

SUPREME COURT OF THE UNITED STATES  
PER RULE 44

Eric J. Davis  
Petitioner

-vs-

Warden Eppinger  
Respondent

Petition for Rehearing  
of Certiorari: with one  
question Case No# 19-  
8234

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Now Comes

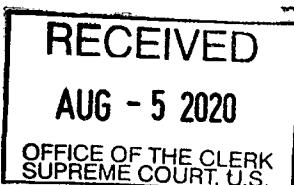
Eric j. Davis Herein after referred to as petitioner, in good  
faith, and not for delay. Request Rehearing on case No: 19-8234  
on Certiorari. Reasons to follow on next page.  
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Certificate of Service

I Eric j. Davis did place this Petition for rehearing in prison  
mail box at Grafton Correctional Institution at 2500 S. Avon  
Belden Rd. Ohio 44044, on 7-24-2020  
Said petition was mailed to Supreme Court of the United States  
Office of the Clerk Washington, D.C. 20543-0001

7-24-2020

Eric J. Davis



SUPREME COURT OF THE UNITED STATES

PETITIONER'S CLAIM FOR REHEARING

Petitioner now makes the claim he is being unlawfully and restrained of his liberty when Trial Court never had Jurisdiction of any Subject matter. Trial Court had no first filed complaint per Ohio Crim. R.3. to invoke said jurisdiction of any subject matter. No first filed complaint violates petitioner 5th, 6th, 8th, and 14th Amendment Rights EX Parte Siebold 100 U.S..371, 25 L.ed 717 HN 6-7. With all due respect to this Court, Why am I being denied my sole federal relief, and breaking with stare decisis matters ?.

The decision of the U.S.S. court Erickson v. Pardus 551 U.S. 89 (2007) this court stated "where a layman PRO SE litigant as Mr Davis brings a pleading to a court and unaided by counsel, he is entitled to liberal construction of his pleading not recharacterization." Lacking of Subject Matter Jurisdiction does not have power to hear case. 28 U.S.C. Art,3 , section 2 clause 1.

PETITIONER'S RELIEF

Petitioner now seeks his request for rehearing which is his sole federal relief. Petitioner has made his claim and stated his relief.

7-24-2020

Respectfully Submitted

Eric J. Davis  
Eric J. Davis  
2500 S. Avon Belden rd.  
Grafton ohio 44044

SUPREME COURT OF THE UNITED STATES

Application for Rehearing  
Pursuant to Rule 44

A. I *Epp J. Daryl* Do hereby swear under oath that I satisfy application of verity by claiming I am the petitioner.

B. Under oath Warden Eppinger is the one illegally, hence unlawfully restraining me of my liberty.

c. I swear under oath the unlawfully restraint is at 2500 south Avon Belden rd. Grafton ohio 44044.

D. I also swear that a copy of this illegal unlawfully Jounal Entry from Trial Court is here attached.

7-24-2020

*Epp J. Daryl*

*Elizabeth Osborne*



ELIZABETH OSBORNE  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
June 25, 2021

**IN THE COURT OF COMMON PLEAS  
MEDINA COUNTY, OHIO**

COMMON PLEAS COURT:

2014 OCT -1 AM 10:31

FILED  
DAVID B. WAUDSWORTH  
MEDINA COUNTY  
CLERK OF COURTS

This matter is before the Court following a remand from the Ninth District Court of Appeals on September 22, 2014 in *State v. Davis*, 9th Dist. Medina No. 13CA0104-M, 2014-Ohio-4122. On September 23, 2014, Judge James L. Kimbler recused himself from the matter. The Ninth District instructed the Court to issue a nunc pro tunc sentencing entry that complies with Crim.R. 32(C). Accordingly, the Court issues the following nunc pro tunc sentencing entry:

This matter came on for a final sentencing on the 29th day of June, 1981, before the Honorable Phillip A. Baird, Judge of the Court of Common Pleas, Medina County, Ohio. The defendant appeared in court with his attorney, James R. Willis, and the State of Ohio was represented by John N. Porter, Assistant Prosecuting Attorney.

