

No. **26-5776**

ORIGINAL

Supreme Court, U.S.
FILED

MAR 12 2026

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

MYSHAWN ANTHONY STANLEY-PETITIONER

VS.

THE STATE OF OHIO-RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

OHIO SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

PETITIONER, IN PROPRIA PERSONA
MYSHAWN ANTHONY STANLEY#A828-866

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QUESTIONS PRESENTED

QUESTION # 1: Did the Supreme court of Ohio abuse its discretion and violate Mr. Stanley's 14th Amendment Due Process Rights when it denied Mr. Stanley's appeal when pursuant to Rule 7.08(B)(4) when Mr. Stanley's appeal contained substantial constitutional questions that involved a question of great general or public interest?

QUESTION # 2: Did the Supreme court of Ohio abuse its discretion when it did not find that the trial court abused its discretion, and deny Mr. Stanley Equal Protection of the Law under the 14th Amendment, and subject him to Double Jeopardy in violation of the 5th Amendment as explained by *State v. Underwood*, 124 Ohio St. 3d 365, 370, when it failed to determine and inquire and merge the allied the offences of similar import before sentencing a defendant to extra time for each offence charged?

QUESTION # 3: Did the Supreme Court of Ohio abuse its discretion when it did not find that the first district court of appeals abused its discretion when it denied Mr. Stanley's APP.R.26 (B) if Mr. Stanley never stipulated nor waived his right to allied offences of similar import?

LIST OF PARTIES

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:

MYShawn Stanley V. Ohio

RELATED CASES

***State v. Stanley* 2026 Ohio LEXIS 16**

TABLE OF CONTENTS

OPINIONS BELOW.....	5
JURISDICTION.....	5
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	6
STATEMENT OF THE CASE.....	6
REASONS FOR GRANTING THE WRIT.....	8
CONCLUSION.....	9

INDEX TO APPENDICES

- APPENDIX A: Ohio Supreme Court Denial
APPENDIX B: First Appellate District Denial

TABLE OF AUTHORITIES CITED

<i>State V. Anthony</i> , 2015, Ohio, 2267.....	6
<i>State V. Underwood</i> , 124 Ohio St 3d 365, 2010-ohio-1,922 n.e.2d 923.....	6
<i>State V. Yarbrough</i> , 104 Ohio St.3d 1, 2004-Ohio-6087.....	6
<i>State V. brown</i> 119 Ohio st.3 rd 447, 2008, Ohio 4569, 893 N.E. 2d, 149.....	6
<i>State V. Bezak</i> . 114 Ohio st.3 rd 94.2007-Ohio-3250	6
<i>State V Eaton</i> , 2015-Ohio-170.....	6

STATUTES AND RULES

Ohio R.C. 2941.25

Ohio R.C. 2951.08

Ohio R.C. 2953.08(D) (1)

Crim.R.52 (B)

OPINIONS BELOW

This case is from Ohio state courts:

The opinion of the highest state court to review the merits appears at Appendix A to the petition

and is reported at *State v. Stanley, 2026 Ohio Lexis 16*

The opinion of the court of appeals of Ohio, first appellate district, Hamilton county court appears at Appendix B to the petition is State v Stanley appeal no. C-240356

JURISDICTION

For cases from state courts:

The date on which the highest state court decided my case was Jan 06, 2026.

A copy of that appears at Appendix A.

