ORIG.

IN THE SUPREME COURT OF
FRANKLIN COUNTY, OHIO 07-2419

STATE OF OHIO EX REL DONALD L. HUFFMAN 529 ARGONNE AVE. SPRINGFIELD OHIO 45503 PLAINTIFF-RELATOR V. HON. DENISE L. MOODY ET AL 50 E. COLUMBIA ST. RESPONDENT(S)	CASE NO. 07CA0087 COMPLAINT IN MANDAMUS 1ST FILED IN THE 2ND DISTRICT COURT OF APPEAL ON AUG. 6TH 2007. AND REJECTED, FOR THE INFRA STATED REASONS.

SPFLD., OHIO 45501

GENTLEMEN, PLEASE EXCUSE THE PRIN-TED WORDS OF MY COMPLAINT.

ON AUGUST 6, 2007, I DONALD L. HUFFMAN, RELATOR, IN THE ABOVE CAPTIONED CASE WAS directed by THE LOWER COURT TO FILE his COMPLAINT IN THIS 2ND DISTRICT COURT OF APPEALS, TO which, I RESPONDED AS directed.

FILED
DEC 26 2007
CLERK OF COURT
SUPREME COURT OF OHIO

HOWEVER, THIS direction IS IN CON-

FLICT OR CONTRADISTINCTION TO BLACKS

LAW, 5TH ADDITION, ON WHERE TO FILE. (SEE ATTACHED COPY)
IT directs ONE(S) Complaint TO be filed

IN A SUPERIOR COURT. THE NEXT SUPER-

JOR COURT TO MUNICIPAL COURT would

be THE COURT OF COMMON PLEAS OF CLARK

COUNTY OHIO.

BLACK'S LAW IS INTENDED FOR THE

whole of THE UNITED STATES. HOWEVER,

NOT EVERY STATE has A COURT OF COM-

MON PLEAS, STILL, LIKE OTHER STATES

WE have A SUPERIOR COURT OF COMMON

PLEAS. THAT BEING SAID, should NOT

I FACTUALLY have been directed TO

vendee then struck the scales with a piece of copper, thereby symbolizing the payment, or weighing out, of the stipulated price.

The ceremony of *mancipatio* was used, in later times, in one of the forms of making a will. The testator acted as vendor, and the heir (or *familiæ emptor*) as purchaser, the latter symbolically *buying* the whole estate or succession, of the former. The ceremony was also used by a father in making a fictitious sale of his son, which sale, when three times repeated, effectuated the emancipation of the son.

Mancipi res /mǽn(t)səpay ríyz/. Lat. In Roman law, certain classes of things which could not be aliened or transferred except by means of a certain formal ceremony of conveyance called *"mancipatio" (q.v.)*. These included land, houses, slaves, horses, and cattle. All other things were called *"res nec mancipi."*

The distinction was abolished by Justinian. The distinction corresponded as nearly as may be to the early distinction of English law into real and personal property; *res mancipi* being objects of a military or agricultural character, and *res nec mancipi* being all other subjects of property. Like personal estate, *res nec mancipi* were not originally either valuable *in se* or valued.

Mancipium /mǎnsípiyəm/. Lat. In Roman law, the momentary condition in which a *filius*, etc., might be when in course of emancipation from the *potestas*, and before that emancipation was absolutely complete. The condition was not like the *dominica potestas* over slaves, but slaves are frequently called *"mancipia"* in the non-legal Roman authors.

To form a clear conception of the true import of the word in the Roman jurisprudence, it is necessary to advert to the four distinct powers which were exercised by the *pater familias*, viz.; the *manus*, or martial power; the *mancipium*, resulting from the *mancipatio*, or *alienatio per æs et libram*, of a freeman; the *dominica potestas*, the power of the master over his slaves, and the *patria potestas*, the paternal power. When the *pater familias* sold his son, *venum dare, mancipare*, the paternal power was succeeded by the *mancipium*, or the power acquired by the purchaser over the person whom he held *in mancipio*, and whose condition was assimilated to that of a slave. What is most remarkable is, that on the emancipation from the *mancipium* he fell back into the paternal power, which was not entirely exhausted until he had been sold three times by the *pater familias*. *Si pater filium ter venum dat, filius a patre liber esto.* Gaius speaks of the *mancipatio* as *imaginaria quœdam venditio*, because in his times it was only resorted to for the purpose of adoption or emancipation.

Mancomunal /mǎnkomuwnál/. In Spanish law, an obligation is said to be *mancomunal* when one person assumes the contract or debt of another, and makes himself liable to pay or fulfill it.

Mancus /mǽŋkəs/. See **Manca.**

Mandamiento /mǎndamyéntow/. In Spanish law, commission; authority or power of attorney. A contract of good faith, by which one person commits to the gratuitous charge of another his affairs, and the latter accepts the charge.

Mandamus /mændéyməs/. Lat. We command. This is the name of a writ (formerly a high prerogative writ) which issues from a court of superior jurisdiction, and is directed to a private or municipal corporation, or any of its officers, or to an executive, administrative or judicial officer, or to an inferior court, commanding the performance of a particular act therein specified, and belonging to his or their public, official, or ministerial duty, or directing the restoration of the complainant to rights or privileges of which he has been illegally deprived. A writ issuing from a court of competent jurisdiction, commanding an inferior tribunal, board, corporation, or person to perform a purely ministerial duty imposed by law. Nebel v. Nebel, 241 N.C. 491, 85 S.E.2d 876, 882. Extraordinary writ which lies to compel performance of ministerial act or mandatory duty where there is a clear legal right in plaintiff, a corresponding duty in defendant, and a want of any other appropriate and adequate remedy. Cohen v. Ford, 19 Pa. Cmwlth. 417, 339 A.2d 175, 177.

