

CASE NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER 2022 TERM

CHRISTOPHER WHITAKER, Petitioner,

vs.

STATE OF OHIO, Respondent

On Petition for a Writ of Certiorari to
the Supreme Court of Ohio

**PETITIONER'S MOTION FOR LEAVE
TO PROCEED *IN FORMA PAUPERIS***

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*COUNSEL OF RECORD

**PETITIONER'S MOTION FOR LEAVE TO PROCEED *IN FORMA*
*PAUPERIS***

Petitioner Christopher Whitaker, through counsel, respectfully requests leave to file his Petition for Writ of Certiorari to the Supreme Court of Ohio without the pre-payment of costs or fees and to proceed *in forma pauperis* pursuant to Rule 39.1 of the Supreme Court Rules.

This is a death penalty case in which the Petitioner was sentenced to death in Ohio in 2018, and his convictions and death sentence were affirmed in relevant part on his direct appeal to the Supreme Court of Ohio. He proceeded *in forma pauperis* in the trial court for the proceedings there and also for purposes of his direct appeal in the Supreme Court of Ohio, which is the subject of this appeal.

For all of these reasons, and in the interest of justice, Petitioner respectfully requests that his motion for leave to proceed *in forma pauperis* be granted.

Respectfully Submitted,

/s/Jeffrey M. Gamso
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CHRISTOPHER WHITAKER



103163581

IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

THE STATE OF OHIO
Plaintiff

CHRISTOPHER L WHITAKER
Defendant

Case No: CR-17-614021-A

Judge: CAROLYN B FRIEDLAND

INDICT: 2903.01 AGGRAVATED MURDER /FMS
2903.01 AGGRAVATED MURDER /FMS
2903.01 AGGRAVATED MURDER /FMS
ADDITIONAL COUNTS...

JOURNAL ENTRY

NUNC PRO TUNC ENTRY AS OF AND FOR 03/26/2018.

DEFENDANT IN COURT. COUNSEL THOMAS E SHAUGHNESSY, FERNANDO MACK PRESENT.
COURT REPORTER MARY SCHULER PRESENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF AGGRAVATED MURDER 2903.01 B
UN WITH FELONY MURDER SPECIFICATION(S) AS CHARGED IN COUNT(S) 1, 2, 3 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF AGGRAVATED MURDER 2903.01 A
UN WITH FELONY MURDER SPECIFICATION(S) AS CHARGED IN COUNT(S) 4 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF RAPE 2907.02 A(2) F1 AS CHARGED
IN COUNT(S) 5 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF KIDNAPPING 2905.01 A(3) F1 WITH
SEXUAL MOTIVATION SPECIFICATION(S) 2941.147, AS CHARGED IN COUNT(S) 6 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF KIDNAPPING 2905.01 A(4) F1 WITH
SEXUAL MOTIVATION SPECIFICATION(S) 2941.147 AS CHARGED IN COUNT(S) 7 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF AGGRAVATED BURGLARY 2911.11
A(1) F1 AS CHARGED IN COUNT(S) 8 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF TAMPERING WITH EVIDENCE
2921.12 A(1) F3 AS CHARGED IN COUNT(S) 9 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF OFFENSES AGAINST HUMAN
CORPSE 2927.01 B F5 AS CHARGED IN COUNT(S) 10 OF THE INDICTMENT. ON A FORMER DAY OF COURT COUNTS
1,2 AND 3 AND THE CORRESPONDING FELONY MURDER SPECIFICATION(S) FOR COUNTS 1,2 AND 3 WERE MERGED
WITH COUNT 4 AND ITS CORRESPONDING FELONY MURDER SPECIFICATION(S). ONLY COUNT 4 WITH ITS
CORRESPONDING FELONY MURDER SPECIFICATION(S) WAS CONSIDERED BY THE JURY DURING THE SECOND
PHASE OF TRIAL.

PROSECUTOR ANDREW SANTOLI, MO AWADALAH ADDRESS THE COURT.

THE COURT CONSIDERED ALL REQUIRED FACTORS OF THE LAW.

THE COURT FINDS THAT PRISON IS CONSISTENT WITH THE PURPOSE OF R. C. 2929.11.

THE COURT IMPOSES A PRISON SENTENCE AT THE LORAIN CORRECTIONAL INSTITUTION OF 48 YEAR(S).

ON NON DEATH COUNTS IN ADDITION TO COUNT 4, DEFENDANT SENTENCED TO DEATH. THE COURT
DETERMINED THAT THE REMAINING COUNTS ARE NOT ALLIED OFFENSES OF SIMILAR IMPORT. THE STATE OF
OHIO DISMISSED THE SEXUAL VIOLENT PREDATOR SPECIFICATIONS ON COUNTS 5,6 AND 7. ON COUNTS 5,6,7 AND
8 DEFENDANT SENTENCED TO 11 MANDATORY YEARS ON EACH COUNT. THE COURT DECLINES TO IMPOSE AN
ADDITIONAL PRISON TERM UNDER THE REPEAT VIOLENT PREDATOR SPECIFICATIONS THAT WERE PROVEN ON
THESE COUNTS. ON COUNT 9, 3 YEARS AND ON COUNT 10 1 YEAR. ALL NON DEATH SENTENCES TO RUN
CONSECUTIVE.

