

IN THE SUPREME COURT OF OHIO

WILLIAM A. CLUMM.,
Relator

vs.

Case No

07-1519

OHIO DEPT. OF REHABILITATION AND CORRECTION
1050 FREEWAY DRIVE NORTH
COLUMBUS, OHIO 43229

AND

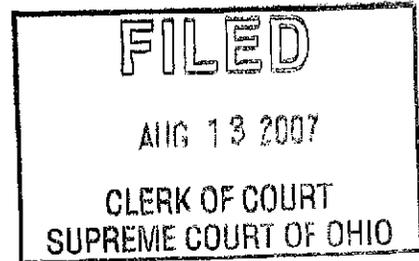
OHIO ADULT PAROLE AUTHORITY
1050 FREEWAY DRIVE NORTH
COLUMBUS, OHIO 43229

AND

VICTIM ADVOCACY BOARD
OHIO ADULT PAROLE AUTHORITY
1050 FREEWAY DRIVE NORTH
COLUMBUS, OHIO 43229

Respondents

PETITION FOR WRIT OF PROHIBITION



JURISDICTION OF COURT.

The supreme Court of Ohio has original jurisdiction pursuant to Article IV, Section 2(B)(1)(d) of the Ohio Constitution

STATEMENT OF THE CASE:

In January, 2007 the relator saw a three member panel of the Ohio Adult Parole Authority which recommended him to the full board for consideration for parole. The parole board granted him parole on 3/8/07 and he signed a Waiver of Extradition and Conditions of Supervision on 3/22/07. On or about May 1, 2007 he was notified that he had been accepted by Avis house with a placement date of 5/29/07. On May 24, 2007 relator was informed that the OPA had placed a hold on his release for a Victim Advocacy quasi judicial hearing. On May 29, 2007, relator received a notice from DR&C for a full board hearing. On or about June 1, 2007 relator received a letter from the Office of the Ohio Public Defender inquiring if relator desired them as legal counsel. On or about June 3, 2007 relator filed a request for counsel with the office of the Ohio Public Defender pointing out that the hearing was contrary to both O.R.C. 2967.02 and O.R.C. 5220.02 since he had been convicted prior to 1996. On June 25, 2007 relator filed a Petition for Writ of Prohibition to prevent the July 12, 2007 hearing from taking

place. The Supreme Court choose not to issue a temporary stay and the meeting was held where numerous falsehoods were told which resulted in the Parole Board Revoking his parole and giving him an additional 10 years. Petitioner has since filed a motion to dismiss the prior Writ of Prohibition petition as being moot.

See attached affidavit in support of petition for Writ of Prohibition.

CLAIM ONE:

The Ohio Adult Parole Authority's Victim Advocacy process is without jurisdiction and is made in total disregard of the laws (cf. O.R.C. 2967.02 and O.R.C. 5120.02) and the Constitution of the State of Ohio (Article II, Section 28) in that Senate Bill 269 (SB269) and its composite laws do not apply unto the repealed house bill 511 offenders before July 1, 1996.

WHEREFORE, the respondents must identify and differentiate the old law HB511 offenders from the new law SB 269/2 composite offenders and must apply the laws in accordance of their respective conviction and sentencing laws, to this end causing differentiated classes.

WHEREFORE, the respondents have violated the savings clause of O.R.C. 1.58 and the language of SB 269/2 whose composite laws to not apply to the HB511 offenders (with the exception of 2967.04, 2967.05, 2967.08 and 2967.09) as well as title 5120.

CLAIM TWO:

By the granting of parole to the relator, the respondents have vested him with a liberty interest in parole which endows him with basic due process rights, all of which are abrogated by the procedure followed by the Victim Advocy Board.

CLAIM THREE:

By the granting of a conditional pærole and by the relator fulfilling his side of the contract with the APA (i.e., by signing the required documents and being accepted by a half-way house) the APA has by its actions fundamentally violated the terms of its contract which by law can only be done via a revocation hearing upon the relator's alleged violations.

RELIEF:

Relator prays that the court issue an order staying' all Victim Advocy procedures of the

respondents, their agents, and employees made pursuant to O.R.C. 2967 and O.R.C. 5120 and related statutes, . policys and procedures from this date forward and vacate as null and void the actions taken prior to this date.

Such other relief as the court may deem just and equitable.

CONCLUSION:

The respondents by their actions taken without legal jurisdiction or authority have violated the relator's right to equal protection of the law, due process of the law, has right to be shield from expost facto application of the law and have subjected him to false imprisonment.

August 6, 2007
Dated

William A. Clumm
William A. Clumm, pro se
P.O. Box 5100
Chillicothe, Ohio 45601

IN THE SUPREME COURT OF OHIO

WILLIAM A. CLUMM,
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vs.

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OHIO DEPT. OF REHAB. AND CORRECTIONS, et al.,
Respondents

AFFIDAVIT IN SUPPORT OF PETITION FOR WRIT OF PROHIBITION

Now comes the affiant, William A. Clumm, and sets for the following under penalty of perjury that:

1. Affiant is competent to fully, freely, testify to the facts submitted as evidence;
2. The facts attested to is made on his personal knowledge, setting forth facts admissible as evidence;
3. Affiant was convicted of aggravated murder in 1977;
4. Affiant was granted a prole in a full board hearing held on 3/8/07 with a POA date of 5/8/07;
5. On 3/22/07 the affiant signed (1) a Waiver of extradition and (2) Conditions of supervision;
6. On or about the first of May, 2007 affiant was notified that he had been accepted by Avis house with a tentative placement date of 5/29/07 and was told that he could expect to leave on that date;
7. On May 24, 2007 Affiant was told that he had had a hold placed on his release due to the Victim Advocacy;
8. On May 29, 2007 Affiant was informed that s second parole board hearing was to be held on July 12, 2007 as per Victim Advocacy;
9. On May 29, 2007 affiant received a notice from DR&C of a Full board rehearing;
10. On or about June 1, 2007 affiant received a letter from the Office of the Ohio Public Defender inquiring if affiant desired them as legal counsel;
11. On or about June 3, 2007 affiant filed a request for counsel with office of the Ohio Public Defender pointing out that the hearing was contrary to both O.R.C. 2967.02 and O.R.C. 5120.02.
12. About ~~two~~^{three} weeks later the affiant was personally informed by the Public Defender th at she thought it was a mistake to file the prior writ since the APA disliked jail house lawyers and hertone and obvious implication was that the APA would retaliate because of the affiant's legal action.
13. On July 12, based on "new evidence" (basically lies that because of the nature of the proceeding could not b e refuted at that time) revoked affiant's parole without cause and gave affiant an additional 10 years.

William A. Clumm
Affiant

Sworn to and subscribed to, before me a notary public in the state of Ohio for the County of
ROAs on this 6th day of Aug 2007

My Commission expires: 2/23/2011

Jean Baker
Notary public