

No. 23-7093

FILED
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OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Jeremy J. Quinn, Jr. — PETITIONER
(Your Name)

vs.

State of Ohio — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Ohio Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jeremy J. Quinn, Jr. #509-127
(Your Name)

Southern Ohio Correctional Inst., P.O. Box 45699
(Address)

Lucasville, Ohio 45699
(City, State, Zip Code)

N/A

(Phone Number)

Question(s) Presented

- 1.) When a state court carelessly or deliberately makes a false claim. To enhance a criminal sentence. Does it violate a person Due Process rights and constitute as cruel and unusual punishment. Under the 14th and 8th U.S. Constitutional Amendment.
- 2.) When a criminal sentence violates it's own states sentencing statute and structure, making it contrary to law. Yet, the state courts refuses to correct it. Does it violate a person Due Process Rights, constituting as well as cruel and unusual punishment. Under the 14th and 8th Amendment.
- 3.) When a 70 year prison sentence that's cumulative, is so grossly disproportionate to the offence committed and other similar crimes. To a point it's Extreme and Rare. Does it raise to the level of cruel and unusual punishment.

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:

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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 is unpublished.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 is unpublished.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 Case No. 2023-0972; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the 16th District Court of Appeals court appears at Appendix B, C to the petition and is

reported at L-22-1135, 2023-0H10-1300; 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 _____.
S

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 Dec 26th 2023.
A copy of that decision appears at Appendix A.

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 _____.
S

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional and Statutory provisions involved are:

- 1.) Due Process violation, due to the Petitioner state Sentence violates it's own state Sentenceing structure, but the state refuses to correct it.
- 2.) Due Process violation because the state court intentionally made a False Claim to enhance petitioner Sentence.
- 3.) A 70 year prison sentence for 1 alleged criminal Transaction against 1 person. Is so extreme Rare, the cumulative nature of it raises to the Level of Cruel and Unusual Punishment.

STATEMENT OF THE CASE

Mr. Quinn was convicted by a Jury of (1) Count of Kidnapping in violation of Ohio Revised Code. 2905.01(A)(4) and (6) Counts of Rape ~~in~~ in violation of Ohio revised Code. ~~2905~~ 2907.02 (A)(2), all felonies of the 1st degree. These charges stem from (1) criminal Transaction against (1) alleged victim. Following a Trial by Jury in November 2005. In the Lucas County Court of Common Pleas, Toledo, Ohio.

Mr. Quinn has "Always" maintained and ~~argued~~ argued his Innocents throughout this case.

In 2009, Mr. Quinn filed a Federal Writ of Habeas Corpus 28 U.S.C. § 2254, in the U.S. District Federal Court Northern District of Ohio. On January 18th, 2012, the United States Court of Appeals, 6th Circuit of Ohio. Ordered the Grant of Habeas relief by ordering a Resentencing pursuant to Blakely vs. Washington, 542 U.S. 296, 124 S.Ct. 2531, 159 L.Ed.2d 403 (2004). See Quinn vs. Ohio Dept. Rehab. and Corr., 6th Cir. No. 10-3490 (Jan 18, 2012) (Unpublished opinion) The Resentencing was order to be a "De Novo - Resentencing hearing.

On August 2nd, 2012, the Trial Court Conducted the De Novo Resentencing hearing per the Federal Mandate.

During the Resentencing hearing the Trial Court was faced with a (7) Seven Count Indictment, based off one alleged act. In which the Trial Court:

- 1) Failed to Conduct a Pre-sentence Investigation Report;
- 2) Relied on a "False Claim" that Mr. Quinn was on supervised Release (Post-Release Control) to Justify a application of Consecutive sentences.
- 3) Failed to state 3 reason for it's application for Consecutive sentences per it's own Sentencing structure.

Further, the state Trial Court sentenced Mr. Quinn Consecutively to (7) seven consecutive (10) Ten-year sentences, For a total of (70) seventy years.

This case has been extensively litigated since the Trial.

The Instant Matter

On May 9th, 2022, Mr. Quinn filed a Motion to Vacate his sentence, in the Lucas County, Common Pleas Court, Toledo, Ohio. Due to the Trial Court failure to Comply with Ohio sentencing structure Ohio Revised Code 2929.14(C). The state filed a memorandum on May 16th, 2022, the state Trial Court denied the Motion on May 20th, 2022.

Mr. Quinn, timelyAppealed it to the States 6th District Court of Appeals, Lucas County, Toledo, Ohio, and he was Appointed Appellate Counsel to represent him. On Appeal, Appellate Counsel raised several Issues on Appeal:

- 1.) The Trial Court failed to Conduct a Pre-Sentence Investigation Report
- 2.) The Trial Court relied on a "False Claim" to enhance a Application for consecutive Sentences
- 3.) Failed to state 3 reasons for it Application for Consecutive Sentences. Per Ohio Revised Code 2929.14(C) and Ohio Supreme Court Ruling in State-vs-Bonnell, 140 Ohio St. 3d 209, 2014-Ohio-3177, 16 N.E.3d 659, at paragraph 26.
- 4.) Mr. Quinn 70 year prison sentence is Grossly Disproportionate to the offence Committed.

