

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,

Plaintiff-Appellee,

vs.

CHRISTOPHER A. DEVAUGHNS

Defendant-Appellant.

Case No. 20-0998

On Appeal from the MONTGOMERY
County Court of Appeals
SECOND Appellate District

C.A. Case No. CA 28370

MEMORANDUM IN SUPPORT OF JURISDICTION
OF APPELLANT CHRISTOPHER A. DEVAUGHNS.

#A 525-249 CHRISTOPHER A. DEVAUGHNS.

NAME AND NUMBER

LONDON CORRECTIONAL INSTITUTION

INSTITUTION

P.O. BOX 0069

ADDRESS

LONDON, OHIO 43140

CITY, STATE & ZIP

NA

PHONE

DEFENDANT-APPELLANT, PRO SE

MATHIAS H. HECK, JR.

PROSECUTOR NAME

301 WEST THIRD STREET

ADDRESS

DAYTON, OHIO 45422

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NA

PHONE

COUNSEL FOR APPELLEE, STATE OF OHIO

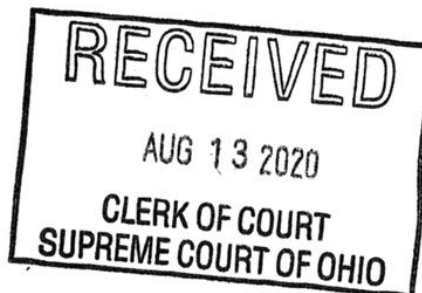
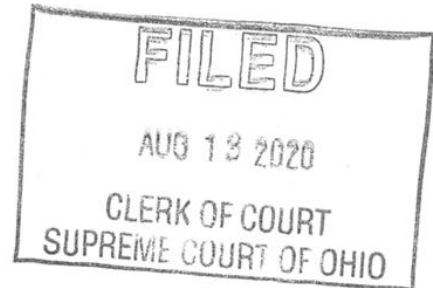


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EXPLANATION OF WHY THIS IS A CASE OF PUBLIC OR GREAT GENERAL INTEREST AND INVOLVES A SUBSTANTIAL CONSTITUTION QUESTION.

As it is made self-evident therein (Exhibit 1) of the appellate court's July 8, 2020 Decision and Entry to Deny the Appellant's May 27, 2020 Motion For Reconsideration Pursuant Ohio App. R. 26(A). The Appellate Court, many years experienced, in knowing violation of Ohio App. R. 12(A). The appellate court, after being made aware of the documented facts as presented therein the appellant's motion for reconsideration. To deny the appellant's Motion For Reconsideration.

The appellate court choose to add to the appellant's appeal CA28370, many unassigned issues of unrelated DNA TESTING that were not of the appellant's appeal CA28370, and the appellate court refused to address the following:

The language of the appellee's June 3, 2020 Motion Contra to the appellant's May 27, 2020 motion for reconsideration is conclusive: "There never was a 'Bloodwit' witness for the State of Ohio who alleged any criminal wrongdoing against the appellant, as the State of Ohio v. Christopher A. DeVaughn - alleged to knowingly mislead the appellant's trial jury to falsely convict the appellant. To wit:

With all due respect, discovered at time of the appellant's appeal CA28370. The many years experienced officiators of the appellant's criminal trial (2006-CR-0043), on behalf of the State of Ohio v. Christopher A. DeVaughn. In knowing violation of Ohio Evid. R. 402/601 A, 1702(A)(B)(C)/901 A, and O.R.C 2921.11(A)(B),

Engaged in and continues to support outright conspiritious acts of
complicit Deceit, of knowing intent, purposed to mislead the appellants
Trial Jury to falsely Convict the appellant, Effectively to Deny the
appellant, Christopher A. DeVaughns' Constitutional Guarantee of Right
to a fair trial.

as to the above:

The issues raised are of Great Constitutional Interest and of
Even Greater Public Concern. The appellant will show to the Supreme
Court of Ohio that the Court of Montgomery County (2006-CR-0843)
Does so, with intent, knowingly falsely Convicts.

