IN THE SUPREME COURT OF OHIO

STATE OF OHIO EX REL. LEWIS LEROY MCINTYRE, JR. Inmate No. 571710 Ross Correctional Institution 16149 State Route 104 Chillicothe, Ohio 45601 Relator v. NINTH DISTRICT COURT OF APPEALS 121 South Main Street, #200 Akron, Ohio 44308 and JUDGE THOMAS A. TEODOSIO 121 South Main Street, #200 Akron, Ohio 44308 and JUDGE LYNNE CALLAHAN 121 South Main Street, #200 Akron, Ohio 44308 and JUDGE DONNA CARR 121 South Main Street, #200 Akron, Ohio 44308 and JUDGE JENNIFER HENSAL 121 South Main Street, #200 Akron, Ohio 44308 and	)	CASE NO. 2019-1279 ORIGINAL ACTION IN PROHIBITION AND MANDAMUS

JUDGE JULIE SCHAFER)
121 South Main Street, #200)
Akron, Ohio 44308)
)
and)
)
JUDGE CARLA MOORE)
121 South Main Street, #200)
Akron, Ohio 44308)
)
and)
)
JUDGE BETH WHITMORE)
121 South Main Street, #200)
Akron, Ohio 44308)
)
and)
)
JUDGE EVE BELFANCE)
121 South Main Street, #200)
Akron, Ohio 44308)
)
and)
)
JUDGE CLAIR DICKINSON)
121 South Main Street, #200)
Akron, Ohio 44308)
)
and)
)
JUDGE LYNN SLABY)
121 South Main Street, #200)
Akron, Ohio 44308)
)
and)
)
JUDGE EDNA BOYLE)
121 South Main Street, #200)
Akron, Ohio 44308)
)
and)

JUDGE WILLIAM BATCHELDER)
121 South Main Street, #200)
Akron, Ohio 44308)
)
and)
)
JUDGE WILLIAM BAIRD)
121 South Main Street, #200)
Akron, Ohio 44308)
)
and)
)
JUDGE DANIEL QUILLEN)
121 South Main Street, #200)
Akron, Ohio 44308)
)
and)
)
JUDGE JOHN REECE)
121 South Main Street, #200)
Akron, Ohio 44308)
)
and)
)
JUDGE DEBORAH COOK)
121 South Main Street, #200)
Akron, Ohio 44308)
)
and)
)
JUDGE MARY CACIOPPO)
121 South Main Street, #200)
Akron, Ohio 44308)
)
Respondents)

AMENDED COMPLAINT FOR WRITS OF PROHIBITION AND MANDAMUS

Stephen P. Hanudel (#0083486)
124 Middle Avenue, Suite 900
Elyria, Ohio 44035
Phone: (440) 328-8973
Fax: (440) 261-4040
sph812@gmail.com

COUNSEL FOR RELATOR

David A. Yost (#0056290)
Brandi Laser Seskes (#0077648)
Jeffrey J. Boucher (#0092374)
Ohio Attorney General's Office
30 East Broad Street, 16th Floor
Columbus, Ohio 43215
Phone: (614) 466-2872
Fax: (614) 728-7592
brandi.seskes@ohioattorneygeneral.gov
jeffrey.boucher@ohioattorneygeneral.gov

COUNSEL FOR RESPONDENTS

Relator, Lewis Leroy McIntyre, Jr., by and through undersigned counsel, hereby alleges the following:

PARTIES

1. McIntyre is an individual currently incarcerated in Ross Correctional Institution in Chillicothe, Ohio.

2. Respondent Ninth District Court of Appeals is the appellate court charged with reviewing final judgments rendered by the Summit County Court of Common Pleas.

3. Respondent Judge Thomas Teodosio currently serves as a duly elected judge on the Ninth District Court of Appeals. He is named in his official capacity.

4. Respondent Judge Lynne Callahan currently serves as a duly elected judge on the Ninth District Court of Appeals. She is named in her official capacity.

5. Respondent Judge Donna Carr currently serves as a duly elected judge on the Ninth District Court of Appeals. She is named in her official capacity.

6. Respondent Judge Jennifer Hensal currently serves as a duly elected judge on the Ninth District Court of Appeals. She is named in her official capacity.

7. Respondent Judge Julie Schafer currently serves as a duly elected judge on the Ninth District Court of Appeals. She is named in her official capacity.

8. Respondent Judge Carla Moore formerly served as a duly elected judge on the Ninth District Court of Appeals. She is named in her official capacity.

