

IN THE SUPREME COURT OF OHIO

State Ex. Rel. ERIQ R. MCCORKLE

5900 B.I.S. Road SW

Lancaster, Ohio 43130

(Relator)

22-0962

v.

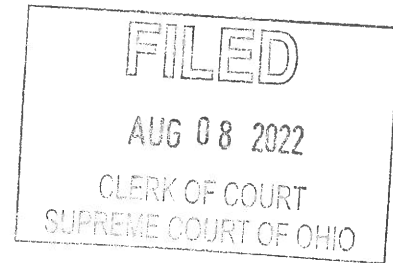
Judge David Young

Common Pleas Court of Franklin County

345 South High Street

Columbus, Ohio 43215-3668

(Respondent)

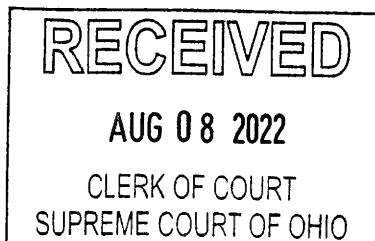


COMPLAINT FOR WRIT OF PROHIBITION

I, ERIQ R. MCCORKLE, Relator, do **HEREBY SWEAR UNDER THE PENALTY OF PERJURY AND FALSIFICATION THE FORGOING FACTS ARE TRUE AND CORRECT.** I am of legal age and competent to testify to the same:

FACTS

1. Relator was indicted on or about October 30, 2020 in connection with case number **20-CR-05140.**
2. On or about November 5, 2020 Relator promptly provided notice to the Franklin County Prosecutor pursuant to **R.C. 2941.401.** (Exhibit A)
3. On or about September 27, 2021, the Franklin County Prosecutor applied for a Court Order to **"remove [Relator] from the custody of the Warden of the Southeastern Correctional Institute and deliver him to the custody of the Sheriff of Franklin County."** See (Exhibit B) This was requested pursuant to **R.C. 2941.40; 2941.41; 2941.42**



IN THE SUPREME COURT OF OHIO

4. On or about September 27, 2021 an Order was issued to the Sheriff of Franklin County *"directing him to take into custody [Relator]...and remove him to the Franklin County Corrections Center."* See (Exhibit C)
5. On or about September 27, 2021 upon warrant issued, the Franklin County Sheriff's Office was commanded to take Relator from the custody of the Warden of the Southeastern Correctional Institution and *"bring him before me or some other Judge of the Common Pleas Court of Franklin County to answer the indictment in case number 20-CR-05140."* See (Exhibit D)
6. On or about September 28, 2021 a *"Warrant to Convey"*, pursuant to R.C. 2941.41 was ordered and issued to the Sheriff of the Franklin County commanding the him to *"take charge and convey [Relator] to Franklin County Correction Center."* See (Exhibit D)
On or about October 8, 2021 the Franklin County Sheriff's Office executed the *"Warrant to Convey"*. (Exhibit E)
7. On or about October 20, 2021 Relator was arraigned in connection with case number 20-CR-05140. On or about October 28, 2021 a Trial Date was scheduled for December 9, 2021.
8. THE DOCKET FAILS TO REFLECT THAT THE FRANKLIN COUNTY SHERIFF RECEIVED AN ORDER FROM RESPONDENT TO RETURN RELATOR TO THE CORRECTIONAL INSTITUTION, PURSUANT TO R.C. 2941.42, ON, OR BEFORE THE DATE TRIAL WAS SCHEDULED.
9. On OR BEFORE the date Trial was scheduled, December 9, 2021 the Docket fails to reflect a REASONABLE continuance, with the prisoner or his counsel present, pursuant to R.C. 2941.401 and R.C. 2945.72 et seq. See (Exhibit F)
10. On or about July 28, 2022 Respondent issued what appears to be an Entry Continuing Trial from December 9, 2021 to August 22, 2022.
11. Respondent asserts that this *"Continuance"* is in accordance with Franklin County Common Pleas Court Local Rules (Rule 79.01).

