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18-1833

: Case No. 05CR068734

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(NAME AND NUMBER)

CLERK OF COURT
SUPREME COURT OF OHIO

Edward M. Garfield
(NAME AND NUMBER)
Grafton Correctional Institution
2500 S. Avon-Belden Road
Grafton, Ohio 44044

Petitioner,

-VS-

L. Eppinger
(WARDEN)
Grafton Correctional Institution
2500 S. Avon-Belden Road
Grafton, Ohio 44044

:
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: Case No. 05CR068734
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:
: PETITIONER EDWARD M. GARFIELD
: (NAME)
: HABEAS CORPUS PETITION
: TO OHIO REVISED CODE 2725.ET SEQ.
:
:

Now comes the Petitioner Edward M. Garfield, in pro se and respectfully submits the following Petition for Writ of Habeas Corpus with Memorandum in Support pursuant to Ohio Revised Code 2725. et seq. This Petition is verified pursuant to Ohio Revised Code 2725.04 by attached supporting commitment papers and additional and additional exhibits. Petitioner respectfully prays for an ORDER from this Court granting Writ.

Additionally, Petitioner requests this Court issue an ORDER releasing him on bail, pursuant to Ohio Revised Code 2725.18, pending disposition of this petition for habeas corpus relief. The relief requested is so prayed for in the interest of justice.

Respectfully submitted,

Edward M. Garfield

MEMORANDUM IN SUPPORT OF HABEAS CORPUS

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Memorandum In Support of Habeas Corpus

- I. Statement of the Case/Facts/Claims
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EXHIBITS

Exhibit-A

Journal Entry

FILED
LORAIN COUNTY

2009 NOV 30 A 11:20

CLERK OF COMMON PLEAS
RON NABAKOWSKI

**COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO**

STATE OF OHIO,
Plaintiff

v.

EDWARD MILLER GARFIELD

CASE NO: 05CR068734

Michael Kinlin
Assistant Prosecuting Attorney

Barbara Rogachefsky
Counsel for Defendant

Date November 25, 2009

Journal Entry

DEFENDANT IN COURT WITH COUNSEL FOR SENTENCING: DEFENDANT
SENTENCED TO PRISON; SEE SENTENCING JUDGMENT ENTRY.

Dated: 11/25/09

James L. Miraldi
JUDGE JAMES L. MIRALDI

cc: M. Kinlin
B. Rogachefsky
APA

I HEREBY CERTIFY THIS TO BE A TRUE COPY
OF THE ORIGINAL FILE IN THIS OFFICE
RON NABAKOWSKI, LORAIN COUNTY
CLERK OF THE COURT OF COMMON PLEAS
BY [Signature] DEPUTY

FILED
LORAIN COUNTY
COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

2009 NOV 30 A 11: 20

CLERK OF COMMON PLEAS
STATE OF OHIO, NABAKOWSKI
Plaintiff

CASE NO: 05CR068734

Michael Kinlin
Assistant Prosecuting Attorney

v.

EDWARD MILLER GARFIELD
Defendant

Barbara Rogachefsky
Counsel for Defendant

JUDGMENT ENTRY OF CLASSIFICATION, CONVICTION AND SENTENCE

Defendant appeared in Court for sentencing after having plead not guilty and having been found guilty by the jury of the following charge(s):

1. Rape a violation of O.R.C. 2907.02(A)(1)(b) a 1st degree felony

A pre-sentence report and investigation were ordered and completed. A copy was made available to the defense.

Defendant was present with counsel in open court for sentencing on November 25, 2009. A stenographer was present. Defendant's counsel and defendant were afforded an opportunity to speak and present any information in mitigation of punishment, pursuant to Criminal Rule 32(A)(1).

The Court finds that a prison sanction is appropriate in order to comply with the principles and purposes of sentencing. The Court finds that under Ohio Rev. Code §2929.12, the factors indicating that recidivism is more likely outweigh those factors indicating that recidivism is less likely and the factors increasing seriousness outweigh those decreasing seriousness.

Upon consideration of all matters set forth by law, it is the judgment of law and sentence of the Court that defendant be sentenced as follows:

Count 1: life at LCI

Defendant is classified as a Tier III Sex Offender

Defendant is subject to 5 YEARS MANDATORY POST-RELEASE CONTROL.

The defendant was advised of his rights to appeal his conviction under Crim. Rule 32 (B)(1) and all of the rights listed under Rule 32 (B)(3).

Defendant is therefore ordered conveyed to the custody of the Ohio Department of Rehabilitation and Correction. Credit for all days as determined by the Adult Parole Authority is granted along with future custody days while the Defendant awaits transportation to the appropriate state institution. The Defendant is ordered to pay all costs of prosecution and any fees permitted pursuant to R.C. 2929.18(A).

