

The Supreme Court of Ohio

State of Ohio

Case No. 2025-0465

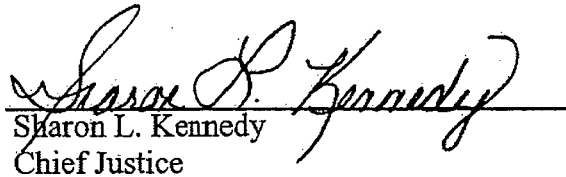
v.

ENTRY

Elvert S. Briscoe

Upon consideration of the jurisdictional memoranda filed in this case, the court declines to accept jurisdiction of the appeal pursuant to Rule 7.08(B)(4).

(Cuyahoga County Court of Appeals; No. 114667)


Sharon L. Kennedy
Chief Justice

APPENDIX A

The Official Case Announcement can be found at <http://www.supremecourt.ohio.gov/ROD/docs/>

Court of Appeals of Ohio, Eighth District

County of Cuyahoga
Nailah K. Byrd, Clerk of Courts

STATE OF OHIO

Appellee

COA NO.
114667

LOWER COURT NO.
CR-98-364077-ZA

COMMON PLEAS COURT

-VS-

ELVERT S. BRISCOE

Appellant


MOTION NO. 580360

Date 01/09/25

Journal Entry

Motion by appellant, pro se, for leave to appeal is denied. Appeal is dismissed.

Judge Emanuella D. Groves, Concur


Michael John Ryan
Presiding Judge

RECEIVED FOR FILING
01/09/2025 16:13:52
NAILAH K. BYRD, CLERK
Docket ID: 190766864

APPENDIX B

Court of Appeals of Ohio, Eighth District

County of Cuyahoga
Nailah K. Byrd, Clerk of Courts

STATE OF OHIO

Appellee

COA NO.
114667

LOWER COURT NO.
CR-98-364077-ZA

COMMON PLEAS COURT

-vs-

ELVERT S. BRISCOE

Appellant


MOTION NO. 580782

Date 01/09/25

Journal Entry

Appeal is dismissed pursuant to Motion No. 580360.

Judge Emanuella D. Groves, Concur


Michael John Ryan
Presiding Judge

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01/09/2025 16:14:14
NAILAH K. BYRD, CLERK
Docket ID: 190766877

APPENDIX C



130350309

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

STATE OF OHIO
Plaintiff

ELVERT BRISCO
Defendant

Case No: CR-98-364077-ZA

Judge: SHERRIE MIDAY

INDICT: 2907.02 RAPE
2907.02 RAPE
2907.02 RAPE
ADDITIONAL COUNTS...

JOURNAL ENTRY

NUNC PRO TUNC ENTRY AS OF AND FOR 09/16/2022.

MOTION FILED BY PL STATE OF OHIO ATTORNEY BRANDON PITEO 0090854 MOTION FOR LEAVE TO ACCEPT BRIEF IN OPPOSITION TO DEFENDANT'S MOTION FOR LEAVE TO FILE INSTANTER, FILED 03/16/2022. IS GRANTED. MOTION FOR NEW TRIAL; IN THE ALTERNATIVE SECOND AND SUCCESSIVE POST CONVICTION RELIEF ON NEWLY DISCOVERED EVIDENCE AND ORDER FOR PUBLIC RECORDS REQUEST. ORC 149.43 (B) (4). INSTANTER EVIDENTIARY HEARING REQUESTED AFFIDAVIT ATTACHED. FILED 03/16/2020. IS DENIED.

MOTION FOR ORDER FOR LEAVE TO FILE DELAYED MOTION FOR NEW TRIAL; ALTERNATIVE SECOND AND SUCCESSIVE POST CONVICTION RELIEF ON NEWLY DISCOVERED EVIDENCE AND ORDER FOR PUBLIC RECORDS REQUEST.

EVIDENTIARY HEARING REQUESTED AFFIDAVIT ATTACHED. FILED 03/16/2020. IS DENIED
CLERK OF COURTS IS ORDERED TO SERVE THE PARTIES.

09/30/2022

CPMAH 09/30/2022 06:56:42

Sherrie Miday

Judge Signature

10/02/2022

APPENDIX D

HEAR
09/30/2022

RECEIVED FOR FILING
10/02/2022 16:55:04
NAILAH K. BYRD, CLERK



188418064

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

STATE OF OHIO
Plaintiff

ELVERT BRISCO
Defendant

Case No: CR-98-364077-ZA

Judge: SHERRIE MIDAY

INDICT: 2907.02 RAPE
2907.02 RAPE
2907.02 RAPE
ADDITIONAL COUNTS...

JOURNAL ENTRY

ELVERT S. BRISCOE'S MOTION TO HAVE CLERK SERVE JUDGMENT ENTRIES AND DOCKET, FILED 11/05/2024, IS GRANTED. THE CLERK OF COURTS IS ORDERED TO SERVE 10/02/2022 JOURNAL ENTRY TO PRO SE DEFENDANT ELVERT S. BRISCOE, JR. #A368171 AT RICHLAND CORRECTIONAL INSTITUTION (RICI) P.O. BOX 8107, 1001 OLIVESBURG ROAD, MANSFIELD, OHIO 44901-8107, PURSUANT TO MR. BRISCOE'S MOTION.

THIS ENTRY TAKEN BY JUDGE SHERRIE MIDAY.

