22-6794

No. 21-3281

IN THE

SUPREME COURT OF THE UNITED STATES

ANTHONY SUGGS — PETITIONER
(Your Name)

vs.

THE STATE OF OHIO — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE 6TH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ANTHONY SUGGS
(Your Name)

P.O. BOX 1812
(Address)

MARION, OHIO, 43301
(City, State, Zip Code)

(Phone Number)

QUESTIONS PRESENTED

1. WHY IS MR. SUGGS BEING DENIED RELIEF EVENTHOUGH THE CONVICTION FOR KIDNAPPING DO NOT HAVE THE ESSENTIAL ELEMENTS TO SUPPORT IT & FIND A PERSON GUILTY BEYOND A REASONABLE DOUBT THEREFORE NOT MEETING THE STANDARD SET BY THE U.S. SUPREME COURT? WHICH VIOLATES SUGGS'S 4TH, 5TH, 6TH, & 14TH AMENDMENT RIGHTS TO THE U.S. CONSTITUTION.

2. WHY IN THE SEPT. 9, 2021 CIRCUIT JUDGE MCKEAGUE DENIED SUGGS MOTION AFTER MISTAKEN NOT GUILTY ~~VERDICTS~~ FOR 2 AGG. BURGLARIES, 2 AGG. ROBBERIES, & 2 FELONIOUS ASSAULTS FOR GUILTY CONVICTIONS THAT WOULD HAVE SUPPORTED THE KIDNAPPING CONVICTION THAT MR. SUGGS NEVER COMMITTED? ~~VIOLATING~~

3. WHY IS SUGGS BEING DENIED HIS RIGHTS TO THE 4TH, 5TH, 6TH, & 14TH AMENDMENT KNOWING HE NEVER HAD A PRELIMINARY HEARING THAT HE NEVER WAIVED IN WRITING?

4. FOR WHAT REASON DID THE CIRCUIT JUDGE AGREE WITH THE OHIO COURTS TO TIME BAR SUGGS EVEN AFTER SUGGS SHOWED CAUSE & PREJUDICE WHEN HE WAS DENIED ACCESS TO THE LAW LIBRARY AT THE MANSFIELD CORR. INST. WHICH VIOLATES HIS CONSTITUTIONAL RIGHTS?

5. WHY IS IT THAT MR. SUGGS IS BEING DENIED HIS RIGHT TO DUE PROCESS OF THE LAW WHEN HE IS LOSING HIS LIFE FOR A CRIME THAT IT IS, & ALWAYS BEEN OBVIOUS HE NEVER COMMITTED?

6. DID THE CIRCUIT COURT NOT SEE HOW MR. SUGGS 4TH, 5TH, 6TH, & 14TH AMENDMENT RIGHTS HAS BEEN VIOLATED FROM THE VERY BEGINING BY CHARGING A INNOCENT MAN WITH THINGS HE NEVER DID BECAUSE HE DID NOT HAVE THE RESOURSES TO FIGHT THE COURTS WHEN THEY DECIDED TO BE CORRUPT & STEAL A BLACK MANS LIFE?

7. HOW IS IT THAT SUGGS GUILTY VERDICT FOR KIDNAPPING NOT BEEN REDUCED

TO UNLAWFUL RESTRAINT EVENTHOUGH THE JURY VERDICT FORM IS INSUFFICIENT TO CONVICT FOR A FIRST DEGREE FELONY KIDNAPPING UNDER R.C. 2945.75

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:

ANTHONY SUGGS APPELLANT PRO SE

V.

STATE OF OHIO APPELLEE

TABLE OF CONTENTS

INDEX TO APPENDICES

TABLE OF AUTHORITIES CITED

[redacted]

TABLE OF AUTHORITIES CITED Pg. 2

CASES

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 2021 U.S. App. LEXIS 27353; 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 2021 U.S. App. LEXIS 27339; 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 _____ to the petition and is

[ ] reported at ST. V. SUGGS, 2016-OH-5692; 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 September 9, 2021.

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: 11-9-22, and a copy of the order denying rehearing appears at Appendix 31258.

[ ] 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 4-20-17. A copy of that decision appears at Appendix 744.

[ ] 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

4TH AMENDMENT OF THE CONSTITUTION
5TH AMENDMENT
6TH AMENDMENT
14TH AMENDMENT
OH. R. FOR DELAYED APPEAL 7.01 (A)(4)(c)

STATEMENT OF THE CASE

ANTHONY SUGGS IS AN INCARCERATED PRO SE LITIGANT WITHOUT A LAW DEGREE, SUGGS IMPLORES THIS HIGH COURT TO PLEASE RECALL THAT PRO SE LITIGANTS' CLAIMS ARE TO BE "LIBERALLY CONSTRUED" & "HELD TO LESS STRINGENT STANDARDS" THAN THOSE OF A LAWYER. URBANIA V. THOMAS, 270 F. 3d 6TH CIR, 2001, CITING CRUZ V. BETO, 405 U.S. 319 (1972); HANES V. KERNER, 405 U.S. 519 (1972) (PER CURIAM). SO SAYS BASIC FAIRNESS.

