

~ex injuria jus non oritur~

Law does not arise from injustice

*an Ancient Roman Legal Principle
& Basis of Modern Western Law
& Modern International Law*

*Randy G Ross of New Haven
by way of pro se representation
a falsis principiis proficisci*

ROSS SHERIFFS V. RANDY G ROSS

ROSS COUNTY

Judge: EDDY

MOTION OF CONTINUANCE

ROSS SHERIFFS

v.

RANDY G. ROSS

MOTION OF CONTINUANCE

Now, here Come Randy G Ross of New Haven and New Hampshire by way of Pro se Representation gracefully presenting a MOTION OF CONTINUANCE to the Hopefully Honorable Court, and stating the following for the Lawful and Justful MOTION OF CONTINUANCE to be Rightfully accepted by the Court.

STATEMENT

1. “denying the motion for continuance include the following: 1) whether the denial of the continuance creates an injustice for the movant; 2) whether the cause of the request for continuance was unforeseeable by the movant and not the result of dilatory practices; and 3) whether the opposing party would suffer any prejudice or inconvenience as a result of a continuance. Fleming v. Fleming, 710 So.2d 601, 603 (Fla. 4th DCA 1998).” Diane KROCK, Appellant, v. Irwin ROZINSKY and State Farm Mutual Automobile Insurance Company, Appellees. No. 4D09–4815. Decided: January 11, 2012

DISCUSSION

I the Pro se Defense need at least and no less than 60 days to properly prepare for Trial, but Implore the Court for 75 days (from arrest/arraignment) to properly prepare for trial due to the following reasons.

1. The Defense needs to run through a series of Motions, which are 100% within the Defenses best interests and I the Defense's Right to a Fair Trial and allowing the Pro se Defendant to defend himself the best I can within what I the Defense considers the tight time constrictions for a Trial in Ohio. Some of the motions the Defense will be filing are as follows.

A) Appearance, Preserve Evidence, Request Sound Recordings, Demand of Jury Trial, Waiver of Speedy Trial (All submitted with this MOTION OF CONTINUANCE).

B) Motion of Discovery, and potentially a follow up Motion(s) of Discovery.

C) Evidence Submission and Civil Rights Violation(s).

D) Potential Change of Venue or Recusals.

E) Potential Motion(s) to Suppress, Motion(s) to Dismiss.

F) Potential Objections and more.

2. The Pro se Defense needs time to review Ohio Court Rules and Procedures, Statutes, Criminal Code, Case Law and what have you, and will do so as quickly and thoroughly as possible, but given all the Motions, waiting on Motions, potential objections, getting Discovery and Dissecting it, plus getting prepared for the actual Trial itself 30 days will simply not do for the reasonable, justful, and lawful Defense the Pro se Defense has the Right to have the time to properly prepare.

3. The Pro se Defense believes it would be a Violation of my Civil Rights to not allow the Defendant Due Process which in this case is the Due Process of letting the Defendant literally go through back and forth MOTIONS, and have proper time to dissect DISCOVERY, do Relevant Legal Research, and prepare for the actual Trial its Self, which 30 Days cannot suffice, and the Defense believes at least about 75 days from Arrest/Arraignment should meet the demands of the Pro se Defense to allow for Due Process and a Fair Trial.

4. About 90 days out for Trial from Arrest/Arraignment is still within my Lease here in Ross County #2. 75 days out (about 4th week in January 2019) added with any potential sentencing hearing two weeks further out (2nd Week of February) is still within my Lease here in Chillicothe, if that is of any concern to the Court. But regardless I will be here or even anywhere a potential Change of Venue would bring me, and state I plan on loading Pre Trial

and During Trial up with Written and Oral Objections for an assumed Appeal if anything goes unfavorably for the Defense, which is not Just my Right, but within my best Interests in that scenario for Due Process and the Fullest of Fair Proceedings.

FACTS

1. “(1) whether the denial of the continuance creates an injustice for the movant” (Case Law from Statements).

A) The denial of the continuance creates an injustice for the movant because; it is the Pro se Defenses Constitutional Rights to have a Fair Trial and Due Process, and in this case that is allowing the Pro se Defense the time to do Legal Research and write Motions both aforementioned in the Discussion Section of this Motion, and time to Dissect Discovery (maybe more Motions) and Prepare for the Trial, as laying the Ground work in for a potential Appeal (by not missing and pointing out all necessary points and matters) also aforementioned above, and how I simply cannot do that in 30 days from arrest/arraignment, and the Defense believes needs no less than 60 days, but wishes for at least about 75 days (or more) from arrest/arraignment to satisfy the needs of the Defenses Right to a Fair Trial and Due Process given the circumstances transcribed here and throughout this Motion.

2. “(2) whether the cause of the request for continuance was unforeseeable by the movant and not the result of dilatory practices”.

A) This Request for a Continuance was unforeseeable to me the movant and in no way is

being done for dilatory practices; it is being done to prepare what I consider a proper defense which is my Right.

3. “and 3) whether the opposing party would suffer any prejudice or inconvenience as a result of a continuance.”

A) The Pro se Defense cannot foresee any what so ever prejudices or inconveniences suffered by the STATE for allowing the Pro se Defense adequate time to prepare a proper and full Defense.

CONCLUSION

The Pro se Defense needs more than 30 days from Arrest/Arrestment to properly prepare a Defense given the Demands needed for a proper defense within the context of the circumstances listed throughout this Motion, and denying this Continuance would be like Denying I the Pro se Defense my Rights, like my Right to Due Process and a Fair Trial on top of others. The Defense needs no less than 60 days from arrest/arrestment to Prepare a Proper Defense, but cites the real need for 75 through 90 days given the current itinerary of the Pre se Defense (an itinerary that can change depending on the actions of the State and Court).

The Defense has provided Case Law from 2012 which is in the STATEMENT section of this Motion to weight this Continuance by, and the FACTS section goes over the 3 Measures a Motion of Continuance should be weighed by. The Pro se Defense states this MOTION OF CONTINUANCE meets the requirements of the 3 measures set forth in Case Law, and

should be weighted Justful, and a Continuance Granted.

[] The State or Court (whichever Applicable) objects to the Case Law provided in the STATEMENT section.

[] The State or Court (whichever Applicable) objects to the FACTS section 1, 2 or 3 in regards to the 3 Measures in the Case Law provided to weight a Continuance on.

If the State or Court (whichever Applicable) objects to the two Questions above, may the Defense have actual reasons so I may Object to them?

[] The State or Court (whichever Applicable) Approves / Grants this MOTION OF CONTINAUNCE.

The Pro se Defense Implores the Hopefully Honorable Court to dismiss any Objections by the State and Grant this MOTION OF CONTINAUNCE or too accept this MOTION OF CONTINAUNCE on sight if there is no Protest from the STATE (but also just to accept it).

[] The Court will Grant a Continuance from the current around 30 days from arraignment till Trial, to No Less than 60 Days from arraignment till Trial. (Preferably in the

afternoon)

[] The Court will Grant a Continuance from the current around 30 days from arraignment till Trial, to about 75 Days from arraignment till Trial. (Preferably in the afternoon)

[] The Court will Grant a Continuance from the current around 30 days from arraignment till Trial, to about 90 Days from arraignment till Trial. (Preferably in the afternoon)

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Rand G Ross of New Haven

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Delivered to the Chillicothe Municipal Court & mailed or delivered to the Prosecution

on 11/19/18 _____

~ex factis jus oritur~

Law arises from the facts

Spem Succesuss Alit

Randy G Ross of New Haven & New Hampshire