9. Respondent Judge Beth Whitmore formerly served as a duly elected judge on the Ninth District Court of Appeals. She is named in her official capacity.

10. Respondent Judge Eve Belfance formerly served as a duly elected judge on the Ninth District Court of Appeals. She is named in her official capacity.

11. Respondent Judge Clair Dickinson formerly served as a duly elected judge on the Ninth District Court of Appeals. He is named in his official capacity.

12. Respondent Judge Lynn Slaby formerly served as a duly elected judge on the Ninth District Court of Appeals. He is named in his official capacity.

13. Respondent Judge Edna Boyle formerly served as a duly appointed judge on the Ninth District Court of Appeals. She is named in her official capacity.

14. Respondent Judge William Batchelder formerly served as a duly appointed and elected judge on the Ninth District Court of Appeals. He is named in his official capacity.

15. Respondent Judge William Baird formerly served as a duly elected judge on the Ninth District Court of Appeals. He is named in his official capacity.

16. Respondent Judge Daniel Quillen formerly served as a duly elected judge on the Ninth District Court of Appeals. He is named in his official capacity.

17. Respondent Judge John Reece formerly served as a duly elected judge on the Ninth District Court of Appeals. He is named in his official capacity.

18. Respondent Judge Deborah Cook formerly served as a duly elected judge on the Ninth District Court of Appeals. She is named in her official capacity.

19. Respondent Judge Mary Cacioppo formerly served as a duly elected judge on the Ninth District Court of Appeals. She is named in her official capacity.

20. McIntyre herein collectively refers to all Respondents as "the Ninth District." Whenever he alleges the Ninth District exercising judicial power over a particular appeal, he is also referring to the individual judges who presided over that appeal to also exercise judicial power in that appeal.

21. When referring to the Ninth District exercising judicial power in Summit County App. No. 15348, McIntyre is also referring to Judges Baird, Reece and Cook, the judges who exercised judicial power over this appeal.

22. When referring to the Ninth District exercising judicial power in Summit County App. No. 17095, McIntyre is also referring to Judges Reece, Quillen, and Dickinson, the judges who exercised judicial power over this appeal.

23. When referring to the Ninth District exercising judicial power in Summit County App. No. 18625, McIntyre is referring to any of the judges who exercised judicial power over this appeal. A reasonably diligent record search in Summit County Clerk of Courts was unable to turn up records pertaining to the appeal and which judges presided over it.

24. When referring to the Ninth District exercising judicial power in Summit County App. No. 24852, McIntyre is also referring to Judges Dickinson, Whitmore, and Belfance, the judges who exercised judicial power over this appeal.

25. When referring to the Ninth District exercising judicial power in Summit County App. No. 25292, McIntyre is also referring to Judges Whitmore, Dickinson, and Belfance, the judges who exercised judicial power over this appeal.

26. When referring to the Ninth District exercising judicial power in Summit County App. No. 25666, McIntyre is also referring to Judges Whitmore, Dickinson, and Moore, the judges who exercised judicial power over this appeal.

27. When referring to the Ninth District exercising judicial power in Summit County App. No. 25800, McIntyre is also referring to Judges Whitmore, Belfance, and Moore, the judges who exercised judicial power over this appeal.

28. When referring to the Ninth District exercising judicial power in Summit County App. No. 25898, McIntyre is also referring to Judges Carr, Dickinson, and Moore, the judges who exercised judicial power over this appeal.

29. When referring to the Ninth District exercising judicial power in Summit County App. No. 26151, McIntyre is also referring to Judges Belfance, Carr, and Moore, the judges who exercised judicial power over this appeal.

30. When referring to the Ninth District exercising judicial power in Summit County App. No. 26677, McIntyre is also referring to Judges Whitmore, Carr, and Belfance, the judges who exercised judicial power over this appeal.

31. When referring to the Ninth District exercising judicial power in Summit County App. No. 28125, McIntyre is also referring to Judges Carr, Schafer, and Hensal, the judges who exercised judicial power over this appeal.

32. Even though Judges Teodosio, Callahan, Cacioppo, Batchelder, and Boyle have not presided over any appeal involving McIntyre, they are named in this action anyway to ensure the record is protected and that there is no technical defect that can cause this action to fail.

JURISDICTION

33. This Court has original jurisdiction over this matter pursuant to Article IV, Section 2(B)(1)(b) and (d) of the Ohio Constitution.

