

No. 24-5845

FILED  
JUL 23 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

Jackie N. Robinson — PETITIONER  
(Your Name)

vs.

Jerry Spatny — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO  
none of the lower courts have ruled on  
the merits of my case. The United States  
Court of Appeals for the Sixth Circuit, last rule! # 24-3147

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

PETITION FOR WRIT OF CERTIORARI

Jackie N. Robinson  
# 554-458

(Your Name)

2500 S. Avon Belden Rd.

(Address)

Grafton, Ohio 44044

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- (1) Is it plain error for the trial court not to comply with Crim. R. 32(C)?
- (2) Is it plain error for the trial court not to comply with Crim. R. 11(O)?
- (3) If the trial court does not issue a final appealable order, is the appellate court deprived of jurisdiction, under Ohio Const. art. IV, § 3(B)(2)?
- (4) If a court judgment is interlocutory, is it capable of repeated review?
- (5) If a judgment is not final in the instant case, does ORC ann. 2945.73, 2945.71, 2945.72 apply?
- (5) Was the ninth District Court of Appeals charged with the duty of searching the record and determining if a final order was before the court or not?
- (6) Are appeals courts obligated to raise sua sponte questions related to its jurisdiction?
- (7) Do manifest facts require proof?  
[See back side of this page]
- (8)

- (8) Is it a violation of the fourteenth Amendment for petitioners to be deprived of life, liberty, or property without due process of law?
- (9) Is it a violation of the fourteenth Amendment for petitioners to be denied the equal protection of the law?
- (10) Does the record presented to the lower courts, and now before this court, show that a miscarriage of justice would occur if the merits of petitioners claims are not ruled upon?
- (11) Does the record presented to the lower courts, and now before this court, show fraud upon the court?
- (12) Does the record before this court show that the lower Courts decisions are contrary to law and unreasonable application of, clearly established federal law, as determined by the Supreme Court of the United States, based on the evidence presented in the lower court proceedings?
- (13) Is it a reasonable expectation that petitioners non-final, Crim. R. 11, and Crim. R. 32(c) claims will be subject to the same action again?

## 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:
- (1) Court of common pleas, Summit county,  
case no. CR 76-2-204 / case no. CR-79-3-319
  - (2) Court of common pleas, Summit county,  
case no CR 79-3-319
  - (3) ninth District court of appeals, C.A. no. - 30857
  - (4) Supreme Court of ohio, 24-0009

## RELATED CASES

- (5) united States District Court Northern District of ohio, case no. 23-cv-1780
- (6) united States Court of appeals for the Sixth Circuit, case Docket #: 24-3147

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE.....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## INDEX TO APPENDICES

APPENDIX A	united States Court of appeals for the Sixth circuit, case Docket #: 24-3147
APPENDIX B	united States District Court, northern District of ohio, case no. 23-cv-1780
APPENDIX C	Supreme Court of ohio, 24-0009
APPENDIX D	ninth District court of appeals, C.A. no. -30857
APPENDIX E	Court of common pleas, Summit County, case no. CR 79-3-319/ CR-76-2-
APPENDIX F	Court of common pleas, Summit County, case no. CR- 76-2- 204

## TABLE OF AUTHORITIES CITED

### Statutes and Rules

	PAGE NUMBER
Crim. R. 32(C) . . . . .	8
Crim. R. 11(C) . . . . .	8
Const. art. IV 33(B)(2) . . . . .	8
ORC ann. 2945.73 . . . . .	8
ORC ann. 2945.71 . . . . .	8
ORC ann. 2945.72 . . . . .	8
Crim. R. 11 . . . . .	9
Crim. R. 32(C) . . . . .	9

### Cases

fourteenth amendment Due process clause and  
Equal protection is incorporated herein.  
pursuant to the United States Constitution.

### OTHER

marquez v. Barone, 2024 U.S. app. lexis 13410.  
State ex rel. Daniels v. Russo, 156 Ohio St. 3d 143.  
See 164 Ohio St. 3d 579.

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 A to the petition and is

- [ ] reported at unaware, dont have access to; 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 B to the petition and is

- [ ] reported at unaware, dont have access to; 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 C to the petition and is

- [ ] reported at unaware, dont have access to; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the ninth District appellate court appears at Appendix D to the petition and is

- [ ] reported at Summit County, C.R. no. -30857; 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 The Sixth Circuit did not hear my merits!

- [ ] No petition for rehearing was timely filed in my case.  
I am appealing my claims to this Court!
- [ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 7-11-2024, and a copy of the order denying rehearing appears at Appendix A.
- [ ] An extension of time to file the petition for a writ of certiorari was granted to and including 10-8-2024 (date) on 8-8-2024 (date) in Application No. A. Emily Walker (202) 479-5955

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 3-05-2024. A copy of that decision appears at Appendix C.