With All Due Respect.

The appellant truly believes that the concerted acts of the
many years experienced officieries (2006-CR-0843) to falsely Convict
are not an isolated incident because the many years experienced
officieries (2006-CR-0843) causing the appellant to be falsely Convicted
was, as if, an act of practiced Deceit.

In Support, The Following...

In Support:

For The State
Amy Wunderlick

Trans.P.103,L: 16 A. I'am a Forensic Scientist in the Serology and DNA
17 Section.
21 A. I have a Bachelor of Science in Biological Science

Cross Examination

Trans.P.111,L: 21 Q. You weren't requested to do DNA in this case,
22 is that correct ?
23 A. That is correct.

Cross Examination

Trans.P.112,L: 6 Q. Now Ma'am, you can't give us a date on when the blood
7 was on these items, can you ?
8 A. No, I Cant.

Redirect

Trans.P.112,L: 19 Q. So you got no request from any of those individuals
20 for DNA testing in this case.
21 A. Not for DNA testing, No.

DNA ADMITTED
INTO EVIDENCE

Trans.P.136,L: 18 Eighteen were blood samples that were collected from
19 17 Upton Place, the mattress Nineteen, blood samples
from
20 the table top that happened at the E-crew bay.

Respondent Falsely States:

Trans.P.137,L: 21 **THE COURT:** The Court finds that THEY ARE PROPERLY
22 IDENTIFIED and they'll be admitted.

(State's Exhibits 18&19 Admitted)

Prosecution's Closing
Argument (2006-CR-0843):

" Blood on it " Tr.P.170,L:21 " We've got the table
with Blood on it ... Human Blood. " We've got a belt with
Human Blood." ... Tr.P.186,L: 9/10 ..." Find him guilty
of felonious assault and of the kidnapping." Tr.P.186,L: 24/25

As To The Above:

Degradation of the " Blood on it " sets " Blood on it " Outside
Relevancy Pursuant (2006-CR-0843). Degradation of "Blood on it"
At Time of Trial Made Conclusive Identification of "Blood on it"
Impossible. See Tr.P.112,L: 6-8.

STATEMENT OF THE CASE AND THE FACTS

The Case:

The Appellant CA 28370, on appeal to the Supreme Court of Ohio, will provide to the Supreme Court of Ohio, evidences irrefutable of factual documentation as to why and how the appellant has been falsely convicted and wrongfully sentenced as to the following:

Byg. Telephonic Consult O.R.C. 2903.11(A)(6), Kyo Kidnapping O.R.C. 2905.01(A)(1).

Fact:

On Knowing Violation of Ohio Evid. R. 601 (a) *Zone of Unsound Mind*:

The Sole Complaining Witness for the State of Ohio, Synelle V. Moore, while under the heavy influences of Heroin and Crack-Cocaine, testified that she is currently a Byg., and Counting, practiced Heroin and Crack-Cocaine addicted addict, Z. P. 13, L. 3-13.

Case History:

Prior to the third breakin of the appellant and Daughter's apartment. On knowing violation of the Restraining Order issued against the Plaintiff, Synelle V. Moore. Synelle V. Moore, while under the heavy influences of Heroin and Crack-Cocaine, testified that She and Her Male Friend were on a Routine Multi Day and Multi Night Heroin and Crack-Cocaine Binge. Synelle V. Moore testified that the reason for going to the appellant's apartment at (2: A.M.) was to Demand Money from the appellant so She and Her Male Friend could continue getting High on Heroin and Crack-Cocaine.

Z.P. 57, L: 7-25, Z.P. 58, L: 1-2.