FACTS

34. In August 1991, in *State v. McIntyre*, Summit County Case No. CR-91-01-0135, McIntyre was tried for two counts of felonious assault (including one count as amended) and one count of aggravated burglary. Each came with a firearm specification. McIntyre was also indicted for a prior aggravated felony specification. The jury found McIntyre guilty of one count

of felonious assault with the firearm specification and aggravated burglary, but hung on the amended felonious assault.

35. The aggravated jury verdict form contained a firearm specification for felonious assault instead of one for aggravated burglary as indicted. The prior aggravated felony specification was not even sent to the jury, but instead tried to the bench without a jury waiver.

36. The charges pertain to the early morning hours of December 30, 1990 when two men with ski masks robbed two dope houses at gunpoint in southwest Akron. Shots were fired at each location, the first wounding a 15-year old in the calf and the second not hitting anyone.

37. McIntyre has long maintained that the Howard brothers committed the crimes. However, Akron Police was not fond of McIntyre based on various incidents in which he was never charged. After trial, a Cleveland Plain Dealer article stated that one of the Howard brothers, Tyrone, was a police informant. Years later, McIntyre would learn that Akron Police had named Tyrone as a suspect, but never charged him. McIntyre's trial counsel was never advised by the State that Tyrone was named as a suspect. In a November 2017 affidavit, trial counsel Vincent Modugno swore that his defense strategy would have been materially different had he known that Tyrone had been identified as a suspect.

38. McIntyre was convicted on questionable eyewitness testimony, including one by ambush that trial counsel strenuously objected to. There was no physical or scientific evidence to link McIntyre to the crime scenes. McIntyre long maintained that he was at his girlfriend Tawanda Toles' residence. A notice of alibi was filed a week before trial.

39. During trial, McIntyre realized that trial counsel did not successfully subpoena his alibi Toles. McIntyre left the courthouse to search for her. Meanwhile, she had left town for the weekend to celebrate her birthday. The trial went on without McIntyre present. He never

appeared back for trial. After the weekend break, Toles was found and brought to court to testify, but it was too late. The jury was deliberating.

40. After McIntyre was found guilty of the two charges, he was indicted for failing to appear at trial in the same Summit County Case No. CR-91-01-0135.

41. Shortly after trial, McIntyre, not happy that he had been found guilty of crimes he did not commit, confronted Tyrone Howard. Tyrone whipped out a razor blade. McIntyre, a trained boxer, quickly grabbed it from Tyrone and then went one step further and cut Tyrone's throat. McIntyre was indicted for felonious assault in the same Summit County Case No. CR-91-01-0135.

42. On August 29, 1991, McIntyre was in court for sentencing. At this point, the amended felonious assault and two new post-trial charges were not resolved or disposed. The trial court sentenced McIntyre to 8 to 15 years on the felonious assault plus a three-year firearm specification and 8 to 25 years for the aggravated burglary plus a three-year firearm specification. The trial court ran the sentences consecutive for an aggregate 22 to 46-year sentence.

43. On September 9, 1991, the trial court filed an entry memorializing the 22 to 46-year sentence, but failed to dispose the amended felonious assault and two new charges that were pending.

44. On May 21, 1992, McIntyre, who had been indicted for two more charges pertaining to the same Tyrone Howard assault for a total of four post-trial charges, pled guilty to aggravated assault to resolve the four post-trial charges. He was sentenced to 18 months to run concurrent to the 22 to 46-year sentence. However, the amended felonious assault was still not resolved or disposed.

45. On May 22, 1992, the trial court filed a sentencing entry memorializing the 18-month sentence, but failed to dispose of the amended felonious assault. It also failed to recount the prior dispositions.

46. From 1991 to 2014, nobody involved in McIntyre's case, from judges, prosecutors, defense attorneys, and McIntyre himself acting pro se, realized that he never had a final appealable order. But in the meantime, he had appealed to the Ninth District ten times from Summit County Case No. CR-91-01-0135. These appeals were Summit County App. Nos. 15348, 17095, 18625, 24852, 25292, 25666, 25800, 25898, 26151, and 26677. Of note, Appeal No. 15348 was an appeal from the September 9, 1991 entry referenced in Paragraph 13 above. The Ninth District made decisions on the merits of Appeal Nos. 15348, 17095, 18625, 25292, 25666, 25898, and 26677 on the merits while dismissing Appeals Nos. 24852, 25800, and 26151 for lack of jurisdiction.

