

UNITED STATES DISTRICT COURT

NORTHERN

District of

OHIO

ANTHONY CIOFFI TR.

SUMMONS IN A CIVIL CASE

V.

DAVID BOBBY (WARDEN)

CASE NUMBER:

4:04 CV 01837

JUDGE GWIN

MAG. JUDGE LIMBERT

TO: (Name and address of Defendant)

DAVID BOBBY (WARDEN, TCF.  
5701 BURNETT RD  
LEASITTS BURG OH  
44430

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ATTY. JEFF GOODMAN.  
252 SENECA AVE  
WARREN OHIO  
44481

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

GERI M. SMITH

CLERK

*[Signature]*  
(By) DEPUTY CLERK

DATE

9/10/04

UNITED STATES DISTRICT COURT  
Northern District of Ohio

Plaintiff

v.

Defendant

CONSENT TO EXERCISE OF JURISDICTION  
BY A UNITED STATES MAGISTRATE JUDGE  
AND ORDER OF REFERENCE

Case Number **4:04 CV 01837**

**CONSENT TO EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties in this case hereby voluntarily consent to have a United States magistrate judge conduct any and all further proceedings in the case, including the trial, and order the entry of a final judgment.

<u>Signatures</u>	<u>Party Represented</u>	<u>Date</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**ORDER OF REFERENCE. JUDGE LIMBERT**

IT IS HEREBY ORDERED that this case be transferred to \_\_\_\_\_  
United States Magistrate Judge, for all further proceedings and the entry of judgment in accordance with 28  
U.S. C. § 636(c), Fed.R.Civ.P. 73 and the foregoing consent of the parties.

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT **ONLY IF** ALL PARTIES  
HAVE CONSENTED **ON THIS FORM** TO THE EXERCISE OF JURISDICTION BY  
A UNITED STATES MAGISTRATE JUDGE.

**CIVIL COVER SHEET**

This JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the law, except as provided by the local rules of court. This form, by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Please refer to the instructions on page 2.

4:04 CV 01837

**(a) PLAINTIFFS**

Anthony Claff, Jr. (Inmate #332-078)  
Trumbull Correctional Institution  
5701 Burnett Road  
Leavittsburg, Ohio 44430-0901

2004 SEP 10 AM 10:39  
CLERK U.S. DISTRICT COURT  
TRUMBULL DISTRICT OF OHIO  
LEAVITTSBURG, OHIO 44430

**DEFENDANTS**

David Bobby, Warden  
Trumbull Correctional Institution  
5701 Burnett Road  
Leavittsburg, Ohio 44430-0901

**JUDGE GWIN**  
**MAG. JUDGE LIMBERT**

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (Trumbull)**  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT: Trumbull  
(IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)**

Jeffrey V. Goodman (6055566)  
252 Seneca Avenue, N.E.  
Warren, Ohio 44481  
330-393-3406

**ATTORNEYS (IF KNOWN)**  
Jim Petro, Ohio Attorney General  
Corrections Litigation Section  
150 E. Gay Street - 16<sup>th</sup> Floor  
Columbus, Ohio 43215

**II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)**

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)**

- |   |                          |                          |   |                          |
|---|--------------------------|--------------------------|---|--------------------------|
| <b>(FOR DIVERSITY CASES ONLY)</b>       | <b>PTF</b>               | <b>DEF</b>               | <b>PTF</b>  | <b>DEF</b>               |
| Citizen of This State                   | <input type="checkbox"/> | <input type="checkbox"/> | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> |
| Citizen of Another State                | <input type="checkbox"/> | <input type="checkbox"/> | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> | <input type="checkbox"/> | Foreign Nation  | <input type="checkbox"/> |

**IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)**

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

**V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)**

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 118 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suit <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property (21 USC 841) <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 433 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 BIA (1395R) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 450 Bonds and Banking <input type="checkbox"/> 450 Commerce/ECC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motion to Vacate Sentence <b>HABEAS CORPUS:</b> <input checked="" type="checkbox"/> 590 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Writs & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 700 Labor/Mgmt. Relations <input type="checkbox"/> 720 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 440 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 450 Bonds and Banking <input type="checkbox"/> 450 Commerce/ECC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions	

