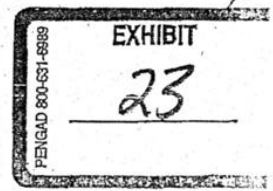
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Exhibit B1
(Declaratory Judgment)



PAGE: 2
CASE NO. 2010 CR 01126
STATE VS. DENNIS DEVONE JACKSON

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The Court notifies the defendant that, as a part of this sentence, on **Count 2: AGGRAVATED BURGLARY (deadly weapon) - 2911.11(A)(2) F1**, the defendant **WILL** be supervised by the Parole Board for a period of **FIVE (5) years** Post-Release Control after the defendant's release from imprisonment.

Exhibit B2

PAGE: 3
CASE NO. 2010 CR 01126
STATE VS. DENNIS DEVONE JACKSON

The Court notifies the defendant that, as a part of this sentence, on **Count 4: AGGRAVATED ROBBERY (deadly weapon) - 2911.01(A)(1) - F1**, the defendant **WILL** be supervised by the Parole Board for a period of **FIVE (5) years** Post-Release Control after the defendant's release from imprisonment.

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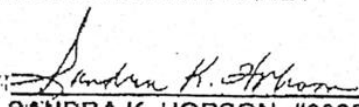
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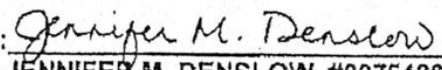
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BOND IS RELEASED.


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MATHIAS H. HECK, JR.
PROSECUTING ATTORNEY

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Assistant Prosecuting Attorney

By: 
JENNIFER M. DENSLow, #0075426
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Defense Counsel: MICHAEL L. MONTA, 3625 OLD SALEM ROAD, DAYTON, OH 45415
Montgomery County Sheriff's Office, Attn: Jail Records
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PJW - 1/6/2011

Exhibit B3