CLIFTON JACKSON AFFIDAVIT AND APPENDIX OF EXHIBTS ARE NUMBERED [first two cover pages of affidavit unnumbered, iii-lxiii] IN ROMAN NUMERAL. EXHIBIT PAGES ARE CROSS REFERENCED AS APPENDIX [Appendix Pages are numbered1-655] PAGES. AFFIDAVIT AND EXHIBITS ARE IN SUPPORT OF 26B MOTION TO REOPEN STATE OF OHIO v. CLIFTON JACKSON, CASE NO. 11CR083104, NINTH DISTRICT COURT OF APPEALS CASE NO. 14CA010555, Not Limited Too.

EXHIBIT

AAD

EXHIBITS A-AAAE IN SUPPORT OF CLIFTON JACKSON ENCLOSED AFFIDAVIT AND APPENDIX PREPARED MARCH OF 2016 OF A DETAILED TIME LINE OF FACTUAL EVENTS BETWEEN JUNE 14th, 2011 AND OCTOBER OF 2015 TO THE BEST OF MY LAYMEN LEGAL ABILITIES.
THIS EXHIBIT "AAD" IS REFERENCED IN ¶ 109, 111 not limited too.

To: Attorney Mark A. Autfdenkampe

From: Clifton A. Jackson

RE: The Motions to be submitted before the start of our scheduled trial Feb 11th, 2014.

Dear Mark

Attached is the following:

A) The confirmation of receipt form you signed Jan 27th, 2014

B) The Exhibit list mentioned per the Attached motion.

C) The motion to be submitted, or the foundation of in case you have additions Mark. This motion is to be submitted before trial.

Respectfully,
Clifton Jackson

DEAR MARK

Exhibit List PER OUR Attached REFERENCES. I left it this way for you to type out in You have ADDITIONS.

Exhibit A - Suppression Hearing Transcripts
Exhibit B - Judge Zeleski's 1st Decision
Exhibit C - Motion to Reconsider Motion to Dismiss
Exhibit D - Judge Zeleski's one-line decision
Exhibit E - E-mails to Atty Bradley
Exhibit F - Demand for Discovery 7/3/13
Exhibit G - Initial Response to Defendant's Demand for Discovery
Exhibit H - Transcript of Proceedings 11/18/13

Exhibit I - Timeline of Events from June 14, 2011 to DATE.

Mark this Exhibit list IS PER the REFERENCE in the Attached motion, however we ALREADY know the contents of the Attached motion ARE not to be DELETED PERIOD! In the NEXT DAY OR SO, I will be forwarded you the ACTUAL word file in case you add on to the Attached motion to better ASSIST YOU TIME WISE.

Mark AGAIN, YOUR EXPERTISE IS TRULY YEARNED for, however AGAIN, the Attached motion IS that of the foundation to build upon. That foundation IS not to be DISTURBED AND/OR DELETED! Build AS you may.

RESPECTFULLY,
Clifton Jackson

Dated January 27th, 2014

TO: Attorney Mark A. Aufdenkampe

From: Clifton A. Jackson

RE: Hand Delivered A File, Consisting of
A Timeline From June 14, 2011 - Jan 20th, 2014,
Being that of 77 of 77 Documents.

Dear Mark

This is to confirm that I did so hand deliver the mentioned above on this very Day to ultimately be submitted to the Court's And Appropiate parties in it's entirety, once you received the Attached motion via Email in the next Day or so. Once you receive the mentioned motion via Email, your input is most desired, but you are not to delete Any of the motion contents period.

Mark, your signature is that of confirmation And understanding, please print And sign if you so acknowledge this Document,

Print [illegible]

Signature [signature]

IN THE COURT OF COMMON PLEAS
LORRAIN COUNTY, OHIO

FILED
LORAIN COUNTY
2011 DEC 7 PM 1 22
COURT OF COMMON PLEAS
JUDGE JOHN R. MIRABALDI
JOHN MARBAKOWSKI

STATE OF OHIO Plaintiff, vs. CLIFTON A. JACKSON Defendant.	)	CASE NO. 11-CR-083104 JUDGE JOHN R. MIRABALDI MOTION TO DISMISS AND MOTION TO PRECLUDE PREPARED BY & AT THE DIRECTION OF DEFENDANT

Now comes Clifton Jackson and respectfully moves this Honorable Court to dismiss this action in its entirety based on the State's violation of Defendant's constitutional and statutory right to a speedy trial. Additionally, Defendant moves this Court to preclude the admission of any and all evidentiary material previously demanded by Defendant, which the State has refused to produce.

Jackson submits that the attached memorandum supports his position that he is entitled to the relief requested above.

Respectfully submitted,

Mark A. Aufdenkampe, (0038118)
Attorney for Defendant
33399 Walker Road, Suite A
Avon Lake, Ohio 44012
Phone 440-653-5275
Fax: 440-653-5276

MEMORANDUM IN SUPPORT

Facts

Defendant Clifton Jackson was arrested on June 14, 2011 and was subsequently indicted on the charges of Possession of Criminal Tools, Possession of Cocaine, and Aggravated Drug Trafficking. These charges stem from an unconstitutional traffic stop.

