

JUL 13 2022

OFFICE OF THE CLERK

No. _____

22-5381

IN THE
SUPREME COURT OF THE UNITED STATES

In re
(WALTER HARRIS) Pro-se — PETITIONER
(Your Name)

vs.

STATE OF OHIO "et al." — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

CUYAHOGA COUNTY COMMON PLEAS, OHIO

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

WALTER HARRIS

(Your Name)

1 P.O. BOX 8107

(Address)

MANSFIELD, OH 44901

(City, State, Zip Code)

N/A

(Phone Number)

ORIGINAL

LIST OF PARTIES

- ☐ All parties appear in the caption of the case on the cover page.
- ☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

CUYAHOGA COUNTY PROSECUTING OFFICE
CUYAHOGA COUNTY ASSISTANT PROSECTING
FRANK R. ZELEZNIKAR

THE JUSTICE CENTER 8th FLOOR
1200 ONTARIO STREET
CLEVELAND, OH 44113

RELATED CASES

TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES

O.R.C 2967 . 191
O.R.C 2929.19 (B) (2) (G) (I)
O.R.C 2905.01

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☐ reported at CUYAHOGA COUNTY COMMON PLEAS, OH; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was JUNE 7, 2022.
A copy of that decision appears at Appendix ____^B____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FOURTH AMENDMENT:

In all criminal prosecutions, after warrantless arrest, the accused shall enjoy the right to a probable cause arraignment hearing with-in 48 hours.

Fourth amendment protects pre-trial detainees arrested without warrant through completion of their probable cause hearing.

That hearing must come as soon as possible.

FIFTH AMENDMENT:

No person shall be held to answer for a capital or otherwise infamous crime, nor deprived of life, liberty or property, without due process of law.

FOURTEENTH AMENDMENT:

No state shall deny to any person within its jurisdiction the equal protection of the law.

EIGHTH AMENDMENT:

Government decision to take life, liberty, or property must be made equitably, requiring that the person have at least an opportunity to object. Failure to do so is cruel and unusual punishment.

STATEMENT OF FACTS OF THIS CASE

Walter Harris, Petitioner, (herein after, Harris) was arrested on 01/20/2015. He posted a 200,000 surety bond on 01/22/2015. He was confined in Cleveland Municipal jail for 2 days, for case no. CR-15-592778-A and released on 01/22/2015. Petitioner was rearrested by the Cuyahoga Sheriff Dept. on 09/22/2015 for an unrelated alleged offense, for a Los Angeles, California, alleged warrant, until Ohio's case was final, without a probable cause arraignment hearing at all. Petitioner filed a notice of appeal in the Eighth District court of appeals on 10/30/2020.

The appeal was dismissed on 05/27/2021, as a Post-Conviction relief, untimely filed.

Petitioner filed a motion to remove jail time credit on 06/09/2021.

The sentencing court denied the motion on 10/28/2021, pursuant to O.R.C. 2967.19(A); O.R.C. 2929.19(B)(2)(G)(i) Due to petitioner confinement in relation to Cuyahoga case no. CR-15-592778-A a false opinion. Petitioner states he was never confined for Cuyahoga case no. CR-15-592778. He was out on a 200,000 bond.

I appealed that judgment to the Eighth district court of appeals of Ohio on 01/10/2022.

On 03/15/2022 the appeal was dismissed without an opinion.

Petitioner filed an appeal to the Supreme court of Ohio on 04/11/2022. On 06/07/2022 the court declined to accept jurisdiction pursuant to 7.08(B)(4) without an opinion.

RELEVANT FACTS OF THE CASE

Petitioner states he was held for 435 days without a probable cause hearing, on warrantless violates his rights under the Fourth and the Eighth amendment is cruel and unusual punishment.

The trial court lacked subject matter jurisdiction when no valid complaint is filed. Held on warrantless 435 days is KIDNAPPING,

Framers of the 4th amendment to address the matter of pre-trial deprivations of liberty, and the amendment thus provides standards of procedures for the detention of suspects pending trial. (see Manuel v. City of Joliet, 137 S. Ct. 911. And see: Pulley v. Harris U.S. 37 41.

Petitioner states due to the unlawful detainment, which deprived petitioner of a fair trial and violates his due process rights.

The 5th amendment provides that no person shall be deprived of life, liberty or property, without due process of law, the government violates equal protection by taking someone's life, liberty or property without due process. (see) Aidini v. Johnson, 609 F. 3d 858.

Petitioner states the sentencing court have no jurisdiction to award jail-time credit for unrelated offense (see) State v Brown 2019-Oh 4753.

Granting credits for dead time is mandatory. This violates equal protection clause of law (see) State v. Fugate 117 Ohio at 3d. 261, the sentencing court on 10/28/2021 denied petitioners request to remove the jail-time credit from the case at bar pursuant to O.R.C. 2967.191. due to filing a false opinion is inaccurate and fraud upon the court. One person cannot be denied the benefit of O.R.C. 2967.191 ruling while granting the same ruling to another. This violates the equal protection standards.

Petitioner states the sentencing courts, abuse of power clearly restrained petitioner's liberty for 435 days without due process of law, rises to a level of committing O.R.C. 2905.01 (A)(4) KIDNAPPING.

When a judicial Officers misconduct causes harm in the form of incarceration, that abuse of public trust warrants an actual suspension from the practice of law. (see) Disciplinary Counsel v. Bachman, 163 Ohio St. 3rd 195.

REASONS FOR GRANTING THE WRIT

PETITIONER PRAYES THIS UNITED STATES SUPREME COURT GRANTS HIS WRIT OF CERTIORARI.

TO STOP JUDICIAL OFFICERS FROM DEPRIVE OF LIBERTY WITHOUT DUE PROCESS FOR WARRANTLESS ARREST, AND THEN AWARD JAIL-TIME CREDIT FOR IT. ON OCTOBER 28, 2021 SENTENCING COURT DENIED MOTION TO REMOVE JAIL-TIME CREDIT STATING PETITIONER CONFINMENT IN RELATION TO CUYAHOGA CASE NO:CR-15-592778-A. PETITIONER STATES HE WAS NEVER CONFINEMENT FOR CASE NO:CR-15-592778-A. THIS ISSUES ARE CAPABLE OF BEING REPEATED IN OTHER CASE, SET ASIDE SENTENCING COURT JUDGMENT TO PREVENT THIS ABUSE OF JUDICIAL MISCONDUCT IN THE FUTURE AND GRANTS THE MOTION TO REMOVE THE JAIL-TIME CREDIT FROM THE CASE AT BAR. RULES ON THE MERITS OF THE CASE.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Walter Harris Pro-se

Date: 07-12-2022