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTE UNLESS THIS IS A DIVERSITY ACTION)**

28 U.S.C. 2254 Habeas Corpus Petition for a prisoner in state custody

**REQUESTED IN COMPLAINT:**

Check if this is a Fed.R. Civ.P. 23 Class Action

**DEMAND \$**

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  YES  NO

VIII. RELATED CASE(S)  
IF ANY (See Instructions)

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

2/9/04

Signature of \_\_\_\_\_

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ JUDGE \_\_\_\_\_ MAGISTRATE JUDGE \_\_\_\_\_

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

**I. Civil Categories (Place and X in one category only).**

- 1.     x     **General Civil – Habeas Corpus (non-death penalty)**
- 2.          **Administrative Review/Social Security**
- 3.          **Habeas Corpus Death Penalty**

**\*If under Title 28, §2255, name the SENTENCING JUDGE:** \_\_\_\_\_  
**CASE NUMBER:** \_\_\_\_\_

**II. RELATED OR REFILED CASES. See LR 3.1 which provides in pertinent part "If an action is filed or removed to this court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention to the Court by responding to the questions included on the Civil Cover Sheet."**

This action is  **RELATED** to another **PENDING** civil case. This action is  **REFILED** pursuant to **LR 3.1**.

**If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.**

**III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.**

**ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.**

- (1)     **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of each county.                     Trumbull                                     **COUNTY.**  
**Corporation** For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.
- (2)     **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action or the event complained about occurred.  
\_\_\_\_\_ **COUNTY.**
- (3)     **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principal place of business within the district, and the cause of action arose or the event that complained of occurred outside the district, please set forth the county of the plaintiff's residence.  
\_\_\_\_\_ **COUNTY.**

**IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.**

**EASTERN DIVISION**

- AKRON**                     (Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas, and Wayne)
- CLEVELAND**             (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)
- x     **YOUNGSTOWN**         (Counties: Columbiana, Mahoning and Trumbull)

**WESTERN DIVISION**

- TOLEDO**                     (Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, VanWert, Williams, Wood and Wyandot)

FILED

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

ARTICLE 39  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

4:04 CV 01837

**ANTHONY CIOFFI, JR.**  
Inmate #332-078  
Trumbull Correctional Institution  
5701 Burnett Road  
Leavittsburg, Ohio 44430-0901

Petitioner

vs.

**DAVID BOBBY, Warden**  
Trumbull Correctional Institution  
5701 Burnett Road  
Leavittsburg, Ohio 44430-0901

Respondent

JUDGE:

**JUDGE GWIN**

**MAG. JUDGE LIMBERT**

**PETITION FOR WRIT OF  
HABEAS CORPUS**

28 U.S.C. 2254  
State Custody

Now comes petitioner, Anthony Cioffi, Jr., who for his Petition against

Respondent says:

**JURISDICTION**

1. All events set forth in this Petition occurred in, or are substantially related to, the Northern District of Ohio.
2. This case involves and arises directly from a question of Federal law; and this court has jurisdiction pursuant to 28 U.S.C. 2254.
3. Exhaustion of Petitioner's State Court remedies occurred on September 10, 2003, pursuant to an Order of the Ohio Supreme Court. Petitioner does

not have the right, under Ohio law, to raise, by any available procedure, the questions presented in this petition.

#### **THE PARTIES**

4. Petitioner is an inmate confined by the Ohio Department of Corrections at Trumbull Correctional Institution, pursuant to an order issued by the Trumbull County Court of Common Pleas, Trumbull County, Ohio, on December 11, 1996.
5. Respondent David Bobby is the Warden of Trumbull Correctional Institution and has the power to give defendant his unconditional freedom.

#### **CONVICTION/SENTENCE UNDER ATTACK**

6. On December 4, 1996, in the Trumbull County Court of Common Pleas, Trumbull County, Ohio, Petitioner was found guilty, upon *Plea to Amended Indictment*, of three counts of Rape in violation of Ohio Revised Code Sec. 2907.02(A)(1)(b) and three counts of Gross Sexual Imposition in violation of Ohio Revised Code Sec. 2907.05(A)(4).