On June 4, 2012, a suppression hearing was held before the Honorable Edward M. Zaleski. During this hearing, the arresting officer, Trooper Chris Beyer, testified about this traffic stop. He first claimed that, while he in his vehicle which was stationary at that particular point, he observed a Toyota Camry "following the motor home in front of it too closely," (See Exhibit "A," p. 4, ¶ 22-23), which according to him was "two to three car lengths" (Exhibit "A," p. 5, ¶ 3) and traveling 60 miles per hour in a 70 miles per hour speed zone (Exhibit "A," p. 28, ¶ 5-10). The officer testified that he was at mile marker 133 when the Toyota Camry drove past him. Exhibit "A," p. 4, ¶ 20-21. He then testified that, after he pulled out from the crossover, he finally initiated the traffic stop four miles down the Turnpike at mile marker 137. Exhibit "A," p. 6, ¶ 15-16. The officer also testified that once he was able to pull out from the crossover and finally catch up to the Toyota Camry, the Camry changed lanes to pass the motor home. Exhibit "A," p. 26, ¶ 4-7. Yet, the officer did not pull the Toyota Camry over at that point; he waited, and followed him, and finally pulled him over about "a mile to a mile-and-a-half" down the Turnpike after the Toyota Camry passed the motor home. Exhibit "A," p. 26, ¶ 15.

Trooper Beyer then testified that after he finally initiated the traffic stop, he learned that the Toyota Camry was a rental vehicle, that Mr. Jackson was driving from Michigan, and heading to an area in or around Cleveland with which the officer was not

familiar. Exhibit "A," p. 28, ¶ 11-23. Additionally, the officer testified that Mr. Jackson's responses when talking to the officer were "slow and deliberate." Exhibit "A," p. 10, ¶1-3. The officer also testified that, although Mr. Jackson was not exhibiting any of the typical signs of suspicious behavior, he believed Mr. Jackson was acting unusual because he was unfamiliar with the particular destination Mr. Jackson provided to him. Exhibit "A," p. 29-30, ¶ 22-25, 1-13. Based on this unfounded suspicion, the officer asked Mr. Jackson for permission to search the vehicle. Mr. Jackson denied his request. The officer then asked Mr. Jackson to step out of the vehicle. The officer then called for the assistance of the K-9 unit.

Later, another officer, Trooper Michael Trader, arrived with a K-9 to perform a sniff test. The officer testified that he started this sniff test at the rear of the vehicle and moved counter-clockwise around the vehicle. Exhibit "A," p. 37, ¶ 6-8. After starting at the rear, the dog moved almost completely around the vehicle when he alerted the officers to the driver's side back door. Exhibit "A," p. 37, ¶ 8-13. The officer further admitted that the dog did not alert the officers to the rear, or trunk, of the vehicle, where the contraband was ultimately located. Exhibit "A," p. 44, ¶ 7-12. Finally, the officer testified that "[t]here's no way for us to tell on the side of the road whether the dog is right or wrong." Exhibit "A," p. 42-43, ¶ 25, 1.

Despite the foregoing, Judge Zaleski issued an undated decision, which failed to address the Defendant's arguments and denied Defendant's motion for suppression. However, the last sentence of the decision states "For the foregoing reasons, Defendant's Motion to Suppress is granted." Exhibit "B."

Following entry of this decision, Defendant's previous counsel, Jack Bradley, filed a Motion to Reconsider the Motion to Suppress on November 16, 2012. However, Attorney Bradley did so without consulting with Mr. Jackson, who wanted additional material included in the Motion to Reconsider. After discussing this with his client, on December 7, 2012, Attorney Bradley filed a Supplement to Motion to Reconsider Motion to Suppress. Exhibit "C."

Four days later, on December 11, 2012, Judge Zaleski entered a one-line decision which stated "Defendant's Motion to Reconsider Motion to Suppress is denied." Exhibit "D."

Mr. Jackson strongly believes that his constitutional rights were violated and that he is entitled to suppression of the evidence. Therefore, if necessary, he intends to appeal this decision.

At this point in December 2012, Mr. Jackson appeared only four times before any judge in this matter and he requested that Attorney Bradley keep him informed and updated regarding this matter. Mr. Jackson sent emails to Attorney Bradley voicing his concern and requesting an update and additional action from his attorney. These emails were the main method of communication between Attorney Bradley and Mr. Jackson. See Exhibit "E." Mr. Jackson started to grow frustrated with the lack of communication and what appeared to be grave indifference from his attorney. In an email to Attorney Bradley dated December 27, 2012, Mr. Jackson sets forth his understanding of the proceedings at that time and explains why he was unsatisfied with Attorney Bradley. Exhibit "E."

In another email to Attorney Bradley's office dated March 5, 2013, Mr. Jackson requests information from the office so that he "can assess how the time has been charged throughout these proceedings to date." Exhibit "E." Mr. Jackson further states "There has been no reason to date that the defendant should have requested stoppage of time for any reason whatsoever to date (sic) Mr. Bradley has lead (sic) me to believe we have not requested stoppage of time for any reason to date." Exhibit "E." Mr. Jackson later states "Furthermore, a question to Mr. Bradley directly, why haven't (sic) he responded to my last email that was sent December 2[7], 2012[,] my emails addressing the issues spoke of (sic) in the present email, in addition to other issues [ ] contained in that email?" Exhibit "E."

