

Supreme Court
of the State of Ohio

Jelani Khamisi
Relator-Appellant
And
STATE OF OHIO
Respondents-Appellees

Jelani Khamisi

Relator-Appellant,

vs.

STATE OF OHIO,

Respondent-Appellee.

Case No.

Appeal from the Ninth District Ohio,
Court of Appeals of Ohio,
Hamilton County

Trial No. B1705754

Court of Appeals Case No. C18-0424

NOTICE OF APPEAL OF Jelani Khamisi

Relator-Appellant Jelani Khamisi, hereby give notice of appeal to the Supreme Court of Ohio from the decision of the Ninth District Court of Appeals, Hamilton County, entered on April 15, 2020.

State of Ohio v. Jelani Khamisi, et al, Case Number C-180424, affirming Hamilton County Court of Common Pleas Judgment case no. B-1705754. A date-stamped copy of the Hamilton Court of Common Pleas Final Judgment, Court of Appeals' entry, and of the Hamilton County Court of Common Pleas Special Probation Conditions are attached hereto pursuant to S. Ct. Prac. R. 6.01(B).

Respectfully submitted

/s/ Jelani Khamisi

**MEMORANDUM IN SUPPORT OF JURISDICTION
Of RELATOR-APPELLANT JELANI KHAMISI**

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RESPONDANT-APPELLEE

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EXPLANATION OF PUBLIC OR GREAT GENERAL INTERESTS

This case raises substantial rights and constitutional questions and is one of public and great general interest. All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, raising and educating my child, and seeking and obtaining happiness and safety, Unalienable Rights (1851). This case stems from unalienable rights of men and women protected by substantive due process, which arise from both the constitutions. The Fourteenth Amendment provides that no State shall "deprive any person of life, liberty, or property, without due process of law." We have long recognized that the Amendment's Due Process Clause, like its Fifth Amendment counterpart, "guarantees more than fair process." *Washington v. Glucksberg*, 521 U.S. 702, 719, 138 L. Ed. 2d 772, 117 S. Ct. 2258 (1997). The Clause also includes a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests." 521 U.S. at 720. The liberty interest at issue in this case is the interest of the rights to possess property and to due process of law.

The Sixth Circuit Court of Appeals has observed: Substantive due process, a much more ephemeral concept, protects specific fundamental rights of individual freedom and liberty from deprivation at the hands of arbitrary and capricious government action. The protection of fundamental rights by substantive due process arise from the Constitution itself and have been defined as those rights which are "implicit in the concept of ordered liberty.", *Gutzwiller v. Fenik* (C.A.6, 1988), 860 F.2d 1317, 1328, *State v. Small*, 162 Ohio App. 3d 375, 380-81 (Ohio Ct. App.

2005). A substantial right is defined as "a right that the United States Constitution, the Ohio Constitution, a statute, the common law, or a rule of procedure entitles a person to enforce or protect." *R.C. 2505.02(A)(1)*. An order which affects a substantial right is one which, if not immediately appealable, would foreclose appropriate relief in the future. *Very v. Board of Zoning Appeals* (June 30, 1999), Montgomery App. No. 17428, 1999 Ohio App. LEXIS 3464, at, 11, 1999 WI, 960777, unreported, citing *State v. Chalender* (1994), 99 Ohio App.3d 4, 6-7, 649 N.E.2d 1254, 1255-1256.

All structural errors were preserved, yet Ohio Appeal's Court made unsubstantiated allegations that were refuted through the record, even making false allegations that were not raised by trial court counsel; Every single writ of habeas corpus filed on this case to the Ohio Appeal's Court by me and each of my 3 family members co-relators were erroneously dismissed for frivolous reasons by the same judge Mock. Since the concoction of the fraudulent 21-count indictment on November 8th, 2017 I repeatedly challenged the court's lack of jurisdiction and was repeatedly denied a hearing; my right to petition the courts was interfered with through written and verbal orders from trial court Judges Robert Reuhlman and Jerome Cantanzaro. The rule that individuals shall not be deprived of life, liberty, or property without notice and an opportunity to defend themselves predates written constitutions and was widely accepted in within my indigenous tradition and in England. To prevent future violations and encroachments on the rights deemed as ordered liberty and the foreclosure of relief in the future, this court must grant jurisdiction to hear this case and review the erroneous and dangerous decision of the court of appeals.