The U.S. District Courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff. 28 U.S.C.A. § 1361.

Mandamus has traditionally issued in response to abuses of judicial power. Thus, where a district judge refuses to take some action he is required to take or takes some action he is not empowered to take, mandamus will lie. Bankers Life & Cas. Co. v. Holland, 346 U.S. 379, 384, 74 S.Ct. 145, 98 L.Ed. 106. The Supreme Court may issue a writ of mandamus in aid of the appellate jurisdiction that might otherwise be defeated by the unauthorized action of the court below. McClellan v. Carland, 217 U.S. 268, 30 S.Ct. 501, 503, 54 L.Ed. 762.

The remedy of mandamus is a drastic one, to be invoked only in extraordinary situations. Will v. United States, 389 U.S. 90, 95, 88 S.Ct. 269, 273, 19 L.Ed.2d 305; Banker's Life & Cas. Co. v. Holland, 346 U.S. 379, 382–385, 74 S.Ct. 145, 147–149, 98 L.Ed. 106; Ex parte Fahey, 332 U.S. 258, 259, 67 S.Ct. 1558, 1559, 91 L.Ed. 2041. The writ has traditionally been used in the federal courts only "to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so." Will v. United States, 389 U.S., at 95, 88 S.Ct., at 273, quoting Roche v. Evaporated Milk Assn., 319 U.S. 21, 26, 63 S.Ct. 938, 941, 87 L.Ed. 1185.

Pleading. Like most of the extraordinary writs, the *writ* of mandamus has been abolished under rules practice in favor of a complaint in the nature of mandamus which accomplishes the same object; *e.g.* Mass.R.Civ.P. 81(b).

Mandans /mǽndænz/. Lat. In the civil law, the employing party in a contract of mandate. One who gives a thing in charge to another; one who requires, requests, or employs another to do some act for him.

Mandant /mǽndənt/. In French and Scotch law, the employing party in the contract of *mandatum*, or mandate.

Mandataire /mǎndətér/. Fr. In French law, a person employed by another to do some act for him; a mandatary.

File my Writ in Complaint Form, so stated, in Black's Law, for the following reason's and a speedy resolve and remedy.

I need not tell you the grass roots of Mandamus or its history and purpose. However, I know Mandamus is an appeal, but, not to be reviewed by an Appellant Court out of County, as this method cannot be expedited in timely fashion obtaining remedy. (for example)

If Mandamus was sought against the Local County Sheriff, who denied Habeas Corpus to an inmate or de-

TRAINEE. Would not The Complaint be Filed in The Court of Common Pleas, if That State had one? Certainly so. When one is seeking, on The next day Court is in session, represented by counsel, with Complaint on his Lips, go To an Appealant Court on paper out of County when This State wherein he resides has a County Superior Court of Common Pleas?

I'll Tell you why I was miss directed. With This Complaint out of County and directed To The 2nd District Court of Appeals, it

LOSES ITS PUNCH. NOW, THE RESPONDENT DOES NOT HAVE TO ANSWER FOR ANY CONSTITIONAL TORTS OR EXPLAIN ON THE RECORD, IN FRONT OF THE PLAINTIFF, IN AN OPEN HEARING, LIKE THE SHERIFF, OR THE CLERK OR ANY OTHER EMPLOYEE OF THE PEOPLE. SHE HAS THE STATE OR THE CITY LAW DIRECTORS LAW OFFICE DO IT FOR HER. HOW CONVENIENT. IF ONE DOES NOT WANT A COMPLAINT OR WRIT FILED AGAINST ONESELF, DON'T CREATE A REASON FOR A COMPLAINT OR WRIT.

THERE WAS NO TRYAL AT LAW....

MANDAMUS, OR THE COMPLAINT THEREOF WAS MOVED FOR IN TIMELY FASHION AT ITS INCEPTION PRIOR TO TRIAL. THE FLAGRANT DISREGARD FOR 6TH, AND 14TH CONSTITUTIONAL GUARANTEES WAS NOT AFFORDED TO THE ACCUSED. AND: WHEREBY, THE ACCUSED ARRESTED THOSE PROCEEDINGS. THEREFOR, ALL TESTIMONY TAKEN BY THIS COURT SHOULD BE DISMISSED, AS IT DIDNOT CONSTITUTE DO PROCESS NAMELY THE 6TH AND 14TH AMENDMENTS. (SEE ATTACHED COPIES)

THE STATE OR ITS AGENTS CANNOT ARGUE FOR THE RESPONDENT AS THEY

ARE NOT, THE RESPONDENT, ANYTHING, ANY RESPONSE, OTHER THAN THE RESPONDENTS RESPONSE, should BE STRICKEN FROM THE RECORD AND NOTED THAT THEIR RESPONSE WAS NOT DONE IN A TIMELY FASHION ACCORDING TO THE ORIGNAL RULE(S) CONCERNING THE EXTRAORDINARY WRIT OF MANDAMUS, which is why, ITS NAMELY, EXTRAORDINARY OR ITS COUNTERPART, ALTERNATIVE, prohibition.