Perjury O.R.C. 2921.11(A)(B):

Synelle V. Moore, Sole Plaintiff for The State of Ohio, further testified that upon Her and Her Male Friend's arrival at the appellant's apartment. She, Synelle V. Moore, for no reason, was immediately assaulted and Held Kidnapped for 3 consecutive Days. Synelle V. Moore's reason given as to why She could not Escape from the appellant and Daughter's apartment was because the appellant and His Daughter never left their apartment.

"I HAD TO WAIT UNTIL THEY LEFT." Z.P. 39, L: 9-17.

Alibi Crim. R. 12.1(A):

The Appellant's Alibi irrefutable was Personally Hand-Written by the Prosecuting Attorney. Tr. P. 140, L: 17-25. Knowledge thereof Appellant's Alibi irrefutable was Wholly Discarded by the Court's appointed Defense attorney for the Appellant, Tr. P. 141, L: 19-20. The Appellant's Alibi was read aloud by the Trial Court Judge (2006-CR-0843): The Appellant and His Daughter were never at their apartment as alleged by the State's Sole Plaintiff, Lynelle V. Moore. The Appellant and His Daughter were together at A+D Child Care.

Tr. P. 146, L: 25-24. Tr. P. 147, L: 1-9.

PROPOSITION OF LAW

App. R. 12(A) The Record On appeal:

To Wholly Dismiss The Appellant's Appeal CA 28370. The Appellate Court, many years experienced, added to the Record Before it CA 28370, Many Issues of DNA TESTING Concerning a Witness for The State of Ohio THAT STILL DOES NOT EXIST,

App. R. 12.1(A) Alibi:

The Mandatory Instruction of Alibi was not given to the appellant's trial Jury.

Evid. R. 402 Inrelevant Evidence Inadmissible:

The State of Ohio's "Blood On It" Used to knowingly Mislead The Appellant's trial Jury to falsely Convict. Conclusive and Reliable Identification as to the appellant's Criminal Trial (2006-CR-0043) STILL CANNOT BE MADE.

Evid. R. 601(A) Those of Unsound Mind:

Synell V. Moore, Plaintiff for The State of Ohio, was Under the Heavy influence of Heroin and Crack-Cocaine at time of Testimony

Evid. R. 702(A)(B)(C) Testimony By Experts:

In an act of Deliberate Indifference. To Ignore Expert Testimony of The State's Renowned Forensic DNA Expert. To allow the State's "Blood On it" Evidence of Person or Persons Still Unknown to be Presented to The Appellant's trial Jury, Trial Court (2006-CR-0043), as Gatekeeper, Caused the Appellant to be falsely Convicted.

Evid. R. 901 (A) Requirements of authentication:

The State of Ohio "Blood on it" knowingly used to mislead the appellants trial jury to falsely convict the appellant, of Person or Persons Still Unknown, Still CANNOT BE IDENTIFIED as to its Relevancy pursuant appellants Criminal Trial (2006-CR-0013).

O.R.C. 2921.11(A)(B) Perjury:

The officiares of the appellants Criminal Trial (2006-CR-0013), many years experienced, Permitted the States Dis Plaintiff to give Known to be Perjured Testimony.

CONCLUSION

Christopher A. DeVaughns

SIGNATURE

HA-525-249 CHRISTOPHER A. DEVAUGHNS

NAME AND NUMBER

LEWIS CORRECTIONAL INSTITUTION

INSTITUTION

P.O. Box 0069

ADDRESS

LEWIS, OHIO 43140

CITY, STATE & ZIP

DEFENDANT-APPELLANT, PRO SE

The Issue Desperately Needing To Be Appealed:

To Wholly Dismiss The appellants appeal CA28370. Therein, The appellate courts July 8, 2020, Decision and Entry to Deny The appellants May 27, 2020, Motion For Reconsideration pursuant Ohio app. R. 28(A), The Appellate Court, Many Years Expensive, and in Knowing Violation of Ohio app. R. 12(A):

Choose to add to the Record before it CA28370, Many Issues of DNA TESTING that were not of the Record before it Concerning a Witness for The State of Ohio THAT DOES NOT EXIST. To wit:

Synelle V. Moore (13) the only complaining Witness For The State of Ohio, and the "BLOOD ON IT" Used By The State of Ohio with Purposed intent to knowingly Mislead the appellants Trial Jury To Intentionally Convict the appellant DOES NOT BELONG to The State's Sole complaining Witness Synelle V. Moore, Pursuant (2006-42-0043).