THE COURT IMPOSES PRISON TERMS CONSECUTIVELY FINDING THAT CONSECUTIVE SENTENCES ARE
NECESSARY TO PROTECT THE PUBLIC FROM FUTURE CRIME AND/OR TO PUNISH DEFENDANT; THAT THE
CONSECUTIVE SENTENCES ARE NOT DISPROPORTIONATE TO THE SERIOUSNESS OF DEFENDANT'S CONDUCT
AND TO THE DANGER DEFENDANT POSES TO THE PUBLIC; AND THAT, AT LEAST TWO OF THE MULTIPLE
OFFENSES WERE COMMITTED IN THIS CASE AS PART OF ONE OR MORE COURSES OF CONDUCT, AND THE HARM

HEAR
03/29/2018



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CAUSED BY SAID MULTIPLE OFFENSES WAS SO GREAT OR UNUSUAL THAT NO SINGLE PRISON TERM FOR ANY OF THE OFFENSES COMMITTED AS PART OF ANY OF THE COURSES OF CONDUCT ADEQUATELY REFLECTS THE SERIOUSNESS OF DEFENDANT'S CONDUCT, OR DEFENDANT'S HISTORY OF CRIMINAL CONDUCT DEMONSTRATES THAT CONSECUTIVE SENTENCES ARE NECESSARY TO PROTECT THE PUBLIC FROM FUTURE CRIME BY DEFENDANT.

*** DEFENDANT IS DETERMINED TO BE A TIER III SEX OFFENDER/CHILD OFFENDER REGISTRANT. *** COURT EXPLAINED ALL DEFENDANT'S REGISTRATION DUTIES AS A TIER III SEX OFFENDER. DEFENDANT, WHEN NOT INCARCERATED UNDER ANY OF THE SENTENCES MUST PERSONALLY REGISTER HIS RESIDENCE, EMPLOYMENT OR SCHOOL (OR INSTITUTION OF HIGHER EDUCATION) ADDRESSES

WITH THE COUNTY SHERIFF OF THE COUNTY CONTAINING THESE ADDRESSES AND VERIFY SAME FOR LIFETIME WITH IN PERSON VERIFICATION EVERY 90 DAYS BY PERSONALLY APPEARING AT THE SHERIFF'S OFFICE. HE MUST GIVE 20 DAYS PRIOR NOTICE OF ANY RESIDENCE OR SCHOOL ADDRESS CHANGE TO THE COUNTY SHERIFF WITH WHOM HE MOST RECENTLY REGISTERED AND TO THE COUNTY SHERIFF OF THE COUNTY IN WHICH THE NEW ADDRESS IS LOCATED. HE MUST REGISTER A NEW EMPLOYMENT ADDRESS WITHIN 3 DAYS OF OBTAINING SUCH NEW ADDRESS WITH SUCH SHERIFF. THESE PROVISIONS APPLY WITH EQUAL FORCE SHOULD DEFENDANT RESIDE, ATTEND SCHOOL OR WORK IN ANY OTHER STATE OF THE UNITED STATES.

DEFENDANT IS ORDERED TO SUBMIT TO A DNA SPECIMEN COLLECTION PROCEDURE UNDER R.C. 2901.07.

POST RELEASE CONTROL IS PART OF THIS PRISON SENTENCE FOR 5 YEARS MANDATORY FOR THE ABOVE FELONY(S) UNDER R.C.2967.28. DEFENDANT ADVISED THAT IF/WHEN POST RELEASE CONTROL SUPERVISION IS IMPOSED FOLLOWING HIS/HER RELEASE FROM PRISON AND IF HE/SHE VIOLATES THAT SUPERVISION OR CONDITION OF POST RELEASE CONTROL UNDER RC 2967.131(B), PAROLE BOARD MAY IMPOSE A PRISON TERM AS PART OF THE SENTENCE OF UP TO ONE-HALF OF THE STATED PRISON TERM ORIGINALLY IMPOSED UPON THE OFFENDER.

DEFENDANT TO RECEIVE JAIL TIME CREDIT FOR 417 DAY(S), TO DATE.

DEFENDANT DECLARED INDIGENT.

COSTS WAIVED

DEFENDANT ADVISED OF APPEAL RIGHTS.

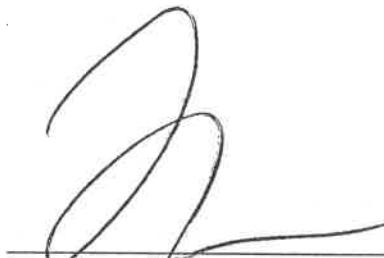
TRANSCRIPT AT STATE'S EXPENSE.

COURT APPOINTS PUBLIC DEFENDER

ALL MOTIONS NOT SPECIFICALLY RULED ON PRIOR TO THE FILING OF THIS JUDGMENT ENTRY ARE DENIED AS MOOT.

DEFENDANT REMANDED.

SHERIFF ORDERED TO TRANSPORT DEFENDANT CHRISTOPHER L WHITAKER, DOB: 01/29/1973, GENDER: MALE, RACE: BLACK.



Judge Signature Date

03/29/2018
CPMRC 03/29/2018 12:06:25

HEAR
03/29/2018