The Court indicated that it had received a copy of the pre-sentence investigation and had shown it to both counsel for the defendant and counsel for the State. The Court indicated that it had taken into consideration the criteria for sentencing set forth in Section 2929.12 of the Ohio Revised Code and the criteria for probation set forth in Section 2951.02 of the Ohio Revised Code. Pursuant to Criminal Rule 32 counsel for the defendant made a statement on behalf of his client. Pursuant to the same rule the defendant declined to make any statement on his own behalf. The Court then took into consideration all the matters set forth above and made its judgment.

This matter came on for jury trial on April 21, 1981 before the Honorable Phillip A. Baird, Judge of the Court of Common Pleas, Medina County, Ohio. The defendant appeared with his counsel, James R. Willis, and the State of Ohio was represented by Gregory W. Happ, Prosecuting Attorney.

A jury was selected and duly sworn and the State of Ohio then presented its evidence as

## [Appendix 1]

MEDINA COUNTY COURT OF COMMON PLEAS-STATE OF  
OHIO, MEDINA COUNTY S.S. I hereby certify that this is a true  
copy of the original on file in said court. Witness, my hand and the  
seal of said court at Medina, Ohio this 14 day of  
October, 2014. David B. Wadsworth, Clerk of Courts  
By Anna May Deputy

to a fifteen-count indictment. After the State rested its case, the defendant then moved for acquittal pursuant to Criminal Rule 29. The Court, after hearing the arguments, and reviewing the evidence then dismissed Counts One and Three. The Court then determined that there was sufficient evidence as to the remaining counts. On May 2, 1981, the jury returned a verdict of "Not Guilty" as to Count Number Two, Aggravated Murder by reason of Aggravated Arson, as to Fred Bickerstaff, under R.C. 2903.01(B), but "Guilty" of a lesser included offense of Involuntary Manslaughter, in violation of 2903.04(A), a felony of the first degree; "Not Guilty" as to Count Number Four, Aggravated Arson, under R.C. 2909.02(A)(1); "Guilty" as to Count Number Five, Aggravated Arson, in violation of R.C. 2909.02(A)(1); "Not Guilty" as to Count Number Six, Aggravated Arson, under R.C. 2909.02(A)(1); "Guilty" as to Count Number Seven, Aggravated Arson, in violation of R.C. 2909.02(A)(2); "Guilty" as to Count Number Eight, Grand Theft, in violation of R.C. 2913.02(A)(1); "Guilty" as to Count Number Nine, Receiving Stolen Property, in violation of R.C. 2913.51(A); "Guilty" as to Count Number Ten, Aggravated Murder of Donna Bickerstaff by reason of Aggravated Robbery, in violation of R.C. 2903.01(B); "Guilty" as to Count Number Eleven, Aggravated Murder of Kenneth Bickerstaff by reason of Aggravated Robbery, in violation of R.C. 2903.01(B)(1); "Guilty" as to Count Number Twelve, Aggravated Murder of Fred Bickerstaff, Jr. by reason of Aggravated Robbery, in violation of R.C. 2903.01(B); "Guilty" as to Count Number Thirteen, Aggravated Robbery as to Donna Bickerstaff, in violation of R.C. 2911.01(A)(1)(2); "Guilty" as to Count Number Fourteen, Aggravated Robbery as to Fred Bickerstaff, Jr., in violation of R.C. 2911.01(A)(1)(2); and "Guilty" as to Count Number Fifteen, Aggravated Robbery as to Kenneth Bickerstaff, in violation of R.C. 2911.01(A)(1)(2).

The Court hereby finds the defendant "Guilty" of Involuntary Manslaughter, in violation of 2903.04(A); "Guilty" of Aggravated Arson, in violation of R.C. 2909.02(A)(1); "Guilty" of Aggravated Arson, in violation of R.C. 2909.02(A)(2); "Guilty" of Grand Theft, in violation of R.C. 2913.02(A)(1); "Guilty" of Receiving Stolen Property, in violation of R.C. 2913.51(A); "Guilty" of Aggravated Murder of Donna Bickerstaff by reason of Aggravated Robbery, in violation of R.C. 2903.01(B); "Guilty" of Aggravated Murder of Kenneth Bickerstaff by reason of Aggravated Robbery, in violation of R.C. 2903.01(B)(1); "Guilty" of Aggravated Murder of Fred Bickerstaff, Jr. by reason of Aggravated Robbery, in violation of R.C. 2903.01(B); "Guilty" of Aggravated Robbery as to Donna Bickerstaff, in violation of R.C. 2911.01(A)(1)(2); "Guilty"

of Aggravated Robbery as to Fred Bickerstaff, Jr., in violation of R.C. 2911.01(A)(1)(2); and "Guilty" of Aggravated Robbery as to Kenneth Bickerstaff, in violation of R.C. 2911.01(A)(1)(2).

