IN THE SUPREME COURT OF OHIO

STATE OF OHIO, *ex rel*.	:	
JAMES E. GLOVER, III.	:	**SUPREME CT. CASE NO.**
	:	**2020-0480**
Relator,	:	
	:	
vs.	:	
	:	
HON. DAVID C. YOUNG, JUDGE,	:	
FRANKLIN COUNTY COURT OF	:	
COMMON PLEAS,	:	
	:	
Respondent.	:	

RELATOR JAMES E. GLOVER, III'S MOTION TO STRIKE & MEMORANDUM CONTRA TO RESPONDENTS MAY 4, 2020, MOTION TO DISMISS

Now comes Relator, James E. Glover, III, pro se who moves this Court for an Order striking Respondent's May 4, 2020, Motion to Dismiss, and/or for an Order denying Respondent's Motion to Dismiss. The legal and factual assertions for this Motion are more set forth in the attached, and hereby incorporated, memorandum.

Respectfully submitted,

/s James E. Glover, III
James E. Glover, III
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Columbus, OH 43204
Phone: (216) 209-5889
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PRO SE RELATOR

MEMORANDUM

STATEMENT OF THE CASE

Relator's case in the trial court was dismissed, and he was forever discharged of the crimes levied against him, by way of a final judgment entry dated December 12, 2018. (Exhibit 1, hereby incorporated and attached.) The Entry was decided based off of Relator's Motion to Discharge that was uncontested, and that remains uncontested (the "Motion to Discharge"). (Exhibit 2, hereby incorporated and attached.) Respondent sua sponte, and in violation of Relator's right to due process, struck the Judgment Entry on December 14, 2018. (Exhibit 3, hereby incorporated and attached.) Relator filed a Motion to Correct the Record and Strike the December 14, 2018, Judgment Entry on October 21, 2019. (Exhibit 4, hereby incorporated and attached.) The state waited until Relator forced its hand by filing a Complaint for Writ of Mandamus and Procedendo to reply to Relator's Motion to Correct. The state, in fact, waited 193 days to respond. That is 179 days out of rule. The Memorandum Contra was actually docketed on May 4, 2020, but was filed on May 1, 2020. (Exhibit 5, hereby incorporated and attached.)

Relator has been deprived of his right to a speedy trial, right to be free from double jeopardy, right to indictment only by grand jury, and right to due process and equal protection. The trial court was divested of jurisdiction when it entered the December 12, 2018, Judgment Entry. The ends of justice require that this Court must not dismiss Relator's Complaint.

ARGUMENT & LAW

"In construing a complaint upon a motion to dismiss for failure to state a claim, the material allegations of the complaint are taken as admitted. *Jenkins v. McKeithen*

(1969), 395 U.S. 411, 421 [89 S.Ct. 1843, 1849, 23 L.Ed.2d 404, 416]. [All reasonable inferences must also be drawn in favor of the nonmoving party. *Mitchell v. Lawson Milk Co.* (1988), 40 Ohio St.3d 190, 192, 532 N.E.2d 753, 756; *Byrd v. Faber* (1991), 57 Ohio St.3d 56, 60, 565 N.E.2d 584, 589.] Then, before the court may dismiss the complaint, `* * * it must appear beyond doubt from the complaint that the plaintiff can prove no set of facts entitling him to recovery. * * *' *O'Brien v. University Community Tenants Union* (1975), 42 Ohio St.2d 242 [71 O.O.2d 223, 327 N.E.2d 753].

"In order to establish a claim in mandamus, it must be proved that there exists a clear legal duty to act on the part of a public officer or agency, and that the relator has no plain and adequate remedy in the ordinary course of the law. *State, ex rel. Pressley, v. Indus. Comm.* (1967), 11 Ohio St.2d 141 [40 O.O.2d 141, 228 N.E.2d 631], paragraph one of the syllabus. A complaint in mandamus states a claim if it alleges the existence of the legal duty and the want of an adequate remedy at law with sufficient particularity so that the respondent is given reasonable notice of the claim asserted." Accord *State ex rel. Bush v. Spurlock* (1989), 42 Ohio St.3d 77, 80-81, 537 N.E.2d 641, 644-645, and *State ex rel. Baran v. Fuerst* (1990), 55 Ohio St.3d 94, 96-97, 563 N.E.2d 713, 715-716.

This standard is consistent with Civ.R. 8(A), which provides for notice pleading and requires only (1) "a short and plain statement of the claim showing that the pleader is entitled to relief, and (2) a demand for judgment for the relief to which he deems himself entitled. "Thus, to survive a motion to dismiss for failure to state a claim upon

which relief can be granted, a pleader is ordinarily not required to allege in the complaint every fact he or she intends to prove; such facts may not be available until after discovery. *York v. Ohio State Highway Patrol* (1991), 60 Ohio St.3d 143, 144-145, 573 N.E.2d 1063, 1065.

I. Respondent's Motion to Dismiss was filed out of rule, and without leave, which mandates that this Court strike the pleading.

Respondent filed his Motion to Dismiss on May 4, 2020, but the Motion was due on April 29, 2020. S.Ct.Prac.R. 12.04(A)(1) says that a response to a complaint shall be filed within twenty-one days of the service of summons. Here, tracking of the USPS tracking number 9414 7266 9904 2102 3347 29 shows that Respondent was served with the Complaint and Summons on April 8, 2020, at 10:56 a.m.. (Exhibit 6, hereby attached and incorporated.) On April 8, 2020, Respondent was aware, per S.Ct.Prac.R. 12.02(A)(2) that requires the summons to inform Defendant of his response's due date, that his response was due within twenty-one days, meaning April 29, 2020. Even had the Clerk calculated the response due date based off of the stamp on the green card of return, which is what the Clerk alleges, the date stamped was April 10, 2020, which would have made Respondent's response due on Friday, May 1, 2020. For this reason, this Court must find that Respondent's Motion to Dismiss was filed untimely, and that the Clerk ought to have refused to file the untimely Motion pursuant to S.Ct.Prac.R. 12.04(B)(4).

Civ.R. 6(B) states in relevant part:

> When by these rules *** an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion *** upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect ***.

Here, Respondent did not seek leave to file its Motion to Dismiss outside of rule. Even had he, what excusable neglect can justify failing to comprehend that the due date for a response was twenty-one days after being served with the Summons. Said service occurred on April 8, 2020. The response was due on April 29, 2020. Justice should not permit Respondent an additional five days merely because the Clerk mistakenly stated the date of service.

II. Relator's Motion to Discharge was properly filed prior to arrangement, and the timing of the Motion does not in-effectuate the validity of the December 12, 2018, Judgment Entry dismissing and forever discharging Relator, so this Court must not dismiss Relator's Complaint for Mandamus, because the trial court is exercising null jurisdiction.

Similarly to the court's rational in *State v. Hansen*, 2013 Ohio 1735, 7-8 (Ohio Ct. App. 2013) (Holding that, "[n]othing in Crim.R. 16(M) technically prohibits defense counsel from filing a discovery motion prior to arraignment. ") this Court must find that nothing in Crim.R. 12 technically prohibits defense counsel from filing a motion for discharge prior to arraignment. "[Relator] complied with the directive of R.C. 2945.73(B) which merely requires a defendant to file a motion for discharge *at or prior to the commencement of trial.* " *State v. Singer*, 50 Ohio St. 2d 103, 107 (Ohio 1977). Again, in *Lyndhurst v. Di Fiore*, 2010 Ohio 1578 (Ohio Ct. App. 2010), a pre-trial motion was filed

prior to arrangement, and it was accepted by the court. Relator clearly had implied leave of the court to file the Motion prior to arrangement due to the court having ruled in Relator's favor. "Leave of court may be express or implied by the action of the court." *John Wickham & Lisa F. Wickham of the Wickham Family Trust v. Wickham*, 2015 Ohio 4136, 13 (Ohio Ct. App. 2015), quoting *Coney v. Youngstown Metro. Hous. Auth.*, 7th Dist. No. 00-C.A.-251, 2002-Ohio-4371, ¶ 42. Here, the action of the court was to rule in Relator's favor. "'[W]here the acceptance of a motion occurs by the grace of the court, the decision to accept is by itself leave of court.'" *Meyer v. Wabash Alloys, L.L.C.*, 8th Dist. No. 80884, 2003-Ohio-4400, ¶ 16, quoting *Lachman v. Wiermarschen*, 1st Dist. No. C-020208, 2002-Ohio-6656.

Filing a pre-trial motion prior to arrangement does not infringe on a defendant's, nor the state's, right to due process of law. ""Due process of law * * * does not require the state to adopt any particular form of procedure, so long as it appears that the accused has had sufficient notice of the accusation and an adequate opportunity to defend himself in the prosecution."" *State v. Bogner*, 135 Ohio App. 3d 412, 416 (Ohio Ct. App. 1999) citing *Garland v. Washington*, 232 U.S. 642 (1914). Courts have, in fact, held that formal arraignment is unnecessary, and that the failure to so hold an arrangement does not deprive a defendant of any substantial right if other conditions are met. "In analyzing the issue, the Supreme Court stated that the purpose of arraignment is "to inform the accused of the charge against him and obtain an answer from him * * *" ."

State v. Bogner, 135 Ohio App. 3d 412, 415 (Ohio Ct. App. 1999). The Supreme Court did not hold that the purpose of arraignment was to allow a defendant to file pre-trial motions. "[I]t cannot for a moment be maintained that the want of formal arraignment deprived the accused of any substantial right or in any wise changed the course of trial to his disadvantage." *Garland v. Washington*, 232 U.S. 642, 645 (1914). Here, Relator's pre-trial motion made prior to formal arraignment did not deprive Relator of any substantial right; hence, the motion was not improper or untimely.