In an email to Attorney Bradley's office dated March 26, 2013, Mr. Jackson addresses a disk containing video and audio of the June 14, 2011 arrest. Exhibit "E." He explains that his attorney mailed him what he thought was a disk containing video and audio footage of the arrest. However, when he attempted to view the disk, it was completely blank. Mr. Jackson further writes "[h]owever, what also struck me as odd, when the DEA requested a copy of the same disk I'm requesting, for whatever reasons, upon receipt the copies as document were blank as well (sic)." Exhibit "E." "In fact trooper Beyers (sic) even attempted to refer to this footage [during the suppression hearing]... However, the suppression hearing was adjourned to the writers[']understanding [because] the judge had to review the footage, and if you recall[,] my initial question to you was, why not review the footage during the hearing? ... [T]hat's what [an] appropriate suppression hearing is for, to lay and weigh out all the questionable evidence in light of constitutional protections[,] state or federal." Exhibit "E."

In yet another email to Attorney Bradley dated May 22, 2013, Mr. Jackson once again asks his attorney to make a motion to dismiss the matter based on a violation of his constitutional right to a speedy trial. Exhibit "E." Specifically, he asks "Why are we not pushing the speedy trial envelope, and why are my defense counsel bringing about any request that will stop the clock for the [State's] clear unreadiness (sic) for any possible trial regarding?" Exhibit "E." "That the judge retired, and now it was stated that a new ADA has [taken] over the case per your [peer], however none of this is [justified for violating my speedy trial rights (sic)!" Exhibit "E."

In the same email dated May 22, 2013, he raises additional issues regarding discovery. He states "Also, why haven't we received our requested copies of the certified reports per the logs from the state of Ohio, or the respected departments of the state of Ohio regarding, either way from the [State] regarding the documented status per the date and exact time of my arrest June 2011 (sic)." Exhibit "E." Particularly, Mr. Jackson was asking about [a)] the "operational status of the L.E.A.D.S. program[;] b) Any and all documented reports of malfunctions per trooper Beyer patrol cruiser[;] c) A fully operational audio and video copy of the actual traffic stop in its entirety[; and] d) ... copies of all the documented investigating and arresting officers['] ... personal and[/]or patrol radio and[/]or phones transmissions (sic)[,] etc." Exhibit "E."

Needless to say, by June 2013, the attorney/client relationship had deteriorated, as demonstrated by emails exchanged by Attorney Bradley and Mr. Jackson on June 20-21, 2013. Exhibit "E". Prior to this exchange, Mr. Jackson made a draft of the demand for discovery, emailed it to his attorney, and asked that it be incorporated in the demand. On June 21, 2013, Attorney Bradley responded by writing "Simply advise if you want the

motion filed. If you are attempting to set up an ineffective counsel claim you can simply say it in a simple sentence. Again, we have a trial date and I welcome any thoughts you have regarding the drugs found in the vehicle. The jury will certainly want an explanation. I await your response." Exhibit "E." Mr. Jackson responded, stating "Your ego has surfaced on more [than] one occasion thus far, and that is not acceptable under the circumstances, I simply need you onboard 100%, and nothing less, and I am sorry if you feel any thing different!" Exhibit "E." On July 3, 2013, Attorney Bradley filed a Demand for Discovery Prepared by and at the Direction of Clifton A. Jackson. Exhibit "F."

Three months after requesting detailed discovery demands, on October 17, 2013, the State filed a brief, non-responsive Initial Response to Defendant's Demand for Discovery Prepared by and at the Direction of Clifton A. Jackson. Exhibit "G." In this document, the State fails to even acknowledge half of Defendant's requests and with regard to the requests it does acknowledge, the State refuses to provide the discoverable information Defendant demanded three months earlier. Exhibit "G."

Of course, Mr. Jackson was extremely unsatisfied with the State's response to his demands. So he wrote an email to his attorney on October 28, 2013. Exhibit "E."

Defendant appeared before this Court on November 18, 2013. See Exhibit "H,' Transcripts of Proceedings of November 18, 2013. Additionally, Peter Gauthier appeared on behalf of the State and Michael Stepanik appeared as Defendant's attorney. On this date, Mr. Stepanik made a motion to withdraw as counsel stating that Mr. Jackson failed to meet some financial obligations and Mr. Jackson explained that he believed Attorney

Bradley failed to meet his ethical obligation to provide effective assistance of counsel. Exhibit "H."

Additionally, on November 18, 2013, Mr. Jackson also explained to the Court that his demands for discovery have been ignored by the State and that his attorney failed to push the State to comply with his demands. Attorney Gauthier responded by explaining that although he does not believe the materials Mr. Jackson has requested is discovery, he stated "I will try and get him whatever he's requesting, if it even exists." Exhibit "H," p. 4, ¶ 10-11.

In another email dated January 15, 2014, Mr. Jackson expresses his concerns regarding his lack of participation in and understanding of these very serious proceedings. Mr. Jackson states:

> To my ohio (sic) legal representation, MARK what is the status on the motion to compel the district attorneys to adhere to my discovery demands as documented July 3rd, 2013?
>
> Directly, for the record please preserve my deepest concerns regarding the bias dispositions and or actions or the lack thereof relevant the residing judges attached to my court case and or docket number, for the following reasons but not limited too,
>
> To date, the existence of this docket number is a little more or less then 32 months and counting, however I have only seen the appropiate (sic) court setting on the following occasions:
>
> A) June 14, 2011, the date of the initial arrest & arraignment.
>
> B) The immediate felony hearing.
>
> C) County Court arraignment.
>
> D) The original date of the Suppression testimony, August/ 2012.
>
> E) the removal of counsel dated November 18, 2013.
>
> F) the appointment of counsel dated November 25th, 2013.
>
> G) DO NOTE I HAVE DROVE BACK AND FORTH TO COURT FROM NEW YORK TO OHIO UPWARDS 25 TO 30 PLUS TIMES, only to see no judge and or proper court setting for that matter, but forced to wait in dormant settings at times for hours, other times for 5