SUGGS A OHIO PRISONER FILING PETITION FOR WRIT OF CERTIORARI; HE ALSO MOVES TO PROCEED IN FORMA PAUPERIS BECAUSE THE CIRCUIT COURT DENIED HIS 28 U.S.C. § 2254 HABEAS CORPUS PETITION, & HIS APPLICATION FOR A CERTIFICATE OF APPEALABILITY. FED. R. APP. P. 22 (B) (1).

IN MARCH OF 2013 SUGGS PLED GUILTY TO FELONIOUS ASSAULT A FELONY OF THE 2ND DEGREE. HE WAS SENTENCED TO 2 YEARS CASE # 20120206837. IN JULY OF 2014 SUGGS WAS INDICTED FOR 2 COUNTS OF AGG. ROBBERY, 2 COUNTS AGG. BURGLARY, 1 KIDNAPPING, 2 FELONIOUS ASSAULTS, POSSESSION OF COCAINE, OBSTRUCTING OFFICIAL BUSINESS, & RESISTING ARREST. MR SUGGS WAS FOUND NOT GUILTY FOR THE ROBBERIES, BURGLARIES, & FELONIOUS ASSAULTS BY A JURY. THE TRIAL COURT GAVE HIM A TOTAL OF 12 YEARS FOR THE CHARGES THE JURY FOUND HIM GUILTY OF. 11 FOR KIDNAPPING, 1 FOR POSSESSION, & THE MISDEMEANORS WAS TO BE SERVED CONCURRENT. CASE # 2014 07 2219. SUGGS WAS ALSO SENTENCED TO 3 YEARS FOR TRAFFICAN CASE # 2014 03 0883 ALL SENTENCES TO BE SERVED CONSECUTIVELY FOR A TOTAL OF 17 YEARS. SUGGS APPEALED, ARGUING THAT HE WAS SENTENCED FOR A FIRST DEGREE FELONY KIDNAPPING WHEN THE JURY VERDICT FORM DID NOT HAVE THE PROPER ADDITIONAL ELEMENTS TO FIND HIM GUILTY OF THE CRIME. SO HE SHOULD HAVE ONLY BEEN GUILTY OF THE CRIME'S LEAST DEGREE UNDER R.C. § 2945.75.; THE TRIAL COURT ERRED BY DENYING HIS MOTION FOR A MISTRIAL BASED ON PROSECUTORIAL MISCONDUCT; COUNSEL WAS INEFFECTIVE; HIS KIDNAPPING CONVICTION WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE; & HE WAS IMPROPERLY SENTENCED. SEE 2016-OH.-5692, [WL] AT 1-5.

SUGGS, PROCEEDING PROSE, FILED A MOTION FOR LEAVE TO FILE A DELAYED APPEAL IN THE OHIO SUPREME COURT. ON 3-20-2017 SUGGS RECIEVED LEGAL MAIL AT THE MANSFIELD CORR. INST. TELLING HIM THAT ON 3-15 HIS MOTION WAS GRANTED & ORDERED HIM TO FILE A MEMORANDUM IN SUPPORT OF JURISDICTION WITHIN 30 DAYS OF THE ORDER. ST. V. SUGGS, 148 OH. ST. 3d 1424, 2017 OH. 905, 71 N.E. 3d 297 (OH 2017). SUGGS WAS BLOCKED FROM FILING THE MEMORANDUM IN ACCORDANCE WITH THE ORDER, & ON 4-20-2017 THE OHIO SUPREME COURT DISMISSED HIS APPEAL FOR FAILURE TO PROSECUTE. ST. V. SUGGS 148 OH. ST. 3d 1447, 2017-OH-1442, 72 N.E. 3d 659 (OH-2017).