A timely petition for rehearing was denied on *September 10th, 2025*

And a copy of that order denying the rehearing appears at *Appendix B*

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Ohio R.C. 2941.25

14th Amendment due Process and Equal Protection Claim

5th amendment double jeopardy law protections

STATEMENT OF THE CASE

¶1.) On May of 22, 2024 a judgment of criminal conviction was entered that went against mandatory statutory provisions in thus making Mr. Stanley's sentence contrary to law. The sentence the trial court imposed from agreed guilty plea that trial court accepted from Mr. Stanley on the May, 16, 2024 was contrary to law and it violated mandatory sentencing guidelines pursuant to Ohio R.C.2941.25 that codifies with 5th amendment double jeopardy laws protections under the U.S. Constitution and the State of Ohio constitution when trial court failed to merge allied offenses of similar import. Pursuant to Ohio R.C. 2941.25 the trial court was required to inquire and determine which offences are allied offences and merge the allied offences of similar import for felonious assault and involuntary manslaughter. The offences were committed at the same time and moment and were committed with the same animus. A trial courts failure to determine and inquire which offences are allied offences of similar import and failure to merge the allied offences is plain error. SEE: *State V. Anthony*, 2015, *ohio*, 2267 citing *State V. Underwood*, 124 *Ohio st.3d* 365, 2010-*ohio*-1, 922 N.E2d 923, ¶31, citing *State V. Yarbrough*, 104 *Ohio st3d* 1, 2004-*ohio*-6087, 817 N.E.2D 845, ¶96-102. A defendant's plea to multiple counts does not affect the courts duty to merge those allied offences at sentencing this duty is mandatory not discretionary. Pursuant to Ohio R.C.2951.08 it does not bar appellate review of that sentence even though it was jointly recommended by the parties and imposed by the court, SEE. *State v. brown* 119 *Ohio st.3rd* 447, 2008-*ohio*4569 893 N.E. 2D 149, ¶43.

The supreme court of Ohio held that a sentence was only authorized by law only if it comported with all mandatory sentencing provisions and R.C. 2941.25 requires the trial court to merge allied offences of similar import prior to sentencing was such a provision as it codifies with the double jeopardy protections in the Ohio const. art 1 § 10 against receiving multiple punishments for the same criminal act. See: *State V. Underwood*. 124 *ohio.st.3rd*. Pursuant to crim.R.52 (B) plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court.

The Ohio Supreme Court previously held that imposition of multiple sentences for allied offenses of similar import is plain error, see *State V. Yarbrough*, 104 Ohio st.3d 1, 2004 Ohio 6087, 817 N.E. 2d 845, ¶ 96- 102. Imposition of multiple sentences for allied offences of similar import is plain error, Pursuant to Ohio R.C. 2953.08(D) (1) A sentence is only authorized by law if it comports with all mandatory sentencing provisions. A trial court does not have the discretion to exercise its jurisdiction in a manner that ignores mandatory statutory provisions. Cases that illustrates that the sentence does not comport with all mandatory provisions are subject to resentencing. See; *State V. Bezak*. 114 Ohio St. 3RD 94. 2007-Ohio-3250 868 N.E.2d 961, ¶11. Nor can an agreement to such a sentence insulate them from appellate review when in violation of R.C. 2941.25, because the supreme court of Ohio failed to review and determine the offences that are allied offences of similar import and merge the offences that are allied offences of similar import Mr. Stanley's 5th and 14th amendments were left in violation. When the trial court completely disregarded the double jeopardy clause of the 5th amendment when Mr. Stanley was sentenced on both involuntary manslaughter and felonies assault with one victim and both of the offences were committed at one time in the same moment with the same animus the sentence violated Ohio R.C. 2941.25 that codifies with the 5th amendment, in thus also violating Mr. Stanley's due process and equal protection claim under the 5th and 14th amendments of the U.S. Constitution and Article 1, §10 of the State Ohio constitution when the trial court engaged in a vindictive sentence against Mr. Stanley and failed to inquire and determine and merge the offences that are allied offences of similar import before sentencing Mr. Stanley with both involuntary manslaughter and felonies assault, furthermore the violations that were committed by the trial court were insulated by the supreme court of Ohio when it failed to inquire and determine and fix the constitutional violations committed against Mr. Stanley by the first district appellate court of appeals and the trial court.

REASONS FOR GRANTING THE PETITION

The supreme court of Ohio held that a sentenced was only authorized by law if it comported with all mandatory sentencing provisions and Ohio R.C. 2941.25 requires the trial court to merge allied offences of similar import prior to sentencing was such a provision as it codifies with the double jeopardy protections within the 5th amendment of the U.S. constitution and also with the double jeopardy protections in the Ohio cons. Art I § 10 against receiving multiple punishments for the same criminal act. The trial court erred by separately sentencing Mr. Stanley with involuntary manslaughter and felonies assault and failing to determine and inquire were those offences allied offences of similar import pursuant to Ohio R.C. 2941.25(A), these plain errors violated Mr. Stanley's 5th and 14th constitutional rights, the supreme court of Ohio and the first district appellate court of appeals insulated these constitutional violations when the appellate courts failed to inquire and determine if the trial court violated Mr. Stanley's constitutional rights with the imposed sentence.

CONCLUSION

There has been constitutional and statutory provisions that have been violated thus this petition for writ of certiorari should be granted.

Respectfully submitted,

MISHAWN STANLEY

Date: 2-25-2026