to 10 minutes, and that struck me as odd because per the paperwork its documented that the defendant requested the documented hearings! The majority of the conversations were at a minimal in conference rooms, expressed concerns over my directions and or dialog, then the lawyer's will run to god only knows where, could have been the restroom for all I know, then they would return with a new court date and a form to sign in attempts to waive my speedy trial rights as documented! As documented, I signed those forms of being ignorant to the questionable process I was exposed to, although I was not at fault for the almost year delay from the Suppression Motion submission to the actual hearing, however the defendant does acknowledge speedy trial is waived during the Suppression process, but it is also the defendant understanding the time resume against the peoples once a decision is rendered. Therefore the defendant has been waiting for a trial date since the reconsideration decision December 2012, and for no reasons had any reasons to waive the speedy trial clock as documented in the court records & key emails sent and received, THERE FOR, WHAT WERE THE REAL REASONINGS OF WHY THE DEFENDANT LAWYERS WERE REQUESTING HEARINGS WHERE AS NO COURT ACTIVITIES RESIDED? MORE IMPORTANTLY WHERE THE PEOPLES UNREADINESS FOR TRIAL WERE HIGHLIGHTED THE MOST AS THE DOCUMENTED RECORD EXHIBITS!

To this very day, I have only seen the present residing Judge Miraldi ONLY two times ever, in which referred above, were E & F.

To this very day, I have only seen
the retired Judge Zaleski only two times ever, referred to above, were C & D.

Although clearly, a array of constitutional and or due process violations resides to a grave degree including but not limited to speedy trial violations etc. per the documented record,,

regardless, exercising sound judgment and the appropriate constitutional & due process protections, as the protections should reside throughout and within the judicial process, even in the process of seeking a conviction,

how can a appropriate docket be argued behind closed doors without the defendant being physically present to assure himself per the defendants desired representation and accurate translated disposition, no matter be it the judges chamber's etc., for the better part of nearly three (3) years as documented in the instant case?

As documented, the misrepresentation and or ineffective assistance of counsel in nature and or disposition of Attorneys Jack Bradley's himself and or his office, clearly violated and or allowed my constitutional and or due process protections to be violated and or compromised to a grave degree, because the defendant disposition as documented clearly differs with the lawyers alleged report with alleged court!

The Defendant's desired disposition relevant to retired Judge Zaleski, is simply to appeal the sum total of the Suppression hearing process in a whole and the decisions and its contents in its entirety per overall constitutional & due process protections!

The Defendant's deepest concerns relevant the residing Judge Miraldi, per the documented transcripts is his bias exhibition highlighted November 18th & 25TH of 2013, by going on record sharing and exhibiting a personal and profound and or professional respect and or opinion of Jack Bradley person and or his history as colleagues in the judicial community, and further attempted to dictate the terms of appropriate representation because of the State of Ohio footing the bill of my appointed representation, when clearly if his proper position resided as a fair and impartial judge, he possibly would have paid more attentions to the documented record or the lack thereof, instead of more personal and or intimate off the record inappropriate conversations that appeared to reside, without the appropriate respect for due process and constitutional protection and further more per the defendants documented disposition!

How can Judge Miraldi take on a personal and or frustrating disposition for himself and or the courts alleging the defendant is at fault of a process and or docket number that clearly should be dismissed in the interest of justice per the record thats documented, especially with the information's, the defendant highlighted the record with November 18th, 2013 but not limited to, because the defendant disposition clearly differs from formal counsel, being that of Jack Bradley and or his office!

Infact, Jack Bradley did not communicate with the defendant, nor did he prepare any of the documented paperwork overall submitted besides that of August 14th, 2012, in which he was ordered to amend as clearly documented (in emails and person consistently requesting complete copies of the audio & video of the actual stop and confirmation via the L.E.A.D.S. program(s) logs since 2011, however documented August 15th, 2012, to Attorney Jack Bradley; and every email sent was and has been confirmed received via one of the office secretaries. However, Mr. Bradley choose to highlight his extremely ineffective nature and disposition by birthing the process of completely ignoring this (and practically every other email etc. since this very date), email which read:

>>> From: Clifton Jackson <jackson_clif@yahoo.com>
>>> Date: August 15, 2012 5:04:41 PM EDT
>>> To: "jbradleylaw@centurytel.net" <jbradleylaw@centurytel.net>
>>> Subject: Points that i want included in the summation per the on going suppression hearing!

In addition to all our actual submitted arguments per this hearing and or case in a whole, after my review of the suppression hearing transcripts (which the transcripts as they were prepared left me in a alarmed state because there was extensive testimony where trooper Beyers actually went into a dialouged detailed numeric formula (see suppression hearing transcripts page 5:6-13) of how he personally interpretates the traveling to closely to a vehicle statue, which was not consistant with ohio state law, which was challeged and denounced per the actual law as its written and quote of the same by Mr. Bradley, see suppression transcripts page 27:3-23! Here are additional reason(s) (why we should move for a dismissal) why this case should be dismissed on its face and per the state of ohio and

constitutional law. The suppression hearing testimony was not at all consistent with the arrest report! Trooper Beyers says L.E.A.D.S (see arrest report) were
down the day and time of the initial arrest, he also says his patrol vehicle cam was malfunctioning (see suppression hearing transcripts page 10: thur page 11:23) as far as time wise the date and time of the initial traffic stop and arrest. Due to the fact(s) of trooper beyers elusive behaviors, including but not limited to his refusal of being forth right about the profiling team he was on and directly working with the day of the arrest, based on the troopers credibility issues these alleged facts of malfunctioning(s) should be documented in the proper departments of Ohio state patrol. I'm sure if we check for these alleged malfunctions (please check, I'm sure it will prove he's lying), they would not exist, also it's impossible to determine if a vehicle is traveling to closely from 300-400 feet away, when you never passed or attempted to at least pull along side of the alleged violating vehicle.