ARTICLE 1, SECTION 9 CLAUSE 3. AS Follows: "No BILL OF ATTAINDER OR EX-POST-FACTO LAW shall BE PASSED. unquote. (UNITED STATES CONSTITUTION)

THE WORDING CONCERNING EX-POST-FACTO WAS REPEATED AGAIN IN ARTICLE 1, SECTION 10, (IN PART) NO EX-POST-FACTO LAW SHALL BE PASSED. STILL A MANDATE, STILL THE LAW. HOWEVER?

THE FAMOUS LEXICOGRAPHER, NOAH WEBSTER, AT THE BEHEST OF JOHN JAY, SAW FIT TO DECLARE THAT WEBSTER'S DICTIONARIES, A TWO VOLUME SET, WERE TO BE A TRUE AND EXACT DISCRIPTION OF ALL WORDS IN THE ENGLISH LANGUAGE AND WAS ADOPTED IN THE HALLS OF JUSTICE THROUGH OUT THE UNITED STATES COURTS, CONGRESS, LEGISLATURES, LAW

Schools and the like.

All words since his 1828 Dictionaries with their profound definitions are relied on still today in the Judicial arena.

In Webster's biography, Letters Read by Family Members that came from his daughter. "Father was so elated, he took the first two compeleted sets off of the printing presses and on horse-back in the rain, rode all the way some twenty miles to John Jay's house. Etc. Etc.

The Ruse and its cabal is in play.

What if Webster deleted one word and its definition and changed one

other word and its definition and in doing so, change the entire course of history in the United States?

We all have accepted ex-post-facto to mean: after the fact, (an example) No law shall be passed after the fact.

Merriam-Webster, echo's the same, and slightly amends some of the words and naturally adds new ones, for 150 yrs.

Merriam and Webster define the word ex-post-facto as alluded supra and also: "To alter or change the previous status or setting of an event at which a conclusion is reached" unquote

AND INSIGNIFICATE OTHER ETC. ETC.

BUT, WHAT IF WE TAKE A LITTLE TRIP, A TIME BEFORE WEBSTER'S 1828 DICTIONARY, BACK TO 1675, THRU 1821, LEXICOGRAPHERS WORK FROM NATHANIEL BAILEY, OXFORD AND THE LIKE.

CHANGING THE DEFINITION OF ONE WORD AND DELETEING ONE WORD — RIGHT?

AMENDMENT: THE ACT OF AMENDING:

CORRECTION: THE PROCESS OF AMENDING BY PARLIAMENTARY OR CONSTITUTIONAL PROCEDURE: AN ALTERATION PROPOSED OR EFFECTED BY THIS PROCESS (THE 18TH

THIS WORD, THE ONLY WORD, WOULD ALLUDE TO THE 5TH ARTICLE OF THE

FEDERAL CONSTITUTION, THE RIGHT TO MAKE AMENDMENTS, TO ALTER, TO CHANGE FOR THE BETTER IF DONE IN CONGRESS OR BY STATE LEGISLATURES ETC.- RIGHT?

EXCEPT IN 1787, WEBSTER'S DICTIONARY WASN'T QUITE THERE YET, HE WAS VERY DISGUSTFUL OF FEDERALIST PAPERS AND THEN THE FEDERAL CONSTITUTION ONCE RATIFIED. THEN, THE NEW BILL OF RIGHTS, RATIFIED IN DEC, 1891.

HE DEDICATED HIS 1828 DICTIONARY "TO A GREAT AN BENEVOLENT GOD WHO SUSTAINED A FEEBLE CONSTITUTION." UNQUOTE

FROM 1675 THUR 1825, 150 YRS OR SO,

THE DEFINITION TO EX-POST-FACTO MEANT:
" A THING DONE AFTER A TIME WHEN IT
should have been done." unquote

This definition does NOT MAKE ANY
SENSE AT All — But it will, and I will
show you why Noah Webster had
To change it completely.

The word he deleted was This.

AMENDMENT (IN LAW) SIC The corr-
ection of an error commited and
espied before Judgement." unquote

I guess you CAN'T TAKE A WEBSTER
AT his word —

EX-POST-FACTO OF 1787 ERA, before
And up To The night before The
horseback ride of 1828 To Jay's

house.

EX-POST-FACTO: "A TERM USED OF A THING DONE AFTER A TIME WHEN IT SHOULD HAVE BEEN DONE." UNQUOTE

WHAT THING DONE AFTER A TIME WHEN IT SHOULD HAVE BEEN DONE? AMENDMENT (IN LAW)

Why do I Tell you all of This?

So it becomes part of the record.

I want to see what you'll do with it. John Jay was the first Supreme Court Justice appointed by Geo. Washington. Madison was amanuensis at the convention, still alive, and he knew Webster, There's your cabal.

WWW.WEBSTERSRUSE-TER.COM

Read it or not, I would if I were

All of you. "The only thing necessary for evil to triumph is for good men to do nothing."

Edmund Burke

I submitted my website, which is done partly out of context from my book, "The Quill and The Sword," to which I deleted some 200 pages here and there to shorten it up. Monies spent for a convoluted reason(s). The State obviously did not bring me to court. There is a ryme for this reason. —

I broke no laws of any consequence and will eventually win this one if not now, down the road.