47. The Ninth District did not ever recognize that in Appeal Nos. 15348, 17095, 18625, 25292, 25666, 25898, and 26677, it was not reviewing a final appealable order, but instead reviewing an order was not final and appealable. Thus, the Ninth District did not ever recognize that the appeals were void ab initio for lack of subject-matter jurisdiction. Accordingly, the Ninth District did not properly dismiss Appeal Nos. 15348, 17095, 18625, 25292, 25666, 25898, and 26677, but instead proceeded, without subject-matter jurisdiction, to adjudicate each appeal on the merits.

48. On December 23, 2015, in *State ex rel. McIntyre v. Summit County Court of Common Pleas*, 144 Ohio St.3d 589, 45 N.E.3d 1003, 2015-Ohio-5343, this Court found that McIntyre never had a final appealable order in his 1991 case because the amended felonious assault charge

had not been disposed and that no single document disposed of all the charges. The Court ordered the trial court to produce a final appealable order that disposed of all charges.

49. Specifically, this Court found that res judicata did not apply to McIntyre's case because he never had a final appealable order.

50. In January 2016, in the purview of a pending and not yet completed case, McIntyre filed motions pressing the trial court to conduct a pretrial and hearing to address several defects, including a defective jury verdict form, prior to issuing the final order. McIntyre also discovery, bill of particulars, and a mistrial.

51. On February 3, 2016, without conducting any open court hearings or ruling on McIntyre's motions, the trial court cranked out a final appealable order that disposed of all charges. It simply memorialized the 22 to 46-year sentence handed down in open court on August 29, 1991 and the 18-month concurrent sentence handed down in open court on May 21, 1992. It then gave McIntyre credit for time served.

52. On Page 2 of the February 3, 2016 order, the trial court incorrectly stated that the jury found McIntyre to possess a firearm while committing aggravated burglary. Later in the same page, the trial court pronounced sentence for possessing a firearm while committing felonious assault referred to the same specification number as the aggravated burglary firearm specification. The trial court did not pronounce sentence for possessing a firearm while committing aggravated burglary.

53. The February 3, 2016 order stated that it was being issued at the direction of this Court in *State ex rel. McIntyre*. At the end, the order stated that McIntyre had the right appeal the verdict and sentence pursuant to Crim. R. 32(B).

54. On February 17, 2016, McIntyre timely appealed from the February 3, 2016 order to the Ninth District Court of Appeals in Summit County App. No. CA-28125. Immediately, McIntyre asked the Ninth District to review whether the February 3, 2016 order was final and appealable because of the aforementioned discrepancy on Page 2. On March 17, 2016, the Ninth District stated that it "provisionally" determined that the February 3, 2016 order was a "final judgment of conviction."

55. On February 23, 2016, the trial court issued an entry denying McIntyre's motions, aforementioned in Paragraph 17. Out of an abundance of caution, McIntyre filed an appeal from this order in Summit County App. No. CA-28171. On April 7, 2016, the Ninth District sua sponte dismissed the appeal because the February 23, 2016 was not a final appealable order, thus the Ninth District lacked jurisdiction. In so doing, the Ninth District twice observed that the February 3, 2016 order was a final judgment. The Ninth District also observed that McIntyre's motions were made in the context of a pending criminal case and that those motions were presumed denied by the February 3, 2016 final judgment.

56. Back to Appeal No. 28125, for about a year, there was much procedural wrangling over the record, which was finally submitted on November 28, 2016 and supplemented in January 2017. While this was going on, the Ohio Supreme Court decided *State v. Thomas*, 148 Ohio St.3d 248, 70 N.E.3d 496, 2016-Ohio-5567. In *Thomas*, this Court found that when an offense was committed prior to July 1, 1996, but sentence was imposed after September 30, 2011, the defendant was entitled to be sentenced under HB 86.

57. Briefs were filed in the appeal in 2017. McIntyre raised ten assignments of error, several of which merited awarding a new trial. The others included the defective aggravated burglary jury verdict form and that McIntyre was entitled to be sentenced under HB 86.

58. The State conceded that because of the defective verdict form, McIntyre should not have been sentenced to the aggravated burglary firearm specification. The State also conceded that McIntyre should not have been found guilty of the prior aggravated felony specification and sentenced to actual incarceration based on that.