Respectfully Submitted,

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum in Support of Jurisdiction was forwarded by regular U.S. Mail to MATHIAS H. HECK, JR., Prosecuting Attorney, MONTGOMERY County, 301 WEST THIRD STREET 45402, DAYTON, Ohio 45402, this _____ day of JULY, 2020

Christopher A. DeLuca

SIGNATURE

#AS-25-249 CHRISTOPHER A. DELUCA

NAME AND NUMBER

DEFENDANT-APPELLANT, PRO SE

THE APPENDIX TO:

MEMORANDUM IN SUPPORT OF
JURISDICTION,

- (1). DECISION AND ENTRY RENDERED
JULY 8, 2020

- (2). (RE-SENTENCING) TERMINATION ENTRY
OF THE COURT OF COMMON PLEAS, MONTGOMERY
COUNTY, OHIO CRIMINAL DIVISION CA. NO. 2006-CR-0843.

- (3). NOTICE OF APPEAL - APRIL 30, 2019
CA. NO. 28370.

FILED
COURT OF APPEALS
2020 JUL -8 AM 11:26

CLERK OF COURTS
MONTGOMERY CO. OHIO

**IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY**

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	Appellate Case No. 28370
	:	
v.	:	Trial Court Case No. 2006-CR-0843
	:	
CHRISTOPHER A. DEVAUGHNS	:	
	:	
Defendant-Appellant	:	

.....
DECISION AND ENTRY

Rendered on the 8th day of July, 2020.
.....

PER CURIAM:

Christopher DeVaughns seeks reconsideration pro se of this Court’s May 8, 2020 decision that affirmed the judgment of the trial court which overruled his motion for leave to file a motion for a new trial. *State v. DeVaughns*, 2d Dist. Montgomery No. 28370, 2020-Ohio-2850. DeVaughns’ motion for reconsideration is hereby denied.

As this Court has previously noted:

“The test generally applied upon the filing of a motion for

reconsideration in the court of appeals is whether the motion calls to the attention of the court an obvious error in its decision, or raises an issue for consideration that was either not considered at all or was not fully considered by the court when it should have been." *City of Columbus v. Hodge* (1987), 37 Ohio App.3d 68, 523 N.E.2d 515, paragraph one of the syllabus; *Matthews v. Matthews* (1981), 5 Ohio App.3d 140, 450 N.E.2d 278; *State v. Black* (1991), 78 Ohio App.3d 130, 604 N.E.2d 171. "An application for reconsideration is not designed for use in instances where a party simply disagrees with the conclusions reached and the logic used by an appellate court." *State v. Owens* (1996), 112 Ohio App.3d 334, 336, 678 N.E.2d 956.

State v. Arnold, 2d Dist. Montgomery No. 23155, 2010-Ohio-6617, ¶ 2.

As this Court previously noted:

In 2006, DeVaughns was tried before a jury and found guilty of felonious assault in violation of R.C. 2903.11(A)(1) and kidnapping in violation of R.C. 2905.01(A)(3). The charges stemmed from allegations that DeVaughns had beaten the mother of his child * * * causing her life-threatening injuries, and confined [her] against her will. After the jury rendered its verdict, the trial court sentenced DeVaughns to eight years in prison for the felonious assault and ten years in prison for the kidnapping. The trial court ordered the sentences to be served consecutively to each other and consecutively to a sentence imposed in another case.