7. Petitioner was ordered confined to the Ohio Department of Corrections, pursuant to an *Entry on Sentence* order issued by the Trumbull County Court of Common Pleas, Trumbull County, Ohio, on December 11, 1996.
8. The case number assigned to Petitioner's state court case was 96-CR-599, assigned to the docket of the Trumbull County, Ohio, Court of Common Pleas.
9. Petitioner was sentenced to 10-25 years on each of the three Rape counts and 1 year on each of the three Gross Sexual Imposition counts, all to run concurrent with each other.
10. The conditions of petitioner's plea agreement with the State of Ohio were that in exchange for petitioner's plea of "guilty" to the counts referenced above, the State of Ohio dismissed specifications of actual force on the three Rape counts and recommended a sentence in conformity with the sentence referenced above.
11. Petitioner is currently in state custody serving a concurrent sentence to the sentence at issue in this action, said concurrent sentence being imposed by the Court of Common Pleas, Trumbull County, Ohio, in case number 95-CR-696 as 1 year on 1 count of Gross Sexual Imposition and 3 to 15 years on 1 count of Kidnapping, pursuant to an *Entry On Sentence* issued on December 11, 1996.



## CLAIMS

12. **Federal Grounds:** Federal law and the Sixth Amendment to the United States Constitution provide a defendant with the right to effective counsel. Petitioner was denied his constitutional right to effective counsel.
13. **Supporting Facts:**
  - a. Petitioner is a mentally challenged individual who relied upon the insight and advice of his attorney in the state trial court to determine whether to accept the State of Ohio's plea offer. The offer was presented to petitioner at the last moment before trial, with a jury panel literally waiting in the hall. Petitioner can barely read, and did not understand the effect of the agreement or the waivers of constitutional rights contained therein. Petitioner's trial counsel did not read the plea agreement to him or review it with petitioner. As a result, petitioner did not knowingly, voluntarily and intelligently waive his constitutional rights and enter valid guilty pleas.
  - b. Prior to entering his guilty pleas, petitioner's counsel did not evaluate the strengths and weaknesses of petitioner's case and/or the State of Ohio's case in order to effectively counsel petitioner on acceptance or rejection of the State of Ohio's plea offer. For example, petitioner's trial counsel did not examine or evaluate the psychological records of the alleged victims which were in existence at the time and which

### CASE HISTORY

14. Subsequent to his sentencing, petitioner filed a *Motion to Set Aside Judgment of Conviction and to Withdraw Pleas of Guilty* with the trial court seeking to vacate his prior plea based upon the post-plea investigation which revealed that evidence of petitioner's actual innocence existed, but was never disclosed, and upon the well-supported assertion that petitioner's trial counsel was ineffective.
15. On January 31, 2002, the Trumbull County, Ohio, Court of Common Pleas held an evidentiary hearing upon petitioner's *Motion to Set Aside Judgment of Conviction and to Withdraw Pleas of Guilty*.
16. On March 11, 2002, the Trumbull County, Ohio, Court of Common Pleas issued its order overruling petitioner's Motion.
17. Petitioner filed a timely *Notice of Appeal* with the Court of Appeals for the Eleventh Appellate District of Ohio. The appellate court affirmed the trial court's ruling in case(s) 2002-TR-00037 and 2002-TR-00039 in an opinion dated May 9, 2003.
18. Throughout this process, petitioner's cases are referenced by two case numbers because, as with this Habeas Corpus petition, two cases were litigated simultaneously and, although not consolidated in the trial court, the issues are virtually identical. Petitioner's cases were consolidated in

the opinions issued by the state appellate and supreme courts. As noted above, the sentences imposed upon petitioner in both cases by the State of Ohio run concurrent to each other.

19. Petitioner filed a timely *Notice of Appeal* to the Ohio Supreme Court, and appropriate jurisdictional memoranda. On September 10, 2003, the Ohio Supreme Court declined review in petitioner's case, designated on the Ohio Supreme Court's docket as case number 2003-1097.
20. The facts underlying petitioner's claim establish, by clear and convincing evidence, that but for the constitutional error cited above, no reasonable factfinder would have found petitioner guilty of the underlying offense.

