

IN THE SUPREME COURT OF OHIO

State ex rel. Newsome
2338 N. West Street
P.O. Box 4501
Lima, OH. 45802

Case No. 19-0457

Relator

VS.

Marion County Court Reporter
Karla Hack
100 North Main Street
Marion, OH. 43302

MOTION TO ADD PARTY

Pursuant to Ohio Civ. R. 21

Jeffrey Newsome #606582
Allen Oakwood Correctional Institution
2338 W. North Street
P.O. Box 4501
Lima, OH. 45802

Marion County Prosecutor's Office
134 East Center Street
Marion, OH. 43302

Pro-se Relator

Counsel for Respondent



MEMORANDUM IN SUPPORT

Now comes the Relator and hereby respectfully moves this Court to add a party to the complaint for writ of mandamus in and for the above captioned case in accord with Ohio Civil Rule 21, for the reasons more fully set forth below.

On or about June 7, 2019, the Relator was provided Karla Hack's personal phone number by court staff. He was able to contact her and was informed that she has been retired from the court for approximately eight (8) years and is no longer connected to any activities of the courthouse as a court reporter.

Why the trial court stated that the Relator court obtain a copy of the sentencing hearing transcripts upon payment to Karl Hack in it's December 14, 2017 ruling is not clear since the trial court was very aware or certainly should have been aware that Ms. Hack no longer worked at the courthouse and had been retired for quite some time.

The Ohio Legal Directory (2017) (Legal Directories Publishing Company Inc.) Garland, Texas 75049-5069 does not list any court reporter for Marion County. Therefore, the Relator does not know the name of the current court reporter. Moreover, the Legal Directory is two and half years old and is the most current version of the legal directory the law library has.

The Relator's Agent, Jack Newsome has been in contact with the Marion County Assistant Prosecutor, William Owen, who has pledged his assistance in helping to obtain these requested sentencing transcripts. However, as of the filing of this motion, nobody has been able to locate these transcripts that the trial court says exist.

Ohio Civil Rule 21 states:

"Misjoinder of parties is not ground for dismissal of an action. Parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just. Any claim against a party may be severed and proceeded with separately."

In Bill Gates Custom Towing Inc. v Branch Motor Express Co., 1 Ohio App. 3d 149, the

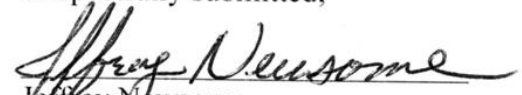
Tenth District found;

“An examination of Civ. R. 21 indicates that the decision to add or drop a party is within the discretion of the trial court. However, in its application of the rule, the trial court should keep in mind that Civ. R. 21 “* * * is intended to permit the bringing in of a person who, through inadvertence, mistake or for some other reason, * * [***6] * [has] not been made a party [originally] and whose presence * * * is * * * necessary or desirable * *
*” Crews v. Blake (S.D. Ga. 1971), 52 F.R.D. 106, 107.”
(Branch Motor Co. at pg. 150)

CONCLUSION

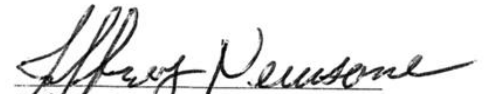
The Relator would therefore respectfully request that the Marion County Court Reporters Office and current Official Court Reporter be added as a party to the Complaint for Writ of Mandamus. The Court Reporters Office is aware that this Complaint exists.

Respectfully submitted,


Jeffrey Newsome

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was placed in the institutional mail box for mailing to the Marion County Prosecutor's Office at 134 East Center Street, Marion, OH. 43302 on this 14th day of July, 2019.


Jeffrey Newsome