11/08/2024
CPSM4 11/08/2024 14:52:34

Judge Signature

11/08/2024

APPENDIX E

MISC
11/08/2024

RECEIVED FOR FILING
11/08/2024 15:00:12
NAILAH K. BYRD, CLERK

DATE: 11/08/2024
TIME: 3:25 PM

APPEARANCE DOCKET

PAGE: 1
CMSR5143

Case #: CR-98-364077-ZA
Status: CASE CLOSED
Filed: 06/16/1998

Judge: LILLIAN J GREENE
PO:
Next:

Defendant: BRISCOE/ELVERT/S(136220)
DOB: 03/29/1967
Days in Jail:

Sex: MALE
Race: BLACK

Actions
ARRESTED - EAST CLEVELAND POLICE
06/16/1998 ORIGINAL
06/16/1998 INDICTED ORIGINAL
06/30/1998 ARRAIGNED
06/30/1998 JAIL
09/18/1998 CONTINUANCE
01/04/1999 TRIAL
01/05/1999 TRIAL
01/06/1999 TRIAL
01/07/1999 TRIAL
01/08/1999 REFER TO PSYC. CLINIC
01/08/1999 REFERRED PROBATION
01/29/1999 P.S.I. CPT
02/04/1999 PSYC.RPT.CPT. JAIL
02/08/1999 SENTENCED
02/10/1999 LEAVING JAIL

Charges
2907.02 RAPE
2907.02 RAPE
2907.02 RAPE
2907.02 RAPE

Bond:
Bond: SURETY (255814) Set: 06/30/1998 Amount: 25,000.00 Set:

Other Cases
CR96340668-ZA
CR96333804-ZA
CR94308464-ZA
CR94306419-B

Other Defendants

-----File Location-----
Name:
Date:

D 1	Service: BRISCOE, ELVERT S 4479 MERRYGOLD WARRENSVILLE HEIGHTS, OH 44128-0000	0026035	DOWLING/JEROME/E 20800 CENTER RIDGE RD. SUITE 222 ROCKY RIVER, OH 44116-0000	(216) 881-8333
		0007784	KELLEHER/JEFFRY/F 323 WEST LAKESIDE AVENUE SUITE 300 CLEVELAND, OH 44113-0000	(216) 241-0520

Service:

Type	- Docket - Code Party	Proceeding Date	JE Filed Date	Description	Amount
CV	ARGN D	6/30/1998		DEFENDANT FULLY ADVISED IN OPEN COURT OF HIS/HER CONSTITUTIONAL RIGHTS. READING OF INDICTMENT WAIVED. TWENTY-FOUR HOUR SERVICE WAIVED. DEFENDANT DECLARED INDIGENT. COURT ASSIGNED JEROME E DOWLING AS COUNSEL. DEFN PLEAD NOT GUILTY TO INDICTMENT. JUDGE LILLIAN J GREENE ASSIGNED TO CASE.	

DATE: 11/08/2024
TIME: 3:25 PM
CASE: CR-98-364077-ZA

APPEARANCE DOCKET

CMSR5143

				BOND SET AT 25,000 DOLLARS. BOND TYPE: CASH/SURETY/PROP. ADDITIONAL AMOUNT OF BAIL AS SET FORTH IN ORC. 2743.70 AND ORC. 2949.091 ..DXR 06/30/98 10:47
CV	HIV	D	6/30/1998	HIV TEST ORDER. OSJ. ..DXR 06/30/98 11:53
CV	PRTR	D	7/02/1998	PRE-TRIAL SET JULY 8, 1998 AT 1:30 P.M. ..RLC 07/08/98 09:54
CV	PRTR	D	7/06/1998	DEFENDANT IN COURT WITH COUNSEL JEROME DOWLING. PRE-TRIAL HELD AND CONTINUED TO JULY 29, 1998 AT 10:00 A.M. ..RXC 07/07/98 14:42
CV	MFIL	D	7/07/1998	MOTION FOR BILL OF PARTICULARS; MOTION FOR DISCOVERY; DUCOFF HAS FILE BJ, ..WGH 07/07/98 10:49
CV	SCHD	D	7/29/1998	DEFENDANT IN COURT WITH COUNSEL JEROME DOWLING AND PROSECUTOR RONNIE DUCOFF. PRE-TRIAL HELD AND CONTINUED TO AUGUST 26, 1998 AT 9:00 A.M. TRIAL SET FOR SEPTEMBER 23, 1998 AT 9:00 A.M. ..BXM 07/30/98 09:26
CV	MDIS	D	8/25/1998	MTN TO WITHDRAW AS COUNSEL, FILED TJ ..TXI 08/26/98 08:30
CV	MTN	D	9/04/1998	ATTORNEY JEROME DOWLING'S MOTION TO WITHDRAW AS COUNSEL IS GRANTED. COURT APPOINTS ATTORNEY JEFFREY KELLEHER TO REPRESENT DEFENDANT. ..CAL 09/08/98 09:29
CV	PRTR	D	9/08/1998	PRE-TRIAL HELD AND CONTINUED FOR SEPTEMBER 14, 1998 AT 9:00 A.M. ..RLC 09/09/98 09:56
CV	MDIS	D	9/09/1998	MOTION FOR EVIDENCE NOTICE, DUCOFF HAS FILE BJ, MFD AND BOP MAILED AND FILED - MK - DUCOFF ..GST 09/21/98 11:39
CV	PRTR	D	9/14/1998	DEFENDANT IN COURT WITH COUNSEL JEFF KELLEHER (241-0520), PROSECUTOR RONNIE DUCOFF IN ATTENDANCE. PRETRIAL HELD AND CONTINUED TO SEPTEMBER 18, 1998 AT 11:00 A.M. ..RAT 09/15/98 15:15
CV	CONT	D	9/18/1998	PRETRIAL HELD. PRETRIAL SET FOR OCTOBER 1, 1998 AT 9:00 A.M. DEFENDANT WAIVES SPEEDY TRIAL TO DECEMBER 31, 1998 IN WRITING AND IN OPEN COURT. ..NJM 09/22/98 11:11
CV	MDIS	D	9/21/1998	MOTION TO APPOINT INVESTIGATOR, DUCOFF HAS FILE BJ, ..WGH 09/21/98 11:41
CV	MDIS	D	10/01/1998	MOTION FOR TRANSCRIPT AT STATES EXPENSE, DUCOFF HAS FILE BJ, ..BXJ 10/01/98 11:21
CV	MTN	D	10/01/1998	DEFENDANT'S MOTION TO APPOINT INVESTIGATOR, GRANTED. FEE NOT TO EXCEED \$500.00. ..PAK 10/02/98 13:40