I have no respect for all the lower courts of law because of

IGNORANCE, COMPLACENCY ON LEGAL MATTERS AND ARROGANCE MOST ALL INCLUDING PROSECUTORS ARE RUDE. NONE KNOW THE DIFFERENCE BETWEEN A JUDICIAL FUNCTION AND A MINISTERIAL FUNCTION. FOR EXAMPLE, JUDGE MOODY, THINKS SHE IS JUDGE JUDY. THE PROSECUTOR, MR. SHEILS, DOES NOT NEED TO BE A PROSECUTOR, HE HAS THE DISPOSITION OF A PITBULL. RUDE TO MY WITNESSES TO THE PROCEEDINGS AND DOWNRIGHT HATEFULL OFF THE RECORD.

NEVERTHELESS, I AM A KNOWN ACTIVIST IN CLARK COUNTY. THREE LAWYER

REFUSED TO ASSIST AND THREE WOULD NOT RETURN my phone CALLS. POTTER, FLACK, AND HEATH LAW FIRMS CLAIMED I had A PERSONAL VENDETTA AGAINST Springfield COURTS OR WHATEVER..

"ANY MAN WHO REPRESENTS HIMSELF IN COURT HAS A FOOL FOR A CLIENT"
O.W. Holmes

THIS LOWER COURT EVEN SUGGESTED I SEEK COUNSEL OUT OF TOWN RATHER THAN ASK A BAR OFFICER OF THIS COURT TO ASSIST ME OR EVEN APPOINT A public DEFENDER. NO ONE PAYS THOUSANDS OF dollars TO LAWYERS TO KEEP FROM PAYING A FIVE hundred

dollar fine. and: I never at anytime suggested a pro bono defence.

Nevertheless, the writ of mandamus filed in the 2nd District Court was the wrong court to direct me to. It was mishandled and was not done according to the law or to valid rules of procedures.

If the Relator, made any mistakes, thats the lower courts fault. The Relator is not a lawyer he is an arborist who happens to know more about the federal constitution and the Bill of Rights than they

do and obviously more about mand-
amus than they do. Mandamus is
done verbally in open court than
followed up in timely fashion by the
writ for compliance.

The 2nd District Court more
than likely never prepared any
of the paper work or replies, in-
stead had one of their clerks do
it for them. I doubt any of this
District Court Judges are that
obtuse? I think birds of a feather
flock together, a phone call does
it all.

NEVERTHELESS, THE DISTRICT COURT SUSTAINED

THE LOWER COURTS SO-CALLED COUNSEL'S

FRIVOLOUS ALLEGATIONS THAT: QUOTE & MY REPLY

(1) "THAT HE HAS A CLEAR RIGHT TO THE RELIEF REQUESTED." — NO ASSISTANCE OF COUNSEL, SO STATED AND: THE WORDING TO THE LOWER COURTS IS ASSISTANCE NOT REPRESENTATION. TO WHICH IS A TENET OF THE BAR. SEE BLACK'S LAW, REPRESENTATION OF PERSON

(2) "THAT THE RELATOR IS UNDER A CLEAR LEGAL RIGHT TO THE RELIEF REQUESTED." 6TH SO-CALLED AMENDMENT, 14TH, AND A SUNDRY OF CASE LAWS, AM JUR 2ND 70, 71, 81, 82, AND § 155: IMPOSING OBLIGATORY DUTY, TO NAME A FEW SUBMITTED TO THE 2ND DISTRICT COURT.

(3) "THAT THE PETITIONER HAS NO PLAIN AND ADEQUATE REMEDY IN THE ORDINARY COURSE OF LAW." APPEAL? I DON'T THINK SO! THERE WAS NO TRYAL AT LAW, NO LAWYER IN MY CORNER AT ANYTIME TO ASSIST RELATOR, NO PRETRIAL PREPARATION, NO DEFENCE, OR ETC.

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NO COURT AT LAW CAN FORCE ANYONE INTO ACT IN PRO SE FASHION. SHOW ME THE LAW? I CAN SEE WHY YOU'RE NOT PRACTICING LAW ANYMORE MR. STROZDAS YOU NO NOTHING OF LAW.

CAN ANYONE OF YOU TELL ME THE DIFFERENCE BETWEEN A BUTTRESS AND A FEEDER ROOT, A CAMBIAL LAYER AND CAMBIUM TISSUE OR CAN YOU TAKE OUT A 90 FT. RED OAK WITH ROPES AND CLIMBING GEAR WITHOUT KILLING YOUR-SELF, OVER PRIMARY WIRES? NO!

YET, YOU EXPECT ME TO BE A LAWYER OR HAVE THE KNOWLEDGE OF.

LAW IS A SCIENCE Through TRIAL AND ERROR ANY LAY PERSON IS AT A huge disadvantage JUST LIKE YOURSELF OR THE AVERAGE PERSON IN MY TRADE. I KNOW A LITTLE ABOUT LAW but NOT A LOT. THATS why, THEY have LAW schools.

FUTHERMORE, THE LOWER COURTS TRICKLE UP NOT TRICKLE down. THEY PICK AWAY AT LAW Through IGNORANCE and pass THE buck up TO APPELLATE because NONE CARE FOR THE FEDERAL CONSTITUTION, NO NOTHING about it, OR uphold its VALUE TO THE WELL being OF THE LAW. Why

would anyone want to retain any employee, any of you, when you can't do your job? How many writs were filed in wrong courts? What happened to the oath of office that you took?

