

IN THE COURT OF APPEALS OF THE STATE OF OREGON

GREG MICHAEL REYNOLDS

PLAINTIFF-APPELLANT

V.

STATE OF OREGON

Defendant-Respondent.

LANE

(CIRCUIT COURT NAME)

County Case Number 109310439

(CIRCUIT COURT NUMBER)

NOTICE OF APPEAL

1.

(a) GREG M REYNOLDS hereby gives notice of appeal from the judgment entered on

(b) 7 NOVEMBER 2023, by Judge (c) KAMALA H. SHUGAR in (d) LANE

County Circuit Court.

2.

The parties to this appeal are:

Appellant : GREG M. REYNOLDS, PO BOX 333, CORBETT, OR 97019-0333. CORBETTGREG@COMCAST.NET
YOUR NAME, ADDRESS, and PHONE NUMBER (and EMAIL ADDRESS if you agree to receive all court correspondences by email)

Respondent: STATE OF OREGON,
(NAME and ADDRESS)

3.

If the respondent (on appeal) is represented by counsel, provide the name, bar number, and address of the respondent's attorney:

ATTORNEY FOR RESPONDENT:

Respondent's name: STATE OF OREGON

Attorney: Attorney General

Office of the Solicitor General

Address: 400 Justice Building

1162 Court Street NE

Salem, OR, 97301

Phone: 503-378-4402

ATTORNEY FOR RESPONDENT:

Respondent's name: _____

Attorney's name: _____

Bar # _____

Address: _____

Phone: _____

4.

INDICATE YOUR DESIGNATION OF RECORD



Appellant designates the record in its entirety, up to and including the date on which the challenged decision was entered. Therefore, in addition to the trial court file, appellant designates all exhibits submitted, and the record of all oral proceedings that occurred, during that time period.



In addition to the trial court file, appellant designates only the following portions of the record:



Trial court file only. No exhibits and no oral proceedings.



All exhibits.



The record of only the following oral proceedings: _____

5.

COMPLETE ONLY IF LESS THAN THE ENTIRE TRIAL COURT
RECORD IS DESIGNATED IN PARAGRAPH 4 ABOVE

Appellant intends to rely upon the following points:

THE ORIGINAL ORDER DENYING ATTORNEY, DATED 13 JANUARY 1994 VIOLATED THE PLAINTIFFS
CONSTITUTIONAL AND CIVIL RIGHTS. FURTHERMORE, NEWER EVIDENCE DEMONSTRATES THE PLAINTIFF
MAY HAVE HAD A MENTAL ILLNESS AT THE TIME. THERE IS NO STATUTE OF LIMITATIONS ON CIVIL RIGHTS ISSUES.
EVERYTHING AFTER 13 JANUARY 1994 IS FRUIT OF THE POISONOUS TREE.

6.

This appeal is timely and otherwise properly filed before the Court of Appeals because:

THERE IS NOT STATUTE OF LIMITATIONS STATE OF FEDERAL ON CIVIL RIGHTS VIOLATIONS, ERRORS
OF LAW, OR ADDITIONAL EVIDENCE BEING ADMITTED. I HAVE FILED FOR HABEUS CORPUS IN LANE
COUNTY 160701781. THE STATE OF OREGON HAS A LONG HISTORY OF VIOLATING MY CONSTITUTIONAL RIGHTS.

7.

Attached to this notice of appeal is a copy of the judgment being appealed from. Also attached are copies of any other orders pertinent to determining appellate jurisdiction.

DATE: 11 NOVEMBER 2023

SIGNATURE: _____

Guy M. Regal

CERTIFICATE OF FILING

I certify that on 13 NOVEMBER 2023 DATE, I filed the original of the notice of appeal with the State Court Administrator at the following address:

**ATTN: Records Section
State Court Administrator
Supreme Court Building
1163 State Street
Salem, OR 97301-2563**

by the following method of filing:

INDICATE METHOD OF FILING

- ☐ United States Postal Service, ordinary first class mail.
- ☒ United State Postal Service, certified or registered mail, return receipt requested.
- ☐ Hand delivery
- ☐ Electronic Filing through the court's eFiling system
- ☐ Other (specify): _____

CERTIFICATE OF SERVICE

I certify that on 13 NOVEMBER 2023 (DATE), I served a true copy of the notice of appeal to the following parties at the addresses set forth below. **NOTE:** If an address is not already provided below then you must fill in the address for each party that you serve. If no address is present then the court will assume that you did not serve that party.