CV	MTN	D	10/01/1998	DEFENDANT IN COURT WITH ATTORNEY JEFFRY KELLEHER AND PROSECUTOR RONNIE DUCOFF. MOTION FOR TRANSCRIPT AT STATE'S EXPENSE, GRANTED, DEFENDANT DECLARED INDIGENT. COURT REPORTER TO MAKE 2 COPIES OF TRANSCRIPT ONE FOR THE ATTORNEY AND ONE FOR THE PROSECUTOR. ..RXC 10/02/98 15:22
CV	SCHD	D	10/01/1998	DEFENDANT IN COURT WITH ATTORNEY JEFFRY KELLEHER AND PROSECUTOR RONNIE DUCOFF. PRE-TRIAL HELD AND CONTINUED TO NOVEMBER 4, 1998 AT 9:00 A.M. TRIAL IS SET FOR DECEMBER 14, 1998 AT 9:00 A.M. ..PAK 10/02/98 13:50
CV	SCHD	D	11/04/1998	DEFENDANT IN COURT WITH COUNSEL JEFFREY KELLEHER AND PROSECUTOR RONNIE DUCOFF. PRE-TRIAL HELD. PRE-TRIAL CONTINUED TO NOVEMBER 24, 1998 AT 10:00 A.M. TRIAL SET FOR DECEMBER 14, 1998 AT 9:00 A.M. ..TT 11/05/98 10:11
CV	HIV	D	11/10/1998	HIV RETEST ORDER. OSJ. ..DXR 11/30/98 11:40
CV	CONT	D	12/14/1998	DEFENDANT IN COURT WITH COUNSEL JEFFRY KELLEHER, PROSECUTOR RONNIE DUCOFF. TRIAL CONTINUED TO JANUARY 4, 1999 AT 9:00 A.M. AT THE DEFENDANT'S REQUEST. DEFENDANT WAIVES SPEEDY TRIAL FROM DECEMBER 31, 1998 TO JANUARY 5, 1999 IN WRITING AND IN OPEN COURT. ..RXC 12/15/98 15:02
CV	MDIS	D	12/22/1998	MOTION IN LIMINE, DUCOFF HAS FILE BJ, ..WGH 12/22/98 10:18
CV	TRL	D	1/04/1999	DEFENDANT IN COURT WITH COUNSEL, JEFF KELLEHER. PROSECUTING ATTORNEY, RONNIE DUCOFF PRESENT. DEFENDANT WAS ADVISED OF ALL CONSTITUTIONAL RIGHTS. JURY SELECTION BEGINS. ON TRIAL. ..VMA 01/05/99 13:19
CV	TRL	D	1/05/1999	DEFENDANT IN COURT WITH COUNSEL JEFFRY KELLEHER. PROSECUTING ATTORNEY RONNIE DUCOFF PRESENT. JURY IMPANELED AND SWORN. THE CASE PROCEEDS TO TRIAL. ..RAT 01/05/99 14:12
CV	TRL	D	1/06/1999	DEFENDANT IN COURT WITH COUNSEL. PROSECUTING ATTORNEY PRESENT. ON TRIAL PROGRESS. ..TTT 01/07/99 15:35
CV	TRL	D	1/07/1999	DEFENDANT IN COURT WITH COUNSEL. PROSECUTING ATTORNEY PRESENT. JURY BEGINS DELIBERATIONS; ON TRIAL. ..RLC 01/08/99 15:56

CV	VERD	D	1/08/1999	DEFENDANT IN COURT WITH COUNSEL. PROSECUTING ATTORNEY PRESENT. THE JURY RETURNS A VERDICT OF GUILTY TO RAPE ORC 2907.02 AS CHARGED IN COUNTS 1 AND 2 OF THE INDICTMENT. COUNT 3 CRIMINAL RULE 29 WAS GRANTED ON JANUARY 7, 1999 AND COUNT 4 WAS DISMISSED BEFORE TRIAL COMMENCED ON JANUARY 4, 1999. THE DEFENDANT ADDRESSES THE COURT. THE DEFENDANT IS REFERRED TO THE COUNTY PROBATION DEPARTMENT FOR A PRE-SENTENCE INVESTIGATION AND REPORT. SENTENCING SET FOR FEBRUARY 9, 1999 AT 9:30 A. M. ..ITT 01/12/99 12:26
CV	CLNC	D	1/08/1999	DEFENDANT IN COURT WITH COUNSEL JEFF KELLEHER AND PROSECUTOR RONNIE DUCOFF. DEFENDANT REFERRED TO COURT PSYCHIATRIC CLINIC. ..ITT 01/12/99 14:28
CV	MISC	D	1/08/1999	DIRECTOR PSYCHIATRIC CLINIC IN ACCORDANCE WITH PROVISIONS OF THE OHIO REVISED CODE ORC 2947.06 TESTIMONY AFTER VERDICT OF MITIGATE PENALTY YOU ARE DIRECTED TO EXAMINE ELVERT BRISCO WHO HAS BEEN CONVICTED OF 2 RAPES, EVALUATE FOR PURPOSES OF DETERMING SEXUAL PREDATOR, DUE DATE OF FEBRUARY 8, 1999. ATTORNEY OF RECORD JEFF KELLEHER. DEFENDANT REFERRED TO PROBATION AND IS CURRENTLY IN JAIL. ..ITT 01/12/99 15:16
CV	MISC	D	2/08/1999	DEFENDANT IN COURT WITH COUNSEL JEFF KELLEHER AND PROSECUTORS RONNIE DUCOFF AND RINI SNOW. COURT ORDERS THAT THE PRE-SENTENCE REPORT AND THE MITIGATION OF PENALTY REPORT BE SEALED UNTIL FURTHER ORDER OF COURT. ..BXM 02/08/99 14:35
CV	SENT	D	2/08/1999	DEFENDANT IN COURT WITH COUNSEL JEFFREY KELLEHER. ON A FORMER DAY OF COURT, DEFENDANT WAS FOUND GUILTY OF RAPE R. C. 2907.02 AS CHARGED IN COUNTS ONE AND TWO. THE COURT CONSIDERED ALL OF THE REQUIRED FACTORS OF THE LAW. DEFENDANT, PROSECUTOR, VICTIM/REPRESENTATIVE ADDRESS THE COURT. THE COURT FINDS THAT PRISON IS CONSISTENT WITH THE PURPOSE OF R. C. 2929.11. THE COURT IMPOSES A PRISON TERM OF LIFE IMPRISONMENT ON EACH OF COUNTS ONE AND TWO, CONCURRENTLY AT LORAIN CORRECTIONAL INSTITUTION. THE SENTENCE INCLUDES ANY EXTENSIONS PROVIDED BY LAW. DEFENDANT TO RECEIVE 192 DAYS JAIL TIME CREDIT, TO DATE. DEFENDANT TO PAY COURT COSTS. DEFENDANT ADVISED OF APPEAL RIGHTS. COURT APPOINTS ATTORNEY DAVID DOUGHTEN (216-361-1112) AS APPELLATE COUNSEL. TRANSCRIPT ORDERED AT THE STATE'S EXPENSE. SENTENCING ADDENDUM PREPARED O. S. J. ..BXM 02/08/99 14:44