The District Court of Appeals for Ohio, denied the Appeal on April 21st, 2023. See State-vs-Quinn,

6th District. Lucas No. L-22-1135, 2023 - Ohio - 1300.

On April 27th, 2023, Mr. Quinn through appointed counsel, timely filed a Motion for Reconsideration. In which the Trial Court the District Court denied on June 12th, 2023.

Mr. Quinn, then filed for a Delayed Memorandum in support of Jurisdiction to the Ohio Supreme Court. Stating his reasons for late filing. The Court found "Good Cause" granting the Motion. Mr. Quinn then filed a Memorandum in Support of Jurisdiction.

On December 26, 2023, the Ohio Supreme Court "denied" to accept Jurisdiction of the Appeal. ~~see state vs~~
See State vs. Quinn, Case No. 2023-0972.

Mr. Quinn, Now timely Appeals the Ohio State Supreme Court decision to this court, To accept Mr. Quinn's "Petition for Writ of Certiorari".

Reason for Granting the Petition

Petition Mr. Quinn, is a state prisoner in Ohio, who's serving a state prison sentence that's: Illegal, violates Federal law, and Conflicts with rulings by this court. Further, the cumulative nature of petitioner 70 year sentence is so Extreme and Rare. It deserves review by this court. Due to all the Constitutional violations and conflicts within this case. This court should accept review, to correct these violations of Petitioner Rights.

The issues raised ~~are~~ to a constitutional violation and conflicts with this court are:

A.) The states false claim during petitioner Sentencing hearing, violates Petitioner Due Process rights under the 14th Amendment.

This court ruled, "A sentence may violate Federal Due Process if it is carelessly or deliberately pronounced on an extensive and materially false foundation which the defendant had no opportunity to correct." See Townsend vs-Burke, 334 U.S. 736, 741, 68 S.Ct. 1252, 92 L.Ed 1690 (1948); see also, United States -vs- Tucker, 404 U.S. 443, 447, 92 S.Ct. 589, 30 L.Ed.2d 592 (1972); United States -vs- Sammons, 918 F.2d 592, 603 (6th Cir. 1990); and Stewart -vs- Erwin, 503 F.3d 488, 495 (6th Cir. 2007).

In Petitioner case, he was sentenced to (7) seven consecutive 10 year prison sentences. Stemming from one criminal transaction against (1) person.

One of the standards to Justify consecutive sentences in the state of Ohio, is that: "A Defendant was under Supervised Release (or) Post Release Control, at the time the alleged crime took place." See OHIO Revised Code 2929.14(e)

In Mr. Quinn's case, he has "Never" been placed on Supervised Release, or Post Release Control, and was not

under either. On July 18th, 2005, when this alleged crime took place.

When the state Trial Court originally sentenced Mr. Quinn in December 2005, The Trial Court intentionally stated "Mr. Quinn was on Post Release Control or Parole," to give Mr. Quinn Consecutive Sentences of 70 years total.

In 2012, when Mr. Quinn was granted a Resentencing hearing per a Federal Mandate. On August 2nd, 2012, the State Trial Court Resentenced Mr. Quinn.

The State Trial Court knows Mr. Quinn does not meet Consecutive Sentence application. However, the Trial Court bias's attitude towards Mr. Quinn Prejudice him. When The Trial Court 1.) Refused to conduct a Pre-sentence investigation Report, and 2.) Referred to the original record ~~that~~ that the Federal Mandate overturn. In which the state Trial Court Falsely claimed, Mr. Quinn was under Supervised Release / Post Release Control, at the time this alleged Crime took place on July 18th, 2005. So they could give Mr. Quinn Consecutive Sentences.

It prejudice Mr. Quinn, violating his Due Process rights. Due to Mr. Quinn does not meet Consecutive Sentence Application, per Ohio Revised Code 2929.14(c).

Had not the State Trial Court made this False claim, The Court would of had to run all (7) seven Counts in the Indictment, "Concurrently" for a Total of 10 years.

Petitioner is concurrently serving a (70) seventy year prison sentence because this False claim. Thereby violating his Due Process Rights of the 14th Amendment. This issue deserves to be accepted by this court. To correct this error, that conflicts with rulings by this court. ~~See~~ See Townsend vs. Burke at 741

1B.) Failure to Correct a Sentence that violates its own State Sentencing Structure, violates Petitioner Due Process Rights, and constitutes as cruel and unusual punishment, under the 14th and 8th Amendment

In the state of Ohio, Ohio's sentencing structure is governed under Ohio Revised Code 2929.14(C). This statute requires a State Trial Court to make (3) three-statutory findings before imposing a consecutive sentence at a sentencing hearing, and incorporate its findings into its sentencing entry. See Ohio Supreme Court ruling in State vs. Bonnell, 140 Ohio St. 3d 209, 2014-Ohio-3177, p 37, 16 N.E.3d 659. Otherwise, the imposition of consecutive sentences is contrary to law. Id at 37.