Both troopers, Chris Beyers and Michael Trader testimony per the suppression hearing(s) compared to the alleged documented facts which in this case are parimount and defies logic, law and common sense, inwhich both troopers were extremely elusive and inconsistent and simply put not forth right per the initial alleged stated and documented facts per the actual documented arrest report(s) and the sum total of, compared to there actual suppression testimony of the same. In fact, both officers testimony and or personal and professional legal dispositions have been that, they are above the law and protocal and have not been on one accord through out this entire process legally and or professionally. See suppression hearing transcripts pages 31-33:2-15.

PLEASE NOTE 1,s are for the arrest report timeline, and 2.s are for the suppression hearing troopers testimony. Example A1) actual documented arrest report and A2) actual suppression hearing testimony.

A1)per the arrest report trooper beyers states as follows: while on patrol on the ohio turnpike at
milepost 135 EB (brownhelm twp), i observed a silver 2010 toyota camry, following a mobile
home in front of it by 2-3 car lenghts away in the right lane at approximately 60-65 mph. At
the time i observed the violation i was in the middle lane 300-400 feet behind the vehicle,
which i initiated a traffic stop of the vehicle at milepost 137EB. Per the arrest report, the
Initial stop was at 8:44 a.m. exactly there after per the arrest report and trooper beyers a
extensive line of alleged probing questions ensued before returning to his patrol vehicle in-
which none of the questioning was consistant with a traffic violation (this process took any
wheres from 3-5 minutes itself), at which point trooper beyers radioed trooper trader and ask
that he and his K-9 partner, argo, come to my location and do a sniff of the vehicle, also see suppression transcripts page 22:13-16.

A2)per the suppression hearing testimony pages 22-27:19-6, trooper Beyers, changes his initial patrol location and initial observation of Clifton Jackson to the crossover mile marker 133 from the documented 135 milepost (see suppression hearing transcripts page 4:20-24), in addition, again per suppression hearing transcripts page 5:2-4, trooper Beyers states "it was observed following the motor home in front of it in the right lane about 2-3 car lengths away, which is extremely close and a traffic hazard. A major question exists, was Clifton Jackson in front of the motor home or behind it? See suppression hearing transcripts page6:6-9, where as trooper Beyers clearly states that from his initial observation of Clifton Jackson, he never lost sight of him, but as stated in the same transcripts, the weather conditions were clear and the rode conditions were light, therefore why did it take a little more or less then four miles (see suppression
transcripts pages 18-20:19-16 to execute a traffic stop? This also defies logic and common sense! There is no proof of how long I was behind that mobile home, besides what trooper Beyers says, and again he perjured himself because I drove up on that motor home, I did not trail behind that motor home as trooper Beyers stated, that's why he could not get any violation on his vehicle patrol cam in the good weather conditions and light traffic! As his patrol cam shows, I approached the motor home and past it within law and reason! Therefore, it defies common sense that it took a mile in a half to two miles to safely pull me over with good weather conditions and light traffic again!

B1)per the arrest report, trooper trader arrives on the scene at 8:50 a.m! That in itself, how is
that mathmatically possible? Common sense will state that trooper trader was extremely
close to arrive on the scene within almost seconds it appears per the documented timelines,
keeping in mind, trooper beyers constantly stated that all Clifton Jackson actions and move-
ments were slow and deliberate in nature (see suppression transcripts page 9:12- page10:9).

C1) per the arrest report, at 8:51 a.m, trooper beyers states as follows: a review of my in car
audio/video tape AFTER THE STOP WAS OVER revealed the below cell phone conversation
(please see arrest report, at 0851 hours), however per the arrest report time line 0853, please
see arrest report, the alleged statements documented clearly contradicts the timeline and its
contents of 0851, inwhich per the arrest report 0855 a.m, a probable cause search ensued!

Per the arrest report and its documented timeline, all the above took place on the ohio turnpike

In a matter of 8 to 9 minutes, the initial stop, extensive questioning, alleged slow responses, call for back up and or K-9, arrival of the same, the start of a alleged probable cause search etc., in addition throughout this entire process L.E.A.D.S per the arrest report was out of service during the initial stop, which all clearly defies logic, law(s), protocol and common sense!

Per the suppression hearing testimony trooper Beyers clearly states the weather conditions was clear and dry, he also states the rode conditions were lite. See the suppression hearing transcripts page 16:4-14, when trooper Beyers was clearly asked by the assistant district attorney if he witnessed the K-9 hit on the vehicle, where as Beyers clearly answers yes but clearly refused to answer the question of where the dog hit at! Why was trooper Beyers being so elusive of what he witnessed while on duty per his traffic stop? Theres only one truth, In addition but not limited too also when asked the direct and identical question by Mr. Bradley (see suppression transcripts pages 30-31:18-1). trooper Beyers answer clearly differs!