CV	ADDN	D	2/08/1999	THE DEFENDANT HEREIN, HAVING ENTERED A PLEA OF GUILTY TO OR BEEN CONVICTED OF A SEXUALLY ORIENTED OFFENSE ON A FORMER DAY OF COURT, WAS IN OPEN COURT THIS DAY, WITH COUNSEL PRESENT. THE COURT FINDS AND DETERMINES THAT UPON HEARING HELD PURSUANT TO R. C. 2950.09 (B), THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT IS ADJUDICATED A SEXUAL PREDATOR. A DNA SPECIMEN IS ORDERED, AND ADDRESS REGISTRATION AND VERIFICATION IS ORDERED EVERY 90 DAYS FOR LIFE, AND ANNUALLY FOR ANY REMAINING APPLICABLE PERIOD AS SET FORTH BELOW AFTER ANY TERMINATION OF THE DEFENDANT'S STATUS AS A SEXUAL PREDATOR; WHEREUPON, THE COURT NOTIFIED THE DEFENDANT OF ALL REGISTRATION DUTIES PURSUANT TO R. C. 2950.03 AND HEREBY ORDERS THE SHERIFF TO SUBMIT TO THE COURT A PHOTOGRAPH AND THE FINGERPRINTS OF THE DEFENDANT AND TO PERFORM ALL DUTIES CONTAINED IN CHAPTER 2950 OF THE REVISED CODE. ATTORNEY JEFF KELLEHER AND PROSECUTORS RONNIE DUCOFF AND RINI SNOW PRESENT. ..BXM 02/08/99 15:13
CV	FEE	D	2/08/1999	FEE BILL SUBMITTED BY JEFFREY F. KELLEHER, ESQ. ..CMW 02/08/99 15:54
CV	ASSG	D	2/10/1999	IT IS HEREBY ORDERED THAT JEFFRY F. KELLEHER, ESQ., HERETOFORE ASSIGNED AS COUNSEL FOR THE DEFENDANT IN THIS CAUSE, BE ALLOWED THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00) (\$500.00 FOR INVESTIGATOR FEES) FOR SERVICES SO RENDERED. IT IS ORDERED THAT THE COURT CERTIFY SAID AMOUNT TO THE COUNTY AUDITOR AND THE COMMISSIONERS FOR ALLOWANCE AND PAYMENT. AV 04740 ..MKE 02/10/99 12:41
CV	CFIL	D	2/19/1999	MOTION FOR NEW TRIAL CRIMINAL RULE 33, FILED. (LORCI--INMATE NUMBER A368-171) ..DXR 02/19/99 14:30
CV	MDIS	D	2/22/1999	MOTION FOR NEW TRIAL, DUCOFF HAS FILE BJ, ..WGH 02/22/99 11:42
CV	NOA	D	3/10/1999	NOTICE OF APPEAL, PRAECIPE, DOCKETING STATEMENT (REGULAR), JOURNAL ENTRY, FILED AND SENT TO THE COURT OF APPEALS WITH A COPY OF THE DOCKET SHEET. ..RXS 03/10/99 15:39
CV	NOA	D	3/11/1999	COURT OF APPEALS NUMBER ASSIGNED IS 76125. ..RXS 03/11/99 14:36
CV	ROA	D	3/15/1999	RECORD ON APPEAL, PAGINATION SHEET AND CRIMINAL FILE SENT TO THE COURT OF APPEALS. ..RXS 03/15/99 08:56
CV	MTN	D	3/15/1999	DEFENDANT'S MOTION FOR A NEW TRIAL IS DENIED. U10.3

..PAK 03/16/99 15:42

CV MFIL D 12/17/1999

ON TO VACATE OR SET ASIDE SENTENCE (EVIDENTIARY
HEARING REQUESTED), FILED
PRO SE; MACI, INMATE #368-171.
..OLE 12/20/99 10:56

CV MEA D 12/17/1999

FOR EXPERT ASSISTANCE, WITH AFFIDAVIT OF INDIGENCY,
FILED PRO SE; MACI,
INMATE #368-171.
..OLE 12/20/99 10:57

CV MFIL D 12/27/1999

FOR FILING FINDING OF FACT AND CONCLUSION OF LAW R. C.
2953.21 ET SEQ.,
FILED PRO SE; MACI, INMATE #368-171.
..OLE 12/27/99 14:26

CV MFIL D 1/10/2000

ON FOR POST-CONVICTION SUPPLEMENTAL, FILED PRO SE;
MACI, INMATE #368-171.
..OLE 01/11/00 08:56

CV MTD D 2/17/2000

MOTION TO DISMISS PETITION TO VACATE OR SET ASIDE
SENTENCE, MOTION FOR
EXPERT ASSISTANCE, MOTION FOR APPOINTMENT OF
COUNSEL, AND PETITION FOR
POST-CONVICTION SUPPLEMENTAL, FILED.
..OLE 02/17/00 16:19

CV MTN D 2/23/2000 2/29/2000

DEFENDANT'S MOTION FOR APPOINTMENT OF COUNSEL IS
DENIED.
CLERK ORDERED TO SEND COPY OF THIS ORDER TO THE
DEFENDANT AT THE
MADISON CORRECTIONAL INSTITUTION P.O. BOX 740 LONDON,
OHIO 43140-0740.
..CAL 02/25/00 12:31