State v. DeVaughns, 2d Dist. Montgomery No. 27727, 2018-Ohio-1421, ¶ 2 ("DeVaughns

V^{II}) (holding at syllabus that DeVaughns was not entitled to a hearing on his motion for a new trial, res judicata barred DeVaughns' argument concerning blood evidence, and the law of the case doctrine barred DeVaughns' challenge to this Court's prior affirmance of the trial court's decision overruling DeVaughns' prior motion for a new trial.).

In our decision of May 8, 2020, this Court noted that DeVaughns "sought leave to file a motion for new trial based on newly discovered evidence, i.e., allegedly new blood evidence that would somehow exonerate him." *Id.* at ¶ 15. This Court concluded that "any issue regarding the blood evidence has already been decided by this Court, and is therefore barred by the law of the case doctrine." *Id.* This Court further concluded in relevant part as follows:

In the instant case, we have already decided that DeVaughns is not entitled to a new trial based upon the fact that no DNA testing was performed on the blood evidence at trial. *DeVaughns VI* at ¶ 20-21. Thus, any issue with respect to the blood evidence has already been raised or could have been raised by DeVaughns at an earlier stage in the proceedings. DeVaughns has not established that we overlooked any issues in his case or that the circumstances have changed, thus requiring that we not apply the law of the case doctrine in this instance. Simply put, the law of the case mandates that the blood evidence issues raised by DeVaughns do not entitle him to a new trial.

In his motion for leave to file a motion for a new trial, DeVaughns claims that he has new evidence in the form of DNA results from the blood evidence used at trial. Essentially, DeVaughns argues that the DNA

results would either implicate someone else for the offenses of which he was convicted, or the results would establish that the blood belonged to someone not involved in the case at all. DeVaughns bases his belief in the the existence of the DNA test results on a misreading of statements made by the trial court and the assistant prosecutor in their respective motions to dismiss his mandamus actions against them. Specifically, DeVaughns asserts that the trial court and the assistant prosecutor acknowledged the existence of the DNA results when their motions to dismiss stated, "Identifications of the State's 'Blood on it' Witness ('HAS ALREADY BEEN PERFORMED')." Motion for Leave (Nov. 5, 2018), p. 3. As noted by the State, DeVaughns attached portions of the mandamus respondents' motions to dismiss, but failed to attach those portions of the motions that contained the language he quoted.

Furthermore, the language he quoted was not an admission by the respondents. Rather, the language used by the respondents in their motions to dismiss was a quote from an Ohio Supreme Court case: "neither procedendo nor mandamus will compel the performance of a duty that has already been performed." *State ex rel. DeVaughns v. Singer*, 2d Dist. Montgomery No. 27925 (Motion to Dismiss, April 20, 2018); *State ex rel. DeVaughns v. Dodd*, 2d Dist. Montgomery No. 27934 (Motion to Dismiss, April 20, 2018); both quoting *State ex rel. Grove v. Nadel*, 84 Ohio St.3d 252, 253, 703 N.E.2d 304 (1998). In the instant case, the respondents have never claimed to have any DNA test results, and

there is no language in the respondents' motions to dismiss which establishes that anyone has performed DNA testing on the blood evidence submitted at trial.

We also conclude that the blood evidence issue raised in DeVaughns' motion for leave to file a motion for new trial was barred by the doctrine of res judicata, as he could have raised that issue in his direct appeal and raised similar issues other post-convictions motions. See *State v. Videen*, 2d Dist. Montgomery No. 27479, 2017-Ohio-8608, ¶ 20, citing *State v. Russell*, 10th Dist. Franklin No. 04AP-1149, 2005-Ohio-4063, ¶¶ 6-7 (finding res judicata barred appellant from raising issues in his motion for new trial that could have been raised in his direct appeal). Accordingly, the trial court did not err when it denied DeVaughns' motion for leave to file a motion for new trial.

Id. at ¶¶ 16-19.

