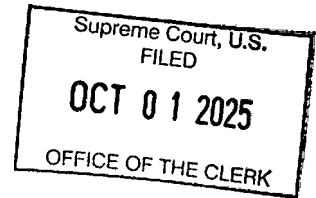


25-5813
No. _____

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Bradley Burchfield — PETITIONER
(Your Name)

vs.

State of Ohio — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Bradley Burchfield
(Your Name)

11984 Bean Hollow Road
(Address)

Athens, Ohio, 45701
(City, State, Zip Code)

740-508-6015
(Phone Number)

QUESTION(S) PRESENTED

1.) Due Process Question:

- Whether a Conviction for having a Weapon under disability Violates the due process Clause of the fourteenth Amendment when the predicate Burglary charge was dismissed with prejudice.

2.) Statutory Interpretation / Second Amendment Question:

- Whether Ohio's Weapons - under - Disability Statute may be applied to a Weapon expressly exempt under Ohio law without violating due process and equal protection principals.

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:

Bradley Burchfield petitioners pro se

vs

State of Ohio Respondent

- Fourth District Court of Appeals
- The Supreme Court of Ohio

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OTHER

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☐ is unpublished.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☐ is unpublished.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 _____ 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☐ is unpublished.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 fourth District Court of Appeals 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 _____.

☐ 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 ____.

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 July 8, 2025. A copy of that decision appears at Appendix _____.

☐ 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

1.) United States Constitution, Fourteenth Amendment

- Due Process Clause

2.) United States Constitution Fourteenth Amendment

- Equal Protection Clause

3.) United States Constitution, Second Amendment

- Right to bear Arms

4.) Ohio Revised Code 2923.13

- Weapons Under Disability

5.) Ohio Statutory Provisions Exempting Certain firearms 2923.13 (Antique firearms, black powder firearms.)

6.) Double Jeopardy Clause was violated as the Burglary Charge/offense was dismissed in 2008 and still convicted with the offense after dismissal with prejudice. 5924.44 Violating petitioner's 5th Amendment.

STATEMENT OF THE CASE

- 1.) Petitioner was charged with burglary and possession of a weapon under disability
- 2.) The Burglary Charge - the predicate offense supporting the disability conviction - was dismissed with prejudice.
- 3.) Despite this, petitioner was convicted of having weapons under disability, involving a weapon expressly exempt under Ohio law.
- 4.) Petitioner appealed to the Ohio fourth District Court of appeals. Which affirmed the conviction.
- 5.) Petitioner then sought review from the Ohio Supreme Court, which denied/dissolved leave to appeal on July 8th, 2025.

REASONS FOR GRANTING THE PETITION

This case presents critical questions of State law concerning due process, Statutory Interpretation, and Constitutional protections, and therefore warrants review by this Court.

1.) Conviction based on a dismissed predicate offense violates Due Process.

- Petitioner's Conviction for having weapons under disability relied on a Burglary Charge that was dismissed with prejudice.

- Convicting a defendant on a Charge that rests entirely on a legally nullified predicate offense violates the due process clause of the Fourteenth Amendment, which requires proof beyond a reasonable doubt and prohibits deprivation of liberty without lawful process.

- Lower Courts failed to recognize that a Conviction cannot stand when the foundational Criminal Charge is invalidated, creating a clear Constitutional error.

- This Court has previously held that convictions must rest on valid underlying offenses, and permitting otherwise undermines the fundamental fairness required by the Constitution.

2.) Application of Statutory Law to an exempt weapon violates due process & equal protection.

- Ohio law expressly exempts certain firearms or weapons from the "weapons under disability" statute.

- Petitioner was convicted for possession of a weapon that falls squarely within this Statutory Exemption, yet the Lower Courts applied the Statute as if NO exemption existed.

- This misapplication constitutes arbitrary and unlawful enforcement, violating both the due process Clause and the equal protection Clause of the Fourteenth Amendment.

- The Court's review is necessary to clarify the limits of State authority to criminalize conduct expressly excluded by Statute, preventing inconsistent applications across jurisdictions.

3.) The Case raises significant federal questions regarding Second Amendment Rights.

- The weapon in question is legally exempt under State Law, yet the conviction imposes criminal liability that restricts petitioner's Second Amendment right to possess certain firearms.

- The Court's review is warranted to address the interaction between State Statutory Schemes and federally protected rights, especially when State enforcement effectively nullifies Constitutional Protections.

4.) National Importance and Need for Guidance

- The questions presented involve fundamental Constitutional rights and Statutory Interpretation that could affect numerous defendants nationwide.

- Lower Courts' failure to adhere to Statutory Exemptions and basic due process protections risk creating conflicting precedent and arbitrary enforcement across State jurisdictions.

- The Court's intervention is necessary to resolve these recurring legal issues and ensure uniform application of federal Constitutional Principles.

5.) A dismissal with prejudice bars further prosecution

State v. Broughton, 62 Ohio St.3d 253 (1991)

- re-filing violates both res judicata and Double Jeopardy protections

- Double Jeopardy Clause Applies

- The fifth amendment prohibits retrial for the Same offense after dismissal with prejudice.

- In United States v. Oppenheimer, 242 U.S. 85 (1916), the Supreme Court held that res judicata and Double Jeopardy principals forbid re-litigation after a dismissal with prejudice.

- Same Offense Test (Block Burger)

even if the state tried to "relabel" the charge, if the conviction arises from the same burglary conduct, it fails under the Block Burger Test.

- Brown v. Ohio, 432 U.S. 161 (1977): The Court barred prosecution of Joyriding after auto theft conviction - Same conduct, just different labels.

- Conviction After Barred Reprosecution is Void:

- The conviction obtained after a dismissal with prejudice is constitutionally invalid

- The Court had no jurisdiction to proceed once jeopardy was terminated.

For these reasons, Petitioner
respectfully requests that this
Court grant the petition for
writ of Certiorari to review
the judgment of The Supreme
Court of Ohio.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: October 1st, 2025