An oath is indivisable, not to be held partly true and partly false.

Furthermore, why would anyone on the Highway Patrol be on a back street in a parking lot in a municipality looking to citate and harr ass, wasting state tax dollars when we the people of Springfield, Ohio have our own Police Dept? My Lad;

FRIEND AND I ARE BOTH ON SOCIAL SECURITY WELL INTO ARE SIXTIES, ON AN OUTING, ON OUR WAY HOME. lights FLASH, AND WE pulled OVER. HE REPLIED I STOPPED YOU BECAUSE YOU DID NOT USE YOUR TURN SIGNAL. THIS REST IS UNSUBSTANCIATED, NO VIDEO, ONLY HARRASSMENT. I WAS ASKED BY THE OFFICER IF I had BEEN drinking TONIGHT AND would I submit TO A BREATH TEST? To which, This is why I WAS pulled OVER IN THE FIRST PLACE. HE WANTED TO ESTABLISH PROBABLE CAUSE.

NOW, I KNOW ABOUT SELF INCRIM-

INATION, HOWEVER, ALL HE KNOWS IS STATUTES

I KNOW MY 5TH SO-CALLED AMENDMENT

RIGHT TO SELF INCRIMINATION CAN ONLY BE

RETAINED THROUGH SUSTAINED COMBAT

AGAINST A BELLIGERANT CLAIMANT IN

PERSON. SO, I UPJECTED UNDER POSS-

IBLE SELF INCRIMINATION AND SO-ON.

HE DETAINED ME, PUT ME IN HAND

CUFFS, AND AS FAR AS I KNOW AND

EXPIRED LICENSE IS ONLY A MISDEMEANOR.

NEVERTHELESS, MY LADY FRIEND WAS

PLACED IN THE BACKSEAT OF THE HIGH-

WAY PATROL CAR WHILE THE HIGHWAY PATRO,

OFFICER, GET THIS, SEARCHES, HER,

her vehicle. go figure.

What was the probable cause?

We were dressed like drug trash. Her in her full length mink coat and me in my attire. However, according to new laws passed by the Ohio Legislatures, ones right to self incrimination means ones guilty. Arrested, detained, my auto insurance revoked, my driving license suspended and so-on. My lady friend in the back-seat of a patrol car was driven to her home in a private condo community for the neighbor's to

ponder, speculate and or, surmise, instead of letting her take a cab or otherwise. I was very upset but I did not convey it to this officer or this Court during arraignment or otherwise. Circumvention of law or misuse of power or postulated power is a gross miscarriage of justice, either by Legislature(s), or courts of law or equity. This will stop.

I forwarned the 2nd District Court and submitted an original certified copy of my birth certificate and stated I am in Repose

SENTATIVE FORM OF THE FEDERAL CONSTITUTION AS POSTERITY TO WE THE PEOPLE. SOME DAY WE WILL SEE HOW WELL THE JUDICIARY WEATHERS IN FRONT OF A JURY. THANK YOU. ENOUGH SAID —

WITH THE SUPRA BEING STATED THE RELATOR IS SEEKING JUSTICE AND LAWFULLY OFFERS HIS COMPLAINT FOR MADAMUS TO THIS HONORABLE COURT FOR SCRUTINY AT LAW AND JUSTICE AND HAS SUBMITTED THIS IN GOOD FAITH. INCORPORATED, PLEASE FIND A COPY OF THE 2nd DISTRICT COMPLAINT OF MANDAMUS AS IT ECHOES MY INQUIRY —

Complaint(s) All Avermentt(s) Attachment(s) and etc. For your Review and pray That This Honorable Court find in favor For The Complainant and order The Lower Court To Reimbursie The Relator his costs in This Matter. Thank you.

Happy Holidays
Constitutionally
Donald L. Huffman

Donald L. Huffman

P.S.
Please note The Relator has never been arrested for D.W.I. or O.V.I in his life. I consumed my glass of wine at The supper club and her half glass after our meal six hours before.

ORG.

PROOF OF SERVICE

Submitted on this 20th day of December 2007, The year of our lord, with the Honorable Ohio Supreme Court, of Franklin County, Ohio, hand delivered pursuant to 14.2 of Supreme Court Procedures, to the Clerks office of same, in good faith.

Donald L. Huffman

Donald L. Huffman

Counsel for Respondent Mr. Jerome M. Strozdas 76 E. High Street, Springfield, Ohio, 45502.

Sworn to before me and subscribed in my presence this 20th day of December, 2007.

NOTARY PUBLIC STATE OF OHIO

JESSIE L. BECK
Notary Public, State of Ohio
My Commission Expires
March 20, 2011

Jessie Beck

(OSBA 614 387 9000)

POS

[3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Quaification to any Office or public Trust under the United States.