In Petitioner Case, during his resentencing hearing per a Federal Mandate. The resentencing hearing was ordered to be given "DeNovo" (A New). The state Trial Court was faced with a (7) Seven Count Indictment, from (1) one criminal Transaction against one alleged victim.

The Trial Court went ~~on record~~ on to Apply consecutive sentences per Ohio Revised Code 2929.14(C). When the Trial Court stated its reasons for consecutive sentences, the Trial Court only gave (2) Two reasons: 1.) To protect the public and punish the defendant; and 2.) That a single term for any of the offences committed would adequately reflect the seriousness of this offenders conduct, or adequately reflect this defendants ~~own~~ criminal History.

Further, the State Trial Court even went on record to say, "For those Two-reasons, I believe consecutive sentences

are required." (See the August 2nd, 2012, Resentencing Transcript at page 12-13.)

By the state Court only making Two findings, violates OHIO Revised Code 2929.14(c) and OHIO Supreme Court ruling in State -vs- Bonnell, 140 Ohio St. 3d 209, 2014-Ohio-3177, 16 N.E.d. 659, at paragraph 26.

Which makes Petitioner sentence contrary to law and void.

However, the state Court refuses to correct or reverse this sentence, When it clearly violates it's on sentencing structure and evidence was submitted as support to petitioner position.

Thus Prejudicing Petitioner denying him a Due Process of Law. All because the state Courts Know, OHIO Revised Code 2929.14(c) prevents Mr. Quinn from receiving Consecutive sentences, but only concurrent. If the State had to Apply the concurrent sentence, Mr. Quinn would be free. Due to he's well over the prison sentence he would serve, if his sentence was to be served concurrently.

Due to the states refusal to correct this sentence that clearly violates OHIO Sentencing structure. Shows the Prejudice Petitioner is being subjected to. It raises to the level of a Due Process violation and constitutes as Cruel and Unusual Punishment, under the 14th and 8th U.S. Constitutional Amendment.

To correct this Miscarriage of law by the state, petitioner asks this court to accept review of these constitutional claims.

C.) Petitioner (70) seventy year Cumulative Sentence for one criminal Transaction is exceedingly Rare and Extreme, It's Grossly Disappropriate

to the offence committed. It constitutes as Cruel and Unusual Punishment, 8th Amendment Violation.

The Eighth Amendment prohibition on cruel and unusual punishment, "prohibits not only barbaric punishment, but also sentences that are disproportionate to the crime committed". Solem -vs- Helmy, 463 U.S. 277, 284, 103 S. Ct. 3001, 3006, 77 L.Ed.2d 637 (1983) "The 8th Amendment does not require strict proportionality between crime and sentence. Rather, it forbids only extreme sentences that are grossly disproportionate to the crime." Ewing -vs- California, 538 U.S. 11, 23, 123 S. Ct. 1179, 155 L. Ed. 2d 108 (2003)

1.) Cumulative Sentence

Petitioner case raises to the Level Rare and Extreme. Petitioner Mr. Quinn is serving a 70 year Prison Sentence, which is essentially a Life Sentence. For a alleged single Criminal Transaction, against 1 alleged victim. In which the state Courts intentionally stacked, due to it Bias nature against Petitioner.

The crime Petitioner has been alleged to have committed; does not carry a Life sentence, did not involve multiple victims, and did not involve a prolonged crime spree taking place over months or years.

Furthermore, the alleged victim did not suffer any serious physical, mental or emotional harm. That was abnormal to associated to the crime.

Yet, the state felt the need to give Petitioner 70 years total for a single criminal Transaction.

This is a Rare and Extreme Case and Sentence that Constitute as Cruel and Unusual punishment.

This case deserves review by this court, to correct

Miscarriage of Justice. That no other person would be subjected to for this type of crime.

Further, this court has never address this type of Rare and Extreme case before. Which is why the court should accept it. In order to prevent this kind of punishment upon others.

2.) Other like crimes

Petitioner sentence was not consistent with other like crimes in OHIO.

In the state of OHIO, the only charges that carry a life sentence from 1 single Criminal Transaction is, Murder and Rape against a child under 13. Petitioner is charged with Neither.

A 70 year prison sentence imposed upon Mr. Quinn from 1 single criminal transaction. It's so rare, it's unheard of, especially to other ~~other~~ crimes.

In which, there are multiple victims, multiple incidents over a time period. In which they never received a 70 year prison sentence or close to it.

Petitioner could of assaulted multiple people, killed someone, committed multiple Robberies or sexual assaulted multiple people, and still would not have been given a 70 year sentence for 1 alleged act.

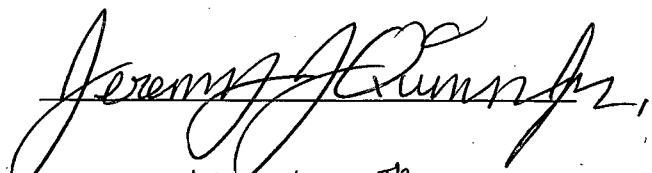
Which is why this case is Rare and extreme, and deserves review by this court.

Petitioner is serving a criminal sentence that if reviewed and accepted by this court, would determine it raises to the level of cruel and unusual punishment.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Date: March 14th, 2024