STATEMENT OF THE CASE

Procedural Posture

The instant appeal involves state officials— Hamilton County Court of Common Pleas and the State of Ohio, Appellees-Respondents. Prosecution —usurped quiet title—verified complaints and other documents that were legally filed in civil court and perverted those suits into criminal charges through direct indictment. No injured man or woman accused me of criminal conduct, and no law enforcement officer witness or alleged criminal conduct through an affidavit or criminal report. I was not arrested through probable cause and taken before a municipal court judge to be given a hearing, I was unlawfully arrested without a warrant after being unlawfully direct indicted. Prosecution purposefully misrepresented and suppressed exculpatory material evidence and fraudulently secured a 21 count facially constitutionally vague indictment naming me, four members of my family, and one unknown person as defendants.

The indictment failed to charge an offense or to give notice through articulable factual circumstances of criminal conduct, *State v. Presler*, 176 N.E.2d 308, 309, 112 Ohio App. 437 (Ohio Ct. App. 1960), The indictment failed to agree with the state’s bill of particulars, which elucidated the facts of the case through a misterm “illegally squatting” as constitutionally protected conduct; the only explanation that the prosecutor gave for the misterm was “essentially trespassing”, which is a misdemeanor and not a felony offense. The indictment failed to support state’s evidence, which was exculpatory unrefuted material fact evidence pertaining to real property that was misrepresented and admitted into court as a result of my right to file motions being denied by the judge’s order to the court to not accept my pleadings. The fatal

variance between a grand jury's indictment and the state's bill of particulars fail to establish a justiciable issue to confer jurisdiction to the court. Where no justiciable issue is presented to the court through proper pleadings the court lacks authority, *Ligon v. Williams*, 264 Ill. App.3d 701, 637 N.E.2d 633 (1st Dist. 1994).

State officials interfered with my right to due process of law and rushed to adjudicate a facially unconstitutionally vague indictment, that conflicted with the state's alleged facts, over which it patently and unambiguously lacked jurisdiction. In substance, considering the evidence in the light most favorable to the state, the record demonstrates that the current factual situation involving real property could not have been found by a competent jury beyond a reasonable doubt. The fact that the state only articulated lawful civil conduct explained as a misdemeanor to be the facts of the case is evidence that there was no probable cause for criminal felony charges or for a true bill indictment.

Statement of the Facts

I, Jelani Khamisi, am requesting this Honorable Court to consider that a less stringent standard is applied to my pleadings because I am not an attorney; pro se complaints are held to "less stringent standards than formal pleadings drafted by lawyers." *Garrett v. Belmont Cty. Sheriff's Dep't*, 374 F. Appx. 612, 614 (6th Cir. 2010) (quoting *Haines v. Kerner*, 404 U.S. 519, 520, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972)). A plaintiff is not required to plead legal theories or to specify the statute which defendant has allegedly violated." *Shah v. Inter-Continental Hotel Chicago Operating Corp.*, 314 F.3d 278, 282 (7th Cir. 2002); see also *Gean v. Hattaway*, 330 F.3d 758, 765 (6th Cir. 2003) *Lott v. Kmart*, (S.D. Ohio 2014).

State officials interfered with my substantial rights by indicting me without establishing a justiciable issue and by proceeding to trial without subject matter jurisdiction through a facially unconstitutionally vague charging instrument that failed to give notice or opportunity to defend through articulatable facts of criminal conduct and that conflicted with the state's bill of particulars that particularized constitutionally protected conduct. After my right to a hearing was repeatedly interfered with, as well as my right to self-represent, petition the courts, a non-excessive bail, retrieve transcripts, access legal library and mail, an impartial judge and jury, and to a public and fair trial, I was forced to participate in the quasi-judicial proceedings, without entering a plea, in order to preserve a record for the court. Subsequently, I was convicted on alleged facts that were not presented to the grand jury and that demonstrated civil constitutionally protected conduct. I timely appealed the void judgment, and I am now appealing to this Honorable court to overrule the Appellate Court's Opinion and to vacate the trial court's void judgment.

PROPOSITIONS OF LAW TO BE ARGUED IF APPEAL IS GRANTED

A judgment procured without jurisdiction is void; Void judgment is one which shows upon face of record want of jurisdiction in court assuming to render judgment, and want of jurisdiction may be either of persons, subject matter generally, particular question to be decided or relief assumed to be given, *State ex re. Dawson v. Bomar*, 354 S.W.2d 763, (Tenn. 1962).

Fraud committed in the procurement of jurisdiction voids the judgment, *Fredman Brothers Furniture v. Dept. of Revenue*, 109 Ill.2d 202, 486 N.E.2d 893 (1985).