The Court finds that the defendant has been convicted of Involuntary Manslaughter, in violation of 2903.04(A); Aggravated Arson, in violation of R.C. 2909.02(A)(1); Aggravated Arson, in violation of R.C. 2909.02(A)(2); Grand Theft, in violation of R.C. 2913.02(A)(1); Receiving Stolen Property, in violation of R.C. 2913.51(A); Aggravated Murder of Donna Bickerstaff by reason of Aggravated Robbery, in violation of R.C. 2903.01(B); Aggravated Murder of Kenneth Bickerstaff by reason of Aggravated Robbery, in violation of R.C. 2903.01(B)(1); Aggravated Murder of Fred Bickerstaff, Jr. by reason of Aggravated Robbery, in violation of R.C. 2903.01(B); Aggravated Robbery as to Donna Bickerstaff, in violation of R.C. 2911.01(A)(1)(2); Aggravated Robbery as to Fred Bickerstaff, Jr., in violation of R.C. 2911.01(A)(1)(2); and Aggravated Robbery as to Kenneth Bickerstaff, in violation of R.C. 2911.01(A)(1)(2).

IT IS THE JUDGMENT OF THE COURT that the defendant shall be sentenced as follows: On the three counts of Aggravated Murder, the defendant is sentenced according to statute to life imprisonment at the appropriate penal institution for each count of Aggravated Murder, Ohio Revised Code 2903.01(B), those counts to run concurrently. On the three counts of Aggravated Robbery, Ohio Revised Code 2911.01(A), the defendant is sentenced to not less than five nor more than twenty-five years at the appropriate penal institution. These counts are to run concurrently. On the one count of Aggravated Arson, Ohio Revised Code 2909.02(A)(2), the defendant is sentenced to not less than five nor more than twenty-five years at the appropriate penal institution. On the one count of Involuntary Manslaughter, Ohio Revised Code 2903.04(A), a Felony of the First Degree, the defendant is sentenced to not less than five nor more than twenty-five years at the appropriate penal institution. On the one count of Grand Theft, Ohio Revised Code 2913.02(A)(1), a Felony of the Fourth Degree, the Court will sentence the defendant to not less than two nor more than five years at the appropriate penal institution. On the one count of Receiving Stolen Property, Ohio Revised Code 2913.51, a Felony of the Fourth Degree, the defendant is sentenced to not less than two nor more than five years at the appropriate penal institution. The Involuntary Manslaughter, Aggravated Arson, Aggravated Robbery, Grand Theft, and Receiving Stolen Property sentences are to run concurrently but

consecutively to the life sentence imposed on the counts of Aggravated Murder. The defendant is given credit for 269 days previously served in the Medina County Jail. The defendant is to pay costs.

The defendant is to be transported to the Columbus Correctional Facility within five (5) business days by the Medina County Sheriff's Department.

THE HONORABLE CHRISTOPHER J. COLLIER

# Transcript of Docket and Journal Entries

## TO COURT OF APPEALS

Common Pleas Court, Medina County, Ohio

THE STATE OF OHIO

Plaintiff

vs.

ERIC JOEL DAVIS

No. 6777 (80-CR-0229)

AGG. MURDER, ORC 2903.01(B), 3 Cts  
AGG. ARSON, ORC 2909.02(A)(1), 3 Cts  
AGG. ARSON, ORC 2909.02(A)(2), 1 Ct  
GRAND THEFT, ORC 2913.02(A)(1), 1 Ct  
REC. STOLEN PROPERTY, ORC 2913.51(A), 1 Ct.

Defendant

MEDINA COUNTY COURT OF COMMON PLEAS-STATE OF

OHIO, MEDINA COUNTY S.S. I hereby certify that this is a true  
copy of the original on file in said court. Witness my hand and the  
seal of said court at Medina, Ohio this 3rd day of  
September, 1980 David B. Wadsworth, Clerk of Courts  
By Maryann Deneverson Deputy STATEMENT OF PROCEEDINGS

9 Indictments returned and filed by October, 1980 Grand Jury-----Oct. 10, 1980

Pros. Attorney's Request for Issuance of Warrant  
Upon Indictment, rec. and filed-----Oct. 10, 1980

Warrant, copy of Warrant, certified copy of 9 Indictments  
issued to Medina Co. Sheriff-----Oct. 10, 1980

Oct. 10, 1980--Entry setting Bond..See j.e.