ATTORNEY GENERAL, Office of the Solicitor General, 400 Justice Building, 1162 Court Street NE, Salem, OR, 97301

TRIAL COURT ADMINISTRATOR: TRIAL COURT ADDRESS CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY, 125 EAST 8TH AVE., EUGENE, OR 97401-2926

TRANSCRIPT COORDINATOR: TRIAL COURT ADDRESS CIRCUIT COURT OF THE STATE OF OREGON, TRANSCRIPT COORDINATOR, 125 EAST 8TH AVE., EUGENE, OR 97401-2926

OTHER PARTIES: NAME AND ADDRESS POSTED AT WWW.REYNOLDSMINISTRIES.ORG

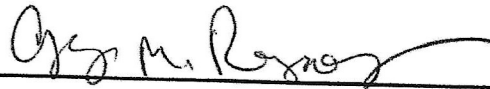
by the following method of service:

INDICATE METHOD OF SERVICE

- ☐ United States Postal Service, ordinary first class mail.
- ☒ United State Postal Service, certified or registered mail, return receipt requested.
- ☐ Hand delivery
- ☐ Electronic Filing through the court's eFiling system
- ☐ Other (specify): _____

DATE: 11 NOVEMBER 2023

SIGNATURE:

A handwritten signature in black ink, appearing to read "Greg M. Rogers", is written over a horizontal line.

APPELLATE COURT USPS 7022 2410 0001 6010 7142

ATTORNEY GENERAL USPS 7022 2410 0001 6010 7128

TRIAL COURT ADMINISTRATOR USPS 7022 2410 0001 6010 7135

TRANSCRIPT COORDINATOR USPS 7022 3330 0000 2433 9063

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY

STATE OF OREGON,

Plaintiff,

v.

GREG MICHAEL REYNOLDS,

Defendant.

Case No. 109310439

ORDER DENYING MOTION

THIS MATTER came before the Court on November 7, 2023, on Defendant's Motion to Vacate Judgment Due to Error of Law, filed October 23, 2023; the Court having reviewed the file, and now being fully advised;

IT IS HEREBY ORDERED that Defendant's Motion to Vacate Judgment Due to Error of Law, filed October 23, 2023, is untimely and is therefore **denied**.

11/7/2023 11:31:06 AM



Kamala H. Shugar, Circuit Court Judge

Prepared by: T. Cortright

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

GREG MICHAEL REYNOLDS

Plaintiff,

Case No. 16-07-01781

v.

THE STATE OF OREGON

Defendant.

**GENERAL JUDGMENT OF
DISMISSAL (without prejudice)**

THIS MATTER is before the Court on Plaintiff's Petition for Writ of Habeas Corpus, ORS 34.310 et seq, filed *pro se*. The Court, having reviewed the Petition and multiple exhibits, concludes that the Petition is, on its face, without merit. Accordingly, the Court exercises its statutory authority to dismisses the Petition on its own motion. ORS 34.370 (7).

Because the Court finds that the petition for the writ is meritless, the court does not amend the caption in an effort to name the correct defendant.

Based upon allegations set forth in the Petition, attached exhibits and a review of the underlying case, the Court finds that:

Defendant was indicted and charged with three Class A felonies (Unlawful Delivery of a Controlled Substance to a Minor), on December 17, 1993. When he was arraigned, on January 10, 1994, defendant requested a court-appointed attorney. That request was denied by court order dated January 13, 1994. On February 14, 1994, appearing with and represented by counsel, defendant withdrew his Not Guilty plea and entered a Guilty plea to count 1 of the indictment and was given a 36-month probationary sentence, along with a 20-day road crew sentence. Counts 2 and 3 were dismissed. Probation was terminated early for satisfactory conformance on September 9, 1996.

The writ is available in two kinds of cases: "(1) When a petition makes allegations which, if true, show that the prisoner, though validly in custody, is subjected to a further 'imprisonment or restraint' of his person that would be unlawful if not justified to the court, and (2) when a petition alleged other deprivations of a prisoner's legal rights of a kind which, if true, would require immediate judicial scrutiny, if it also appears to the court that no other timely remedy is available to the prisoner." *Penrod/Brown v. Cupp*, 283 Or 21, 28, 581 P2d 934 (1978).

Defendant does not allege that he is presently incarcerated. Defendant claims restraint of liberty in that he bears a conviction for a Class A felony. He has sought and been denied pardons, and has otherwise been unsuccessful in setting aside this conviction. Defendant's primary complaint is not that he did not have an attorney but that he was denied a court-appointed attorney. He also raises constitutional issues concerning the police contact which lead to his charges. To the extent that defendant seeks to challenge the lawfulness of his criminal conviction in that case, those issues are not properly raised in a habeas corpus proceeding at this time. *See Mora v. Maass*, 120 Or App 173, 176 (1993), *affirmed without opinion by an equally divided court*, 319 Or 570 (1994).

Viewing the facts and the pleadings in the light most favorable to the defendant, the Court finds that his petition for a writ of habeas corpus is, on its face, without merit as it does not meet the minimum basis to invoke habeas corpus jurisdiction. The Court has authority to dismiss meritless petitions on its own motion and finds that it is appropriate, for the reasons set forth above, to do so in this case. ORS 34.370(7)

IT IS THEREFORE ORDERED AND ADJUDGED that the petition is dismissed without prejudice.

DATED this 5th day of February, 2007

/s/ Eveleen Henry

Eveleen Henry, Circuit Court Judge