

Appendix

Appendix A: Fourth Appellate District

32.1 motion to withdraw guilty plea. Case #20ca6

Judgement Entry: May 18, 2021

Appendix B: Supreme court of Ohio (attached hereto)

Memorandum in Response Case #2021-0784

Appendix C:

IN THE SUPREME COURT OF OHIO

State of Ohio,	:	On Appeal of the Decision from the
	:	Athens County Court of Appeals
Plaintiff-Appellee,	:	Fourth Appellate District, Case No. 20CA06
	:	
v.	:	
	:	Case No. 2021-0784
Dechaun Toliver,	:	
	:	
Defendant-Appellant.	:	

MEMORANDUM IN RESPONSE

Dechaun Toliver, A745-714
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TABLE OF CONTENTS

	Page(s)
Table of Contents	ii
Table of Authorities	iii
Statement of the Case	1
Explanation of Lack of Substantial Constitutional Question or Public Interest	2
Law and Argument	3
Conclusion	4
Certificate of Service	5

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Menna v. New York</i> , 423 U.S. 61, 62, 96 S.Ct. 241, 46 L.Ed.2d 195 (1975), fn.2	3
<i>State v. Lewis</i> , 4 th Dist. Adams No. 18CA1073, 2019 WL 3546464, 2019-3154 (Jul. 23, 2019)	3
<i>United State v. Broce</i> , 488 U.S. 563, 569, 109 S.Ct. 757, 102 L.Ed.2d 927 (1989)	
OHIO REVISED CODE SECTIONS	
R.C. 2923.32(A)(1)	1
OHIO CRIMINAL RULES	
Crim.R. 11(B)(1)	

STATEMENT OF THE CASE

Dechaun Toliver, hereinafter referred to as Appellant, was present before the Court of Common Pleas, General Division on June 27, 2018, to enter a plea of guilty to a Bill of Information charging him with one (1) count of Engaging in a Pattern of Corrupt Activity, in violation of R.C. 2923.32(A)(1), a felony of the second degree, coupled with two counts of Trafficking in Cocaine, felonies of the fifth degree in case number 18CR0273. The Bill of Information was filed that same day. The plea of guilty called for Appellant to serve eight (8) years in prison with the State reserving the right to oppose judicial release if and when Appellant should file. A Judgment Entry was file stamped on June 28, 2018, and Appellant was placed into the custody of the Ohio Department of Rehabilitation and Corrections.

Appellant has filed a number of post sentence motions at the trial court level and appeals with the Fourth District Court of Appeals. Each and every pleading has since been denied. He now argues that this Court should accept jurisdiction based on the case one of public or great general interest and that it involves a substantial constitutional question. The State disagrees and asks this Court to decline jurisdiction.

**STATE'S RESPONSE TO WHY THIS CASE IS NOT OF PUBLIC OR
GREAT GENERAL INTEREST AND DOES NOT INVOLVE A
CONSTITUTIONAL QUESTION.**

In summation, Appellant believes that his case is one of public or great general interest and involves a constitutional question based on his belief that not all of the elements of the crime to which he pleaded guilty were proved, whether he received ineffective assistance of counsel, and whether his plea was made knowingly, voluntarily and intelligently. The State contends that none of these arguments meet either criterion for this Court to accept jurisdiction and respectfully ask this same.