SUGGS THEN FILED HIS HABEAS PETITION, RAISING THE FOLLOWING CLAIMS: (1) PROSECUTORIAL MISCONDUCT; (2) INEFFECTIVE ASSISTANCE OF COUNSEL; (3) INSUFFICIENT EVIDENCE TO SUPPORT KIDNAPPING CONVICTION; & (4) SENTENCING ERRORS. IN HIS PETITION SUGGS EXPLAINED HIS CLAIMS SHOULD HAVE NOT BEEN TIME BARRED BECAUSE OF THE INTENTIONAL INTERFERENCE BY THE SUMMIT COUNTY, (AKRON) COURTS, THE MANSFIELD CORR. INST.; & THE COUNSELS. SUGGS EXPLAINED IN HIS PETITION THAT HE WAS DENIED ACCESS TO THE PRISON LAW LIBRARY. THE WARDEN RESPONDED, ASSERTING THAT ALL THE CLAIMS RAISED WERE PROCEDURALLY DEFAULTED. HE NEVER DENIED THAT HIS PRISON INTENTIONALLY BLOCKED THE ACCESS TO THE COURTS BY NOT ALLOWING HIM TO GO TO THE LAW LIBRARY. SUGGS FILED A REPLY, ARGUING THAT HIS DEFAULT SHOULD BE EXCUSED AS THE RESULT OF THE PRISON DID NOT ALLOW HIM TO GO TO THE LAW LIBRARY, (BOUNDS V. SMITH 430 U.S. 817) & THE OHIO SUPREME COURT'S ERRONEOUS DISMISSAL OF HIS APPEAL EVENTHOUGH HE BEGGED THEM FOR AN EXTENTION, & RECONSIDERATION EXPLAINING EVERYTHING THAT HAPPENED. A MAGISTRATE G.J. UMBERT REVIEWED THE PARTIES' PLEADINGS & AGREED THAT SUGGS'S CLAIMS WERE PROCEDURALLY DEFAULTED. THE MAGISTRATE JUDGE EXPLAINED THAT SUGGS'S 4 HABEAS CLAIMS CORRESPONDED TO CLAIMS THAT HE RAISED ON DIRECT APPEAL, BUT THE CLAIMS WERE DEFAULTED BECAUSE THE OHIO SUPREME COURT DISMISSED THE CASE FOR PROCEDURAL REASONS - FAILURE TO PROSECUTE. THE MAGISTRATE JUDGE ACKNOWLEDGED SUGGS'S ARGUMENTS OF FAVOR OF CAUSE & PREJUDICE TO EXCUSE HIS DEFAULTS - THAT THE PRISON LAW LIBRARIAN QUIT & SUGGS WAS DENIED ACCESS TO THE LAW LIBRARY, & THE INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL BUT CONCLUDED THAT THOSE ARGUMENTS WERE INSUFFICIENT. EVENTHOUGH IT IS AN E-MAIL FROM SUGGS UNIT MANAGER MR. MELTON STATING THAT SUGGS WAS NOT RECIEVING A RESPONSE FROM THE LAW LIBRARY & HE

HAD A DEADLINE TO MAKE ON HIS APPEAL. FINALLY, THE MAGISTRATE JUDGE DETERMINED THAT SUGGS HAD FAILED TO ESTABLISH ACTUAL INNOCENCE THAT WOULD ALLOW THE COURT TO REVIEW HIS DEFAULTED CLAIMS. THE JUDGE RECOMMENDED DISMISSING THE CLAIMS.

SUGGS FILED OBJECTIONS DESPITE WHAT IS BEING REPORTED SUGGS DID DISPUTE THE PROCEDURAL DEFAULT; THATS WHAT FILING AN OBJECTION IS. HE REASSERTED THAT MANSFIELD REFUSAL TO ALLOW HIM ACCESS TO THE LAW LIBRARY CONSTITUTED CAUSE FOR THE DEFAULT - I.E., AN OBJECTIVE FACTOR EXTERNAL TO THE DEFENSE THAT PREVENTED HIS COMPLIANCE WITH THE STATE'S PROCEDURAL RULE THAT HE FILE A MEMORANDUM IN SUPPORT TO THE OHIO SUPREME COURT. HE ALSO ARGUES THAT HE ESTABLISHED PREJUDICE TO EXCUSE HIS DEFAULT BECAUSE SEVERAL CONSTITUTIONAL ERRORS OCCURRED AT HIS TRIAL THAT MUST BE ADDRESSED.

THE DISTRICT COURT ADOPTED THE MAGISTRAT JUDGE'S FINDING THAT ALL 4 OF SUGGS CLAIMS WERE PROCEDURALLY DEFAULTED. REGARDING SUGGS'S REASONS TO EXCUSE THE DEFAULT, THE DISTRICT COURT FIRST NOTED THAT SUGGS'S EXHIBITS DEMOSTRATED THAT HE HAD ACCESS TO THE LAW LIBRARY AT THE TIME HE RECEIVED THE OHIO SUPREME COURT'S ORDER & HE SIMPLY DID NOT FEEL THAT HE HAD "ENOUGH" ACCESS. BECAUSE LIMITED TIME/ACCESS TO A PRISON LIBRARY DOSE NOT CONSTITUTE CAUSE TO EXCUSE A PROCEDURAL DEFAULT, THE DISTRICT COURT OVERRULED HIS OBJECTION REGARDING ACCESS. BECAUSE THE DISTRICT COURT DID NOT FIND CAUSE, IT DID NOT ADDRESS PREJUDICE. THE DISTRICT COURT ALSO NOTED THAT SUGGS DID NOT OBJECT TO THE MAGISTRATE JUDGE'S CONCLUSION THAT HE HAD NOT PRESENTED ANY NEW EVIDENCE OF ACTUAL INNOCENCE THAT COULD EXCUSE HIS PROCEDURAL DEFAULT & ADOPTED THAT FINDING. THE DISTRICT COURT THEREFORE OVERRULED SUGGS'S OBJECTIONS, ADOPTED THE MAGISTRATE JUDGE'S REPORT, DENIED PETITION, & DENIED A COA.