INJURY

12. The action in Case No. 20-CR-05140 was not brought to Trial with the time provided under R.C. 2941.401. Therefore, the Court no longer has jurisdiction thereof.

IN THE SUPREME COURT OF OHIO

RELIEF REQUESTED

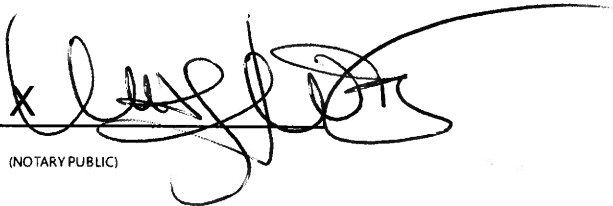
13. Enter a Writ of Prohibition enjoining Respondent from rendering any Entry except an Order dismissing the action with prejudice.
14. Alternative Writ: Compel Respondent to provide reason as to why the writ should not be granted

Further Relator Sayeth Naught,

Respectfully,

I am, Mccorkle, eric robert
ERIC R. MCCORKLE (A777698)

Sworn to and subscribed in my presence this day 3rd of the month August 2022


(NOTARY PUBLIC)



Margaret L. Wright
Notary Public
In and For the State of Ohio
Recorded in Fairfield County
Certificate # 2019-RE-792717
My Commission Expires
July 14, 2024

Inmate's Notice of Place of Imprisonment and Request for Disposition of Indictments, Information or Complaints

My attorney is:
SECURITY ATTORNEY
33 SOUTH HIGH STREET
COLUMBUS, OHIO 43215

You are hereby notified that I, the undersigned, am imprisoned in the:

Institution SET	City LANCASTER	State PA	Zip Code 17330
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and I hereby request that a final disposition be made for the following indictment, information or complaint now pending against me:

CASE NUMBER	CHARGE	CRIM. NUMBER
20080127	TRAFFICKING DRUGS X2	202532
20080140	POSSESSION OF DRUGS X2	202531

And to all other prosecuting attorneys and clerks of courts of jurisdictions listed below from which indictments, informations or complaints are pending:

This request is made under OGC 29-11-001 (effective November 18, 1999)

Date 11/03/2008	Inmate MCCKIE ERIC R	Number A-777698
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Please indicate below whether you have counsel or wish the court to appoint counsel for purposes of any proceedings preliminary to trial which may take place before delivery to the jurisdiction in which the indictment, information or complaint is pending.

☒ **A. I have counsel:**

Name PEABLY PECCANA	Address
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☐ **B. I request the court to appoint counsel.**

Inmate's Signature UNDER OATH	Number A-777698
Signature <i>[Signature]</i>	Date 11/5/20

Distribution: Prosecutor, Clerk of Court, Record Office, Inmate

58731 - A66

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CRIMINAL DIVISIONState of Ohio,
Plaintiff

vs.

Eriq Robert McCorkle,
Defendant

: Case No. 20-CR-05140

: Duty Judge

: Inmate No. A777698

CLERK OF COURTS

2021 SEP 27 PM 4:14

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIOAPPLICATION

Now comes the Prosecuting Attorney, Franklin County, Ohio and represents to the Court that the defendant herein was indicted by the Franklin County, Ohio Grand Jury in the above-styled case, and the defendant is an inmate of the Southeastern Correctional Institute in the custody of the Warden of the Southeastern Correctional Institute, and prays the Court to cause a warrant to issue to the Sheriff of Franklin County, Ohio, to remove said defendant from the custody of the Warden of the Southeastern Correctional Institute, and deliver said defendant to the custody of the Sheriff of Franklin County, Ohio, to be confined in the Franklin County Corrections Center to await arraignment in connection with case number 20-CR-05140, as provided in Sections 2941.40, 2941.41 and 2941.42 of the Ohio Revised Code.

G. GARY TYACK
PROSECUTING ATTORNEY
FRANKLIN COUNTY, OHIO

/s/ David Zeyen

Assistant Prosecuting Attorney

Date Needed: October 15, 2021

Courtroom: 2B

Charge: Trafficking in Cocaine | Possession of Cocaine

58731 - A67

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

State of Ohio,
Plaintiff

vs.