Defendant had an affirmative duty, under Crim.R. 12(H), to raise his defense for discharge prior to trial. Even were the Motion improperly filed prematurely, the decision to permit a defendant to file a motion outside the prescribed time period is a matter of discretion. *Akron v. Milewski* (1985), 21 Ohio App.3d 140, 142. Here, Relator's Motion was accepted by the court, which also ruled in his favor. Respondent's contention that no pre-trial motions are permissible, and that no provision allows for pre-trial motions prior to arraignment is blatantly false. "Arraignment shall be made immediately after the disposition of exceptions to the indictment, if any are filed, or, if no exceptions are filed, after reasonable opportunity has been given the accused to file such exceptions." " *State v. Biggers*, 2005 Ohio 5956 (Ohio Ct. App. 2005) citing R.C. § 2943.02. Exceptions to the indictment, or the opportunity to object to the indictment, must be commenced prior to arraignment. Hence, pre-trial motions made prior to arraignment are permissible, and it is in the purview of the duty judge to grant said

motions. The duty judge in Relator's case implicitly granted Relator leave to file when he granted Relator's Motion.

Loc.R. 5.06(D) mandates that the duty judge shall perform on matters involving cases which are not assigned. Respondent contends that the duty judge was not the appropriate judge to determine the Motion pursuant to Loc.R. 75.02; however, Relator's case had not yet been assigned, so any pleadings in his case were to be directed to the duty judge per Loc.R. 5.06(D). Even if this were not the case, the Ohio Rules of Criminal Procedure permit different judges to issue decisions in cases under specific circumstance. Specifically, "Criminal Rule 25 (B) authorizes the administrative judge to designate *another* judge to perform the duties of one unable to do so." *State v. Blythewood*, 60 Ohio App. 2d 300, 301 (Ohio Ct. App. 1978). As a judge was as yet unassigned, the duty judge, as appointed by the administrative judge, decided the Motion on its merits. Arguing that Loc.R. 5.06(D) trumps R.C. § 2941.49, which states that a defendant shall not be arraigned without his assent prior to one day elapsing since he has received his indictment is illogical. Relator did not receive a copy of his indictment until after his attorney made an appearance on his case, which was the same day that she filed Motion to Discharge. Relator could not have been arraigned prior to filing his Motion to Discharge because local rules cannot supersede the Ohio Revised Code. Article IV, Section 5(A)(1) of the Ohio Constitution reads that, "[t]he Supreme Court shall prescribe rules governing practice and procedure in all courts of the state,

which rules shall not abridge, enlarge, or modify any substantive right." Hence, local rules, permitted by the Ohio Rules of Superintendence Rule 5(A)(1), cannot abridge the Ohio Revised Code right to service of an indictment. Dismissing Relator's Complaint will allow Respondent to continue to exercise null jurisdiction, because the Motion and subsequent rendered judgment were appropriate.

III. Relator's Motion to Discharge and judgment entry in its favor were not "procedurally improper;" however, even were they this Court must find that a procedurally improper judgment does not void an, otherwise, valid judgment entry, and must not dismiss Relator's Writ for Mandamus.

Respondent argues that the December 12, 2018, Judgment Entry was entered in error by the court and that it was "procedurally improper," because it was entered five days after Relator's Motion was filed and prior to Respondent's response. Respondent fails to cite to any rule or authority that would indicate why this Judgment Entry was procedurally improper. Had the state wanted to contest Relator's Motion for Discharge, they ought to have filed a memorandum contra. Failing that, the state ought to have filed an appeal to the valid final judgment entry dated December 12, 2018. At the least the state could have filed an impermissible motion to reconsider, or motion seeking to strike the December 12, 2020, Judgment Entry. A motion to strike, however, may not be used as a substitute for a timely appeal from a final judgment. *Doe v. Trumbull County Children Services Bd.*, 28 Ohio St.3d 128, 502 N.E.2d 605 (1986), paragraph two of the syllabus. As the state, otherwise, seems to disregard the Constitution, Rules of Superintendence for the Courts of Ohio, Rules of Civil and Criminal Rules of Procedure,

and the Ohio Revised Code, there is no reason that they ought not have attempted one of these impermissible motions.

The state undertook none of these avenues of redress, but now attempts to object to this Court. The court in *Garland v. Washington*, 232 U.S. 642, 646 (1914) decided that it would be "be inconsistent with the due administration of justice to permit a defendant under such circumstances to lie by, say nothing as to such an objection, and then for the first time urge it in this court." Respondent does not argue that the trial court abused its discretion in any fashion by accepting the Motion prior to arraignment. Nor does Respondent offer any explanation for his delay in raising the issues. It is "inconsistent with the due administration of justice" to allow Respondent to now argue that Relator's Motion was untimely.

Respondent's argument that the court somehow permissively sua sponte struck the December 12, 2020, Judgement Entry blatantly flies in the face of Relator's rights to due process and equal protection under the Fourteenth Amendment of the United States Constitution. Permitting a trial court to make judgment entries in a criminal case sua sponte deprives, both, the defendant and the state of the right to due process by prohibiting them from being heard. Crim.R. 57(B) states that, "[i]f no procedure is specifically prescribed by rule, the court may proceed in any lawful manner not inconsistent with these rules of criminal procedure, and shall look to the rules of civil procedure and to the applicable law if no rule of criminal procedure exists." Hence,

Civil Rule 60 governs the ability of a court to revisit a final order, though the applicability of the rule is limited by the prescribed procedure. Pursuant to Civ. R. 60(B), a trial court may relieve a party from final judgment, but only upon motion by a party. *In Matter of A.S.*, 2009 Ohio 6246, 2-3 (Ohio Ct. App. 2009) citing *Deutsche Bank Trust Co. v. Pearlman*, 162 Ohio App.3d 164, 2005-Ohio-3545, 832 N.E.2d 1253, at ¶ 15. Pursuant to Civ. R. 60(A), a trial court may sua sponte change a prior final order, but only for corrections of clerical errors that do not make substantive changes in a judgment. The sua sponte judgment entry of December 14, 2018, did not correct any clerical errors; hence, the trial court did not have the ability to vacate the December 12, 2018, judgment under Civ. R. 60(A) or Civ. R. 60(B). The court had no authority to strike a judgment entry, because it was "procedurally improper," and Respondent cites to no authority support his assertion that the court did have the authority, or that the court has continued jurisdiction after a final judgment entry.

As a general rule, a trial court has no authority outside the Civil Rules to vacate a final judgment. *Soc. Natl. Bank v. Repasky*, 7th Dist. No. 99 CA 193, 2000-Ohio-2646, citing *Rice v. Bethel Assoc, Inc.* (1987), 35 Ohio App.3d 133, 134, 520 N.E.2d 26. A trial, however, court still has the inherent authority to vacate a judgment which was void ab initio. *Northland Ins. Co. v. Poulos*, 7th Dist. No. 06 MA 160, 2007-Ohio-7208, at ¶ 29-33; *Patton v. Diemer* (1988), 35 Ohio St.3d 68, 518 N.E.2d 941, at paragraph four of the syllabus. A judgment is considered to be void, and not merely voidable, "only where the court lacks

jurisdiction of the subject matter or of the parties or where the court acts in a manner contrary to due process." *Rondy v. Rondy* (1983), 13 Ohio App.3d 19, 22, 13 OBR 20, 468 N.E.2d 81. As the December 12, 2018, Judgment Entry was not void ab initio it cannot be considered "procedurally improper."

The trial court in this case offered no explanation as to why it had the authority to vacate its prior judgment. It claims procedural impropriety rather than the judgment being contrary to due process. The record below indicates that the trial court had jurisdiction over Relator, and that Relator otherwise submitted himself to the jurisdiction of the court. Exactly as the court found in *In Matter of A.S.*, 2009 Ohio 6246 (Ohio Ct. App. 2009), this Court must hold, as other courts have held, that in the absence of a clerical error, a Civ. R. 60(B) motion or a void order, and with the failure to provide Relator with notice or the opportunity to be heard prior to vacating the December 12, 2018 decision, the trial court's decision to vacate was procedurally deficient, and deprived Relator of his right to due process. See *Kraft v. Regan*, 5th Dist. No. 2003-CA-00074, 2003-Ohio-5632, at ¶¶ 4-5 and 12-17 (the trial judge violated Section 16, Article I of the Ohio Constitution by, sua sponte, dismissing a pending motion and preventing either party from filing "additional litigation" without the consent of the guardian ad litem); *Norman J.H. v. Victoria L.W.*, 6th Dist. No. H-01-028, 2001-Ohio-3092, 2001 Ohio App. LEXIS 5596, at *15-*16 (trial court erred by, sua sponte, dismissing appellant's contempt motion without hearing any evidence).

"The Ohio Constitution, Section 16, Article I, undeniably affords the parties in a… case the right to due process of law, the `basic thrust' of the clause being a requirement for notice and an `opportunity to be heard.' See *Ohio Valley Radiology Assoc., Inc. v. Ohio Valley Hosp. Assn.* (1986), 28 Ohio St.3d 118, 124-125, 502 N.E.2d 599. Unless notice and an opportunity for a fair hearing are given to opposing parties, a trial court has no authority to take action, sua sponte, prejudicial to the opposing party. See, e.g., *Rice v. Bethel Assoc., Inc.* (1987), 35 Ohio App.3d 133, 520 N.E.2d 26." *Szerlip* at *5. See, also, *Ohio Furniture Co. v. Mindala* (1986), 22 Ohio St.3d 99, 488 N.E.2d 881; and, *Shoreway Circle, Inc. v. Gerald Skoch Co., L.P.A.* (1994), 92 Ohio App.3d 823, 637 N.E.2d 355, cause dism., 69 Ohio St.3d 1466, 634 N.E.2d 266. The trial court did not give parties notice that it intended to strike the December 12, 2018, Judgment Entry, and as such this Court must hold that the Judgment Entry was struck unreasonably, arbitrarily, and unconscionably in violation of Relator's due process rights, and that it was not permissible to strike a judgment entry even if the court believed it to be "procedurally impermissible."

Respondent cannot argue that the state was deprived of its ability to respond to Relator's Motion to Discharge, when the state has only as of May 4, 2020, filed any response to any litigation in Relator's case. Again, the state filed no memorandum contra, still has not filed said memorandum contra, it filed no appeal of the final judgment, and no impermissible motion to reconsider or strike the judgement entry.