WHAT HAS NOT BEEN STATED IN THIS OPINION IS THAT SUGGS FILED A PETITION FOR REHEARING FOR A FACT OF CERTAIN LAW FROM THE 9-9-21 OPINION BY THE 6TH CIR. SEE SUGGS V. MCCONAHAY, 2021 U.S. APP. LEXIS

27339 (6th Cir. 9-9-2021) WHERE SUGGS REALIZED CIR. JUDGE McKEAGUE WHEN HE MADE HIS OPINION HAD MISTAKEN THAT SUGGS HAD BEEN FOUND GUILTY BY A JURY FOR ALL THE CHARGES HE WAS INDICTED FOR CASE # 27866. MR SUGGS WAS NOT FOUND GUILTY OF THE AGG. ROBBERIES, AGG BURGLARIES, OR FELONIOUS ASSAULTS. THIS MAKES IT IMPOSSIBLE TO FIND SUGGS GUILTY BEYOND A REASONABLE DOUBT BECAUSE THE ESSENTIAL ELEMENT FOR A FELONY 1 KIDNAPPING IS NOT PROVING. R.C. 2905.01 (A)(2)/(A)(3) IS WHAT SUGGS WAS FOUND GUILTY OF THIS STATUTE PROVIDES THAT "NO PERSON, BY FORCE, THREAT, OR DECEPTION BY ANY MEANS, SHALL REMOVE ANOTHER FROM THE PLACE WHERE THE OTHER IS FOUND OR RESTRAIN THE LIBERTY OF THE OTHER PERSON (2) TO FACILITATE THE COMMISSION OF ANY FELONY OR FLIGHT THEREAFTER, OR (3) TO TERRORIZE, OR TO INFLICT SERIOUS PHYSICAL HARM ON THE VICTIM. SUGGS'S POSITION IS & ALWAYS HAS BEEN THAT HE NEVER COMMITTED THE KIDNAPPING, ROBBERIES, BURGLARIES, OR FELONIOUS ASSAULTS. THEY ARE MADE UP/TRUMPED UP CHARGES THAT THIS MAN SHOULD HAVE NEVER BEEN CHARGED, OR INDICTED FOR. LET ALONE SENTENCED TO 15 YEARS FOR. THIS GUILTY VERDICT HAS INSUFFICIENT EVIDENCE TO SUPPORT IT. THIS VERY HONORABLE HIGH COURT RULED IN TAYLOR V. U.S., 136 S.Ct. 2074 (2016), & PATTERSON V. N.Y. 432 U.S. 197. BOTH QUOTING IN RE WINSHIP, "IN 1970 THE COURT DECLARED [****14] DUE PROCESS CLAUSE PROTECTS THE ACCUSED AGAINST CONVICTIONS EXCEPT UPON PROOF BEYOND A REASONABLE DOUBT OF EVERY FACT NECESSARY TO CONSTITUTE THE CRIME WITH WHICH HE IS CHARGED". JUSTICE WHITE'S OPINION STATES, "WE THEREFORE WE WILL NOT DISTURB THE BALANCE STRUCK IN PREVIOUS CASES HOLDING THE DUE PROCESS CLAUSE REQUIRES THE PROSECUTION TO PROVE BEYOND A REASONABLE DOUBT ALL OF THE ELEMENTS INCLUDED IN THE DEFINITION OF THE OFFENSE OF WHICH HE IS CHARGED". [****20] LEDHN[4]T [9] THE REQUIREMENT OF PROOF BEYOND A REASONABLE DOUBT IN A CRIMINAL CASE IS "BOTTOMED ON A FUNDAMENTAL VALUE DETERMINATION OF OUR SOCIETY THAT IT IS FAR WORSE TO CONVICT AN INNOCENT MAN THAN TO LET A GUILTY MAN GO FREE". WINSHIP, 397 U.S., AT 372 (HARLAN,)