CV MTN D 2/23/2000 2/29/2000

DEFENDANT'S MOTION FOR EXPERT ASSISTANCE IS DENIED.
CLERK ORDERED TO SEND COPY OF THIS ORDER TO THE
DEFENDANT AT THE
MADISON CORRECTIONAL INSTITUTION P.O. BOX 740 LONDON,
OHIO 43140-0740.
..CAL 02/25/00 12:36

CV MISC D 2/23/2000 2/29/2000

DEFENDANT'S PETITION FOR POST-CONVICTION RELIEF AND
PETITION TO VACATE
SENTENCE ARE DENIED. OSJ.
CLERK ORDERED TO SEND COPY OF THIS ORDER TO
DEFENDANT ELVERT BRISCO AT
MADISON CORRECTIONAL INSTITUTION, P.O. BOX 740,
LONDON, OHIO 43140-0740.
..KLS 02/24/00 14:58

CV NOA D 4/04/2000

NOTICE OF APPEAL, AFFIDAVIT OF INDIGENCY, STATEMENT
AND PRAECIPE, DOCKET-
ING STATEMENT (ACCELERATED), JOURNAL ENTRY, FILED AND
SENT TO THE COURT OF
APPEALS WITH A COPY OF THE DOCKET SHEET.
..SJO 04/06/00 12:44

CV NOA D 4/07/2000

COURT OF APPEALS NUMBER ASSIGNED IS 77832.
..SJO 04/07/00 09:46

CV ROA D 4/10/2000

RECORD ON APPEAL, PAGINATION SHEET AND CRIMINAL FILE
SENT TO THE COURT OF
APPEALS.
..SJO 04/10/00 14:15

CV CFIL D 4/14/2000

NOTICE OF ADDRESS CHANGE, FILED.
..KXL 04/14/00 11:43

U10.3

CV	CAD	D	4/21/2000	5/04/2000	APPEAL IS DISMISSED BY THE COURT OF APPEALS. ..SJO 05/05/00 13:35
CV	CAD	D	4/21/2000	4/27/2000	MOTION TO APPOINT COUNSEL IS DENIED BY THE COURT OF APPEALS. ..SJO 04/28/00 14:19
CV	CAD	D	4/21/2000	4/27/2000	MOTION TO PROCEED IN FORMA PAUPERIS IS DENIED BY THE COURT OF APPEALS. ..SJO 04/28/00 14:19
CV	CAD	D	5/10/2000	5/19/2000	MOTION FOR REINSTATEMENT IS GRANTED BY THE COURT OF APPEALS. ..SJO 05/22/00 15:10
CV	CAD	D	9/05/2000	9/19/2000	CRIMINAL APPEAL IS AFFIRMED BY THE COURT OF APPEALS. ..SJO 10/11/00 15:32
CV	CAD	D	12/04/2000	12/20/2000	CIVIL APPEAL IS AFFIRMED BY THE COURT OF APPEALS. ..SJO 12/26/00 15:32
CV	SCD	D	2/08/2001	2/22/2001	THE SUPREME COURT OF OHIO DISMISSES THE APPEAL. ..SJO 03/01/01 15:38
CV	MICT	D	5/25/2001		MOTION FOR JAIL TIME CREDIT, FILED. PRO SE 368171 MANSFIELD CORR. INST. ..MGV 05/30/01 11:34
CV	JCRD	D	6/01/2001	6/06/2001	MOTION FOR JAIL TIME CREDIT GRANTED. DEFENDANT GIVEN ADDITIONAL 30 DAYS CREDIT FOR A TOTAL OF 222 DAYS TIME SERVED. ..ITT 06/04/01 12:20
CV	CFIL	D	8/27/2001		MOTION FOR JUDGEMENT ENTRY: JUDGEMENT NUNC PRO TUNC ENTRY EVIDENTIARY HEARING REQUESTED, FILED. PRO SE 368171 MANSFIELD CORR. INST. ..LRE 08/29/01 09:00
CV	CFIL	D	8/27/2001		AFFIDAVIT, FILED. PRO SE 368171 MANSFIELD CORR. INST. ..LRE 08/29/01 09:01
CV	MTN	D	9/13/2001	9/19/2001	MOTION FOR JUDGEMENT ENTRY DENIED. ..PIB 09/14/01 13:26
CV	MFIL	D	9/20/2001		BRIEF IN OPPOSITION TO MOTION FOR JUDGMENT ENTRY, FILED. ..LRE 09/20/01 15:53
CV	CFIL	D	10/09/2001		REPLY TO BRIEF IN OPPOSITION, FILED. PRO SE 368171 MAM C I ..BJW 10/11/01 15:07
CV	CFIL	D	11/02/2001		DECISION - NUNC PRO TUNC ENTRY, FILED. PRO SE 368171 MANSFIELD CORR. INST. ..MGV 11/07/01 15:08
CV	CFIL	D	11/02/2001		FINDINGS OF FACTS AND CONCLUSIONS OF LAW, FILED. PRO SE 368171 MANSFIELD CORR. INST. ..MGV 11/07/01 15:09
CV	SCD	D	11/26/2001	12/07/2001	THE SUPREME COURT OF OHIO DISMISSES THE APPEAL. ..SJO 12/10/01 12:26
CV	MTN	D	12/03/2001	12/10/2001	MOTION FOR FINDINGS OF FACTS AND CONCLUSIONS OF LAW DENIED.