The court has unusually gone out of its way to cater to the state when the state has shown no interest in vindicating its right to be heard.

IV. The trial court proceedings lack regularity and are evidence of impermissible dealings within the Franklin County Court of Common Pleas, of which this Court must be made aware.

"Judicial proceedings carry a presumption of regularity." *State v. Blythewood*, 60 Ohio App. 2d 300, 303 (Ohio Ct. App. 1978); here, however, there can be no regularity found. Respondent alludes to the December 12, 2018, Judgment Entry as if it were not a reality. Relator cannot be punished for the clerk impermissibly and corruptly removing the December 12, 2018, Judgment Entry from the docket and case file in violation of the Rules of Superintendence, the Rules of Criminal Procedure, the Rules of Civil Procedure, the Ohio Revised Code, and the Local Rules of Court. Relator's former counsel was informed by the bailiff of duty judge Guy Reece, that she should "talk to the prosecutor, because he said there was no speedy trial violation because a warrant was issued" when she sought clarification for why the court had sua sponte struck the uncontested December 12, 2020, Judgment Entry. No explanation was provided as to why the prosecutor had an out of court, and unrecorded, conversation with the duty judge. The prosecutor, further, e-mailed Relator's former counsel and threatened that if she spoke to the bailiff again, he would pursue a complaint for out of court communication with the judiciary. The prosecutor, again, failed to explain his out of court, unrecorded, communication that would have alerted him to former counsel

speaking with the bailiff. Former counsel, perhaps incorrectly, merely sought rational for the sua sponte Judgment Entry of December 14, 2018, when the Entry itself contained no reasoning. Relator's trial court case is not merely an impermissible continued exercise of judicial authority, or a procedurally defunct case, it is prima facie evidence of corruption and collusion between the state and the court.

V. Relator does not contest that his Writ for Procedendo is moot but feels that continued clerical abnormalities must be brought to this Court's attention.

Relator does not contest that his Writ for Procedendo is no longer properly before this Court. The trial court's May 4, 2020, Judgement Entry was the response sought by Relator in his Writ for Procedendo. Respondent will say, however, that clerical abnormalities continue in his case. The state filed a memorandum contra on May 1, 2020, which was seven months after it was due without seeking leave from the court. For whatever reason the memorandum contra was not docketed until May 4, 2020, at 9:42 a.m.. At 11:07 a.m., on May 4, 2020, the Court rendered its judgment. Relator was denied the opportunity to respond to the state's memorandum contra, and Relator was denied the basic right to move for the memorandum to be struck for being untimely, because the clerk failed to properly docket the memorandum contra on May 1, 2020. Relator does not believe this was done in error. Relator finds it inconceivable that a court that took seven months to decide Relator's, otherwise uncontested, motion could

draft a judgment entry within one hour and twenty-five minutes of the memorandum contra being docketed.

CONCLUSION

Respondent has deprived Relator of his rights to a speedy trial, his right to indictment only by a grand jury, his right to be free from double jeopardy, and his right to due process of law. Respondent has ignored the United States and Ohio Constitution, Rules of Superintendence for the Courts of Ohio, Rules of Civil and Criminal Rules of Procedure, the Ohio Revised Code, and the Local Rules of Court, both, in this Court and the trial court. Respondent's Motion to Dismiss was untimely filed, and Relator moves this Court to strike the Motion. Relator's Motion to Discharge, while unusually filed prior to arraignment, was not procedurally defunct, and was validity considered and determined by the trial court. This Court must hold that the sua sponte Judgment Entry of December 14, 2018, was void, and it must refuse to dismiss Relator's Writ for Mandamus to prevent the court from exercising null jurisdiction. This Court must use its inherit authority to hold Respondent in contempt to penalize Respondent for the technical and procedural irregularities in the trial court. For these reasons, Relator respectfully requests that Respondents Motion to Dismiss be denied, Respondent's Motion to Dismiss be struck as untimely, that Respondent be held in contempt, and for any other relief that this Court deems just and appropriate.

Respectfully submitted,

/s James E. Glover, III
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Columbus, OH 43204
Phone: (216) 209-5889
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PRO SE RELATOR

CERTIFICATE OF SERVICE

I hereby certify that this Motion & Memorandum was filed using the Court's Electronic Case Filing ("ECF") system on May 5, 2020, and that copies will be served by Notice of Docket Activity on all parties of record through the Court's ECF. A copy, additionally, was provided to Respondent via e-mail at blee@franklincountyohio.gov.

Respectfully,

/s James E. Glover, III
James E. Glover, III

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

State of Ohio,

Plaintiff,

vs.

Case No. 18 CR 274

Judge

James E. Glover III,

Defendant.

JUDGMENT ENTRY

This Court finds Defendant's Motion to Dismiss and Discharge Defendant, dated December 7, 2018, well taken.

IT IS ORDERED that Defendant is discharged from bond and from the offensive alleged in the above captioned case.

IT IS FURTHER ORDERED that the State is barred from further prosecution of this matter due to the violations of Defendant's constitutional and statutory rights.

SIGNED this _____ day of December, 2018.

_____
Judge

Respectfully submitted,

s/Addison T. Bare

Addison T. Bare, 0095482
Attorney for Defendant

RELATOR'S
EXHIBIT
1

Franklin County Court of Common Pleas

Date: 12-12-2018

Case Title: STATE OF OHIO -VS- JAMES E GLOVER III

Case Number: 18CR000274

Type: DISMISSAL FOR LACK OF SPEEDY TRIAL

It Is So Ordered.

/s/ Judge Guy L. Reece, II

Court Disposition

Case Number: 18CR000274

Case Style: STATE OF OHIO -VS- JAMES E GLOVER III

Motion Tie Off Information:

1. Motion CMS Document Id: 18CR000274002018-12-0799970000
   Document Title: 12-07-2018-DISMISSAL FOR LACK OF SPEEDY TRIAL - MOTION FOR -
   Disposition: MOTION GRANTED - CASE LEVEL

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

State of Ohio,

Plaintiff,

vs.

James E Glover III,

Defendant.

Case NO. 18 CR 274

Judge

MOTION TO DISMISS & DISCHARGE DEFENDANT FOR VIOLATION OF RIGHT TO SPEEDY TRIAL

Now comes Defendant, James E. Glover, III, by and through the undersigned counsel, and hereby moves this Court to forever discharge him from the crimes alleged in the above-styled case. Defendant asserts that he is entitled to the prejudicial dismissal of the felony charges pending against him in this action because the prosecution did not commence trial within the statutory 270-day time period provided by R.C. 2945.71(C)(2). This unreasonable and unjustifiable failure has prejudiced Defendant and violated his speedy trial rights under the Sixth and Fourteenth Amendments to the United States Constitution, and Section 10, Article I of the Ohio Constitution.

Respectfully submitted,

s/Addison T. Bare
Addison T. Bare
Supreme Court ID Number 0095482
Attorney for Defendant
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Columbus, Ohio 43227
Phone: (614) 531-1244
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RELATOR'S
EXHIBIT
2

MEMORANDUM IN SUPPORT

Defendant states the following facts in support of his Motion:

1. **November 3, 2017;**
   - Defendant was arrested and charged with a felony of the first degree for aggravated trafficking in drugs pursuant to R.C. 2925.03 for allegedly possessing or having control over 656.6 grams of cocaine and 16.6 grams of crack cocaine;
   - Case No. 2017 CR A 023109 filed in Franklin County Municipal Court.
2. **November 4, 2017;**
   - Arraignment held;
   - Defendant posted surety bond;
   - Declaration of Intent to Exercise Constitutional Rights filed on Defendant's behalf.
3. **November 13, 2017;**
   - Preliminary Hearing before Judge Ebner;
   - Prosecution requested a dismissal of the original charge.
4. **November 14, 2017;**
   - Dismissal processed and finalized.
5. **January, 2018;**
   - Defendant personally appeared before the Franklin County Municipal Clerk seeking reassurance that the dismissal notice he had received in the mail at his listed address, located at 6153 Laurelwood Court, Columbus, Ohio 43229, was in fact a dismissal of the charges against him.
   - Defendant was informed that his court appointed attorney was on maternity leave, but was reassured that his case was dismissed, Defendant was provided with an additional copy of the dismissal.
6. **January 19, 2018;**
   - The two-count felony indictment, premised upon the same facts as alleged in the original complaint, was filed in this case in the Franklin County Court of Common Pleas.

- The indictment charges one felony of the first degree possession of cocaine under R.C. 2925.11, with a firearm specification pursuant to R.C. 2941.141(A), and one felony of the fifth degree aggravated possession of drugs under R.C. 2925.11, with a firearm specification pursuant to R.C. 2941.141(A).
- A warrant was requested by the prosecution simultaneously.
- No further actions were taken to serve notice, summons, or warrant upon Defendant.

7. **October 8, 2018;**
   - The State's 270-day time limit in which to bring Defendant to trial lapsed (ten days from November 4, 2017, until the dismissal of the original case on November 14, 2017, and discounting days between the dismissal and refiling of the Indictment).
   - The true date would be Saturday, October 6, 2018, but an adjustment must be allowed for the date falling during the weekend.
8. **October 16, 2018;**
   - The State's 270-day time limit in which to bring Defendant to trial lapsed without inclusion of the time period of the original charge.
9. **December, 2018;**
   - Defendant discovered this case while visiting family for the holidays after a family member attempted to look-up Defendant's case online.
   - Defendant never received notice of any variety despite openly living and working under his legal name. He did not attempt to evade service, nor has he changed his career or contact information.

LEGAL ANALYSIS

I. Defendant must be discharged and this case dismissed with prejudice, because the State has failed to bring Defendant to trial within the time limits proscribed by the Ohio Revised Code R.C. 2945.71(C)(2).

