

IN THE COURT OF COMMON PLEAS
TRUMBALL COUNTY, OHIO

EX PARTE
599
ANTHONY CIOFFI, JR.

CASE NO. 95-CR-696

CASE NO. 96-CR-599

CONVICTION WRIT OF HABEAS CORPUS APPLICATION FOR
POST

TO THE HONORABLE JUDGE OF SAID COURT: John M. Stuard
COMES NOW, ANTHONY CIOFFI, JR., herein referred to as plaintiff by and
through his next of friend applicant, Missouri Writ Writer's Association, and files
this his application for post conviction writ of habeas corpus and would offer this
Honorable Court as follows, to wit:

I.

The Missouri Writ Writer's Association, the applicant herein, on behalf of said
plaintiff; is a non-profit legal aid organization legally registered by the State of
Missouri which dedicates itself to legal investigative research for post conviction
applications for writs of habeas corpus relief. The Missouri Writ Writer's
Association is a sister organization of the Texas Writ Writer's Association and
affiliated with Surviving The System, Inc.

II.

The Missouri Writ Writer's Association, on behalf of Anthony Cioffi, Jr. deposes
and says under the penalty of perjury that it has no personal relation to the
plaintiff, nor does the organization have any person connection to the above
numbered and styled cases. That the defendant is illegally incarcerated at the
Lake Erie Correctional Institution, 501 Thompson Rd., P.O. Box 8000, Conneaut,
Ohio 44030, is indigent, and cannot afford the services of a professional attorney.
Because of his poverty and the circumstances surrounding his conviction, The
Missouri Writ Writer's Association invokes the right to proceed as an amicus
curiae under State and Federal Statutes and would show this Honorable Court as
follows:

III.

The Applicant herein, on behalf of plaintiff, alleges that the State of Ohio imposed an illegal sentence upon Anthony Cioffi, Jr. by violation of the 5th, 6th, and 14th Amendments to the United States Constitution.

IV.

FACTS OF THE CASE

The plaintiff was convicted of two charges and sentenced to 25 years imprisonment on or about December 3, 1996 by the Honorable Judge Stuard within the Court of Commons, Trunball County, Ohio. The Conviction was had by way of a plea of guilty.

V.

Grounds of Error

1. The Court failed to follow the Constitutional protocol required by Plea Bargaining Statutes to properly admonish the defendant of all the consequences of his plea.
2. That the Court failed to accept the plea willingly, knowingly, and intellegently.
3. That the plaintiff was denied reasonable assistance of counsel before and after a plea of guilty.
4. That the Court allowed the plaintiff to enter a plea of guilty in violation of the Constitution which protects Americans against self-incrimination.
5. That the plaintiff was mentally incapable of entering any plea agreement.

VI.

Grounds for Relief

The Court failed to properly admonish the plaintiff in that the Court did not inform him that in pleading guilty to any criminal offense, the State of Ohio reserves the right to self that conviction and use it against him at a later date. Furthermore the Court failed to inform the plaintiff that once released from prison, his conviction would determine his status of employment within society in that employment applications require disclosure of any conviction. These are consequences of his plea, plain and simple and a direct violation of the due process of the law of the land.

The Court failed to allow the plaintiff to enter a plea of guilty willingly, knowingly, intellegently. The plaintiff could not have entered a plea of guilty willingly,

knowingly or intelligently because the plea bargaining statutes do not include all the consequences of said plea, then the plaintiff was unaware of the hidden clauses which would affect his life or liberty.

The plaintiff was deprived of reasonable assistance in that counsel knows the court protocol and is experienced enough to know that his job to his client is to provide the best representation he can afford him. Allowing the plaintiff to change his plea from not guilty to guilty is a common tactic used by attorneys to expedite cases and was the case at hand. The applicant herein is prepared to show this Honorable Court evidence that the plea bargaining statute was used by the plaintiff's attorney of record to secure the plaintiff's conviction in violation of the United States Constitution.

The convicting court allowed the plaintiff to incriminate himself by pleading true to all allegations and then denying his right to appeal, the court was aware that it was misleading the plaintiff into entering a plea of guilty. It is evident by the record that the trial judge went off the record once the plaintiff verbally stated that he did not understand the plea bargaining process in the instant cases. All public trials require that pleadings be made and transcribed on the record to preserve every event of a criminal proceeding for appellate purposes. In the instant case, the silent record gives the appellate courts nothing to reflect upon in the event there was an infraction of the plea bargaining statute application. There is nothing in the silent conversation between the plaintiff, the attorney, the prosecution, and the trial judge which could be requested for review. The plea bargaining statutes requires that the plea not be induced by threats, promises, or coercion. Evidence within the record will show that the court abused its discretion in accepting the plea when it was aware that the plaintiff did not understand the judicial process about to take place.

The plea entered into by the plaintiff and the State of Ohio is unconstitutional because it fails to warn defendants of all the consequences of their plea and because the statute was originally designed to systematically support a judicial system and keep jails and prisons full.

That the plea bargaining statutes were designed induce a hidden form of genocide against people of color in direct violation of the United States Constitution and the Bill of Rights.

In conclusion, the plaintiff can not be barred from any restrictions which may be construed as a successive application for post conviction writ of habeas corpus in that whatever redress the plaintiff may or may not have filed in the course of these pleadings, they were filed by an uneducated, unversed in the complexities of law. Furthermore, the plaintiff has been found to have had a below average IQ.

WHEREFORE, PREMISES CONSIDERED, the applicant next of friend, on behalf of Anthony Cioffi, Jr., respectfully request that the plaintiff's conviction be set aside, vacated, or remanded back to the convicting court for an evidentiary

hearing so that the applicant can show that the court allowed the plaintiff to enter a plea of guilty with his eyes and ears closed.

Submitted,

Jr., Plaintiff

Garcia, CEO

Writ Writer's Association /

Applicant

P.O. Box 2262

77806 for the Plaintiff

Respectfully

Anthony Cioffi,

In Custody

Esteban R.

for the Missouri

Next Of Friend

Head Office,

Bryan, Texas

(254) 498-7037

NOTE:

This is only a rough draft copy that Mr. Esteban Rogelio Garcia from Bryan, Texas has sent to me. This support Mr. Butler's case evaluation within his opinions and feelings about my cases.

" I am hoping that the public WILL open their EYES and EARS to the TRUE supporting facts in my cases as they ARE, INNOCENT MAN!!"