CONCURRING) MR. SUGGS APPELLATE ATTORNEY WAS CLEALY INEFFECTIVE IN MULTIPLE WAY, ESPECIALLY FOR NOT APPEALING THE FACT THAT IT WAS INSUFFICIENT EVIDENCE TO SUPPORT SUGGS'S KIDNAPPING CONVICTION. IN ST. V. COTTON, 2016-OH.-7601 HIS APPEAL WAS GRANTED BECAUSE HIS APPELLATE COUNSEL DIDN'T RAISE INSUFFICIENT EVIDENCE TO SUPPORT HIS AGG. BURG. CONVICTION. "STATE PRISONERS ARE ENTITLED TO RELIEF ON FEDERAL HABEAS CORPUS ONLY UPON [###33] PROVING THAT THEIR DETENTION VIOLATES THE FUNDAMENTAL LIBERTIES OF THE PERSON, SAFEGUARDED AGAINST STATE ACTIONS BY THE FEDERAL CONSTITUTION. SIMPLY BECAUSE DETENTION SO OBTAINED IS INTOLERABLE, THE OPPORTUNITY TO BE HEARD, TO ARGUE & PRESENT EVIDENCE, MUST NEVER BE TOTALLY FORCLOSED. SEE FRANK V. MAGNUM, 237 U.S. 309, 345-350 (DISSENTING OPINION OF MR. JUSTICE HOLMES). IT IS THE TYPICAL, NOT THE RARE, CASE IN WHICH CONSTITUTIONAL CLAIMS TURN UPON THE RESOLUTION OF CONTESTED FACTUAL ISSUES. THUS A [###757] NARROW VIEW OF HEARING POWER WOULD TOTALLY SUBVERT CONGRESS' SPECIFIC AIM IN PASSING THE ACT OF FEBURARY 5, 1867, OF AFFORDING STATE PRISONERS A FORUM IN THE FEDERAL TRIAL COURTS FOR THE DETERMINATION OF CLAIMS OF DETENTION IN VIOLATION OF THE CONSTITUTION. THE LANGUAGE OF CONGRESS, THE HISTORY OF THE WRIT, THE DECISIONS OF THE COURT, ALL MAKE CLEAR THAT THE POWER OF INQUIRY ON FEDERAL HABEAS CORPUS IS PLENARY. THEREFORE WHERE AN APPLICANT FOR A WRIT OF HABEAS CORPUS ALLEGES FACTS WHICH, IF PROVED, WOULD ENTITLE HIM TO RELIEF, THE FEDERAL COURT TO WHICH THE APPLICATION IS MADE HAS THE POWER TO [###34] RECIEVE EVIDENCE & TRY THE NEW FACTS ANEW." (TOWNSEND V. SAIN, 372 U.S.) "THE DISTRICT COURT ORDINARILY SHOULD... ACCEPT [###10] THE FACTS AS [###2221] FOUND BY THE STATE COURT JUGE. ID, AT 318, 83 S. CT. 745, 9 L. ED. 2D 770. HOWEVER, IF THE HABEAS APPLICANT DID NOT RECIEVE A FULL & FAIR EVIDENTIARY HEARING IN A STATE COURT, EITHER AT THE TIME OF THE TRIAL OR IN A COLLATERAL PROCEEDING, WE HELD THAT THE FEDERAL COURT MUST HOLD AN EVIDENTIARY HEARING TO RESOLVE ANY FACTS THAT "ARE IN DISPUTE." (JEFFERSON V. UPTON, 560 U.S. 284) IN SUGGS'S TRAVERSE Pgs. 7-9 HE POINTS OUT FACTS THAT WERE CHANGED ONCE THE PROSECUTION WITNESSES TOOK THE STAND UNDER OATH TO TESTIFY. LIKE THE SO CALLED VICTIM

SAYING SHE GOT HIT IN THE HEAD WITH A TANQERAY BOTTLE, NOONE EVER SEEN THIS BOTTLE. SHE ALSO SAID SUGGS BROKE HER NOSE BUT THE MEDICAL REPORTS DOSE NOT SAY ANY SUCH INJURY OCCURRED. OFFICER JOYCE TESTIFIED THAT WHAT THE VICTIM TOLD HIM, & THE REPORT HE WROTE WAS NOT THE SAME. THE STATE IS SAYING "MR. SUGGS PUNCHED MS. BITTNER AT THE DOOR THEN DRUG HER IN THE HOUSE & BEAT HER". BUT THE CALLS TO THE 911 CLEARLY SAYS "A MAN, & WOMAN OUTSIDE FIGHTING". (TRIAL TRANSCRIPTS PGS. 472-473) SUGGS NEVER WAS GIVING THE OPPROTUNITY TO HAVE A FAIR TRIAL BECAUSE WHATEVER BITTNER SAID SUGGS DID, & WHATEVER THE STATE WANTED TO DO TO SUGGS WAS DONE. JUDGE ALISON McCARTY KNOWING THE KIDNAPPING CHARGE DID NOT HAVE THE ESSENTIAL ELEMENTS NEEDED TO BE A SUFFICIENT VERDICT WENT ON A RANT ABOUT HOW SHE FELT ABOUT SUGGS. SO INSTEAD OF HONORING THE LAW SHE TOOK AN OATH TO UPHOLD SHE GAVE THIS MAN 11 YEARS FOR A CRIME THAT SHE KNEW HE DID NOT COMMIT.

SUMMIT COUNTY, OHIO'S CORRUPT LAW PRACTICES LEFT SUGGS WITH NO POSSIBLE WAY OF GETTING AROUND THEIR RAILROAD JOB OF A BLACK MAN WITH LIMITED FUNDS TO FIGHT BACK. FROM THE BEGINING BITTNER SAID SUGGS TOOK MONEY FROM HER SO OFFICER JOYCE WENT TO THE COUNTY JAIL & HAD SUGGS'S ACCOUNT EMPTIED WITHOUT THIS MAN BEING GIVING THE OPPROTUNITY TO PROVE THAT HE NEVER ROBBED HER. MR. SUGGS WAS FOUND NOT GUILTY OF BOTH AGG. ROBBERIES YET HE NEVER RECIEVED HIS MONEY BACK. IT WAS GIVING BY THE POLICE TO BITTNER TO ENTICE HER TO RESPOND TO THE PROSECUTOR'S REQUEST TO PROSECUTE SUGGS. (TR. PG 391) THIS IS INCREDIBLY FOUL, WRONG, & VIOLATES SUGGS'S 4TH, 5TH, 6TH, & 14TH AMENDMENT RIGHTS TO THE U.S. CONTITUTION. THEN SUGGS WAS NEVER GIVING A PRELIMINARY HEARING WITHIN 10 DAYS OR EVER WHILE HE SAT IN THE COUNTY JAIL FACING 5 FELONY 1'S, & 2 FELONY 2'S. THE INDICTMENT WAS NOT SERVED UNTIL 8-8-2014. SUGGS WAS ARRESTED ON 7-24-2014. "15 DAYS", HIS DUE PROCESS WAS VIOLATED FROM THE