Defendant was required to be tried within 270 days of his felony arrest, or the commencement of prosecution against him. R.C. 2945.71(C)(2). A prosecution is commenced on

the date an indictment is returned or an information is filed, or on the date a lawful arrest without a warrant is made, or on the date a warrant, summons, citation or other process is issued, whichever occurs first. R.C. 2901.13(E). A prosecution is not commenced by the return of an indictment or the filing of an information unless reasonable diligence is exercised to issue and execute process on same. R.C. 2901.13(E). Here, Defendant was arrested on November 3, 2017. He had previously been arraigned and had a pretrial scheduled before the prosecution dismissed the original charge. Defendant's bond was bound-over, he continued to receive mail at the same address, and he made a personal appearance within the court to inquire into the status of his case.

The prosecution bears the burden of proving the trial commenced within the 270-day statute of limitations. *State v. Greer*, 2 Ohio App.3d 399, 442 N.E.2d 473 (1981). To do so, the prosecution must demonstrate that reasonable diligence was exercised to serve the summons. *State v. King*, 103 Ohio App. 3d 210, 212-213, 658 N.E.2d 1138 (1995). The State fails to show reasonable diligence when it attempts an improper service or receives a return on service that is undeliverable and takes no further action. *State v. Morris*, 20 Ohio App.3d 321, 486 N.E.2d 168 (1984); *State v. Greer*, 2 Ohio App.3d 399, 442 N.E.2d 473 (1981). If the delay in prosecution of a criminal case is due to the State's failure to attempt to serve the defendant, the delay is unconstitutionally unreasonable and violates the defendant's right to a speedy trial. *State v. Sears*, 166 Ohio App.3d 166, 2005-Ohio-5963, 849 N.E.2d 1060 (2005).

The State has made no attempt to serve Defendant despite Defendant taking the extraordinary step of voluntarily attending court to ensure that he provided his complete compliance in vindicating himself of the alleged crimes. The State's inexcusable failure to act

has denied Defendant of his statutorily mandated speedy trial, and violated his constitutional right by causing a prejudicially unreasonable delay.

II. The State failed to bring Defendant to a speedy trial in violation of his state and federal Constitutional rights, which mandates Defendant's discharge.

The provisions of Section 10, Article I of the Ohio Constitution and of the Sixth Amendment to the United States Constitution, as made applicable to the states by the Fourteenth Amendment, guarantee a defendant in a criminal case the right to a speedy trial. Statutory periods of limitations are not relevant to a determination of whether an individual's constitutional right to a speedy trial has been violated by an unjustified delay in prosecution. *State v. Selvage*, 80 Ohio St.3d 465, 468, 687 N.E.2d 433 (1997). For purposes of raising a constitutional challenge based on post-indictment delay, the United States Supreme Court set forth a four-part test in *Barker v. Wingo* (1972), 407 U.S. 514, 92 S.Ct. 2182, 33 L.Ed.2d 101. Under *Barker,* a trial court is required to consider four factors: (1) the length of delay; (2) the reason for the delay; (3) the defendant's assertion of his rights; and (4) prejudice to the defendant. *Barker*.

The threshold factor that a court must first consider is the length of the delay. Under the Supreme Court's analysis in *Barker*, the more straight-forward and ordinary the crime, the shorter the amount of time that is required to prejudice the defendant. *Barker* at 531. Defendant charges stem from allegedly possessing or having control over illegal substances allegedly found near his person on the date of his arrest. Relying on R.C. 2945.71, the First District Court of Appeals held any delay longer than statutorily allotted number of days is presumptively prejudicial. *Sears* at ¶ 12. Therefore, if the length of time from the charges being filed to the service of the warrant is longer than 270 days, the next step of the test is triggered. *Id.*

Defendant's warrant was filed on January 19, 2018, and was not been served upon him within 270 days, which would have been October 16, 2018.

The First District addressed the second and third factor of the Barker analysis in *State v. Sears*. *Id.* at ¶ 14. In *Sears*, there was no evidence the state pursued attempts to serve a warrant or complaint on the defendant. Although the complaint and affidavit contained an incorrect zip code, the state never suggested it had a problem locating the defendant or needed extra time to collect witnesses or to file pretrial motions. The defendant never attempted to avoid service or move outside of the jurisdiction; he only learned of the warrant when he was pulled over for a traffic offense nine months after the complaint was filed. In affirming the trial court's dismissal on speedy trial grounds, the court found that the defendant should not be punished for failing to assert a right that he could not have otherwise known about. *Id.* at ¶ 15. Likewise, in *State v. Looper*, a copy of the indictment was mailed to the defendant by certified mail and was returned marked "addressee unknown." *State v. Looper*, 61 Ohio App.3d 448, 573 N.E.2d 123 (1988). The warrant was not executed until six years later. "Because the State made no effort to notify the defendant of the indictment at her mother's address, the court found that the 'reason for delay' factor weighed against the state." *Id.* at 450.

Defendant's address was correctly listed with the Clerk of Court. Defendant did not attempt to evade service of the warrant, and personally appeared to seek clarification that the original charge was dismissed. He was never informed of, nor served with, any notice or summons after the original charge was dismissed. Defendant could not have asserted his right to a speedy trial through any clearer means then by filing his Declaration of Intent to Exercise Constitution Rights on November 4, 2017. Defendant only became aware of this case when

visiting relatives out of state for the holidays, and a family member sought to look up Defendant's dismissed charges, which subsequently led to his discovery of this case.

Under the fourth factor, the defendant has the burden of demonstrating prejudice. *United States v. Lawson*, 780 F.2d 535, 541-542 (6th Cir. 1985). A lengthy delay in prosecuting the defendant, by itself, does not constitute actual prejudice. The defendant must demonstrate how the length of the delay has prejudiced his ability to have a fair trial. *United States v. Norris*, 501 F.Supp.2d 1092, 1096 (S.D.Oh.2007). The court in *Sears* noted that impairment of one's defense is the most difficult form of speedy trial prejudice to prove because time's erosion of exculpatory evidence and testimony can rarely be shown. *Sears* at ¶ 16 citing *Doggett v. United States,* 505 U.S. 647, 655, 120 L.Ed.2d 520, 112 S.Ct. 2686 (1992). However, the court in *Sears* held that prejudice is presumed when the government fails to use reasonable diligence to serve the warrant. *Sears* at ¶ 16.

Defendant's constitutional right to a speedy trial has been violated. The State can offer no justifiable explanation for its failure to attempt to serve Defendant with summons, notice, or the warrant. The alleged witnesses to the events have subsequently been convicted of various illegal substance related charges, or whereabouts are unknown to Defendant. The unreasonable delay has deprived Defendant of the possibility of obtaining evidence and testimony crucial to his defense.

CONCLUSION

The State did not commence trial against Defendant, James E. Glover, III, within the statutory time period provided by Ohio Revised Code Section 2945.71(C)(2), in violation of his

right to a speedy trial. This right is guaranteed by Section 10, Article I of the Ohio Constitution and the Sixth Amendment to the United States Constitution, which is applicable to the State by the Fourteenth Amendment of the United States Constitution. Defendant has been unjustifiably prejudiced through the State's inaction. Therefore, Defendant must be discharged and this case must be dismissed in accordance with the Ohio Revised Code, the Federal and State Constitutions, and relevant case law.

Respectfully submitted,

s/Addison T. Bare
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Certificate of Service

I certify that a copy of this Motion was e-filed on the 7th day of December, 2018 to the Office of the Franklin County prosecutor, 373 S. High Street, 14th floor, Columbus, Ohio 43215.

s/Addison T. Bare
Addison T. Bare, Esq.

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

The State of Ohio,	:	Case No. 18CR-274
Plaintiff,	:	Judge Reece
vs.	:	
James E. Glover,	:	
Defendant.	:	

DECISION AND ENTRY

This Cause is before the Court on the Judgment Entry, filed and signed by the Court on December 12, 2018.

The Court hereby **STRIKES** the decision granting the Judgment Entry.

IT IS SO ORDERED.

Copies to:

Daniel J. Stanley, Esq.
Assistant Prosecuting Attorney

Addison Bare, Esq.
Counsel for Defendant

Franklin County Court of Common Pleas

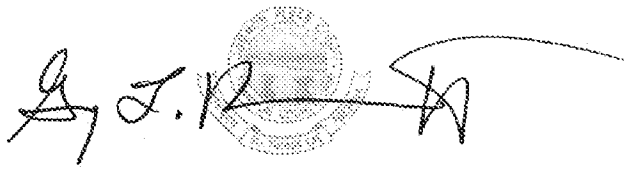
Date: 12-14-2018

Case Title: STATE OF OHIO -VS- JAMES E GLOVER III

Case Number: 18CR000274

Type: ENTRY/ORDER

It Is So Ordered.



/s/ Judge Guy L. Reece, II

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

State of Ohio,

Plaintiff,

vs.

James E Glover III,

Defendant.

Case NO. 18 CR 274

Judge

MOTION TO CORRECT THE RECORD & STRIKE THE DECEMBER 14, 2018 ENTRY

Now comes Defendant, James E. Glover, III, *pro se*, and hereby moves this Court to Correct the Record to reflect this Court's December 12, 2018 Judgment Entry, and moves this Court to Strike its December 14, 2018, Entry. Defendant was forever discharged from the crimes alleged in the above-styled case on December 12, 2018, for a violation of his speedy trial rights under the Sixth and Fourteenth Amendments to the United States Constitution, and Section 10, Article I of the Ohio Constitution. No grand jury was impaneled to indict Defendant, and his constitutional rights have been unreasonably and unjustifiably violated under the Fifth Amendment to the United States Constitution, and Section 10, Article I of the Ohio Constitution. The additional reasons for this Motion are detailed in the attached memorandum.