DATE: 11/08/2024
 TIME: 3:25 PM
 CASE: CR-98-364077-ZA

APPEARANCE DOCKET

PAGE: 8
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CV	CFIL	D	8/16/2002		..BXM 12/06/01 11:38
CV	CFIL	D	8/16/2002		MOTION FOR LEAVE TO FILE SECOND AND SUCCESSIVE POST CONVICTION PETITION, FILED. EVIDENTIARY HEARING REQUESTED PRO SE 368171 MANSFIELD CORR. INST. ..MGV 08/20/02 09:22
CV	AOI	D	8/16/2002		AFFIDAVIT OF INDIGENCY, FILED. PRO SE 368171 MANSFIELD CORR. INST. ..MGV 08/20/02 09:23
CV	MDIS	D	8/19/2002		AFFIDAVIT IF INDENYCY FILED, MOTION FOR LEAVE TO FILE SECOND & SUCCESSIVE POST CONVICTION PTTITION PURSUANT TO R. C. 2953.23, EVIDENTIARY HEARING REQUESTED - BINGHAM - KENDALL NO FILE/LC ..LAC 08/19/02 11:11
CV	MTN	D	8/19/2002	8/23/2002	MOTION FOR LEAVE TO FILE SECOND AND SUCCESSIVE POST CONVICTION PETITION PURSUANT TO RC 2953.23 IS DENIED. ..DXM 08/21/02 15:03
CV	MTN	D	8/22/2002	9/05/2002	MOTION FOR LEAVE TO FILE POST-CONVICTION PETITION PURSUANT TO RC 2953.23 IS DENIED. ..EDB 08/23/02 10:40
CV	CFIL	D	12/13/2002		MOTION FOR: JUDGMENT WITHOUT RESPONSE; AND FINDING OF FACTS AND CONCLUSIONS OF LAW, FILED. PRO SE 368171 MANSFIELD CORR. INST. ..LRE 12/17/02 15:01
CV	MTN	D	1/28/2003	2/03/2003	MOTION FOR JUDGMENT WITHOUT RESPONSE AND FINDING OF FACTS AND CONCLUSIONS OF LAW DENIED. ..EDB 01/30/03 14:17
CV	NOA	D	3/04/2003		NOTICE OF APPEAL, STATEMENT AND PRAECIPE, DOCKETING STATEMENT (ACCELER) JOURNAL ENTRY, FILED AND SENT TO THE COURT OF APPEALS WITH A COPY OF THE DOCKETSHEET. ..RXR 03/05/03 10:15
CV	NOA	D	3/04/2003		THE COURT OF APPEALS NUMBER ASSIGNED IS 82557. ..RXR 03/05/03 10:16
CV	ROA	D	3/07/2003		RECORD ON APPEAL, PAGINATION SHEET AND CRIMINAL FILE SENT TO THE C OF A. ..RXR 03/07/03 16:13
CV	MISC	D	3/27/2003	3/27/2003	AFFIDAVIT OF DISQUALIFICATION OF JUDGE LILLIAN GREENE, RECEIVED FOR FILING 03/27/03. ..SJO 04/02/03 14:03
CV	MISC	D	3/28/2003	3/28/2003	COURT REPORTER ALLOWED \$68.00. RECEIVED FOR FILING 03/28/03. ..SJO 03/28/03 14:03
CV	CAD	D	4/22/2003	4/28/2003	MOTION BY APPELLANT, PRO SE, FOR RECONSIDERATION IS GRANTED BY THE COURT OF APPEALS. ..SJO 05/01/03 13:06
CV	CFIL	D	4/29/2003		STATEMENT AND PRAECIPE. FILED. PRO SE 368-171

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CV	CFIL	D	4/29/2003		..BJW 05/01/03 08:48
CV	CFIL	D	7/15/2003		MOTION FOR TRANSCRIPTS AT STATE'S EXPENSE, FILED. PRO SE 368-171 ..BJW 05/01/03 08:49
CV	CFIL	D	7/31/2003		NOTICE OF ADDRESS CHANGE, FILED. PRO SE 368171 GRAFTON CORR INST ..LRE 07/17/03 10:05
CV	CFIL	D	7/31/2003		MOTION FOR ORDER FOR LEAVE TO FILE MOTION FOR NEW TRIAL; UNAVOIDABLY DELAYED, FILED. PRO SE 368171 ..LRE 08/04/03 10:22
CV	CFIL	D	7/31/2003		AFFIDAVIT, FILED. PRO SE 368171 ..LRE 08/04/03 10:22
CV	CFIL	D	7/31/2003		MOTION FOR RELIEF FROM JUDGMENT, PURSUANT TO CIV R 60 (B), FILED. PRO SE 368171 GRAFTON CORR INST ..LRE 08/04/03 10:23
CV	AOI	D	7/31/2003		AFFIDAVIT OF INDIGENCY, FILED. PRO SE 368171 GRAFTON CORR INST ..LRE 08/04/03 10:26
CV	MTN	D	8/14/2003	8/20/2003	MOTION FOR ORDER FOR LEAVE TO FILE MOTION FOR NEW TRIAL DENIED. ..RAT 08/18/03 10:27
CV	MTN	D	8/14/2003	8/20/2003	MOTION FOR RELIEF FROM JUDGMENT PURSUANT TO CIV R 60 (B) DENIED. ..RAT 08/18/03 10:28
CV	CFIL	D	8/27/2003		FINDINGS OF FACT AND CONCLUSIONS, CIV. R. 41 AND CIV. R. 52, FILED. PRO SE 368171 GRAFTON CORR INST ..LRE 08/29/03 11:28
CV	MFIL	D	8/28/2003		BRIEF IN OPPOSITION TO MOTION FOR RELIEF FROM JUDGMENT, FILED. ..LRE 09/02/03 09:59
CV	MISC	D	9/12/2003	9/12/2003	NOTICE OF ADDRESS CHANGE, FILED. ..SJO 09/24/03 13:37
CV	NOA	D	9/18/2003		NOTICE OF APPEAL, AFFIDAVIT OF INDIGENCY, PRAECIPE, DOCKETING STATEMENT (REGULAR), JOURNAL ENTRY, FILED PRO SE AND SENT TO THE COURT OF APPEALS WITH A COPY OF THE DOCKET SHEET. ..RXR 09/19/03 09:31
CV	NOA	D	9/18/2003		THE COURT OF APPEALS NUMBER ASSIGNED IS 83471. ..RXR 09/19/03 09:31
CV	MISC	D	9/23/2003	9/25/2003	FINDINGS OF FACT AND CONCLUSIONS, CIV R. 41 AND CIV R. 52 DENIED. ..BXM 09/23/03 12:18
CV	ROA	D	9/29/2003		RECORD ON APPEAL, PAGINATION SHEET AND CRIMINAL FILE SENT TO THE C OF A. ..RXR 09/29/03 16:05
CV	SCD	D	10/01/2003	10/01/2003	THE MOTION FOR RECONSIDERATION IS OVERRULED. ..SJO 10/01/03 14:11
CV	CAD	D	2/17/2004	3/09/2004	CIVIL APPEAL IS AFFIRMED BY THE COURT OF APPEALS. U10.3