BEGINING. §2945.73(A) STATES, A CHARGE OF FELONY SHALL BE DISMISSED IF THE ACCUSSED IS NOT ACCORDED A PRELIMINARY HEARING WITHIN THE TIME REQUIRED BY SECTIONS 2945.71 & 2945.72 OF THE REVISED CODE. SUCH A DISMISSAL HAS THE SAME EFFECT AS A NOLLE PROSEQUI. THAT TIME IS 14 DAYS IF THE DEFENDANT DO NOT RECIEVE A PRELIMINARY HEARING IN OHIO. WITHOUT RECIEVING A PRELIMINARY YOUR 5TH & 14TH RIGHTS TO THE U.S. CONSTITUTION HAS BEEN VIOLATED. OHIO CRIM. R. 5(B)(1) IN FELONY CASES A DEFENDANT IS ENTITLED TO A PRELIMINARY HEARING UNLESS WAIVED IN WRITING. MR. SUGGS NEVER WAIVED HIS PRELIMINARY, YET SUMMIT COUNTY DID WHAT THEY WANTED REGAURDLESS OF THE LAW. NOR DID SUGGS HAVE A EVIDENTARY HEARING BEFOR OR AFTER HIS TRIAL. FURTHERMORE STILL SHOWING JUST HOW INEFFECTIVE HIS TRIAL COUNSEL, & APPEAL COUNSEL WERE. SUGGS WAS TOLD THE DAY OF HIS TRIAL BY HIS ATTORNEY ADAM VAN HO THAT IT WAS A KNIFE BEING USED AGAINST HIM AT TRIAL. MR. SUGGS WAS TOLD BY THE COURT HOW THE KNIFE GOT PUT IN HIS CASE, & HOW CHARGES WERE FILED AGAINST HIM BECAUSE OF IT. THE JUDGE SAID THEY HAD A THEORY ON WHAT HAPPENED. SO I WAS CHARGED WITH 2 COUNTS OF AGG. ROBBERY, AGG. BURG., & FELONIOUS ASSAULT. EVENTHOUGH BITTNER TOLD THEM HER STORY THE JUDGE ALLOWED THE PROSECUTION TO JUST MAKE SOMETHING UP. SUGGS WAS NOT FOUND GUILTY OF EITHER CHARGE CONCERNING THE KNIFE NO D.N.A, OR FINGERPRINTS OF SUGGS WAS ON THE KITCHEN KNIFE. THIS IS IN MY TR. TRANSCRIPTS WHICH YOU HAVE FOR EXHIBITS. FOR REASONS LIKE THIS IS WHY SUGGS IS ASKING THAT UNDER MARTINEZ V. RYAN 132 S.Ct. 1309, 182 L.ED.2D 272 THIS COURT ADJUDICATE /ONG PROCEDURALLY BARRED OR WAIVED ISSUES &/OR GRANT SUGGS AN EVIDENTARY HEARING TO OFFER PROOF THAT HE NEVER SHOULD HAVE BEEN CHARGED WITH THESE CRIME IN THE FIRST PLACE. IT IS MEDICAL RECORDS SHOWING THAT SUGGS NEVER COMMITTED A FELONIOUS ASSAULT. THERE IS NO SERIOUS PHYSICAL HARM TO BITTNER WHATSOEVER YET THESE PEOPLE PUT THIS INNOCENT MAN ON TRIAL FOR IT & OTHER BOGUS CHARGES. HOW DID THEY EVER GET THE

GRAND JURY TO INDICT THIS MAN WITHOUT NO MORE THAN A PERSON SAYING HE DID SOMETHING TO THEM/S FOUL. IN RE AUSTIN, 2013 U.S. APP. LEXIS 26400 WAS AWARDED AN EVIDENTIARY HEARING & SHOWED ALL THE CORRUPTION THAT TOOK PLACE TO HOLD HIM DOWN. MR. SUGGS HAS ALWAY DENIED COMMITTING THIS KIDNAPPING CHARGE OR ANY OF THE CRIMES HE WAS FOUND NOT GUILTY OF, BUT THERE HAS NEVER BEEN A HEARING TO SHOW THAT THEIR WAS NEVER ANY EVIDENCE TO SUPPORT THE CLAIMS AGAINST HIM.