Me, Jelani Khamisi, and my family co-relators attempted many times to move the court to challenge the lack of jurisdiction, change the venue, and to dismiss the indictment for lack of subject matter jurisdiction, but the judges presiding over the case interfered with our rights to defend by repeatedly denying a hearing and by violating our right to self-represent, a speedy trial, and to a public trial. I was issued an excessive \$150,000 cash bond as an alleged first-time non-violent offender which prevented me from being free to make contact with key individuals that could have been witnesses and proven my defense.

I was wrongfully direct indicted by prosecution purposefully overextending statutes to include real property, then I was wrongfully arrested without a warrant or probable cause by prosecution suppressing facts pertaining to that real property from the indictment causing an arbitrary arrest. After a quasi-trial hearing before a nonimpartial judge and jury that was ignorant and bias to common law, I was convicted for peaceable possession of real property that was adverse to the owner of record under color of law; adverse possession is legal jargon for squatting and is lawful and protected civil conduct that is not legislated by Ohio statute and does not give rise to arrest. Because the court proceeded without authority the first error was structural and permeated the entire trial, subsequently, many other structural errors occurred that interfered with my unalienable constitutionally protected rights that were too many to raise during trial or in briefs. However, I initially object to the entire proceedings and the record provides evidence for all of my allegations.

FIRST PROPOSITION OF LAW

1. The state has no authority to bring felony charges through direct indictment for factual circumstances not articulated on the indictment but described on the bill of particulars as a constitutionally protected right and/or a misdemeanor, and state officials in the process of judicial procedure, do not have authority to by-pass my constitutionally protected rights to have probable cause, an accuser, first-hand competent witness, affidavit, an opportunity for me to be heard through a hearing, credible material fact evidence, or damages presented before the grand jury.

In *Bain, Stirone and Russell* the Supreme Court has shown that it takes seriously, and requires to be enforced rigorously, the Fifth Amendment's command that a defendant to a charge of 'infamous crime' be tried only on an 'indictment of a Grand Jury.', *Gaither v. United States*, 413 F.2d 1061, 1067 (D.C. Cir. 1969). A complaint is the basic charging instrument in all criminal proceedings in this state. *State v. Wood* (1976), 48 Ohio App.2d 339, 343. It is a written statement of the essential facts constituting the offense charged and may be made by either a police officer or a private citizen having knowledge of the facts. *Crim. R. 3; R.C. 2935.09*. In contrast, an indictment is issued by the grand jury after twelve jurors have concurred on the charges. *Ohio Const., Article I, Section 10; R.C. 2939.20*. It specifies that the defendant has committed a public offense "in ordinary and concise language without technical averments or allegations not essential to be proved." *Crim.R. 7(B), State v. Hess*, (Ohio Ct. App. 2003). In the instant case, the indictment was not a 'plain, concise and definite written statement of the essential facts constituting the offense charged' and did not adequately apprise me, my family co-relators, or the judge of the charges against us. It failed to meet the standards of sufficiency laid down by the courts in a long line of decisions. *United States v. Debrow*, 1953, 346 U.S. 374, 376, 74 S.Ct. 113, 98 L.Ed. 92; *Boyce Motor Lines v. United States*, 1952, 342 U.S. 337, 340, 72 S.Ct. 329, 96 L.Ed. 367; *Glasser v. United States*, 1942, 315 U.S. 60, 66, 62 S.Ct. 457, 86 L.Ed. 680;

Hagner v. United States, 1932, 285 U.S. 427, 52 S.Ct. 417, 76 L.Ed. 861; *United States v. Ansani*, 7 Cir., 1957, 240 F.2d 216, 223.

Without a complaint or criminal report alleging facts and providing an affidavit, I was indicted through a direct indictment that interfered with many of my unalienable rights. Based on no facts or competent first-hand witness being presented, the detective testifying to not being familiar with adverse possession and all of the potential trial jury members stating during voir dire that they were not familiar with adverse possession, common law, or constitutional violations, it is more than likely safe to assume that the grand jury, if one existed, was also unfamiliar with what was later determined after the indictment was secured to be the facts of the case, “illegal squatting” further explained by the prosecutor as “essentially trespassing”. Due to the fraudulent circumstances, not only was I not indicted on facts presented to the grand jury but I was convicted on facts that alleged constitutionally protected conduct.