ARTICLE VII

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

AMENDMENT I [1791]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II [1791]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III [1791]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV [1791]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V [1791]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI [1791]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him;

to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VII [1791]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII [1791]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX [1791]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X [1791]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENT XI [1798]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XII [1804]

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO

STATE OF OHIO	:	Case No. 07 TRC 1894
-vs-	:	MC.A.0065
DONALD L. HUFFMAN,	:	TRANSCRIPT OF
Defendant.	:	TRIAL 5/16/07

* * * * * * * * * * * * * * * * * * *

APPEARANCES:

On behalf of the State:

Michael Sheils, Attorney
50 E. Columbia Street
Springfield OH 45502

On behalf of the Defendant:

Donald L. Huffman (pro se)
529 Argonne Avenue
Springfield OH 45503

Court Reporter:

Ms. Sherry Walls
50 E. Columbia
Springfield OH 45502

CLARK COUNTY
COURT OF APPEALS
JUL 20 2007
FILED
RONALD E. VINCENT, CLERK

FORM 2084 PENGAD • 1-800-631-6989

EXHIBITS:

For the State:	Marked	Offered	Admitted	Not Admitted
A	35	56	56	
B	35	56	57	
C	35	56	58	
For the Defendant:				
1	48	--		

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1 I N D E X:

For the State:	Direct	Cross	Redr.	Recr.
TROOPER TIMOTHY K. BULLOCK	19	47	54	

For the Defendant:

NONE

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This matter came on for Trial on the 16th day of May, 2007, and was heard before the Honorable Denise L. Moody, Judge of the Municipal Court of Clark County, Ohio; and the following proceedings were had, to-wit:

- - -

THE COURT: This is the State of Ohio v. Donald Huffman. This is Case No. 07 TRC 1894 scheduled for trial to the court this afternoon. Present on behalf of the State of Ohio is prosecuting attorney Michael Sheils. Mr. Sheils, that is your prosecuting witness seated with you?

MR. SHEILS: That is correct. Trooper Bullock of the State Highway Patrol's present.

THE COURT: Thank you. And Mr. Huffman is seated at the other table. Good afternoon, Mr. Huffman.

MR. HUFFMAN: Good afternoon, Your Honor.

THE COURT: Mr. Sheils, on behalf of the State of Ohio, are there any matters to come to the Court's attention prior to beginning the trial?

MR. SHEILS: Nothing beyond a motion for separation of witnesses.

THE COURT: Motion for separation of witnesses will be granted. Gentlemen, if either of you are intending to testify in this case, it will be necessary for you to leave the courtroom until such time as you are called to testify. If you are watching, you are welcome to remain.

Mr. Huffman, are there any matters to come to my attention on your

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side of the case before we begin the trial?

MR. HUFFMAN: Well, Your Honor, I have a few questions and I, I don't know if they'd be in the form of interrogatories, but just a few points of interest. I'd like to protect the record and I would like to establish some of the authorities at law or the assumptions that – and maybe clear up some other things. But in regards to the ticket, I'm not really prepared to get into that right now, but I would like to ask the court if it entertained changing its mind in order to appoint assistance of counsel to help me. For example, it's gonna put the court at an inconvenience. I really don't, I don't want to go into this by myself without the assistance of counsel. However, if I'm forced to, I'll probably end up moving for mandamus.

I would like before this goes this far, would the court entertain appointing counsel that, of my choice since they are officers in your court? Because now I can only move for a mandamus orally, you know, you see what I'm saying. It kind of puts everything in a, in a stagnant area.

THE COURT: Mr. Huffman, are you asking me to revisit my decision from April the 3rd?

MR. HUFFMAN: Yes, ma'am.

THE COURT: All right. No, I will not reconsider the decision that I entered that day, Mr. Huffman. I will not force private counsel to represent you.

MR. HUFFMAN: OK. Could I read Black's law dictionary, inasmuch as and I can give you a copy of this, be glad to. Counsel, right to, in other words, right to counsel. Constitutional right of criminal defendant

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1 to court-appointed attorney if he is financially unable. Now, I'll read the
2 rest of it and then I want to attack this a little bit, if I may.
3 THE COURT: OK, but first, Mr. Huffman, let's make sure
4 that we're clear here. You're not saying that you're financially unable, are
5 you?
6 MR. HUFFMAN: Well, that, that kind of opens up a can of
7 worms contrary to the Constitution but I will –
8 THE COURT: Well, I explored you, I explored with you and
9 I offered you that option on April the 3rd that you could pay the $25.00 fee
10 to go through the evaluation process. You declined to accept my offer and
11 you indicated that it was your opinion you would not qualify to have
12 counsel appointed to represent you. I think the issue, as I understand it, Mr.
13 Huffman, is you want me to force one of the lawyers that you've contacted
14 who have declined to accept your case to do that.
15 MR. HUFFMAN: OK.
16 THE COURT: Am I understanding you correctly, Mr.
17 Huffman?
18 MR. HUFFMAN: I understand the court's position,
19 inasmuch as prior rulings and case law. However, if I may, I wrote a book
20 on the subject. It seems that Mr. Webster, James Madison and John J. Jay,
21 changed the definition of the English language.
22 THE COURT: Mr. Huffman, let me ask you to slide your
23 briefcase over so it's not blocking the recording device.
24 MR. HUFFMAN: Oh, I'm sorry.
25 THE COURT: I would imagine at some point--

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1 MR. HUFFMAN: Oh, I'm sorry. ?

2 THE COURT: -- this is going to be before the Court of
3 Appeals and I want to make sure that the record is clear.

4 MR. HUFFMAN: OK.

5 THE COURT: I don't want your briefcase to interfere in any
6 way with the machine's ability to capture your words. Go ahead.