ON 2-29-19 SUGGS FILED AN DELAYED OA APP. R 26B. IT IS AN APPLICATION FOR REOPENING R.5 STATES "AN APPLICATION FOR REOPENING SHALL BE GRANTED IF THERE IS A GENUINE ISSUE AS TO WHETHER THE APPLICANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE of COUNSEL ON APPEAL."

ATTATCHED IS NOTICE OF EXHAUSTED CLAIMS SINCE THE OHIO SUPREME COURT REFUSED TO ACKNOWLEDGE MR. SUGGS DELAYED APP. R. 26(B).

REASONS FOR GRANTING THE PETITION

THIS PETITION SHOULD BE GRANTED BECAUSE THE GUILTY VERDICT FOR KIDNAPING IS NOT SUPPORTED BY SUFFICIENT EVIDENCE. THE ESSENTIAL ELEMENT TO MAKE THIS A F.1 KIDNAPPING IS NOT HERE. THIS IS A VIOLATION OF THE PETITIONER'S 4TH, 5TH, 6TH, & 14TH CONSTITUTIONAL RIGHTS. (IN RE WINSHIP, 397 U.S. 358) THIS HAS BEEN THE STANDARD SET BY THE U.S. TO ASSURE THAT A PERSON BEING CHARGED WITH A CRIME IS FOUND GUILTY BEYOND A REASONABLE DOUBT. WE ARE IN A VERY PIVOTAL TIME IN OUR COUNTRY. THE SYSTEMIC UNBALANCE WITH PEOPLE OF COLOR WHEN IT COMES TO FAIRNESS WHEN THEY HAVE TO DEAL WITH THE POLICE, PROSECUTORS, & JUDGES IS STILL VERY INCREDIBLY RACIST TO THIS DAY. SUGGS LITERALLY GOT A WHITE SO CALLED VICTIM, ALL WHITE POLICE, A WHITE PROSECUTOR, A ARAB PROSECUTOR WHO HAS BEEN SANCTIONED BECAUSE OF RAILROADING DEFENDANTS. I ALSO HAD A WHITE JUDGE, & WHITE APPEAL LAWYER. SUGGS'S LAWYER WAS INEFFECTIVE TO THE POINT OF MISLEADING SUGGS FROM FILING HIS APP. R. 26 B. IN A TIMELY MANOR. HE TOLD SUGGS TO FILE A DELAYED APPEAL BUT NEVER LET HIM KNOW ANYTHING ABOUT THE R. 26 B. IF WE ARE GOING TO BE A NATION THAT SET THE WORLD TONE FOR HUMAN RIGHTS SOMEONE HAS GOT TO STOP THIS RACIST ACTIVITY IN OUR JUDICIAL SYSTEM. THIS HAS BEEN A GRAVE MISSUSTICE STOWED UPON SUGGS. HE HAS MISSED 8 PLUS YEARS OF HIS LIFE FOR A CRIME HE NEVER

COMMITTED. THIS IS AN INTENTIONAL CONVICTION OF A BLACK MAN FOR WHATEVER RACIST REASONS THE COURT DECIDED TO LET THIS PLAY OUT THE WAY IT DID. THE GENERAL PUBLIC HAVE A RIGHT TO EXPECT THAT IF THEY ARE BEING WRONGLY ACCUSED THE OFFICERS, & THE COURTS WILL BE FAIR WITH THEIR INVESTIGATION REGARDLESS OF A PERSON NATIONALITY. SUGGS CAN NOT SAY THAT HE HAS BEEN TREATED FAIR, OR EVEN WITH BASIC HUMAN RESPECT. THE SYSTEM KEEP TELLING SUGGS HE NEEDS TO SHOW CAUSE FOR THE PROCEDURAL DEFAULT BUT NOONE WILL CALL THE MANSFIELD CORR. INST. & GET THE E-MAIL UNIT MANAGER MELTON SENT TO THE LAW LIBRARY TRYING TO GET SUGGS OVER THERE TO FILE HIS MEMORANDUM IN SUPPORT OF JURISDICTION WHICH NEVER RECIEVED A RESPONSE. ATLEAST THAT IS WHAT SUGGS WAS TOLD BY MELTON. HIS HABEAS CORPUS EVEN THO IT IS CLEAR THAT THE SUMMIT COUNTY COURT OF COMMON PLEAS GUILTY VERDICT FOR KIDNAPPING IS CLEARLY CONTRARY TO THE CLEARLY ESTABLISHED FEDERAL LAW AS DETERMINED BY THE U.S. SUPREME COURT, & WAS BASED ON AN UNREASONABLE DETERMINATION OF THE FACTS IN LIGHT OF THE EVIDENCE PRESENTED IN THE STATE COURT PROCEEDINGS. WHICH IS THE AEDPA STANDARD FOR HABEAS REVIEW UNDER § 2254 (D)(1) & (2). AT EVERY TURN THE EXACT COURTS THAT ARE SUPPOSE TO MAKE SURE SUGGS'S CONSTITUTIONAL RIGHTS ARE NOT VIOLATED ARE VIOLATING THEM BY NOT APPLYING THE LAW TO DO RIGHT BY A BLACK MAN WHO IS WRONGFULLY