Respectfully submitted,

s/James E. Glover
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RELATOR'S
EXHIBIT
4

MEMORANDUM IN SUPPORT

Defendant states the following facts in support of his Motion:

1. **December 7, 2018;**
   - Defendants former counsel filed a Motion to Dismiss and Discharge for lack of a speedy trial.
   - The prosecution failed to file a responsive pleading to Defendants' Motion.
   - Defendant did not request an oral hearing on his Motion, nor did the prosecution.
   - Defendant was not required, per Crim. R. 43, to physically appear until an oral hearing was held or at which time Defendant was arraigned after the determination that the prosecution was within time limits and the determination that the court retained jurisdiction.
2. **December 12, 2018;**
   - Defendant was forever discharged of the crimes charged against him in the above styled case by Order of this Court (the "Judgment Entry"). (Exhibit 1.)
   - The Judgment Entry was a valid final judgment of this Court that divested the court of jurisdiction.
   - The prosecution did not appeal the Judgment Entry.
3. **December 14, 2018;**
   - Defendant was, in violation of his constitutional rights, "re-indicted" — not by grand jury — but by Order of this Court, which — without jurisdiction — struck the Judgment Entry dismissing and discharging Defendant (the "Entry"). (Exhibit 2.)
   - This Court had no jurisdiction to Strike the December 12, 2018, dismissal with prejudice after the Judgment Entry was filed with the Clerk.
   - Defendants Constitutional rights are violated due to his lack of speedy trial, right to indictment by a grand jury, and rights against double jeopardy.
   - The Entry lacked a rational and did not relate to any motion for the Entry's decision.

LEGAL ANALYSIS

I. The Court's December 14, 2018, Entry must be Struck, because Defendant was discharged and this case dismissed with prejudice on December 12, 2018, and this Court's jurisdiction was divested with said Judgment Entry.

As a general rule, "trial courts lack authority to reconsider their own valid final judgments in criminal cases." *State ex rel. White v. Junkin* (1997), 80 Ohio St.3d 335, 338, 686 N.E.2d 267; *State ex rel. Hansen v. Reed* (1992), 63 Ohio St.3d 597, 599, 589 N.E.2d 1324. " *Ex Rel. Cruzado v. Zaleski,* 111 Ohio St. 3d 353, 356 (Ohio 2006). It is equally true, however, that this general rule is subject to two exceptions under which the trial court retains continuing jurisdiction. *State v. Garretson* (2000), 140 Ohio App.3d 554, 559, 748 N.E.2d 560. First, a trial court is authorized to correct a void sentence. *Id.*, citing *State v. Beasley* (1984), 14 Ohio St.3d 74, 75, 14 OBR 511, 471 N.E.2d 774. Second, a trial court can correct clerical errors in judgments. *Id.*, citing Crim.R. 36 ("Clerical mistakes in judgments, orders, or other parts of the record, and errors in the record arising from oversight or omission, may be corrected by the court at any time"). "The term `clerical mistake' refers to a mistake or omission, mechanical in nature and apparent on the record, which does not involve a legal decision or judgment." See, e.g., *State v. Brown* (2000), 136 Ohio App.3d 816, 819-820, 737 N.E.2d 1057. Although courts possess inherent authority to correct clerical errors in judgment entries so that the record speaks the truth, "nunc pro tunc entries are limited in proper use to reflecting what the court actually decided, not what the court might or should have decided." *State v. Mayer*, 97 Ohio St.3d 276, 2002-Ohio-6323, 779 N.E.2d 223, ¶ 14, quoting *State ex rel. Fogle v. Steiner* (1995), 74 Ohio St.3d

158, 164, 656 N.E.2d 1288. See, *Ex Rel. Cruzado v. Zaleski*, 111 Ohio St. 3d 353, 356 (Ohio 2006).

Here, a valid final dismissal with prejudice was entered onto the record on December 12, 2018. The Judgment Entry complies with Loc. R. 25.04 for valid entries, which requires entries to "(1) state the reason for the entry; or (2) relate the entry to the motion decided and the date of the decision; and (3) indicate whether or not it is a final entry." The Journal Entry comports with each of the three requirements. Crim. R. 32(C) states that a judgment entry is valid once it is signed by a judge and entered on the journal by the clerk. The Judgment Entry was signed by the judge and entered by the clerk on the journal on the same date making it a valid judgment entry that divested this Court of continuing jurisdiction save an exception. The Judgment Entry was not void, so could not be corrected by the Court, and it possessed no clerical mistakes making a *nunc pro tunc* entry impermissible. When a trial court lacks subject matter jurisdiction its judgment is void. *State v. Swiger,* 125 Ohio App. 3d 456, 462 (Ohio Ct. App. 1998). The subsequent Entry, hence, lacked subject matter jurisdiction and is void. This Court must strike the immaterial and void Entry of December 14, 2018.

The Entry of December 14, 2018, furthermore, fails to conform with Crim. R. 12(F), which holds that, "[t]he court may adjudicate a motion based upon briefs, affidavits, the proffer of testimony and exhibits, a hearing, or other appropriate means. Where factual issues are involved in determining a motion, the court shall state its essential findings on the record." Despite the Judgment Entry stating this Courts essential findings, the Entry states none. The Entry states that it relates to the Judgment Entry, but a Judgment Entry is not a permitted basis upon which to adjudicate the prior motion. This Court's Entry of December 14, 2018, is not only

void for lack of subject matter jurisdiction, it does not correct a clerical error and it is an incomplete and immaterial entry that must be struck from the record.

The prosecution did not reply to Defendants' Motion to Dismiss and Discharge Due to Lack of a Speedy Trial. The prosecution did not appeal the Judgment Entry within thirty days pursuant to App. R. 4(A)(1). There was no just cause for the void Entry, and it must be struck.

II. This Court must correct the record to reflect the December 12, 2018, Judgment Entry pursuant to the Supreme Court Rules of Superintendence records requirements.

The Ohio Supreme Court requires Courts of Common Pleas to retain a complete Case File in accordance with rule 26.03. Sup. R. 26 (B)(4) defines Journal as "a verbatim record of every order or judgment of a court." Here, the Judgment Entry of December 12, 2018, is no longer reflected on the journal or docket for this case in violation of the Rules of Superintendence. A Common Pleas docket is defined in Sup. R. 26.03(A)(2) as "the record where the clerk of the division enters all of the information historically included in the appearance docket, the trial docket, the journal, and the execution docket." The Judgment Entry is required to be docketed as a verbatim record on the journal and must be included on the docket.

Sup. R. 44 includes the following definitions:

> As used in Sup. R. 44 through 47:
> (B) "Court record" means both a case document and an administrative document, regardless of physical form or characteristic, manner of creation, or method of storage.
> (C)(1) "Case document" means a document and information in a document submitted to a court or filed with a clerk of court in a judicial action or proceeding, including exhibits, pleadings, motions, orders, and judgments, and any documentation prepared by the court or clerk in the judicial action or proceeding, such as journals, dockets, and indices, subject to the exclusions in division (C)(2) of this rule.
> (D) "Case file" means the compendium of case documents in a judicial action or proceeding.
> (E) "File" means to deposit a document with a clerk of court, upon the occurrence of which the clerk time or date stamps and dockets the document.

> (F) "Submit" means to deliver a document to the custody of a court for consideration by the court.
> (I) "Public access" means both direct access and remote access.
> (J) "Direct access" means the ability of any person to inspect and obtain a copy of a court record at all reasonable times during regular business hours at the place where the record is made available.
> (K) "Remote access" means the ability of any person to electronically search, inspect, and copy a court record at a location other than the place where the record is made available.

Sup. R. 45(C) holds that, "[i]f a court or clerk offers remote access to a court record and the record is also available by direct access, the version of the record available through remote access shall be identical to the version of the record available by direct access." Here, the Judgment Entry must have been retained in the paper case file, but it is no longer available remotely in violation of Sup. R. 45(C). The record must be corrected to reflect the December 12, 2018, Judgment Entry.

While this Court lacked jurisdiction to file the December 14, 2018, Entry, it retains jurisdiction to correct the record. "If any difference arises as to whether the record truly discloses what occurred in the trial court, the difference shall be submitted to and settled by that court and the record made to conform to the truth." *State v. Schiebel*, 55 Ohio St. 3d 71, 81 (Ohio 1990). This Court maintains its jurisdiction to correct the record to accurately portray the December 12, 2018, Judgment Entry, and it must make the correction to comply with the Ohio Supreme Court Rules of Superintendence.

III. Failure to strike the void Entry violates Defendants Constitutional right to be indicted only by grand jury, his right against double jeopardy, and his right to a speedy trial, which this Court does not have the jurisdiction to allow.

Defendant has already been discharged from the alleged crimes in the above captioned case, and he has had this case dismissed with prejudice for lack of a speedy trial. Defendants' Constitutional rights have already been violated. Continuing to allow the void Entry to stand as

final judgment in this case violates Defendants' right to be free from double jeopardy, his right to be indicted only by grand jury, and his right to a speedy trial.

Both the United States and Ohio Constitutions prohibit double jeopardy. *United States v. Dixon* (1993), 509 U.S. 688, 113 S.Ct. 2849, 125 L.Ed.2d 556; *State v. Lovejoy*, 79 Ohio St.3d 440, 443, 1997-Ohio-371, 683 N.E.2d 1112. This prohibition protects a criminal defendant against (1) a second prosecution for the same offense after acquittal, (2) the same prosecution for the same offense after conviction, and (3) multiple punishments for the same offense. *State v. Ocasio,* Montgomery App. No. 19859, 2003-Ohio-6240, ¶ 8, citing *North Carolina v. Pearce* (1969), 395 U.S. 711, 717, 89 S.Ct. 2089, 23 L.Ed.2d 656. See, *State v. Schooler*, 2004 Ohio 2430, (Ohio Ct. App. 2004). Here, Defendant was discharged and this case dismissed on December 12, 2018, to continue on with the farce of a case violates Defendants' right to be free from double jeopardy by subjecting him to a second prosecution.

This case is distinguishable from *State v. Annable*, 194 Ohio App. 3d 336 (Ohio Ct. App. 2011), in which the dismissal entry incorrectly stated the dismal was with prejudice, which was corrected by a *nunc pro tunc* entry. This Court's Judgment Entry was intentionally done with prejudice, and the void *nunc pro tunc* entry did not contain any rational to the contrary. Here, jeopardy applied when this case was properly dismissed and Defendant discharged on December 12, 2018.