7 MR. HUFFMAN: OK. John J. Jay and James Madison and Noah
8 Webster in his 1828 dictionary changed the definition of the English language
9 and made the Constitution flexible. And this is all on my website. This is
10 out of the book I wrote and if I'm wrong, then they're gonna make a movie
11 out of it, so—I can't be too far off. The Sixth Amendment to the
12 Constitution says and to have the assistance of counsel for his defense. The
13 word "have" means to enjoy. Assistance of counsel for his defense means
14 exactly what it says. Now, when Webster changed and deleted the (in law)
15 terminology to the word amendment out of the English language in his
16 1828 dictionary, all dictionaries from 1607 up to 1821, every lexicographer
17 had amendment (in law) That was incorporated into their dictionaries.

18 Webster deleted it. John J. Jay rubber-stamped it, circulated his
19 dictionaries through the halls of justice and based the English language on
20 Webster's definition. He changed the definition of ex post facto to cover
21 up what he did to the word amendment in law, by deleting it out of the
22 English language. Thus making the Constitution a flexible document.

23 So I said that to say this. Everything after the fact, for example, and
24 to have assistance of counsel for his defense, that's the end of it. Now, you
25 come up with the Fourteenth Amendment, OK, and you come up with the

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1 definitions of *Gideon v. Wainwright*, yada yada, yada. All these things
2 seem to take on a different light.
3 So Webster's definition by changing the English language making
4 the Constitution flexible, dismisses all case law contrary to the Sixth, or any
5 time you add or delete any part of the English language, any word. You
6 can't do that without changing its authority. So the Constitution today and
7 all the laws after that are completely changed, and my website bears
8 witness to it. Every dictionary from 1607 to 1821, some of them I had to
9 obtain in England. The rest of them, I found three of them in California is
10 the reason why I moved to California and the reason why I wrote the book
11 in the first place was to bring light to this.
12 I think the judiciary has postulated, it has control over such matters.
13 I'm not really a fan of case law and I put all my bases and all my facts into
14 the federal Constitution itself. Case law is really not law. It is only case
15 records. So I want to base that on the Sixth Amendment bypassing the
16 Fourteenth. So the Sixth Amendment itself and I would, I would like to
17 pull this point up you know, so you know, a lot of people has a
18 misconception that Don Huffman has a vendetta against the judicial system
19 in Springfield, Ohio. I do not.
20 THE COURT: Mr. Huffman, I feel that –
21 MR. HUFFMAN: I'm adamant about the law.
22 THE COURT: Let me apologize for interrupting you, but I
23 feel compelled at this point to make the record clear. Have I done
24 something that makes you think that I believe you have a vendetta against
25 my court?

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MR. HUFFMAN: Well, I certainly hope not. I've tried to give you the utmost courtesy as I can. And the same way with these gentlemen over here.

THE COURT: Well, I hold no such belief, Mr. Huffman.

MR. HUFFMAN: OK, well the counsel's that I've tried to contact in Clark County, Mr. Potter seemed to say that in so many words that I have a personal vendetta against Springfield or against the judicial system in Springfield. I do not. As everybody well knows, the State of Ohio v. Huffman, years ago, when the E.P.A.. –

THE COURT: What year was that, Mr. Huffman?

MR. HUFFMAN: This is a case that come up where the E.P.A. challenged me because of the woods that was burnt on Bowman Road.

THE COURT: OK, but what year was that, sir?

MR. HUFFMAN: That was 1990.

THE COURT: OK, Mr. Huffman, I didn't come to this community until December of 1991 so I have no familiarity with the case to which you refer. I do recall when last you were here you indicated that you had had discussions with Mr. Potter, Mr. Flack and Mr. Heath, all of whom declined to accept you as a client and I told you that day that I would not force them to do so. Let me ask you this, Mr. Huffman. In the time that's passed since you were last here, have you contacted any other lawyers?

MR. HUFFMAN: Nobody that would return my call.

THE COURT: OK, and is that here in Clark County--

MR. HUFFMAN: Here in Clark County.

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1 THE COURT: -- or did you go outside of county?
2 MR. HUFFMAN: Here in Clark County.
3 THE COURT: 'Cause you may recall when you were last
4 here, I suggested perhaps you'd contact someone in a different county,
5 maybe Montgomery, Champaign, or Greene. Did you do that, Mr.
6 Huffman?
7 MR. HUFFMAN: No, ma'am, but –
8 THE COURT: OK. All right.
9 MR. HUFFMAN: I think the fact that right to counsel, when
10 an officer of the court can refuse to assist somebody because they feel that
11 I'm tainted in some way.
12 THE COURT: Well, I understand that's your position, Mr.
13 Huffman--
14 MR. HUFFMAN: But they are officers of your court.
15 THE COURT: -- and I understand you've shared with me
16 your version of a conversation that you had with Mr. Potter. Now, you
17 need to understand I didn't have any conversation with Mr. Potter or Mr.
18 Flack or Mr. Heath. My conversations have been just with you. I have no
19 familiarity at all with your prior dealings with the court system in this
20 county or any other, for that matter, Mr. Huffman. I don't think I've come
21 across you in any of the other counties in which I have been employed in
22 the court system, so at this point, I'm gonna have to tell you that you and I
23 are going to just have to agree to disagree on this point.
24 MR. HUFFMAN: OK.
25 THE COURT: Your objection is on the record. I think it's

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very clear for the Court of Appeals. I am not going to force private counsel to represent you. You've indicated repeatedly you do not believe you qualify for appointed counsel and as I told you on April the 3rd, if you came to this trial date without a lawyer and I would make a finding that you have waived your right to be represented by a lawyer at this proceeding, and I will enter that finding now, Mr. Huffman.