INCARCERATED AS IF HIS LIFE DO NOT MATTER. PLEASE SHOW THE WORLD ESPECIALLY MR. SUGGS THAT BECAUSE HE IS NOT WHITE, OR HAVE ALOT OF MONEY THEIR RIGHTS TO THE U.S. CONSTITUTION WILL NOT BE VIOLATED. THE OHIO COURTS DECISION NOT TO GRANT SUGGS'S APP. R. 26(B) WAS UNJUST BECAUSE APPELLANT'S APPELLATE COUNSEL WAS INEFFECTIVE IN MULTIPLE WAYS. SUGGS COUNSEL APPEARED TO BE ACTING IN GOOD FAITH TELLING HIM IN A LETTER, "ACCORDINGLY, I HAVE ADVISE THE OHIO PUBLIC DEFENDERS OFFICE OF SAME & ASKED THEM TO HANDLE THE APPEAL, & FILE LEAVE TO FILE APPEAL TO OHIO SUPREME COURT." THIS WAS IN CONCERN TO THE LETTER THAT SUGGS HAD RECIEVED FROM THE OHIO PUBLIC DEFENDERS OFFICE INFORMING HIM THAT A DECISION HAD BEEN RENDERED IN HIS CASE ON 9-17-16 BUT THE APPELLATE COUNSEL JUST RECIEVED IT. INSTEAD OF THE PUBLIC DEFENDER HANDLING SUGGS'S APPEAL HE WAS GIVING DIRECTION TO FILE A DELAYED APPEAL TO THE OHIO SUPREME COURT. (BOTH LETTERS ARE ATTATCHED) SUGGS DID NOT RECIEVE THE LETTER AT MANSFIELD CORR. UNTIL MORE THAN 90 DAYS. SUGGS LAWYER NEVER TOLD HIM ABOUT FILING A 26(B), NOR DID THE PUBLIC DEFENDER. THIS IS RELEVANT BECAUSE A OH. APP. R. 26(B) IS TO BE FILED WITHIN 90 DAYS OF THE PRIOR DECISION. THE LETTER FROM THE PUBLIC DEFENDER IS DATED 12-9-16 MORE THAN THE 90 DAY REQUIREMENT. IN GONNER 2014 U.S. APP. LEXIS 7203; 2014 FED APP. 0076 P (6TH CIR) HN7 (FOOTNOTE 2) MAPLE V. THOMAS, 132 S.Ct. 912, 927, 181 L.Ed. 2d 807 (2012) GONNER WAS UNAWARE THAT HE HAD TO FEND FOR HIMSELF IN ORDER TO PROTECT INVALUEABLE LEGAL RIGHTS. SEE ID. AT 924 (NOTING THAT A PRISONER SHOULD NOT "BE FAULTED FOR FAILING TO ACT ON HIS OWN BEHALF WHEN HE LACKS

REASON TO BELIEVE HIS ATTORNEY OF RECORD, IN FACT IS NOT REPRESENTING HIM) HOW COULD SUGGS KNOW THAT IS COUNSEL WOULD LEAVE OUT ANY INVALUABLE LEGAL OPTIONS THAT WAS OPEN IF COUNSEL APPEARED TO BE ACTING IN SUGGS BEST INTEREST. AFTER COUNSEL ADVISED HIM, SUGGS FOLLOWED COUNSEL'S INSTRUCTIONS COMPLETELY. SO IF COUNSEL WOULD HAVE ADVISED HIM ABOUT THE 26(B) SUGGS WOULD HAVE FILED IT. GROSS V. JACKSON, 2008 U.S. DIST. LEXIS 37095; APPELLATE SUBMITS A LETTER FROM TRIAL LAWYER WHICH ADVISED HIM TO FILE APPEAL PRO SE, ~~E TO~~ REVIEW APP. R. 26(B) THE LETTER IS DATED JUNE 3, 1999. "FROM THE ABOVE, WE FIND APPELLANT HAS FAILED TO DEMONSTRATE GOOD CAUSE FOR THE DELAY. IT APPEARS DEFENSE COUNSEL ADVISED APPELLANT PROMPTLY AFTER OUR OPINION IN THE WITHIN WAS FILED". THE LETTERS THAT SUGGS RECIEVED IT IS CLEAR THAT COUNSEL DID NOT INFORM HIM OF HIS RIGHT TO FILE 26(B).

THE PETITIONER SHOULD BE GIVING RELIEF. THE KIDNAPPING CONVICTION MUST BE OVERTURNED BE CAUSE IT IS NOT SUPPORTED BY SUFFICIENT EVIDENCE IN MULTIPLE WAYS. THIS GUILTY VERDICT IS AGAINST THE LAW. PLEASE FIND SUGGS GUILTY OF THE LESSER OFFENSE OF UNLAWFUL RESTRAINT SINCE THE JURY VERDICT FORM IS ONLY FIT TO FIND HIM GUILTY OF THE LEAST OF THE OFFENSE UNDER 2945.75.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

ANTHONY SUGGS

Date: 2-2-23