All contraband and/or drugs are hereby ordered destroyed by the law enforcement agency.

Seized money or property in the custody of a law enforcement agency is ordered forfeited pursuant to the defendant's plea agreement. Said money or property may be used or sold by the law enforcement agency. Said money or proceeds of sale shall be distributed according to law.

All property not forfeited is hereby ordered returned to the victim(s)/owner(s) or, if said victim(s)/owner(s) cannot be located, sold at public auction with proceeds distributed according to law.

Dated: 11/25/09


JUDGE JAMES L. MIRALDI



**LORAIN COUNTY COURT OF COMMON PLEAS
LORAIN COUNTY JUSTICE CENTER
225 COURT STREET
ELYRIA, OHIO 44035**

CERTIFIED COPY OF SENTENCE

TO LORAIN CORRECTIONAL INSTITUTION

At a term of the Court of Common Pleas, begun and held at the Courthouse within and for the County of Lorain and State of Ohio, on 11/30/09

Present, the Hon. Judge James L Miraldi

In the Record and Proceedings of said Court, the following Judgment and Sentence, to wit:

CASE NO. 05CR068734

STATE OF OHIO

VS

EDWARD GARFIELD

Indictment for:

RAPE

The said **EDWARD GARFIELD** having *PLEAD GUILTY* of **RAPE** as provided in Section 2907.02 of the Revised Code of Ohio, it is therefore ordered that he be and hereby is sentenced to the **LORAIN CORRECTIONAL INSTITUTION AT GRAFTON, OHIO** for a confinement of **LIFE AT LCI ON COUNT 1. DEFT IS CLASSIFIED AS A TIER III SEX OFFENDER. DEFT IS SUBJECT TO 5 YEARS MANDATORY POST RELEASE CONTROL. CREDIT FOR ALL DAYS SERVED IS GRANTED.** and that he pay the costs of this prosecution.

Hon. Judge James L Miraldi

I **CERTIFY** the above to be true copy of said Judgment and Sentence. Given under my hand and seal of said Court, 11/30/2009

**RON NABAKOWSKI
CLERK OF THE COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO**

By: _____

[Signature]
Deputy Clerk

05CR068734

I. STATEMENT OF THE CASE/FACTS/CLAIMS

1. No Complaint for conviction.
2. Trial Court is in violation of due process, 14th Amendment.
3. Trial court lack subject-matter jurisdiction.

II. GROUND ONE FOR RELIEF WITH SUPPORTING ARGUMENT

Petitioner Edward M. Garfield is unlawfully restrained of his
liberty by the Warden of the State Penitentiary at Grafton Re-
integration Center.

A copy of the commitment or cause of detention of petitioner
is attached herein and marked exhibit "A", If the commitment or
cause of detention cannot be procured without impairing the
efficiency of the remedy, that fact should be stated. The imprisonment
of the petitioner is without legal authority wherefore, petitioner
request that a Writ of habeas Corpus be issued to said name, and
that He may be dismissed from custody.

"Relief Sought"

Petitioner Edward M. Garfield request for an immediate release
from custody with all charges removed, (sealed) from his record.

Edward M. Garfield

III. CONCLUSION

In closing petitioner Garfield request this Honorable Court
would make an Order to Grant this Habeas Corpus Writ on the Merits
of this petition which in detail shows that all the convictions are
void and cannot be corrected which calls for immediate relief from
custody forthwith.

IN THE SUPREME COURT OF OHIO

AFFIDAVIT OF INDIGENCE

I, Edward Garfield, either affirm, attest, or swear, under penalty of perjury, that I am without the necessary funds to pay the costs of this action for the following reason(s):

1. I am currently incarcerated at the Grafton Correctional Institution and I am the Defendant in this action. I am unable to secure funds without substantial hardship to my family and myself;
2. I have no assets, either in property or bank accounts, from which to obtain the money to pay costs of this action and I earn \$ 19 per month in state pay;
3. I understand that I am subject to criminal charges for providing false information in connection with the instant motion for waiver of pre-payment pursuant to Ohio Revised Codes 120.05 and 2921.13;
4. I hereby certify the information I have provided in this affidavit is true to the best of my knowledge.

Pursuant to Rule 3.06 of the Rules of Practice of the Ohio Supreme Court, I am requesting that the filing fee and security deposit, if applicable, be waived.

Edward Garfield
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF OHIO THIS 14th DAY OF December, 2018.

S.S.

D. Anthony Bohles
NOTARY PUBLIC, STATE OF OHIO



D. ANTHONY BOHLES
NOTARY PUBLIC
FOR THE
STATE OF OHIO
My Commission Expires
July 30, 2022

COMMISSION EXPIRATION DATE