In his motion for reconsideration, DeVaughns directs our attention to paragraphs 15 – 19 of our May 8, 2020 decision. He argues that this Court's "reasonings to overrule Appeal CA 28370 * * * are complete fabrications." According to DeVaughns, his "Motion for Leave is not of any concern, nor raises long deceased issues of DNA as appellate court falsely stated. Appellant's Motion for Leave is in strict compliance pursuant is [to] Crim.R. 47, and is not to be/should have not been misconstrued otherwise."

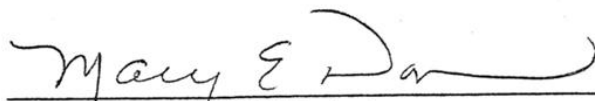
DeVaughns attached multiple exhibits to his motion, including a copy of his November 5, 2018 motion for leave to file a motion for new trial, and a portion of the trial court's January 7, 2019 entry denying the motion. He cites a "POST-TRIAL


DISCOVERED WITNESS pursuant to the 'unavoidably prevented' prerequisite made mandatory pursuant [to] Crim.R. 33(A)(6) – as the single issue to be reviewed on appeal CA 28370.” DeVaughns requests remand “for a hearing pursuant to the 'unavoidably prevented prerequisite [sic] that is Crim.R. 33(A)(6), affording Appellant an opportunity to obtain affidavit (NEW EVIDENCE) exculpate [sic] of the State’s sole plaintiff.” Regarding this Court’s determination, in paragraph 17 above, that DeVaughns failed to attach those portions of the mandamus respondents’ motions to dismiss that contained the language that he quoted, DeVaughns asserts that he is indigent and unable to pay for paper and postage.


The State responds that DeVaughns “is not entitled to relief because (1) he raises no issue that was not fully considered, and (2) he is wrong on the merits.” Regarding DeVaughns assertion of false statements in this Court’s decision, the State asserts that DeVaughns “implicitly admits that this Court decided the issues he raised. He is simply dissatisfied with this Court’s disposition of his latest appeal.” The State asserts that the “financial means of a party has no bearing on a motion for leave for a new trial out of time.”

We agree with the State. Having thoroughly reviewed DeVaughns’ motion for reconsideration, we conclude that it fails to call to our attention an obvious error in our decision of May 8, 2020, or raise an issue for consideration that was either not considered at all or was not fully considered by this Court when it should have been. In other words, we conclude that DeVaughns simply disagrees with the conclusions reached and the logic used by this Court. DeVaughns’ application is accordingly denied.

IT IS SO ORDERED.


MARY E. DONOVAN, Judge


JEFFREY E. FROELICH, Judge


JEFFREY M. WELBAUM, Judge

Copies mailed to:

Mathias H. Heck
Jamie J. Rizzo
Montgomery County Prosecutor's Office
301 W. Third Street, 5th Floor
Dayton, OH 45422

Christopher A. DeVaughns
Inmate No. A525-249
London Correctional Institution
P.O. Box 69
London, OH 34140

Hon. Gregory F. Singer
Montgomery County Common Pleas Court
41 N. Perry Street
Dayton, OH 45422

FILED
COURT OF COMMON PLEAS

2007 JUL 26 PM 12:48

GREGORY A. BRUSH
CLERK OF COURTS
MONTGOMERY CO. OHIO
1

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CRIMINAL DIVISION**

STATE OF OHIO

Plaintiff

vs.

CHRISTOPHER A. DEVAUGHNS
DOB: 04/26/1960 SSN: 282-66-8728

Defendant

CASE NO. 2006 CR 00843

JUDGE GREGORY F. SINGER

(RE-SENTENCING)
TERMINATION ENTRY

The defendant herein having been convicted of the offenses of **COUNT 1 FELONIOUS ASSAULT (serious harm) - F2 AND COUNT 2 KIDNAPPING (terrorize/physical harm) - F1**, was on **July 24, 2007**, brought before the Court for re-sentencing. The original sentence date was on **May 18, 2006**;