59. Historically, the Ninth District Court of Appeals has been no friend of McIntyre, who, with a boxer mentality, persistently fought his case for over 25 years, mostly pro se. For that entire time, the Ninth District routinely denied McIntyre, most often citing res judicata. At one point, the Ninth District seemed annoyed with McIntyre fighting his case again and again. See *State v. McIntyre*, 9th Dist. Summit No. CA-26677, 2013-Ohio-2077, ¶11. However, the Ninth District never once realized that it never had jurisdiction to review McIntyre's appeals prior to 2016. Unfortunately, the Ninth District was not about to humbly admit that.

60. On May 23, 2018, in *State v. McIntyre*, 9th Dist. Summit No. 28125, 2018-Ohio-2001, the Ninth District issued a stunning decision in direct defiance of this Court's decision in *State ex rel. McIntyre*. Even though this Court said res judicata did not apply to McIntyre's case, the Ninth District applied to res judicata to refuse considering McIntyre's assignments of error on their merit, including sentencing errors conceded by the State and that McIntyre's sentence was void for imposing an old law prison term in excess of the maximum terms in HB 86.

61. Further, the Ninth District gave credence to McIntyre's prior appeals even though based on well-established case law, those appeals are void for lack of subject-matter jurisdiction due to no final appealable order. The Ninth District referred to the first appeal, Appeal No. 15348 – which was from the September 9, 1991 entry referenced in Paragraph 13 above – as the "direct appeal" even though this Court found there was no final appealable order at that time. In fact, this Court specifically found that the September 9, 1991 entry was not a final appealable

order because it failed to dispose of the amended felonious assault charge hung by the jury and two new pending charges. *State ex rel. McIntyre* at ¶9. Thus, the Ninth District could not have possibly had any subject-matter jurisdiction over Appeal No. 15348, the one it characterized as the "direct appeal" and used to apply res judicata against McIntyre.

62. Even further, the State acknowledged that the appeal from the February 3, 2016 order was the direct appeal, that all issues are ripe for argument on their merit, and that res judicata did not apply. However, the Ninth District, without warning or giving the parties opportunity to brief the issue, sua sponte applied res judicata. This was egregious in light of the Ninth District overly and tenuously applying App. R. 16(A)(7) in the past several years to refuse consideration of assignments of error based on alleged failures to sufficiently argue the issues in the brief.[1] Yet, even though the State never argued res judicata, the Ninth District did not apply App. R. 16(A)(7), as it has in so many cases against criminal defendants, to find that the State waived the issue.

63. Most egregiously, the Ninth District misrepresented this Court's words in the mandamus decision to water it down so that the Ninth District could justify charting its own path around the mandamus. At this point, based on the preceding five paragraphs, McIntyre and counsel inescapably felt the two Ninth District judges who ruled against McIntyre did so as a result of bias.

64. McIntyre timely filed motions for reconsideration, en banc reconsideration, and to certify conflict. Shortly after these were filed, counsel moved to disqualify the two Ninth District judges who ruled against McIntyre. The disqualification was denied. In the denial, Justice

[1] Based on a LexisNexis search, the Ninth District applies App. R. 16(A)(7) far more than any other district, including more than twice as much as the second-place district, the Eighth District, largest appellate court in the state.

Terrence O'Donnell acknowledged that judges have been disqualified for failing to follow higher court mandate. However, he felt the mandamus was not a mandate since it was plurality decision.

65. The reconsideration and conflict motions were denied on July 9, 2019. In the reconsideration, the Ninth District refused to consider the merits. The Ninth District was clearly not happy with counsel for pursuing the disqualification and stating his strong criticisms of the Ninth District for blatantly refusing to apply this Court's mandamus decision and well-settled law to McIntyre. The Ninth District accused counsel of being "discourteous" and stated that disciplinary action could ensue. However, counsel's criticisms were truthful. They were painstakingly based on the record, published decisions, and case law.

66. While the appeal was pending, McIntyre timely filed a post-conviction relief petition on November 28, 2017. The State conceded that the petition was timely. The petition includes affidavits from McIntyre's alibi Tawanda Toles, nka Waiters, confirming he was at her place when the crimes were committed, and from McIntyre's trial counsel, Vincent Modugno, who stated that the State never disclosed to him the police reports naming Tyrone Howard as a suspect. The trial court has not ruled on the petition.

COUNT ONE – WRIT OF PROHIBITION

67. McIntyre realleges Paragraphs 1 to 36 as if fully rewritten herein.

68. It is well-established law that appellate courts, in their appellate review function, only have subject-matter jurisdiction to review trial court orders that are final and appealable. They do not have subject-matter jurisdiction to review trial court orders that are not final and appealable.