Journal Entry Vol. 305, page 270 filed-----Oct. 10, 1980

Warrant returned and filed by Medina Co. Sheriff-----Oct. 14, 1980

Certificate for Court Stenographer's Fees rec. and filed-----Oct. 20, 1980

Oct. 20, 1980--Deft in Ct. with counsel and waives pres and reading  
of Indictment and enters plea of not guilty to each count; bond  
continued..j.e. to follow.

Journal Entry Vol. 307, page 105 filed-----Oct. 27, 1980

Two Transcripts received and filed by Wadsworth Municipal Court-----Nov. 6, 1980

Nov. 19, 1980--Trial continued to 12/22/80 at request  
of def counsel..see j.e.

Journal Entry Vol. 310, page 167 filed-----Nov. 25, 1980

Certificate for court stenographer's fees  
received and filed-----Dec. 12, 1980

Dec. 12, 1980--Deft in Court with counsel and requests continuance  
of trial on basis that official Coroner's Report just made available  
this date and he needs additional time to have this report reviewed by  
his expert for an opinion; Deft. waived provisions for speedy trial in  
open Court; continuance granted..j.e. to follow

Journal Entry Vol. 313, page 46 filed-----Dec. 18, 1980

Letter to Akron Beacon Journal issued by Judge Phillip A. Baird  
in regard to photographs taken at trial received and filed-----Dec. 29, 1980

Motion for Jury View; Memorandum in Support of Motion;  
proof of service received and filed-----

Jan. 5, 1981

Motion to Consolidate Cases; proof of service rec. and filed-----Jan. 8, 1981

Motion for Continuance of Trial; certificate of service received and filed-----Jan. 16, 1981

Jan. 16, 1981--Motion by Deft to dismiss new indictment in Case #6852 denied; motion by State to consolidate Case #6852 into Case #6777 granted; j.e. to follow

Journal Entry Vol. 321, page 198 filed-----Mar. 23, 1981

Jan. 16, 1981--Motion by Deft to continue 1/20/81 trial date granted..see j.e.

Journal Entry Vol. 316, page 205 filed-----Jan. 22, 1981

Mar. 13, 1981--Court on its own motion continues matter till April 21, 1981 at 9:00 AM

Journal Entry Vol. 320, page 326 filed-----Mar. 13, 1981

Motion for Jury Instruction; proof of service; Exhibit "A" jury instructions; exhibit "B: jury instruction; received and filed-----Apr. 13, 1981

Request for Discovery by State rec. and filed; and Discovery to Defense Counsel by State (by John Porter)-----Apr. 16, 1981

Apr. 21, 1981--Trial commences--jury selection comme ced.

(no j.e.)

Apr. 22, 1981--Trial continues, jury selected and sworn

(no j.e.)

Apr. 23, 1981--Trial continues; jury returns verdict of not guilty as to Counts 4,5, & 6; jury returns Verdict as to Count 2 of Not Guilty as to Agg. Murder but Guilty of Involuntary Manslaughter; Jury returns Verdict of Guilty as to Counts 7,8 9,10,11,12,13,14, and 15; Deft remanded to Custody of Medina Co. Sheriff and referred to APD for PSI; Bond continued..j.e. to follow. At close of State's case and upon Motion of Deft. 2 Cts of Agg. Murder dismissed. See j.e.