The state’s representative, only witness, my accuser—non competent first hand, and the investigator on the case with the City of Cincinnati Police Financial Crime Unit, Cynthia Alexander, testified that her area of expertise consists of theft of personal property such as; burglary, robbery, breaking and entering, bank robbery, that she had no knowledge of adverse possession prior to the indictment, and that she did not charge “illegal squatting”; adverse possession is the legal term for squatting which is what the prosecutor alleged the facts of the case to be. Prosecutor William Anderson alleged felony statute violations on the indictment but alleged squatting, further explained as trespassing which is a misdemeanor, in the bill of particulars which created a fatal variance between the indictment and the bill of particulars and deprived me of my substantial right to be tried for a felony only on charges presented in an

indictment returned by a grand jury, 262 F.2d 571, reversed, *Stirone v. United States*, 361 U.S. 212, 212, 80 S.Ct. 270, 4 L.Ed.2d 252 (1960).

My quiet title—verified complaint facially claimed possession of real property that was adverse to the owner of record and state’s evidence supported my claim; the record shows that there was no adversarial matter between me and an injured man or woman before the court to confer subject matter jurisdiction. Because Anderson knew that no crime had taken place and that law enforcement would not arrest me for possession of real property or for trespassing without the owner of record complaining, he maliciously misrepresented and withheld exculpatory evidence from the grand jury and facts of real property from being articulated on the indictment, and alleged a non-owner of record who did not file a complaint against me as a complainant in the case; which is why there was no warrant for my arrest or probable cause. Subsequently, the court officials knew that prosecution failed to establish jurisdiction, and thus, refused to grant a hearing challenging the court’s lack of jurisdiction, violating my constitutionally protected rights.

By force of the Ohio Constitution, the subject-matter jurisdiction of the common pleas courts is limited to “justiciable matters.” *Ohio Constitution, Article IV, Section 4(B)*. Thus, in all actions, there must be an “actual controvers[y] between parties legitimately affected by specific facts,” such that the court can “render [a] judgment[] which can be carried into effect.” *Fortner v. Thomas*, 22 Ohio St.2d 13, 14, 257 N.E.2d 71 (1970). The unrefuted facts in the instant case allege peaceable adverse possession, which is lawful conduct that does not give rise to arrest; based on that, there was no justiciable controversy presented to confer subject matter jurisdiction to the trial court. The state had no standing or interests in the matter because the

matter was a civil private matter of which no owner of record contested to my possession. State officials cannot disturb an adverse possession attempt, not even by initiating contact with the alleged owners of record and alleging that me and my family were attempting to steal their property. The civil matter must be adjudicated in civil proceedings, state officials cannot pervert those issues into criminal charges and adjudicate in criminal jurisdiction.

I am arguing that the prosecutor did not have authority to charge me with felony offenses through a facially unconstitutionally vague indictment that conflicted with the facts of the case being particularized in the bill of particulars as a constitutionally protected conduct of which he further explained as a misdemeanor. Consequently, as a result of the fatal variance I was convicted on the basis of facts not found by, and perhaps not even presented to, the grand jury which indicted me and state officials violated my rights to; a municipal court hearing, arrest through warrant, an accuser, competent first-hand witness, and credible material evidence. The only affidavit filed in the case was filed by me, therefore, the only true facts presented on the case were mine.

SECOND PROPOSITION OF LAW

2. The prosecutor does not have authority to interfere with my unalienable rights by perverting my legally filed civil quiet title—verified complaints into criminal charges through overextending statutes to include real property, suppressing exculpatory evidence, and misrepresenting other exculpatory evidence based on the grand jury's ignorance of common law, and prosecutorial misconduct fails to establish a justiciable issue to confer subject matter jurisdiction to the trial court or to justify a conviction?

I am arguing that, in Ohio, the *theft statute 2913.01* is not extended to include real property and cannot be used against me as state's evidence of theft, unauthorized use of property, or tampering with records, just as legally filed quiet title claims of possession of real property that is

adverse to the owner record, or falsified evidence, cannot be used against me as state's evidence of criminal conduct.

“Defendants argue that Ohio does not recognize a civil cause of action for theft or attempted theft of real property. The Court agrees. The theft offenses set forth in Ohio Revised Code § 2913.01 clearly relate only to the theft of personal property, e.g., burglary, robbery, breaking and entering, safecracking, forgery, passing bad checks, misuse of credit cards. None involves the wrongful taking of real property. See Ohio Rev. Code § 2913.01(K). The Court therefore SUSTAINS Defendants' motion to dismiss Count 15 of the Complaint.”, *Corbett v. Beneficial Ohio Inc.*, 847 F.Supp.2d 1019, 1029 (S.D. Ohio 2012).