69. By operation of this well-established law, this Court's December 23, 2015 finding that McIntyre never had a final appealable order meant that all of McIntyre's previous appeals, aforementioned in Paragraph 13, were void for lack of subject-matter jurisdiction. In other

words, in each appeal, the Ninth District did not have subject-matter jurisdiction to pronounce judgment because it was not reviewing a final appealable order and instead reviewing an order that was not final and appealable.

70. Because there was never a final appealable order prior to February 3, 2016, the Ninth District patently and unambiguously lacked jurisdiction over McIntyre's appeals in Summit County App. Nos. 15348, 17095, 18625, 24852, 25292, 25666, 25800, 25898, 26151, and 26677.

71. McIntyre seeks a writ of prohibition against the Ninth District Court of Appeals declaring that Ninth District lacked subject-matter jurisdiction over Summit County App. Nos. 15348, 17095, 18625, 24852, 25292, 25666, 25800, 25898, 26151, and 26677, rendering those appeals void ab initio.

COUNT TWO – WRIT OF PROHIBITION

72. McIntyre realleges Paragraphs 1 to 41 as if fully rewritten herein.

73. The February 3, 2016 order pronounced that the jury found McIntyre possessed a firearm while committing aggravated burglary, yet the order did not sentence McIntyre for this finding. Instead, the order sentenced McIntyre for possessing a firearm while committing felonious assault.

74. On the face, the order fails to meet the tenets of Crim. R. 32(C) because it failed to state the sentence for possessing a firearm while committing aggravated burglary. Therefore, the order fails to constitute a final appealable order. Therefore, McIntyre's appeal from his order, Summit County App. No. 28125, is also void. This means the Ninth District lacked subject-matter jurisdiction over the appeal. The Ninth District wrongly asserted jurisdiction even when asked by McIntyre to assess its jurisdiction when McIntyre pointed out the aforementioned discrepancy in the February 3, 2016 order.

75. McIntyre seeks a writ of prohibition against the Ninth District Court of Appeals declaring that Ninth District lacked subject-matter jurisdiction over Summit County App. No. 28125, rendering it void ab initio.

COUNT THREE – WRIT OF MANDAMUS

76. McIntyre realleges Paragraphs 1 to 45 as if fully rewritten herein.

77. Because the Ninth District asserted that it had jurisdiction over McIntyre's prior appeals in Summit County App. Nos. 15348, 17095, 18625, 24852, 25292, 25666, 25800, 25898, 26151, and 26677, the Ninth District refused to address the merits of McIntyre's appeal in Summit County App. No. 28125.

78. If Count One is granted, but Count Two is denied, thereby establishing the February 3, 2016 order as the first final appealable order in the McIntyre's criminal case, then Summit County App. No. 28125 was the first direct appeal. Thus, McIntyre was not barred by res judicata to argue his assignments of error. In *State ex rel. McIntyre*, the Ohio Supreme Court specifically said that res judicata did not apply to McIntyre's case because he never had a final appealable order as of December 23, 2015. Therefore, the Ninth District had a clear legal duty to the address all of McIntyre's assignments of error on their merits in Summit County App. No. 28125.

79. If this Court grants McIntyre a writ of prohibition in Count One, McIntyre will have no other adequate remedy at law to effectively enforce and remedy the writ of prohibition by making sure that all of his assignments of error in Summit County App. No. 28125 are addressed on their merits.

80. McIntyre seeks a writ of mandamus to compel the Ninth District to reopen Summit County App. No. 28125 and address all of his assignments of error on their merits.

PRAYER FOR RELIEF

Relator, Lewis Leroy McIntyre, Jr., asks the Court the grant all extraordinary writ relief requested in both Counts One, Two, and/or Three and any other relief he is entitled to in law and/or equity as well as costs and attorney fees.

Respectfully submitted,

/s *Stephen P. Hanudel*
Stephen P. Hanudel (#0083486)
Attorney for Relator
124 Middle Avenue, Suite 900
Elyria, Ohio 44035
Phone: (440) 328-8973
Fax: (440) 261-4040
sph812@gmail.com

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing was delivered by email to Brandi Laser Seskes, Assistant Attorney General at brandi.seskes@ohioattorneygeneral.gov on October 18, 2019.

/s *Stephen P. Hanudel*
Stephen P. Hanudel
Attorney for Relator