Clearly as established, trooper trader (see suppression hearing transcripts pages 42-44:1-14) and his K-9 argo are not reliable per there job description as stated per the higher and neighboring courts relevant, also clearly both troopers do not have there lies together! Every aspect of this case derives off of trooper Beyers accounts of this traffic stop and subsequent arrest, however trooper Beyers is extremely uncredible regarding! It's like trooper Beyers is speaking that of a profile not actual accounts of wrong doing, and clearly in this case he obtained fruits from a piosonist tree! He was so excited to obtain those fruits, he attempted to beg the DEA to take the case, but they refused because the contents did not fit there criteria and the nature and legality of the stop was clearly in question!), but has failed to do so to date, and the original reconsideration motion submitted against the defendant wishes November of 2012, where as ultimately the defendant and his legal community submitted the documented supplemental brief relevant!

Other then that Jack Bradley and or his staff cannot produce anything else, that of motions, replys to direct correspondence per 98 to 99% of the attached documented time line,
respectfully how and or why? So therefore, what was all the off the conversations and appearances really about?

The problem is Judge Miraldi sentiments does not coincide with the documented record at all, and or the defendants documented disposition, and it is the defendant disposition that Judge Miraldi exhibition was unprofessional and or inappropriate! The Defendant learned to simply speak up, because prior counsel would not accordingly

Under the documented conditions and or circumstances, how can the defendant have a fair and impartial trial, not to mention if a trial should exist at all.

Finally, throughout the entire time this matter has remained pending, the State has continuously delayed this entire process. Most recently, there was a trial date scheduled for January 28, 2014. Assistant Prosecuting Attorney Gauthier led the Court to believe

that he was prepared to proceed with the trial. However, at the request of Mr. Gauthier, the trial date has once again been pushed back to February 11, 2014. See Exhibit "E," email dated January 20, 2014. Clearly, he was not, and has never been, ready to proceed to trial. According to Mr. Jackson, "Be it unfair and or impartial, prosecutory misconduct and or the documented ineffective assistance of counsel(s), I am deeply concerned over the longitude and latitude of information's and or the lack thereof, including but not limited to the apparent inappropriate opportunities given by the judge to the district attorneys and or there office, without the proper regards for speedy trial, constitutional and or due process protections, relevant to the numerous scheduled trial(s) dates and or the elusions or the eluding elusions thereof, only to be consistently (sic) rescheduled as documented to date time and time again dating back to December 2012 but not limited too, and the sum total thereof." Exhibit "E," email dated January 20, 2014. Mr. Jackson deserves his day in court sooner, rather than later. Every day this Court allows this matter to remain pending is a violation of Mr. Jackson's constitutional and statutory right to a speedy trial.

Argument

Below, Defendant presents two arguments. First, because the State has failed to bring this matter to trial within 270 days after Mr. Jackson's arrest as required by Section 2945.71 of the Ohio Revised Code, this matter must be dismissed in its entirety. Second, Mr. Jackson is entitled to preclusion of all evidence he has previously requested and has not yet received as of January 21, 2014 as we are only days away from trial.

POINT 1: THE STATE'S FAILURE TO BRING THIS MATTER TO TRIAL WITHIN 270 DAYS FOLLOWING MR. JACKSON'S ARREST IS A CLEAR VIOLATION OF MR. JACKSON'S CONSTITUTIONAL AND STATUTORY RIGHT TO A SPEEDY TRIAL

The Sixth Amendment to the United States Constitution provides that in all criminal prosecutions the accused shall enjoy the right to a speedy trial. U.S. Const. Amend. VI.

The Ohio Constitution provides that in any trial, in any court, the party accused shall be allowed a speedy public trial. Ohio Const. art. I, § 10.

In accordance with the Ohio Constitution, Ohio statutes and rules specifying the time within which an accused must be brought to trial have been enacted to prevent inexcusable delays caused by indolence within the judicial system. State v. Sanchez, 110 Ohio St. 3d 274, 2006-Ohio-4478, 853 N.E.2d 283 (2006).

In this matter, the Ohio statute which specifies the time within which Mr. Jackson must be brought to trial is Section 2945.71 of the Ohio Revised Code. "A person against whom a charge of felony is pending... [s]hall be brought to trial within two hundred seventy days after the person's arrest." Ohio Revised Code § 2945.71(C)(2). This

statutory provision is not discretionary; it is mandatory and it must be strictly construed against the State. State v. Dubose, 174 Ohio App. 3d 637, 2007-Ohio-7217, 884 N.E.2d 75 (7th Dist. Mahoning County 2007), appeal not allowed, 118 Ohio St. 3d 1433, 2008-Ohio-2595, 887 N.E.2d 1202 (2008).

Mr. Jackson was arrested on June 14, 2011. As of January 21, 2014, a total of 904 days have passed. Below is a breakdown demonstrating how much of this time has been attributed to the State.

97 days	June 14, 2011 – September 19, 2011
37 days	September 29, 2012 – November 5, 2012
101 days	December 7, 2012 – March 18, 2013
182 days	May 20, 2013 – November 18, 2013
36 days	January 6, 2014 – February 11, 2014

453 days total attributed to the State

When a criminal defendant shows that he or she was not brought to trial within the proper period, the burden shifts to the State to demonstrate that sufficient time was tolled or extended under the speedy trial statute. State v. Maisch, 173 Ohio App. 3d 724, 2007-Ohio-6230, 880 N.E.2d 153 (3d Dist. Allen County 2007); State v. McDonald, 153 Ohio App. 3d 679, 2003-Ohio-4342, 795 N.E.2d 701 (8th Dist. Cuyahoga County 2003).