WHEREFORE, it is the JUDGMENT and SENTENCE of the Court that the defendant herein be delivered to the **CORRECTIONS RECEPTION CENTER** there to be imprisoned and confined for a term of **EIGHT (8) YEARS ON COUNT ONE AND TEN (10) YEARS ON COUNT TWO TO BE SERVED CONSECUTIVELY TO EACH OTHER AND CONSECUTIVELY TO THE SENTENCE IMPOSED IN CASE NUMBER 2006-CR-1525**;

The Defendant is ordered to pay complete restitution to **LYNELLE V. MOORE** for economic loss in the amount of **\$46,397.39** upon which execution is hereby awarded to be paid through the Montgomery County Clerk of Courts.

Court costs to be paid in full in the amount determined by the Montgomery County Clerk of Courts.

The number of days for which the defendant should receive jail time credit is indicated in the entry and warrant to transport filed in this case.

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

STATE OF OHIO,

CASE NO.: 2006 CR 0843

Plaintiff(s),

JUDGE GREGORY F. SINGER

-vs-

CHRISTOPHER A. DEVAUGHNS

ENTRY DENYING DEFENDANT'S
MOTION FOR LEAVE OF COURT
PURSUANT TO CRIM. R. 33(A)(6);
ENTRY DENYING DEFENDANT'S
MOTION IN PURSUANT TO CRIM. R.
33(A)(6) AFFIDAVIT OF THE POST-
TRIAL DISCOVERED WITNESS

Defendant(s).

This matter comes before the Court on the Defendant, Christopher A. DeVaughns', *Motion for Leave of Court in Pursuant to Crim. R. 33(A)(6)* filed on November 5, 2018 and *Motion in Pursuant to Crim. R. 33(A)(6) Affidavit of the Post-Trial Discovered Witness* (the "Motion for Affidavit") filed on November 16, 2018. (*Defendant's Motion for in Pursuant to Crim. R. 33(A)(6) Affidavit of the Post-Trial Discovered Witness*, Nov. 16, 2018.). Defendant filed the Motion for Leave pursuant to Crim. R. 33(A)(6) and R.C. § 2945.53. (*Motion for Leave*, Nov. 5, 2018) On March 2, 2018, Defendant filed a Writ of Mandamus against Judge Gregory Singer, and separate writ against Lynda Ashberry Dodd on March 8, 2018. (*Id.* at Exhibit 3, Exhibit 4) In response, two separate Motions to Dismiss were filed on April 20, 2018. (*Id.* at Exhibit I, Exhibit 2.) In his Motion for Leave, Defendant states he was not aware that the State's "Blood on it" witness had been identified until he received the Motions to Dismiss. (*Id.*) As such, Defendant prays for a new trial. On November 16, 2018, Defendant filed the Motion for Affidavit for permission to take the deposition of the witness and attend such deposition pursuant to R.C. § 2945.50 and R.C. § 2945.53. (*Id.*) The State did not file a response to either Motion.

"Crim. R. 33(A)(6) allows motions for new trial to be filed '[when] new evidence material to the defense is discovered which the defendant could not with reasonable diligence have discovered and produced

Montgomery County Common Pleas Court
General Division

EXHIBIT A

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY OHIO

STATE OF OHIO
Plaintiff-Appellee,

Case NO. 2006-CR0843

CA028370

vs.

JUDGE: GREGORY F. SINGER

CHRISTOPHER A. DeVAUGHNS
Defendant-Appellant.

NOTICE OF APPEAL

Now Comes The Defendant, Christopher A. DeVaughns, Hereby Gives Formal Notice To The Court Of Common Pleas, Of Intent To Appeal The (Attached): " Entry Denying Defendant's Motion For Leave Of Court Pursuant To Crim. R. 33 (A)(6)." The Defendant, Being Indigent, Has Attached To This Notice Of Appeal, The Required Documents (Motions) To Effect Said Appeal.