#### **PREVIOUS OR PENDING ACTIONS**

21. Petitioner has not previously filed any type of petition, application or motion in a federal court regarding the conviction challenged herein.
22. Petitioner does not presently have any petition, motion or appeal pending in any state court regarding the conviction or sentence challenged in this petition; nor does petitioner harbor any present plans to file any such actions in the future.

chronicled extensive, dramatic psychological, behavioral and emotional problems of the alleged victim(s) along with denials that the petitioner was involved in sexually abusive activities. Significantly, petitioner's trial counsel did not disclose to petitioner, prior to his plea, that the State of Ohio had disclosed exculpatory material in the form of recantations by two of the three victims involved the charges against petitioner.

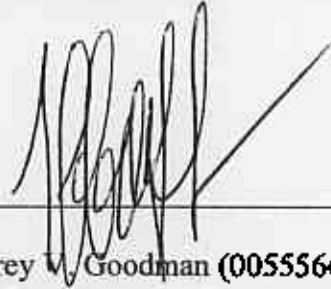
- c. The fact that petitioner's trial counsel was unprepared on the date of trial is underscored by the fact that, the day *prior* to trial, petitioner's trial counsel quashed the subpoenas of all defense witnesses – evidencing trial counsel's intent to coerce petitioner into a plea, rather than litigating his very defensible case.
- d. Had petitioner's trial counsel performed effectively, petitioner would not have plead guilty to the charges in the amended indictment because petitioner would have:
  - e. Understood the language of the plea agreement and the ramifications of a guilty plea;
  - f. Been informed of the exculpatory evidence that existed, including but not limited to statements from two of the three victims recanting their prior allegations;
  - g. Been in a position to proceed with trial if necessary; which option was foreclosed to petitioner because of trial counsel's lack of preparation (no investigation, no witnesses, no review of discovery materials, no disclosure of exculpatory evidence).

### **DEMAND FOR RELIEF**

**WHEREFORE**, petitioner prays that this court grant him all relief to which he is entitled in law or equity, including but not limited to:

- a. An order granting petitioner's requested Writ of Habeas Corpus.
- b. An order that full discovery be had in this action and that the power of compulsory process be afforded petitioner in pursuit of his claims of actual innocence.
- c. An order directing the state of Ohio, by its appropriate official, to produce and file with this court the entire record of all state court proceedings in petitioner's case.
- d. An evidentiary hearing upon petitioner's claims.
- e. An order vacating petitioner's state court convictions.
- f. An order vacating and holding for naught petitioner's prior pleas to the state court charges.
- g. An order that petitioner be immediately released from state custody and enjoining Respondent and/or State of Ohio from restraining, inhibiting or impairing petitioner's liberty or personal freedom, now or in the future, based upon the unconstitutionally obtained state court convictions.
- h. For all other relief to which petitioner is entitled.

Respectfully submitted,



Jeffrey Goodman (0055566)  
252 Seneca Ave. N.E.  
Warren, Ohio 44481  
Telephone: (330)-393-3400  
Facsimile: (330)-393-3090

e-mail: [sevenfold@aol.com](mailto:sevenfold@aol.com)

**VERIFICATION**

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE  
AND CORRECT AS I VERILY BELIEVE.

9-9-04

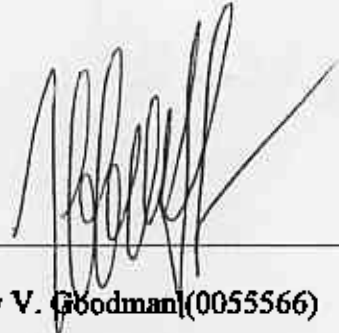
Date

Anthony Cioffi, Jr.

Anthony Cioffi, Jr.

**INSTRUCTIONS FOR SERVICE**

Please issue summons along with a copy of the Petition to Respondent at the address noted in the caption via certified U.S. Mail, return receipt requested, all pursuant to Fed. R.Civ.P. 4.



---

Jeffrey V. Goodman(0055566)

252 Seneca Ave. N.E.

Warren, Ohio 44481

Telephone: (330)-393-3400

Facsimile: (330)-393-3090

e-mail: sevenfold@aol.com