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DR	REPT	D 1	5/29/2004	5/29/2004	..SJO 03/10/04 14:00	
DR	LR	D 1	5/29/2004	5/29/2004	COURT REPORTER FEE	
DR	CF	D 1	5/29/2004	5/29/2004	Legal Research	400.00
DR	CMBR	D 1	5/29/2004	5/29/2004	Clerk Fees	3.00
DR	VC	D 1	5/29/2004	5/29/2004	Computer Fee	142.00
DR	WIT	D 1	5/29/2004	5/29/2004	RC 2743.70	10.00
DR	SH	D 1	5/29/2004	5/29/2004	WITNESS FEES	41.00
CS	JURY	D 1	5/29/2004	5/29/2004	Sheriff Fees	36.00
NT	SCD	D 1	8/13/2004	5/29/2004	Jury Fees	116.80
NT	CAD	D 1	8/25/2004	8/13/2004	THE SUPREME COURT OF OHIO DISMISSES THE APPEAL. MOTION FOR RECONSIDERATION IN THIS CASE IS DENIED.	780.00
NT	SCD	D 1	1/07/2005	8/25/2004	CRIMINAL APPEAL IS AFFIRMED BY THE COURT OF APPEALS.	
MO	CFIL	D 1	3/16/2020	1/07/2005	THE COURT DENIES LEAVE TO APPEAL AND DISMISSES THE APPEAL.	
MO	CFIL	D 1	3/16/2020	3/16/2020	MOTION FOR ORDER FOR LEAVE TO FILE DELAYED MOTION FOR NEW TRIAL; ALTERNATIVE SECOND AND SUCCESSIVE POST CONVICTION RELIEF ON NEWLY DISCOVERED EVIDENCE AND ORDER FOR PUBLIC RECORDS REQUEST. EVIDENTIARY HEARING REQUESTED AFFIDAVIT ATTACHED 09/16/2022 - DENIED	
MO	CFIL	D 1	3/16/2020	3/16/2020	MOTION FOR NEW TRIAL; IN THE ALTERNATIVE SECOND AND SUCCESSIVE POST CONVICTION RELIEF ON NEWLY DISCOVERED EVIDENCE AND ORDER FOR PUBLIC RECORDS REQUEST, ORC 149.43 (B) (4), INSTANTER EVIDENTIARY HEARING REQUESTED AFFIDAVIT ATTACHED 09/16/2022 - DENIED	
MO	MOF	P 1	3/16/2022	3/16/2022	MOTION FILED BY P1 STATE OF OHIO ATTORNEY BRANDON PITEO 0090854 MOTION FOR LEAVE TO ACCEPT BRIEF IN OPPOSITION TO DEFENDANT'S MOTION FOR LEAVE TO FILE INSTANTER 09/16/2022 - GRANTED	
BR	BIOF	P 1	3/16/2022	3/16/2022	BRIEF IN OPPOSITION, FILED STATE'S BRIEF IN OPPOSITION TO DEFENDANT'S MOTION FOR LEAVE TO FILE DELAYED MOTION FOR A NEW TRIAL	
JE	JE		3/18/2022	3/21/2022	PRETRIAL SET FOR 03/21/2022 AT 09:00 AM.	2.00
JE	JE		9/16/2022	03/18/2022	CPMAH 03/18/2022 07:20:44	
JE	JE		9/16/2022	9/16/2022	MOTION FILED BY P1 STATE OF OHIO ATTORNEY BRANDON PITEO 0090854 MOTION FOR LEAVE TO ACCEPT BRIEF IN OPPOSITION TO DEFENDANT'S MOTION FOR LEAVE TO FILE INSTANTER, FILED 03/16/2022, IS GRANTED. MOTION FOR NEW TRIAL; IN THE ALTERNATIVE SECOND AND SUCCESSIVE POST CONVICTION RELIEF ON NEWLY DISCOVERED EVIDENCE AND ORDER FOR PUBLIC RECORDS REQUEST, ORC 149.43 (B) (4), INSTANTER EVIDENTIARY HEARING REQUESTED AFFIDAVIT ATTACHED, FILED 03/16/2020, IS DENIED. MOTION FOR ORDER FOR LEAVE TO FILE DELAYED MOTION FOR NEW TRIAL; ALTERNATIVE SECOND AND SUCCESSIVE POST CONVICTION RELIEF ON NEWLY DISCOVERED EVIDENCE AND ORDER FOR PUBLIC RECORDS REQUEST. EVIDENTIARY HEARING REQUESTED AFFIDAVIT ATTACHED 09/16/2022 - DENIED	2.00

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AND ORDER FOR PUBLIC RECORDS REQUEST.
EVIDENTIARY HEARING REQUESTED AFFIDAVIT ATTACHED,
FILED 03/16/2020, IS DENIED.

THIS ENTRY TAKEN BY JUDGE SHERRIE MIDAY.