"[C]riminal cases cannot be "conditionally" dismissed. Crim.R. 48(A) states, "The state may by leave of court and in open court file an entry of dismissal of an indictment, information, or complaint *and the prosecution shall thereupon terminate*." (Emphasis added)." *State ex Rel. Flynt v. Dinkelacker*, 156 Ohio App. 3d 595, 598 (Ohio Ct. App. 2004). This case, and the

indictment, were dismissed on December 12, 2018. The prosecution against Defendant must be terminated. “When a criminal matter is dismissed, it is ended.” *Id*. This case and the indictment cannot be resurrected through a *nunc pro tunc* entry. “A conditional dismissal in a criminal matter would allow a prosecutor to keep a defendant perpetually indicted, without any idea concerning, or control over, when the matter would be resolved. ” *Id*.

> The Supreme Court has held, after a dismissed indictment, that,
>
> > The state could not reinstate the indictment against the defendant. By indefinitely prolonging this oppression, as well as the anxiety and concern accompanying public accusation, the criminal procedure condoned in this case…clearly denies the petitioner the right to a speedy trial which we hold is guaranteed to him by the Sixth Amendment of the Constitution of the United States.

Id. at 599. “[A] new indictment must be brought in order to prosecute the offender for the same offense.” *Id*. Here, no new indictment has been brought, nor could it be as this case was dismissed with prejudice and Defendant forever discharged. “When a criminal case is dismissed, it is over — except in the case where the dismissal is appealed. This dismissal was not appealed.” *Id*. Here, the October 12, 2018, Judgment Entry was not appealed, and this case must be considered over. “[U]nder the Ohio Constitution, except in rare cases, felonies must be prosecuted by indictment.” *Id*. “Without a sufficient or formal accusation, the court had no jurisdiction, and if it had assumed jurisdiction, the "trial and conviction [would have been] a nullity."” *Id*. There has been no sufficient or formal accusation against Defendant, and this Court retains jurisdiction only to correct the record and strike its void December 14, 2018, Entry. “Cases cannot be in limbo, to be magically resurrected at whim. The state cannot reinstate a dismissed indictment and perpetually save a place in a judge's courtroom to prosecute the [Defendant].” Id. at 601. The prosecution, therefore, must seek a new indictment to prosecute

Defendant, which it is barred from doing due to this Court's dismissal and discharge with prejudice. Given that the indictment cannot be reinstated, this Court unambiguously lacks jurisdiction over Defendant and this case.

CONCLUSION

The State did not commence trial against Defendant, James E. Glover, III, within the statutory time period provided by Ohio Revised Code Section 2945.71(C)(2), in violation of his right to a speedy trial. This right is guaranteed by Section 10, Article I of the Ohio Constitution and the Sixth Amendment to the United States Constitution, which is applicable to the State by the Fourteenth Amendment of the United States Constitution. Defendant is being placed in double jeopardy and being prosecuted without a valid indictment from the grand jury, which are rights guaranteed to him by Section 10, Article I of the Ohio Constitution and the Fifth Amendment to the United States Constitution, which is applicable to the State by the Fourteenth Amendment of the United States Constitution. Defendant has been unjustifiably prejudiced through the State's action and inaction. This Court lacks jurisdiction in all but correcting the record and striking the void Entry of December 14, 2018. Therefore, this Court must correct the record and strike the void Entry in compliance with the Ohio Revised Code, the Federal and State Constitutions, the Rules of Criminal Procedure, the Supreme Court Rules of Superintendence, and relevant case law.

Respectfully submitted,

s/James E. Glover
James E. Glover

Pro se
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Phone: (614) 795-4862
jamesegloverIII@gmail.com

Certificate of Service

I certify that a copy of this Motion was e-filed on the 21st day of October, 2019 and sent to the Office of the Franklin County Prosecutor, 373 S. High Street, 14th floor, Columbus, Ohio 43215.

s/James E. Glover
James E. Glover

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

State of Ohio,	:	
	:	
Plaintiff,	:	**Case No. 18CR-274**
	:	
vs.	:	
	:	
James Glover III,	:	
	:	**Judge Young**
Defendant.	:	

STATE'S MEMORANDUM OPPOSING DEFENDANT'S PRO SE MOTION TO CORRECT THE RECORD AND SUPPLEMENTAL MOTION TO CORRECT THE RECORD

Defendant was indicted by the Franklin County Grand Jury on January 19, 2018, for an offense that occurred two months prior, on November 3, 2017. He was indicted for possession of cocaine as a first-degree felony and aggravated possession of drugs as a fifth-degree felony, each with one-year firearm specifications. At the time the indictment was filed, a warrant was issued for Defendant's arrest at 6153 Laurelwood Court, the address defendant was living as recently as two months prior.

On December 7, 2018, Defendant, through retained counsel, filed a motion to dismiss alleging a violation of his constitutional and statutory speedy trial rights. Defendant alleges that a duty judge granted this motion within 5 days of its filing, on December 12, 2018. The only evidence of this "granting" of his motion is an entry filed by the court on December 14, 2018, striking the said entry.

Despite being aware of the pending case, as well as the pending warrant, Defendant was a fugitive from justice until his arrest on November 22, 2019 (see State's Exhibit A). Defendant, coincidentally had filed a *pro se* motion to correct the record on October 21, 2019. That motion listed the above Laurelwood Court address, however he was arrested at 83 S. Powell Avenue and

listed that different address on his recognizance bond. (see State's Exhibit B and Defendant's 10/21/19 Mtn). These addresses are on opposite sides of Columbus. (State's Exhibit C)

For the following reasons, defendant's motions to correct of the record, and motion to dismiss for violation of his speedy trial rights should be denied.

I. MOTION TO CORRECT THE RECORD

First, Defendant is asking this court to place an entry on the record granting a motion to dismiss that was inadvertently granted by a duty judge, without a hearing, without a responsive brief, without Defendant even being arraigned, 5 days after it was filed. He then asks this court to find that this non-recorded entry bars further prosecution for various reasons.

Criminal Rule 12 governs the litigation of motions such as those for lack of speedy trial. Section C governs the types of motions, while Section D governs the time in which they may be filed. Section D states:

> (D) Motion date. All pretrial motions except as provided in Crim. R. 7(E) and 16(M) shall be made within thirty-five days after arraignment or seven days before trial, whichever is earlier. The court in the interest of justice may extend the time for making pretrial motions.

This rule does not provide for the filing of motions prior to arraignment, likely because there is no judge assigned as a "Trial Judge" to make determinations. To follow section D, Crim R. 12(F) governs the rulings upon the motions in Section C. This section states:

> (F) Ruling on motion. The court may adjudicate a motion based upon briefs, affidavits, the proffer of testimony and exhibits, a hearing, or other appropriate means. A motion made pursuant to divisions (C)(1) to (C)(5) of this rule shall be determined before trial. Any other motion made pursuant to division (C) of this rule shall be determined before trial whenever possible. Where the court defers ruling on any motion made by the prosecuting attorney before trial and makes a ruling adverse to the prosecuting attorney after the commencement of trial, and the ruling is appealed pursuant to law with the certification required by division (K) of this rule, the court shall stay the proceedings without discharging the jury or dismissing the charges. Where factual issues are

> involved in determining a motion, the court shall state its essential findings on the record.

To expand and clarify the local application of Criminal Rule 12, this Court has promulgated various local rules, including Local Rule 75, which states in pertinent part:

> 75.01 Motions. The filing and consideration of motions in a criminal case is governed in general by Crim. R. 12. A party may request a hearing in advance of trial to consider a motion. If this is not done, the motion will be considered on the day of trial. The absence of a witness regarding consideration of a motion will not be cause for continuance of the trial.
>
> 75.02 All motions and other written requests filed in criminal cases shall be submitted to the Trial Judge. All motions, briefs and memoranda, pro and contra, shall be filed in duplicate.

Therefore, the procedural posture of the duty judge's "granting" of Defendant's pre-arraignment motion to dismiss shows that Defendant's position, in asking the court to correct and strike, is indefensible. There is no provision allowing for the filing of, much less the litigating, pre-arraignment motions. Even if there were one, there was no opportunity to respond, and no proper adjudication based on "briefs, affidavits, the proffer of testimony and exhibits, a hearing, or other appropriate means." The court's December 14, 2018, entry is the best evidence that this initial "granting" of the motion to dismiss was a clerical error – not one of judgment or reasoning, but one of work-flow.

Ironically Defendant cites Crim R. 12(F) in his assertion that the December 14 judgment is somehow "incomplete and immaterial" because the it does not state essential findings. He ignores that the original entry would fail for the same reasons, in addition to its having deprived the State the opportunity to respond.

Defendant alleges that the proper recourse for the State on December 12, 2018, was to appeal the court's decision granting the motion to dismiss. However, two days later the court

took its own action in striking the erroneously-granted motion, obviating the need for appeal. If defendant wanted to challenge the court's *sua sponte* action, he could have appealed, but not until there was a final appealable order. There has not yet been any order on the record of this case that Defendant can characterize as a final appealable order, nor any appealable interlocutory order.

II. DOUBLE JEOPARDY

Defendant seeks to characterize the now-stricken entry, whatever the reasoning, because it granted his motion to dismiss for violating his speedy trial rights, as a bar to prosecution under the Double Jeopardy Clause.

Defendant fails at his Double Jeopardy claim because jeopardy has never attached, nor was he punished for an offense for which he is not in jeopardy of being twice punished.

What defendant is claiming, in his intermixing Double Jeopardy constitutional issues with statutory discharge under R.C. 2945.72, is that the first entry was a proper granting of a motion for relief under R.C. 2945.71. A properly granted motion to dismiss for violating statutory or constitutional speedy trial rights would be a bar to subsequent prosecution for that offense, however under a different legal analysis, and is not governed by Double Jeopardy principals.