Respectfully Submitted,

Christopher A. DeVaughns

Christopher A. DeVaughns
London Correctional Inst.
P.O. Box 0069
London, Ohio 43140

- CERTIFICATE OF SERVICE -

The Defendant-Appellant, Does So Certify That A True Copy Of This Notice Has Been Sent By Regular U.S. Mail To The Office Of The Montgomery County Prosecutor At The Address Of 201 W 3d Street, Dayton, Ohio 45402, T

Mail Room Pass

Date: 5/3/2019 Time 12:00pm

Inmate Name: DEVAUGHNS 158L

Inmate Number: 525249

Type: Legal Mail

Housing Unit: A1

Court of Appeals of Ohio
Second Appellate District

Trial No. 2006-CR-0843
Appeal No. _____
Related Appeals _____

CA028370

CRIMINAL DOCKET STATEMENT

DIRECT APPEAL CROSS-APPEAL JOINT APPEAL

NOTE: A TIME-STAMPED COPY OF THE FINAL JUDGMENT BEING APPEALED MUST BE ATTACHED TO THIS STATEMENT.

CASE CAPTION	
STATE OF OHIO	VERSUS Christopher A. DeVaughns
Plaintiff-Appellant/Appellee (Circle Designation)	Defendant-Appellant/Appellee (Circle Designation)
Counsel for the State, S. Ct. Regis. No.	Counsel for Defendant, S. Ct. Regis. No.
Address 41 North Perirt St.,	Address State Rt. 56 N.W. London, Ohio 43140
Phone Number (List additional attorneys on bottom of sheet)	Phone Number (List additional attorneys on bottom of sheet)

HISTORY OF THE CASE: (Check appropriate box and provide requested information)
TRIAL COURT Judge Singer DATES: JUDGMENT APPEALED Jan 7, 19 NOTICE OF APPEAL Apr. 30, 2019

COUNSEL APPOINTED FOR TRIAL? Yes No APPEAL: Yes No
IS SUBSTITUTE COUNSEL REQUESTED FOR APPEAL? Yes No
WAS STAY OF SENTENCE GRANTED BY THE TRIAL COURT? Yes No
IS A STAY REQUESTED OF THE COURT OF APPEALS? Yes No EXPEDITED PER LOC. R. 2.8(A)? Yes No

NATURE OF THE CASE:
 MISDEMEANOR (TRIAL) FELONY (TRIAL) GUILTY/NO CONTEST PLEA
CHARGE Felony Asst./Kidnapping SENTENCE 19 yr. Consecutive.
 PROBATION REVOCATION PRIOR CHARGE None SENTENCE _____
 APPEAL BY STATE OF RIGHT WITH LEAVE OF COURT (Discretionary) APP. R. 5 (Leave to file delayed appeal)
(R.C. 2945.67)
 POST-CONVICTION RELIEF WAS A HEARING HELD IN THE TRIAL COURT? Yes No Date _____
(R.C. 2953.21)

PROBABLE ISSUE(S) FOR REVIEW DNA Used To Misperad Trial Jury To Convict Cannot Be Identified

THE RECORD (indicate the type of record to be filed):
 SUMMARY OF DOCKET AND JOURNAL ENTRIES ONLY (No transcript, App. R. 9(C) statement, or agreed statement will be filed).
 STATEMENT OF THE RECORD PURSUANT TO APP. R. 9(C) AGREED STATEMENT OF THE RECORD PURSUANT TO APP. R. 9(D)
 TRANSCRIPT OF PROCEEDINGS: Full Partial - (If partial, designate parts/dates of hearing) _____
NAME OF THE COURT REPORTER: Montgomery County Reporter PROJECTED DATE FOR FILING TRANSCRIPT: Unknown

NOTE: A COPY OF THE REQUEST FOR THE TRANSCRIPT MUST BE FILED WITH THE CLERK & A TIME-STAMPED COPY SERVED ON THE COURT REPORTER.

USE THIS SPACE FOR ADDITIONAL ATTORNEYS