Eriq Robert McCorkle,
Defendant

:
: Case No. 20-CR-05140
:
: Duty Judge
:
: Inmate No. A777698

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
2021 SEP 27 PM 4:14
CLERK OF COURTS

ENTRY

On application of the Prosecuting Attorney, it is **ORDERED** by this Court that a warrant issued to the Sheriff of Franklin County, Ohio directing him to take into custody for arraignment, Eriq Robert McCorkle, an inmate of the **Southeastern Correctional Institute**, in the custody of the Warden of the **Southeastern Correctional Institute**, and remove the defendant to the Franklin County Corrections Center, to await **arraignment**, in connection with case number 20-CR-05140, charging the defendant with a felony as provided in Sections 2941.40, 2941.41 and 2941.42 of the Ohio Revised Code.

 9-24-21
Duty Judge

Date Needed: October 15, 2021
Courtroom: 2B
Charge: Trafficking in Cocaine | Possession of Cocaine

58731 - A68

WARRANT

Inmate No. A777698

CLERK OF COURT'S

2021 SEP 27 PM 4:14

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIOSTATE OF OHIO,
COUNTY OF FRANKLIN, SS:

TO: THE SHERIFF OF FRANKLIN COUNTY, OHIO, GREETINGS:

Whereas, there has been filed with me and application and entry, a copy of which is hereby attached: these are therefore to command you to take the said Eriq Robert McCorkle, who is in the custody of the Warden of the **Southeastern Correctional Institute**, and take and safely keep the said defendant before me or some other Judge of the Court of Common Pleas, Franklin County, Ohio, to answer the indictment returned against the defendant by the Franklin County, Ohio Grand Jury in case number 20-CR-05140 and be further dealt with according to law.

IT IS FURTHER ORDERED that after the proceedings in said case are concluded that you return the said Eriq Robert McCorkle to the custody of the Warden of the **Southeastern Correctional Institute**.


Duty Judge

9-24-21

Date Needed: October 15, 2021
Courtroom: 2B
Charge: Trafficking in Cocaine | Possession of Cocaine

58731 - E45 MARYELLEN O'SHAUGHNESSY
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CRIMINAL DIVISION

THE STATE OF OHIO,

PLAINTIFF,

20 CR 5140

VS.

ERIQ R. MCCORKLE,

DEFENDANT.

**** WARRANT TO CONVEY ****

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
2021 SEP 28 AM 8:49
CLERK OF COURTS

COURT OF COMMON PLEAS, CRIMINAL DIVISION, FRANKLIN COUNTY, OHIO
TO THE SHERIFF OF FRANKLIN COUNTY:

ALL THE PROCEEDINGS PRESCRIBED BY LAW TO ENTITLE
ERIQ R. MCCORKLE
TO BE ADMITTED INTO THE FRANKLIN COUNTY CORRECTIONAL CENTER
FROM SOUTHEASTERN CORRECTIONAL INST HAVING BEEN IN YOUR CUSTODY,
YOU ARE COMMANDED FORTHWITH TO TAKE CHARGE OF AND CONVEY SAID
DEFENDANT TO SAID INSTITUTION.

AFTER EXECUTING THIS WARRANT, YOU WILL MAKE DUE RETURN THEREOF TO
THIS OFFICE.