Journal Entry Vo. 328, pages 44/45 filed-----June 29, 1981

Verdict "Not Guilty", Vol.324, page 212B filed-----May 4, 1981  
Verdict "Not Guilty", Vol. 324, page 212C filed-----May 4, 1981  
Verdict "Not Guilty", Vol. 324, page 212D filed-----May 4, 1981  
Verdict "Not Guilty", Vol. 324, page 212E filed-----May 4, 1981  
Verdict "Not Guilty", Vol. 324, page 212F filed-----May 4, 1981  
Verdict "Not Guilty", Vol. 324, page 212G filed-----May 4, 1981  
Verdict "Not Guilty", Vol. 324, page 212H filed-----May 4, 1981  
Verdict "Not Guilty", Vol. 324, page 212I filed-----May 4, 1981  
Verdict "Not Guilty", Vol. 324, page 212J filed-----May 4, 1981  
Verdict "Not Guilty", Vol. 324, page 212K filed-----May 4, 1981  
Verdict "Not Guilty", Vol. 324, page 212L filed-----May 4, 1981  
Verdict "Not Guilty", Vol. 324, page 212M filed-----May 4, 1981  
Verdict "Not Guilty", Vol. 324, page 212N filed-----May 4, 1981

Certificate for Court Stenographer's Fees filed-----May 4, 1981

Motion for Judgment of Acquittal or for a New Trial; certificate fo service; received and filed-----May 15, 1981

Motion for extention of Time to Answer Defendant's Mootion for Acquittal or for new trial; certificate of service received and filed-May 28, 1981

June 1, 1981--Hearing on Motion for New Trial continued..see j.e.

Journal Entry Vol. 326, page 156 filed-----June 1, 1981

Answer to Motion for Judgment of Acquittal or for a New Trial; Proof of Service; received and filed-----June 2, 1981

Certificate for court stenographer's fee received and filed-----June 8, 1981

June 24, 1981--Motion for acquittal and or new trial denied..see j.e.

Journal Entry Vol. 327, page 411 filed-----June 24, 1981

Certificate for Court Stenographer's Fees filed-----June 29, 1981

June 29, 1981--Deft in Court with counsel for sentencing; Court inq. of counsel and deft. per CR 32 and counsel made a statement on behalf of deft; deft. declined to make any statement; Ct then sentence deft. to life imprisonment on each of 3 counts of Agg. Murder; sentences to run concurrently; to not less than 5 yrs. nor more than 25 yrs on 1 count of involuntary manslaughter; to not less than 5 yrs nor more than 25 yrs on 1 Ct of Agg. Arson; to not less than 2 nor more than 5 yrs on each of 3 Cts of Agg. Robbery; to not less than 5 yrs on 1 Ct of Rec. Stolen Property; these sentences to run concurrently with ea. other but consecutive to the life sentences. All sentences to be served at the appropriate penal institution; costs to deft.. j.e. to follow

Journal Entry Vol. 328, pages 129/130 filed-----July 2, 1981

Request for Re-sentencing; proof of service; received and filed-----July 2, 1981

July 2, 1981--Request for re-sentencing denied..see j.e.

Journal Entry Vol. 328, page 131 filed-----July 2, 1981

Cost Bill filed-----July 6, 1981

FiFa Execution issued to Sheriff of Medina County-----July 6, 1981

FiFa Execution returned and filed-----July 6, 1981

Warrant to convey, with Cert. copy of Sentence, cert. copy of Journal Entry, cert. copy of 15 indictments, together with Cost Bill issued to Sheriff of Medina County-----July 6, 1981

Warrant returned and filed by Medina Co. Sheriff-----July 9, 1981

Notice of Appeal; Certificate of Service; rec. and filed (CC Court of Appeals #1081)-----July 21, 1981

Precipe to the Clerk and precipe to Ct. Reporter rec. and filed (CC Court of Appeals)-----July 21, 1981

Transcript of Proceedings w/Exhibits filed by the Court Reporter-----August 28, 1981

Transcript of Docket, together w/original pleadings and journal entries; and, Transcript of Proceedings w/Exhibits filed in the Court of Appeals-----August 28, 1981

**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

July 16, 2020

Eric J. Davis  
#163633  
2500 South Avon Belden Rd  
Grafton, OH 44044

RE: Davis  
No: 19-8234

Dear Mr. Davis:

The petition for rehearing in the above-entitled case was postmarked July 1, 2020 and received July 10, 2020 and is herewith returned for failure to comply with Rule 44 of the Rules of this Court. The petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

You must also certify that the petition for rehearing is presented in good faith and not for delay.

Additionally, please be sure to list your correct docketing number (19-8234) on the cover of the petition.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 15 days of the date of this letter, the petition will not be filed. Rule 44.6.

Sincerely,  
Scott S. Harris, Clerk  
By:   
Clara Houghteling  
(202) 479-5955

Enclosures