Legally filed Quiet title—verified complaints facially challenge adverse interests of possessed real property and state that the possessor's interest is inferior to the owner of record's interest. The action serves as public notice to the owner of record and to all other persons or corporations. It is recognized in Ohio that actions to quiet title are permitted exclusively pursuant to statute, *Holstein v. Crescent Communities, Inc.*, 10th Dist. Franklin No. 02AP-1241, 2003-Ohio-4760, ¶ 26, citing *R.C. 5303.01*; see also *Ochsenbine v. Cadiz*, 166 Ohio App.3d 719, 2005-Ohio-6781, 853 N.E.2d 314, ¶ 11 (7th Dist.) (“An action to quiet title is a statutory cause of action under R.C. 5303.01.”). R.C. 5303.01 pertinently states:

“An action may be brought by a person in possession of real property, by himself or tenant, against any person who claims an interest therein adverse to him, for the purpose of determining such adverse interest. Such action may be brought also by a person out of possession, having, or claiming to have, an interest in remainder or reversion in real property, against any person who claims to have an interest therein, adverse to him, for the purpose of determining the interests of the parties therein.”

This statutory language is the same language that years ago was in Revised Statute 5779.

Because the language of R.C. 5303.01 is the same as it was in the earlier statute, "it is generally recognized in Ohio that the Ohio Supreme Court's interpretation of that language also remains

consistent." *Holstein* at ¶ 28, citing *Chef Italiano Corp. v. Kent State Univ.*, 11th Dist. Portage No. 91-P-2308, 1992 WL 192005 (Feb. 21, 1992); *Paden v. Miller*, 5th Dist. Guernsey No. 00CA29, 2001 WL 1782890 (Feb. 8, 2001). In *Raymond v. Toledo*, 57 Ohio St. 271, 48 N.E. 1093 (1897), paragraph seven of the syllabus, the Ohio Supreme Court stated that "Section 5779, [Revised Statutes], gives a right of action to quiet title to one out of possession who claims an estate or interest in remainder or reversion in real property. It does not give such right to one out of possession who claims the entire estate." So, to bring an action to quiet title, one must meet the minimum statutory requirements of "possession of real property" or "an interest in remainder or reversion in real property.", *Lomelino v. Lomelino*, (Ohio Ct. App. 2020). The record shows that I met the minimum statutory requirement based on the fact that I was persecuted for allegedly possessing property without the consent of the owner.

In the instant case, the grand jury's indictment failed to allege a factual basis or to charge an offense, and the state's bill of particulars alleged adverse possession as a factual basis through the misterm "illegal squatting" and further explained the misterm as "essentially trespassing"; a squatter is "one who settles on another's land" without legal title or authority, according to Black's Law Dictionary. What are commonly referred to as "squatter's rights" are covered under the common law doctrine of adverse possession and supported under *O.R. C. 2305.04* statute. Adverse possession, sometimes colloquially described as "squatter's rights", is a legal principle under which a person who does not have legal title to a piece of property — usually land (real property) — acquires legal ownership based on continuous possession or occupation of the property without the permission of its legal owner, which is essentially trespassing, and the conduct is statutorily protected right.

“ADVERSE POSSESSION. A method of acquisition of title by possession for a statutory period under certain conditions. *Lowery v. Garfield County, Mont.*, 208 P.2d 478, 486. It has been described as the statutory method of acquiring title to land by limitation. *Field v. Sosby, Tex.Civ. App.*, 226 S.W.2d 484, 486. The possession must be actual, *Ortiz v. Pacific States Properties, Cal.App.*, 215 P.2d 514, 516; 73 ADVERSE adverse, *Flanery v. Greene*, 158 S.W.2d 413, 415, 289 Ky. 244; under claim of right, *Thomas v. Durchslag, Ill.*, 90 N.E.2d 200, 204, 404 Ill. 581; continuous, *Davis v. Federal Land Bank of Columbia*, 13 S.E.2d 417, 419, 219 N.Car. 248; open *Wilberforce University v. College of Ed. and Indus. Arts at Wilberforce University*, 90 N.E.2d 172, 173, 86 Ohio App. 121; notorious, *Edie v. Coleman*, 141 S.W.2d 238, 242, 243, 235 Mo.App. 1289; exclusive, *Laudati v. State*, 30 N.Y.S.2d 267, 270, and -hostile, *Singley v. Dempsey*, 42 So.2d 609, 612, 252 Ala. 677. Although color of title is not essential, *Roesch v. Gerst*, 138 P.2d 846, 851, 852, 18 Wash.2d 294, it is of great evidentiary value in establishing adverse possession, *Lincoln v. Mills*, 2 So.2d 809, 811, 191 Miss. 512. Adverse possession depends on intent of occupant to claim and hold real property in opposition to all the world, *Sertic v. Roberts*, 136 P.2d 248, 171 Ore. 121; and also embodies the idea that owner of or persons interested in property have knowledge of the assertion of ownership by the occupant, *Field v. Sosby, Tex.Civ.App.*, 226 S.W.2d 484, 486. Payment of taxes alone is not sufficient in itself to establish adverse possession, *Blitch v. Sapp*, 194 So. 328, 330, 142 Fla. 166. It is mandatory that the element of continuous possession exist for the full statutory period, *Wells v. Tietge*, 9 N.W.2d 180, 182, 143 Neb. 230.”ictionary