I, MARYELLEN O'SHAUGHNESSY, CLERK, COURT OF COMMON PLEAS, CRIMINAL
DIVISION, DO HEREBY CERTIFY THAT THE ABOVE IS THE ORDER OF THE COURT
IN THE AFORESAID CAUSE AS FULLY AS THE SAME APPEARS OF RECORD IN
SAID COURT.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND
AFFIXED THE SEAL OF SAID COURT AT COLUMBUS, OHIO,
THIS 28 DAY OF SEPTEMBER 2021

MARYELLEN O'SHAUGHNESSY, CLERK
COURT OF COMMON PLEAS
CRIMINAL DIVISION

BY: BROOKE ELLIOTT
DEPUTY CLERK

Be fe

THIS _____ DAY OF _____ 20____ RECEIVED _____

NAMED IN THE WITHIN WARRANT. _____

(CTYQ06-C17)

06/17/22

MARYELLEN O'SHAUGHNESSY
CLERK OF THE COURT OF COMMON PLEAS PAGE 1 OF 2
FRANKLIN COUNTY, OHIO
CASE HISTORY

CTY672E

Exhibit F
1 of 2

THE STATE OF OHIO VS ERIQ R. MCCORKLE
20 CR 5140 5881 PARLIMENT DR
FILED: 10/30/20 COLUMBUS, OH 43213-0000
CHARGES: #01 - TRAFFICKING IN DRUGS
#02- POSSESSION OF DRUGS
#03- TRAFFICKING IN DRUGS
#04- POSSESSION OF DRUGS

FILE

#	DATE	CHG	SUB#	ACTN	DESCRIPTION	FIELD VALUES
1	103020	01	0001	7100	WARRANT ISS-DETAINER 2	FICHE: 58679 FRAME: H63
					NARRATIVE - SYS GEN RETURNED - SERVED	
2	103020	01	0002	7020	WARRANT-PROS REQUEST 00 03 01	FICHE: 0B421 FRAME: O83
3	103020	01	0003	6100	INDICTMENT FILED	FICHE: 0B421 FRAME: O84
4	110620	01	0001	6850	ASSGN ASST PROS ATTY 81696 P	FICHE: 0B424 FRAME: O55
5	092721	01	0001	7763	CRT ORD WARR-APPLIC	FICHE: 58731 FRAME: A66
6	092721	01	0002	7765	CRT ORD WARR-ENTRY	FICHE: 58731 FRAME: A66
7	092721	01	0003	7764	CRT ORD WARR-ISSUED	FICHE: 58731 FRAME: A66
8	092821	01	0001	8600	WARRANT TO CONVEY	FICHE: 58731 FRAME: E45
					NARRATIVE - SYS GEN RETURNED - SERVED	
9	092821	01	0001	7991	HEAR/ARRAIGN SCHED'D 2B 101521 0100 PM A	FICHE: UP000 FRAME: A01
10	101121	01	0001	7021	WARRANT-RETRND SERV'D 100821 20.00 0.00	FICHE: 0B570 FRAME: L45
11	101121	01	0002	8621	WARRNT TO CON RET-SV 100821 20.00 166.00	FICHE: 0B570 FRAME: N48
12	101521	01	0001	2356	CONTINUANCE-ARRGN 2B 102021 0100 PM RA 101521 0100	FICHE: 0B572 FRAME: V63
13	102021	01	0001	0099	DFDNT PASSED ON BOND	FICHE: 58733 FRAME: U51
14	102121	01	0001	5800	AFFIDAVIT INDIGENCY	FICHE: 0B575 FRAME: F73
15	102121	01	0001	2550	PLEA OF NOT GUILTY	FICHE: 0B575 FRAME: F74
16	102121	01	0003	7969	READ OF INDICT WAIVD	FICHE: 0B575 FRAME: F74
17	102821	01	0001	7994	CASE SCHEDULE EVENT 7A 120921 0900 AM T	FICHE: FRAME:
18	120921	01	0001	0550	CRIM DISPO SHEET FLD	FICHE: 0B601 FRAME: T91
19	120921	01	0002	0020	CAPIAS-REQ FOR FORM 02 01 00	FICHE: 0B601 FRAME: T91

06/17/22

20 CR 5140 - MCCORKLE

CASE HISTORY

CTY672E

PAGE 2 OF 2

Exhibit F
20F2

FILE

#	DATE	CHG	SUB#	ACTN	DESCRIPTION
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20	121321	01	0001	0021	CAPIAS ISSUED
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FIELD VALUES

1

FICHE: 0B602 FRAME: Q18