09/16/2022
CPSM4 09/16/2022 12:47:10

JE	JE	9/30/2022	10/02/2022	NUNC PRO TUNC ENTRY AS OF AND FOR 09/16/2022. MOTION FILED BY PL STATE OF OHIO ATTORNEY BRANDON PITEO 0090854 MOTION FOR LEAVE TO ACCEPT BRIEF IN OPPOSITION TO DEFENDANT'S MOTION FOR LEAVE TO FILE INSTANTER, FILED 03/16/2022. IS GRANTED. MOTION FOR NEW TRIAL; IN THE ALTERNATIVE SECOND AND SUCCESSIVE POST CONVICTION RELIEF ON NEWLY DISCOVERED EVIDENCE AND ORDER FOR PUBLIC RECORDS REQUEST. ORC 149.43 (B) (4). INSTANTER EVIDENTIARY HEARING REQUESTED AFFIDAVIT ATTACHED. FILED 03/16/2020. IS DENIED. MOTION FOR ORDER FOR LEAVE TO FILE DELAYED MOTION FOR NEW TRIAL; ALTERNATIVE SECOND AND SUCCESSIVE POST CONVICTION RELIEF ON NEWLY DISCOVERED EVIDENCE AND ORDER FOR PUBLIC RECORDS REQUEST. EVIDENTIARY HEARING REQUESTED AFFIDAVIT ATTACHED. FILED 03/16/2020. IS DENIED CLERK OF COURTS IS ORDERED TO SERVE THE PARTIES.	2.00
09/30/2022 CPMAH 09/30/2022 06:56:42					
SR	JEAO D 1		10/03/2022	JUDGMENT ENTRY(48733069) SENT BY EMAIL. TO: JEFFRY F KELLEHER JFKELLEHER@ROUTE61.COM	
SR	JEAO D 1		10/03/2022	JUDGMENT ENTRY(48733068) SENT BY EMAIL. TO: JEFFRY F KELLEHER JFKELLEHER@ROUTE61.COM	
SR	JEAO D 1		10/03/2022	JUDGMENT ENTRY(48733067) SENT BY EMAIL. TO: JEFFRY F KELLEHER JURYVIEW@GMAIL.COM	
SR	JEAO D 1		10/20/2022	JUDGMENT ENTRY(48733066) SENT BY REGULAR MAIL SERVICE. TO: JEROME E DOWLING 20800 CENTER RIDGE RD. SUITE 222 ROCKY RIVER, OH 44116-0000	2.00
MO	MOFL D 1	11/17/2022	11/17/2022	MOTION FILED FOR MOTION FOR JUDICIAL NOTICE PURSUANT TO EVID.R.201 05/26/2023 - DENIED	
BR	BOJR P 1	11/30/2022	11/30/2022	BRIEF IN OPPOSITION TO DEFENDANT'S MOTION FOR JUDICIAL RELEASE, FILED.	
MO	MOT P 1	12/01/2022	12/01/2022	MOTION FILED BY P1 STATE OF OHIO ATTORNEY BRANDON PITEO 0090854 MOTION TO STRIKE THE WRONGLY CAPTIONED	

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BR	BIOF	P 1	12/01/2022	12/01/2022	BRIEF IN OPPOSITION FILED ON NOVEMBER 30, 2022 05/26/2023 - GRANTED	
JE	JE		12/05/2022	12/06/2022	BRIEF IN OPPOSITION, FILED STATE'S BRIEF IN OPPOSITION TO DEFENDANT'S MOTION FOR JUDICIAL NOTICE PURSUANT TO EVID. R. 201	
JE	JE		5/26/2023	5/26/2023	DEFENDANT'S MOTION FOR JUDICIAL NOTICE, PURSUANT TO EVID.R201 FILED 11/17/2022 IS DENIED.	2.00
JE	JE		5/26/2023	5/26/2023	12/05/2022 CPMAH 12/05/2022 12:33:43 MOTION FILED FOR MOTION FOR JUDICIAL NOTICE PURSUANT TO EVID.R.201, FILED 11/17/2022, IS DENIED.	2.00
JE	JE		5/26/2023	5/26/2023	THIS ENTRY TAKEN BY JUDGE SHERRIE MIDAY. 05/26/2023 CPSM4 05/26/2023 10:41:16 MOTION FILED BY P1 STATE OF OHIO ATTORNEY BRANDON PITEO 0090854 MOTION TO STRIKE THE WRONGLY CAPTIONED BRIEF IN OPPOSITION FILED ON NOVEMBER 30, 2022, FILED 12/01/2022, IS GRANTED.	2.00
MO	CFIL	D 1	11/21/2023	11/21/2023	THIS ENTRY TAKEN BY JUDGE SHERRIE MIDAY. 05/26/2023 CPSM4 05/26/2023 10:20:59 MOTION FOR LEAVE TO FILE SUPPLEMENTAL MOTION FOR LEAVE INSTANTER AND MOTION TO TAKE ADJUDICATIVE NOTICE 03/29/2024 - DENIED	
MO	CFIL	D 1	11/21/2023	11/21/2023	SUPPLEMENTAL MOTION FOR ORDER FOR LEAVE, INSTANTER TO FILE SUPPLEMENTAL MOTION FOR DELAYED NEW TRAIL ALTERNATIVE SECOND AND SUCCESSIVE POST CONVICTION ON NEWLY DISCOVERED EVIDENCE AND PUBLIC RECORDS REQUEST 03/29/2024 - DENIED	
MO	CFIL	D 1	4/17/2024	4/17/2024	SUPPLEMENTAL MOTION FOR NEW TRIAL ALTERNATIVE SECOND AND SUCCESSIVE POST CONVICTION RELIEF ON NEWLY DISCOVERED EVIDENCE AND ORDER FOR PUBLIC RECORDS REQUEST INSTANTER 03/29/2024 - DENIED	
MO	CFIL	D 1	11/05/2024	11/05/2024	MOTION FOR CASE STATUS CONFERENCE, FILED PRO SE 04/19/2024 - DENIED	
JE	JE		11/08/2024	11/08/2024	ELVERT S. BRISCOE'S MOTION TO HAVE CLERK SERVE JUDGMENT ENTRIES AND DOCKET 11/08/2024 - GRANTED	
JE	JE		11/08/2024	11/08/2024	ELVERT S. BRISCOE'S MOTION TO HAVE CLERK SERVE JUDGMENT ENTRIES AND DOCKET, FILED 11/05/2024, IS GRANTED. THE CLERK OF COURTS IS ORDERED TO SERVE 10/02/2022 JOURNAL ENTRY TO PRO SE DEFENDANT ELVERT S. BRISCOE, JR. #A368171 AT RICHLAND CORRECTIONAL INSTITUTION (RICI) P.O. BOX 8107, 1001 OLIVESBURG ROAD, MANSFIELD, OHIO 44901-8107, PURSUANT TO MR. BRISCOE'S MOTION.	2.00

THIS ENTRY TAKEN BY JUDGE SHERRIE MIDAY.

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