Despite Assistant Prosecuting Attorney Gauthier's unsupported conclusory assertion in his Response to Defendant's Demand for Discovery, Defendant did not waive his right to a speedy trial.

To be effective, an accused's waiver of his or her constitutional and statutory rights to a speedy trial must be expressed in writing or made in open court on the record. State v. Blackburn, 118 Ohio St. 3d 163, 2008-Ohio-1823, 887 N.E.2d 319 (2008). Moreover, such waiver must be made knowingly, voluntarily, and intelligently. State v. King, 70 Ohio St. 3d 158, 1994-Ohio-412, 637 N.E.2d 903 (1994); State v. O'Brien, 34 Ohio St. 3d 7, 516 N.E.2d 218 (1987).

Contrary to Assistant Prosecuting Attorney Gauthier's assertion, Mr. Jackson never waived his right to a speedy trial in writing or in open court on the record and he certainly never did so knowingly, voluntarily, and intelligently. While Mr. Jackson was mostly left in the dark with regard to Attorney Bradley's actions, it has always been his understanding that Attorney Bradley never waived Mr. Jackson's right to a speedy trial either. Furthermore, because Mr. Jackson was not brought to trial within the 270 day time limit, the burden shifts to the State to demonstrate that Mr. Jackson knowingly, voluntarily, and intelligently waived his right to a speedy trial. The State cannot meet this burden because Mr. Jackson never waived his right to a speedy trial.

Statutory speedy-trial provisions are mandatory, and a person not brought to trial within the relevant time constraints must be discharged, and further criminal proceedings based on the same conduct are barred. State v. Palmer, 112 Ohio St. 3d 457, 2007-Ohio-374, 860 N.E.2d 1011 (2007).

Thus, this matter must be dismissed in its entirety.

POINT 2: BECAUSE THE STATE HAS WILLFULLY REFUSED TO COOPERATE WITH DEFENDANT'S DISCOVERY DEMANDS, BECAUSE FOREKNOWLEDGE OF THE REQUESTED MATERIAL WOULD BENEFIT MR. JACKSON IN PREPARATION OF HIS DEFENSE, AND BECAUSE ADMISSION OF THE EVIDENCE WOULD UNFAIRLY PREJUDICE MR. JACKSON, THE STATE SHOULD BE PROHIBITED FROM INTRODUCING IN EVIDENCE ALL REQUESTED MATERIAL WHICH HAS NOT BEEN DISCLOSED

The general philosophy of the criminal rules regarding discovery has been to remove the element of gamesmanship from a trial, with the overall purpose of Ohio's criminal discovery rule being to produce a fair trial by preventing surprise and the secreting of evidence favorable to one party. State v. Palmer, 112 Ohio St. 3d 457, 2007-Ohio-374, 860 N.E.2d 1011 (2007); State v. Parker, 53 Ohio St. 3d 82, 558 N.E.2d 1164 (1990); State v. Weaver, 178 Ohio App. 3d 504, 2008-Ohio-5022, 898 N.E.2d 1023 (6th Dist. Lucas County 2008); State v. Mitchell, 47 Ohio App. 2d 61, 1 Ohio Op. 3d 181, 352 N.E.2d 636 (2d Dist. Clark County 1975). Consistent with this purpose, Ohio's criminal discovery rule is intended to: (1) provide all parties in a criminal case with the information necessary for a full and fair adjudication of the facts; (2) protect the integrity of the justice system and the rights of defendants; and (3) protect the well-being of witnesses, victims, and society at large. Crim. R. 16.

If "a party has failed to comply with this rule..., the court may order such party to permit the discovery or inspection, grant a continuance, or prohibit the party from introducing in evidence the material not disclosed, or it may make such other order as it deems just under the circumstances." Crim R. 16 (L)(1).

A prosecutor's failure to disclose demanded materials is sanctionable where (1) the prosecution's failure to disclose was a willful violation of the discovery rule; (2)

foreknowledge of the statement would have benefited the accused in the preparation of his or her defense; or (3) the accused was prejudiced by admission of the evidence. State v. Heinish, 50 Ohio St. 3d 231, 553 N.E.2d 1026 (1990). When evidence of such factors is present, the trial court acts within its discretion by excluding the undisclosed evidence. State v. Jones, 183 Ohio App. 3d 189, 2009-Ohio-2381, 916 N.E.2d 828 (8th Dist. Cuyahoga County 2009). Furthermore, the failure to exclude the undisclosed evidence may constitute reversible error. State v. Moore, 40 Ohio St. 3d 63, 531 N.E.2d 691 (1988).

In the present matter, Mr. Jackson served the State with his discovery demands in July 2013. Mr. Jackson was expecting a detailed response, providing him with the material to which he is lawfully entitled. Instead, three months later, he receives a one-page response, which failed to even acknowledge half of his requests and failed to produce any of the information requested in the requests it actually does acknowledge. During the November 18, 2013 appearance, Assistant Prosecuting Attorney Gauthier acknowledged that he did not fully respond to Mr. Jackson's discovery demands and stated that he "will respond to second part of it as well...." Exhibit "H," p. 4, ¶ 8-9. He further explained that, although he believed the material Mr. Jackson requested was not discovery, he "will try to get [Mr. Jackson] whatever he's requesting, if it even exists." Exhibit "H," p. 4, ¶ 10-11.