Since Alexander’s area was financial crimes and she and was not familiar with adverse possession, it is safe to deduce that at the time that she and Anderson misinformed the alleged owners of record (prior to the official charging) that I had attempted to steal their property she either had an interest in having me wrongfully convicted or she was just not aware that; to dispel squatting or adverse possession, the owner of record had only to grant permission for my use or to have me charged with trespassing; or to prove an adverse possession claim, I had only to show that I was lawfully exercising my rights to attempt such a claim as a defense, as was claimed in my quiet title—verified complaints that were misrepresented and used against me as state evidence. Based on the fact that the properties had been neglected, neither of these things took place. It is well established law, that as more than a trespasser, I did not need to justify my possession of property because my possession was lawful and peaceable, meaning it was

unchallenged by the owners of record and it was also proof of interest; "A mere "squatter" or trespasser, who enters upon lands which are then in the actual or constructive actual possession of the title holder, acquires an actual possession no further than he actually incloses the lands," *Stearns Coal & Lumber Co. v. Boyatt*, 181 S.W. 962, 966, 168 Ky. 111 (Ky. Ct. App. 1916). "** * * at common law and under the majority rule in this [68 Ohio App.2d 222] country the adverse claimant need not have a deed or other writing giving color of title or furnishing foundation for belief or claim of ownership or legal right to enter or take possession of land. Case law does not require perfection of an adverse possession claim before recognizing a claimant's right to possess and exclude others, including detectives and prosecutors, from the subject property. See *Blumrosen v. St. Surin*, 1995 WL 918312, at *6 (Terr. V.I. Sept. 29, 1995) (recognizing that "the adverse possessor can maintain an action for trespass against all who allegedly enter onto the adversely possessed property without his consent"). Only the record owner can disturb a squatter's right of possession, through civil remedy procedures, and possession of property is a legal interest in property that state officials have no standing to interfere with.

CONCLUSION

In the instant case, the state had absolutely no controversy or authority to proceed to trial, or to attempt to prosecute me on a civil matter in criminal court. Only justiciable matters invoke the common pleas court's jurisdiction. *Vinovich v. Ferguson*, 63 Ohio St.3d 198, 208-209, 586 N.E.2d 1020 (1992), *Shealy v. Campbell*, 20 Ohio St.3d 23, 25, 485 N.E.2d 701 (1985), and *Kincaid v. Erie Ins. Co.*, 2010-Ohio-6036, 13, 17 mandate the dismissal of a case filed by a party

without a present justiciable controversy. A possible future justiciable controversy does not invoke the court's jurisdiction. A justiciable matter involves an actual controversy. The record shows that State official's unconscionable abuse of power caused a wrongful indictment, conviction, and imprisonment of not only me but of 3 additional family members co-relators; all of who did not have any prior record. The record shows that in the midst of the a COVID19 Pandemic my liberty and right to petition the courts, to register with any local, state agencies or to enter any property is being interfered with without justification. I am requesting that this court accepts my appeal so that the issue will be reviewed on the merit, and that this court will reverse the judgment and opinion of the court of appeals.

June 1, 2020

Respectfully submitted,

/s/ Jelani Khamisi
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CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing notice of appeal and jurisdictional memorandum of Jelani Khamisi, Relator-Appellant, was sent by regular U.S. Mail on June 1, 2020, to counsel for the State of Ohio.

/s/ Jelani Khamisi

Jelani Khamisi, Pro per