- [ ] A timely petition for rehearing was thereafter denied on the following date: 3-20-2024, 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).

*petitioner is not being provided access to this court docket or copies by unit management staff. petitioner has provided this court with the requested information required herein as best that he can. petitioner request that any short-comings in the procedures herein be noted to him.*

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

petitioner seeks appointment of counsel, pursuant to 2020 U.S. Dist. Lexis 262115 [ADA], and authorization to commence this action without the payment of fee's, costs, or security. 42 U.S.C. § 2000E-5(F)(1). for the following factors: (1) The merits of petitioner's claims of discrimination. (2) The efforts taken by petitioner to obtain counsel, and (3) The petitioner's financial ability to retain counsel.

petitioner asserts fourteenth amendment violations, and violations of title II of the americans with disability act 1990 [ADA], 42 U.S.C.S. § 12131 et seq. as petitioner's claims put before the lower courts clearly show a non-final order, pursuant to ORC ann. 2505.02 (B)(1). which affects petitioner's substantial rights in this action, that in effect determines the action and prevents a judgment. petitioner has a clear legal right to the relief requested, as the trial judge is under a clear legal duty to perform the requested acts, and I am without a plain and adequate remedy in the ordinary course of the law. citing 164 Ohio St. 3d 579 [HN4], mootness, evading review exception.

petitioner's claims put before the District Court were dismissed in plain error, as petitioner was [not] seeking relief for convictions from different proceedings within a single petition. a review of the record and evidence submitted to the District Court clearly shows the connection of these two cases, and will also show that this action does constitute a new petition.

The United States Court of Appeals for the Sixth Circuit, has construed petitioner's claims and filings in plain error as well. as said court has stated that a [full review] was conducted of the record and all submissions by the parties. petitioner asks this court for review as well, as is his right.

#### STATEMENT OF THE CASE

petitioner is being held in violation of the United States Const., as petitioner has been put to trial twice for the same crime, has been sentenced over the maximum of the statute, was not afforded the advisement of Criminal Rule 11, and the court completely failed to follow the procedures of Criminal Rule 32(c), as shown by the submitted records and filings in the lower courts.

petitioner was arrested in [1976] for aggravated Burglary 2911.11 which he plead guilty to. The trial court sentenced petitioner to second degree Burglary 2911.12 without authority to do so, as 2911.12 Burglary is [not] an lesser-included offense of aggravated Burglary 2911.11. causing the judgment to be void upon its face.

The journal entry in this case is rubber stamped, and signed by a judge whom was not assigned to the case and had no authority over the case, and could not, and did not make any findings of fact or conclusions of law within the sentencing entry, as he did not observe the witness or sat through the proceedings. the judgment is interlocutory, subject to repeated review.

petitioner was released from prison in [1978] and placed on parole for the Burglary conviction. In [1979] petitioner was convicted of Robbery and carrying concealed, an having weapon under disability, the [1976] Burglary case was stipulated in the Robbery [indictment] as a prior offense of violence, enhancing the misdemeanor gun charges into felonies of the third and fourth degree.

REASONS FOR GRANTING THE PETITION

Petitioner's fifth amendment right is here violated were petitioner was arrested, indicted, and plead guilty to aggravated Burglary 2911.11, But was held to answer for a crime that was [not] issued by indictment of a Grand Jury. 2911.12 Burglary of the second degree.

Petitioner has not been afforded his mandated due process right pursuant to Ohio Crim. Rule 11(c), nor Ohio Rule Criminal procedure Criminal Rule 32(c), as shown by the submitted records before the lower courts, and as shown before this United States Court upon review of said records.

Petitioner sentence of one to five years, and one to ten years for gun charges in the [1979] conviction are unlawful, as they are misdemeanors which cannot be imposed as indefinite sentences, as petitioner does not have a prior offense of violence on his record, to this day.

The record filed in the District Court, which Judge Sara Lioi stated that she reviewed and found these two cases to be unrelated is disputed by the [1979]. indictment, counts three and four, charging petitioner with having been previously convicted of an offense of violence, to-wit: Burglary, Summit County Court of Common Pleas, July 2, 1976, case number 76-2-204.

The arbitrary denial of petitioner's claims by Judge Sara Lioi, and the reasons she has given for doing so are disputed by the record and court documents that she claims to have reviewed. As Mr. Robinson petition [does] [not] impermissibly challenge [two] convictions from different proceedings. Petitioner's petition [does] [not] violates Habeas Rule (2)(e), as stated by Judge Sara Lioi, as the record before her, and now before this Court proves.

Petitioner has been denied access to the courts by dismissal of his filings in violation of the Americans with Disabilities Act [ADA] 42 U.S.C.S. 12132, verified by prison files.

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,  
Jackie N. Robinson  
Petitioner pro se

Date: 9-18-2024