The Ohio Supreme Court has specified when Double Jeopardy principals apply: to protect against three distinct wrongs: "(1) a second prosecution for the same offense after acquittal, (2) a second prosecution for the same offense after conviction, and (3) multiple punishments for the same offense." *State v. Gustafson*, 76 Ohio St.3d 425, 432, 668 N.E.2d 435 (1996), citing *United States v. Halper*, 490 U.S. 435, 440, 109 S.Ct. 1892, 104 L.Ed.2d 487 (1989). See State v. Soto, 158 Ohio St.3d 44, (2019). In this case there have not been convictions, acquittals, nor punishments, for either offense.

III. STATUTORY SPEEDY TRIAL

Defendant has filed a motion to dismiss, contending, in passing, that the statutory speedy-trial clock has expired. He reaches this conclusion by counting all of the time from November 3, 2017 (offense date), to November 22, 2019 (arrest date), including time when no charge was pending in any court, as well as time which was tolled by the filing of his December 7, 2018, motion to dismiss. Given that the General Assembly made the running of the statutory speedy-trial clock expressly dependent on a "pending" charge, see R.C. 2945.71(C), defendant falls far short of demonstrating that the 270-day statutory speedy-trial clock has expired.

As the Ohio Supreme Court has recognized, when there is no charge "pending," the statutory speedy-trial clock does not run. "[W]e are cognizant that the speedy-trial statute shall run against the state only during the time in which an indictment or charge of felony is *pending*." *State v. Broughton* (1991), 62 Ohio St.3d 253, 258 (emphasis sic). The speedy-trial clock simply does not run in the interval between two cases. Id. at 259-60 ("the time period between the dismissal without prejudice of an original indictment and the filing of a subsequent indictment, premised upon the same facts as alleged in the original indictment, shall not be counted unless the defendant is held in jail or released on bail pursuant to Crim.R. 12(I).").

Under the case law, the clock does not start up again with the mere filing of the indictment, as the statutory speedy-trial clock is also dependent on the person's "arrest." As the Ohio Supreme Court has recognized, when an initial case is ended and then another case is begun, it takes an arrest under the new charge for the felony speedy trial clock to start up again. "The arrest of a defendant, under a subsequent indictment which is premised on the same underlying facts alleged in a previous indictment, is the proper point at which to resume the running of the speedy-trial period." *Broughton*, paragraph two of the syllabus; *State v. Azbell*, 112 Ohio St.3d 300, ¶ 20 ("Azbell did not become a 'person against whom a charge of felony is pending' until she was arrested on the

indictment in April 16, 2004."). The mere filing or refiling of a charge does not start the clock back up again, as *Broughton* shows.

Pursuant to 2945.72(D), the 270 day requirement is also extended by any "Any period of delay occasioned by the neglect or improper act of the accused." Defendant was aware of the warrant for his arrest, was represented by counsel, filed a pro-se motion with a fraudulent address to hide his location, and (as will be presented at hearing) affirmatively hid from detection to evade arrest.

Pursuant to 2945.72(E) the 270 day requirement is also extended by any "Any period of delay necessitated by reason of a plea in bar or abatement, motion, proceeding, or action made or instituted by the accused." *State v. Watson*, 10th Dist No. 13AP-148, 2013-Ohio-5603, paragraph 18 ("The filing of a motion to dismiss tolls time for speedy trial purposes, pursuant to R.C. 2945.72(E), until the court rules on the motion")

In calculation: Defendant was charged in Franklin County Municipal Court on 11/3/17, bond was set and posted 11/4/17, and the case was dismissed on 11/13/17. The total number of days counting against the state would be 14 at best (11/4 to 11/5 in jail, 11/6 to 11/13 out of jail).

Defendant was indicted on 1/19/18 with an arrest warrant. The warrant was not executed until November 29, 2019, therefore pursuant to *Broughton*, the "clock" had not yet restarted. In the intervening time, defendant filed his motion to dismiss (which had been inadvertently granted) as well as a subsequent, *pro se* motion to dismiss (which has not been ruled upon) and amended by appointed counsel. The "clock" stops when the first (December 2018) or at best the *pro se* (October 2019) motions were filed, effectively pausing the clock that was not yet running. This attributes a grand total of 14 days of the 270 against the State.

IV. CONSTITUTIONAL SPEEDY TRIAL

Article I of the Ohio Constitution and the Fifth and Fourteenth Amendments of the United States Constitution prohibit deprivation of life, liberty, or property without due process of law and ensure fundamental fairness in criminal trials. Government delay in investigating offenses, filing charges, or prosecuting cases can result in the death or disappearance of witnesses, the loss of evidence, and the fading of memories, which can unfairly impair an accused's ability to present a defense. The Due Process Clause provides some protection against undue delay; however, a defendant must show four things to succeed with such a claim: (1) delay, (2) for an insufficient reason, (3) the defendant's assertion of his rights and (4) actual prejudice. *Barker v. Wingo* (1972), 407 U.S. 514; *U.S. v. Lovasco* (1977), 431 U.S. 783; *State v. Luck* (1984), 15 Ohio St. 150.

A. Undue Delay

The basis of a due process claim is that undue delay has harmed the defendant's ability to defend. The United States Supreme Court stated that the Speedy Trial Clause of the Sixth Amendment does not apply to the period before a defendant is indicted, arrested, or otherwise officially accused. *United States v. Marion* (1971), 404 U.S. 307, 313.

Here, the Defendant was indicted on January 19, 2018, about two and one-half months after the offense. The State was well within the statute of limitations. A warrant was issued for Defendant's arrest, at his residence, and was not executed until November of 2019. Defendant filed a motion alleging undue delay in December of 2018, however despite knowing that he had an active warrant for his arrest, did not avail the court of his presence until his involuntary arrest 11 months later. Defendant cites a 22 month delay, however for at least half of that time Defendant was actively and knowingly avoiding the speedy trial for which he now complains he lacked.

B. Insufficient Reason

The due process inquiry must consider the reason for the delay. *See Lovasco*. The Defendant has not shown that the government had insufficient reason to justify the delay. Defendant was informed through his first retained counsel that there were mechanisms for proceeding to execute the warrant for his arrest. In an email to his former counsel on December 18, 2018, defendant was made aware (which his first counsel presumptively was already aware) that warrants are executed through arrest or appearance in open court via Crim R. 4 and 9.

The Defendant in his motion and memorandum in support has failed to show two important considerations: 1) the government had insufficient reason to justify the delay; 2) an intentional delay by the State in order to gain some tactical advantage, or that any tactical advantage was actually gained.

Here, the reason for the delay was the State's inability to locate the Defendant. A warrant was issued upon his indictment. The State was unable to locate the Defendant until November of 2019, partly due to Defendants subterfuge in filing a pro se motion with an address for which he did not live, one month prior to arrest. Defendant makes no argument about how the state should otherwise locate an actively evasive drug trafficker.

C. Assertion of Rights

While defendant attempts to argue that he asserted his rights in his two pre-arraignment motions, he completely fails to recognize the 11 months of knowingly being on the run from the law. He cannot run and say he is available for trial at the same time. The Ohio Supreme Court indicated that if it could be proven that Defendant knew of the indictment during the time there was an active warrant (in that case capias), this factor would "weigh heavily against [defendant]." *State v. Triplett*, 78 Ohio St.3d 566 at 570 (1997). Here we know definitively defendant knew for at least 11 months that he had an active warrant; possibly longer given the

time taken to find and hire an attorney, and then for that attorney to draft a novel "pre-arraignment" motion to dismiss.

D. Prejudice

In the case at bar, the Defendant fails to mention any particularized prejudice caused by the delay, and no prejudice whatsoever concerning the adjudication of the facts alleged in the indictment. Defendant also fails to take any responsibility for the delay occasioned by him. If he was concerned about the destruction of evidence, or loss of memories over time, he would have appeared at the very least 11 months sooner, in open court, as proscribed by the rules of criminal procedure.

E. Balancing the Factors

The *Triplett* case cited above gives this Court clear guidance regarding the balance of the four *Barker* factors as applied to the facts of this case:

> We do not find the time span in this case to be as prejudicial as the period in *Doggett.* The fifty-four months at issue in this case is also exceedingly long, but it is the cause of that delay that sets this case apart from *Doggett.* In *Doggett,* there was no evidence that the accused ever knew that he had been charged with a crime or that the government had ever attempted to notify him of his indictment. He was never even in police custody until eight and a half years after his indictment. Triplett was arrested, immediately booked, and indicted soon thereafter, and a certified mail notice of her indictment was then sent to the address *she* had provided to police after her arrest. Hence, any delay after that point was her fault.
>
> Of course, police did not do all they could to apprehend Triplett. There is nothing in the record suggesting that police made any effort to go to the address in person to attempt to find Triplett. While this factor should be weighed, on balance, against the state, we do not find it fatal to the prosecution.
>
> The length of the delay and the prejudice presumed to arise from that, as well as Triplett's timely assertion of her Sixth Amendment rights, are factors in her favor under a *Barker* analysis. Still, none of those factors ever would have become factors without Triplett's own hampering of her Sixth Amendment rights. Triplett cannot

> overcome the fact that the genesis of the delay was her failure to accept certified mail or her failure to give police a suitable address upon her arrest.

Id at 571.

Here, as in *Triplett*, the warrant was issued to the residence that defendant was first arrested at, and living in at the time. Defendant affirmatively knew about the warrant for at least half of the delay, even after "asserting" his right to a speedy trial. He provides no compelling prejudice other than stress and unspecified inability to find work. These factors weigh heavily against any factor in favor of defendant, and should not overcome the balance.

V. CONCLUSION

For the foregoing reasons, defendant's motion should be denied.

Respectfully submitted,

Ron O'Brien
Prosecuting Attorney
Franklin County, Ohio

/s/ Jamie Sacksteder
Jamie Sacksteder 0043907
Assistant Prosecuting Attorney
373 S. High Street/15th Floor
Columbus, OH 43215
(614)525-3555

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing was served on opposing counsel Zackary Mayo via the Clerk's electronic-filing notification system.