As of January 21, 2014, Mr. Jackson has not received any additional satisfactory material he has requested in his July 3, 2013 discovery demands. Attorney Gauthier has attempted to evade Mr. Jackson's requests by sending nonresponsive, incomplete, and

informal responses. These evasive responses are unacceptable. Mr. Jackson's liberty is at stake and he deserves the Prosecuting Attorney's attention.

In his demand for discovery, Mr. Jackson requests detailed information regarding materials referenced by Trooper Beyer and Trooper Trader during their testimony at the Suppression Hearing. It is, therefore, reasonable to conclude that they will once again refer to this material when they testify at trial.

Given that the officers, during their testimony, previously made reference to much of the material requested by Mr. Jackson, it is clear that the State is in possession of this material. As demonstrated by the State's response to Mr. Jackson's discovery demands and its failure to produce any additional material after the November 18, 2013 court appearance, the State has willfully refused to comply with Mr. Jackson's lawful discovery demands. Because the officers previously referred to some the material requested, production of this material by the State would certainly benefit Mr. Jackson in the preparation of his defense. Finally, if the State is permitted to introduce evidence which was not produced to Mr. Jackson in accordance with Rule 16 of the Rules of Criminal Procedure, such a disadvantage will result in severe prejudice. Therefore, this Court should prohibit the State from introducing in evidence all material it has failed to disclose to Mr. Jackson.

Because as documented, relevant the leading arresting officer Ohio State Trooper Christopher Beyers, per his documented arrest reports, and his suppression hearing testimony, combined are not only inconsistent with the audio and video recorded by Trooper Beyers patrol cruiser June 14th, 2011.

In fact, Trooper Beyers himself clearly committed blatant perjury, by not being forthright and illegally manipulating and violating the length and scope of the actual stop, the due process of paperwork, person and constitutionally protected protocol, that of his pledged oath as a Ohio State Trooper, The State of Ohio Representative, knowingly violating The State of Ohio and United States constitutional protections by stating: "the L.E.A.D.S program was down, and he received a radio transmission immediately stating the L.E.A.D.S program was back in service, once drugs were found during the unconstitutional stop (see the arrest report (time line of events (I)) and suppression hearing testimony transcripts (time line of events (II)), pages 13, line 24 - page 14, line 18).

When in all actuality, the L.E.A.D.S program per the documented Audio & Video of the actual stop, recorded by Ohio State Patrol Officer Christopher Beyers patrol cruiser was clearly operable, and sheds a direct light on the credibility issues of Trooper Beyers accounts as documented and testified too compared to the documented Audio & Video of the actual stop which highlights Trooper Beyers Perjury accounts and the facts that nothing was voluntary in any and all areas of the unconstitutional traffic stop.

In addition, the audio transmission does not support Ohio State Patrol Trooper Christopher Beyers testimony in any degree. In fact the audio clearly supports the facts of perjury committed by Ohio State Patrol trooper Christopher Beyers because of the following:

the audio recorded all verbal activities made from Clifton Jackson, Ohio State Patrol Officer Christopher Beyers, Ohio State Patrol Officer Micheal Trader, And All The Radio Activities Per Trooper Beyers Patrol Cruiser, while being illegally detained and

striped of liberties, overall as documented if seen through the proper scope per constitutional and due process protections.

In addition the audio also supports the L.E A.D.S program was never out of service as testified by Trooper Christopher Beyers (see the arrest report (time line of events (1)) and suppression hearing testimony transcripts (time line of events (11)), pages 13, line 24 - page 14, line 18).

The L.E.A.D.S program also supports the fact there never was a radio transmission stating "the L.E.A.D.S program was back operable immediately after the drugs were found" also tested by Trooper Chris Christopher Beyers, (see the arrest report (time line of events (1)) and suppression hearing testimony transcripts (time line of events (11)), pages 13, line 24 - page 14, line 18).

The burden, anguish mentally, physically and financially stress and weighs heavily on the defendant and his family.

THIS INFORMATION IS KNOWN BY ALL THOSE THAT HAVE REVIEWED THE AUDIO & VIDEO OF THE DOCUMENTED STOP, including but not limited to per the documented record, Troopers Beyers and Trooper Trader, The District Attorneys Office, Attorneys Jack Bradley and his Office, Judge Zaleski and Judge Maraldi, and recently Attorney Mark Aufdenkamp.

The Sum total of, although a felony conviction has clearly been sought after by the District Attorney's Office, not limited too, I clearly have not received any portion of the appropriate constitutional and or due process protections, per the proper scope and protections of the judicial system.

the appropriate constitutional and or due process protections, per the proper scope and protections of the judicial system.

WHEREFORE, 1) because Mr. Jackson's constitutional and statutory right to a speedy trial has been violated by the passage of 904 days, this matter should be dismissed in its entirety; and, in the alternative, 2) because the State's failure to disclose was a willful violation of the discovery rule, foreknowledge of the non-disclosed material would benefit Mr. Jackson in the preparation of his defense, and Mr. Jackson will be prejudiced by the admission of any such evidence, this Court should prohibit the state from introducing in evidence all materials it has failed to disclosed, and any and all fruits that may have derived from such a poisonous path deeply prejudicing Mr. Jackson to a grave degree.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

A copy of the foregoing Motion for Intervention In Lieu of Conviction was hand-delivered to Lorain County Prosecutor, Dennis Will, or his representative at 225 Court Street, Elyria, Ohio 44035 this 7th day of February, 2014.

MARK A. AUFDENKAMPE

Attorney for Defendant