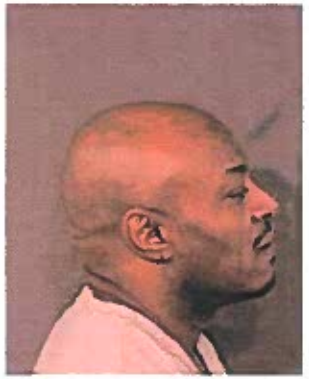
/s/ Jamie Sacksteder
Jamie Sacksteder 0043907

FRANKLIN COUNTY OHIO
SHERIFF

Booking - User: Nate George IT - Agency: FCSO - Friday, May 1, 2020

Log Out
Ind Booking
Booking
Secondary
KSF
Birth Dates
SSN's
Family
Addresses
Phone #'s
Associates
Employers
Warrants
History
Offenses
Visitors
Aliases
Alerts
SMT's
Incidents
Disclaimer
Admin

Inmate #:	0049202		
Booking #:	20191122044	Address:	83 S POWELL AVE
FBI # / SID:	790086LC0 C559837		
Inmate Name:	GLOVER, JAMES E III	City / County	COLUMBUS
Inmate NickName:		State / Zip:	OH 43204
Maiden Name:		Source / Phone:	0000000000
Prisoner Type:	Felony	Emer Contact:	
Booking Type:	WARRANT ARREST	Rel / Phone:	0000000000
Booking Date:	11/22/2019 Time: 11:03:47	Birth Date / City:	08/30/1978
Booking By:	vcabrams	Birth State / Country:	
Booking Location:	FCCC1	Citizenship:	
Assigned Cell:		Scheduled Release:	
Current Location:		Actual Release:	12/04/2019
Class Level:	5-Medium Pre	Photo Date:	
Custody Status:	HISTORICAL RECORD	SSN:	XXX-XX-4261



Gender:	Male	Race:	BLACK	Marital:	Unknown
Height:	6'00"	Weight:	240 Lbs	Religion:	BAPTIS
Hair:	Bald	Eye:		Military:	
Facial:		Build:		MDOC:	
Complexion:		Ethnicity:		PCN #:	
NCIC FP#:		INS #:		AFIS:	NONE

Lead Charge: OPERATING A MOTOR VEHICLE WITH

OSD PCN:

Next Event:

STATE'S EXHIBIT A

MARYELLEN O'SHAUGHNESSY
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CRIMINAL DIVISION

8644 - A93

THE STATE OF OHIO,

PLAINTIFF,

18 CR 274

VS.

JAMES E. GLOVER III,

DEFENDANT.

****** BAIL OR RECOGNIZANCE OF THE ACCUSED **** (PAGE 2)**

AND ABIDE THE ORDER AND JUDGMENT OF THE COURT, AND APPEAR FROM DAY TO DAY AND NOT DEPART WITHOUT LEAVE, UNTIL SUCH CASE IS FINALLY DISPOSED OF; THEN THIS BAIL OR RECOGNIZANCE SHALL BE VOID; OTHERWISE IT SHALL BE AND REMAIN IN FULL FORCE AND VIRTUE IN LAW.

THE DEFENDANT IS OBLIGATED TO KEEP THE COURT APPRISED OF (HIS) (HER) ADDRESS, INCLUDING ZIP CODE, TO KNOW THE DATE OF ALL SCHEDULED APPEARANCES AND TO APPEAR IN THIS COURT ON THOSE DATES, (HE) (SHE) UNDERSTANDS THAT THE COURT WILL, WITHIN TWENTY-ONE (21) DAYS FOLLOWING ARRAIGNMENT, NOTIFY (HIM) (HER) OF (HIS) (HER) NEXT SCHEDULED APPEARANCE AND THAT, ABSENT THAT NOTIFICATION, (HE) (SHE) MAY CALL THE CLERK OF COURTS AT (614) 525-3650 TO FIND OUT (HIS) (HER) NEXT APPEARANCE DATE. THE DEFENDANT AGREES THAT (HE) (SHE) BE FINGERPRINTED AND PHOTOGRAPHED BY THE FRANKLIN COUNTY SHERIFF.

ADDITIONAL CONDITIONS:
REPORT TO CENTRAL INTAKE 345 S HIGH 1ST FL 614-525-3700/
DRUG AND ALCOHOL SCREENS

SIGNED AS A CHARGE BOND:

Logan Williams-Morris
(NAME)

X
(DEFENDANT NAME)

100 E Main St
(ADDRESS)

X 835 Powell AVE
(STREET ADDRESS)

Columbus Ohio 43215
(CITY, STATE, ZIP)

X Columbus OH 43204
(CITY, STATE, ZIP)

TAKEN AND ACKNOWLEDGED BEFORE ME ON

THE 04 DAY OF DECEMBER , 2019

MARYELLEN O'SHAUGHNESSY , CLERK

, DEPUTY CLERK

STATE'S EXHIBIT B

(CTYQ03-C03

Ave, Columbus, OH 43204

t, Columbus, OH 43229

OPTIONS

to your phone

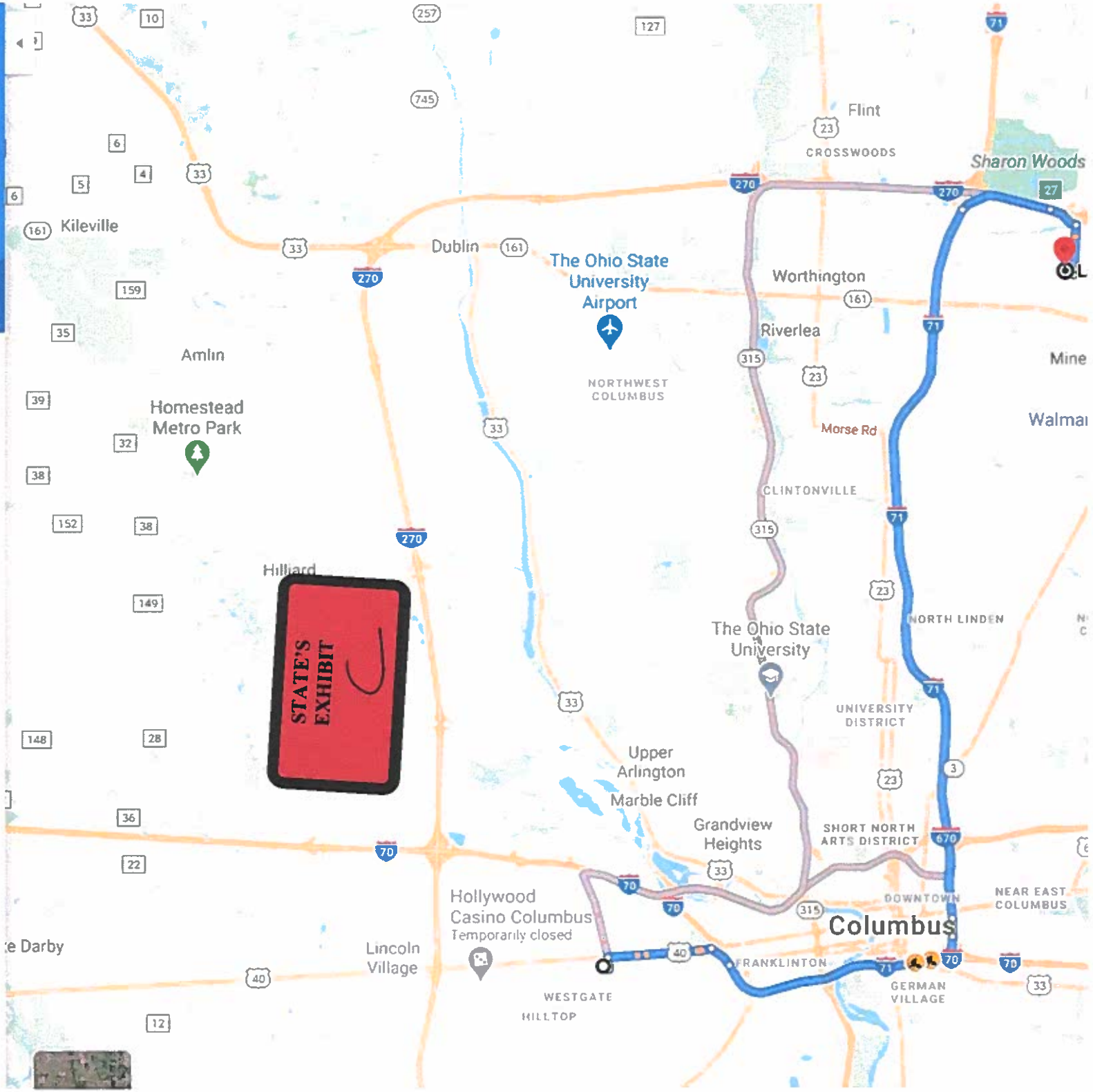
23 min
e usual traffic
19.0 miles

d I-71 N
23 min
19.6 miles

24 min
20.7 miles

d Ct

Gas stations Parking Lots More



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Tracking Number: 9414726699042102334729

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Feedback

Your item was delivered to an individual at the address at 10:56 am on April 8, 2020 in COLUMBUS, OH 43215.

Delivered

April 8, 2020 at 10:56 am
Delivered, Left with Individual
COLUMBUS, OH 43215

Get Updates ⌄

Text & Email Updates ⌄

Tracking History ⌃

April 8, 2020, 10:56 am
Delivered, Left with Individual
COLUMBUS, OH 43215
Your item was delivered to an individual at the address at 10:56 am on April 8,

RELATOR'S EXHIBIT 6

2020 in COLUMBUS, OH 43215.

April 8, 2020, 8:06 am
Out for Delivery
COLUMBUS, OH 43216

April 8, 2020, 7:55 am
Arrived at Unit
COLUMBUS, OH 43216

April 8, 2020, 5:41 am
Departed USPS Regional Facility
COLUMBUS OH DISTRIBUTION CENTER

April 7, 2020, 11:19 pm
Arrived at USPS Regional Facility
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