So we're not gonna have any further discussions on the reasonings you believe I'm wrong. We'll leave that for you and the Court of Appeals to decide if I'm wrong today. Are there any other matters that you would like to bring to my attention before we begin the trial?

MR. HUFFMAN: Well, I will read this prepared statement and then we'll go from there, I guess.

THE COURT: Is that an opening statement, Mr. Huffman or is that a statement—

MR. HUFFMAN: I guess you could call this an opening statement, yes, ma'am.

THE COURT: OK, it's not time for that then yet. All right. Let's do --

MR. HUFFMAN: I'm sorry.

THE COURT: It's not time for you to give your opening statement yet. I'm gonna do a quick review of the trial procedure and if you'd like to make an opening statement at the time it's appropriate for you to do so, you most certainly may.

In a trial, Mr. Huffman, the case does begin with opening statements. The State of Ohio goes first with regard to all aspects of a trial. That is

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because the State of Ohio bears the burden of proof in this case. The law presumes you innocent, Mr. Huffman, and you remain presumed innocent unless and until such time as the State of Ohio is able to prove your guilt beyond a reasonable doubt. Because the State bears the burden of proof, the State goes first with regard to all aspects of a trial proceeding and nothing at all is required of you today, Mr. Huffman. The law presumes you innocent. You are free to sit there and not say another word, if you choose to do so. You don't have to do anything. You don't have to say anything. Mr. Sheils, as representative of the State of Ohio, is obligated to prove your guilt on the charges for consideration today and to do that beyond a reasonable doubt. In the event he fails to meet that burden, any charge where he so fails, the law requires a finding of not guilty be entered.

Mr. Sheils, as I indicated then, would have the right to make an opening statement first. If you want to make one, that is your right. Again, I will stress to you that you are not obligated to do so, but when he finishes, if you want to make an opening statement, that is well within your rights, Mr. Huffman. At that point, the State will begin presentation of its case. The prosecuting attorney will call witnesses and will examine them. When he finishes examining his witnesses, you will have an opportunity to cross examine the witnesses. That's how it works all the way through. Any witness that Mr. Sheils intends to call, when he concludes the presentation of his case, if you want to present a case this afternoon, that is your right to do that. You may testify yourself and you may call any witness you like. If you testify, when you're finished, Mr. Sheils will have an opportunity to ask you questions. If you call any witnesses, when you're finished

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examining them, Mr. Sheils will have an opportunity to cross examine them.

Again, I stress to you, Mr. Huffman, you do not have to testify nor do you have to present any case at all as the law presumes you innocent. If you do present a case, when you're finished, if Mr. Sheils has any rebuttal evidence he wants to offer, he'll have the opportunity to do that. At that point, it's time for closing arguments. Mr. Sheils may argue why he believes a certain verdict should be returned in this case. You may do the same. You may argue for whatever verdict you believe is appropriate. Mr. Sheils does have one final opportunity to make argument again. That is because he bears the burden of proof in this case.

This trial will be governed by the Ohio Constitution, the United States Constitution, the Ohio rules of evidence and the Ohio rules of criminal procedure and you are bound by them, Mr. Huffman, just as Mr. Sheils is. With that brief summary of trial procedure, Mr. Huffman, do you have any questions about the procedure we'll follow this afternoon?

MR. HUFFMAN: Well, Your Honor, the State, meaning the Court, has never established jurisdiction. The postulations of jurisdiction have exceeded its boundary. I haven't impliedly gave you consent nor does the record, anywhere on the record show that I've given you jurisdiction.

THE COURT: Mr. Huffman, we discussed the jurisdictional issue at your arraignment back in February.

MR. HUFFMAN: It's nowhere on the record, Your Honor.

THE COURT: It is in the record, Mr. Huffman. It's in the record from your arraignment. That objection is also preserved for appeal.

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1 Mr. Sheils, would you care to make an opening statement?

2 MR SHEILS: No, thank you.

3 THE COURT: All right. Mr. Huffman, the prosecutor has
4 declined to make an opening statement. Is there something that you wanted
5 to offer at this point?

6 MR. HUFFMAN: Yes, ma'am. Is it okay if I remain seated?

7 THE COURT: That's fine.

8 MR. HUFFMAN: Thank you. Your Honor, this is just to
9 protect the record. Let the court be advised that the accused with just cause
10 moves this honorable court for mandamus orally, since I do not have the
11 assistance of counsel. In front of these witnesses of mine to these
12 proceedings, whereby naming you, Your Honor, as the respondent, to show
13 just cause at law in those proceedings. Furthermore, so as to save time and
14 in the name of justice again, with no assistance of counsel for the record,
15 orally, moves this honorable court to produce the published rules of
16 criminal procedures under a statutory jurisdiction so the accused can
17 prepare his defense in this matter, an oral duces tecum, if you will.

18 Not one of the Clark County law library assistants have been able to
19 find them. Furthermore, in the court's prior postulations of the
20 establishment of jurisdiction, number one, the California driver's license
21 that I gave to the officer in question was noted on the ticket that it was an
22 Ohio license, ignored my California license. Although it was expired on
23 October the 12th of '04, it's a contract with term limits, like a life insurance
24 policy. It's a signed document.

25 Right to contract infers or connotes right not to contract. Therefore,

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under right law the accused is not under compelled performance. I'll cite something out of Black's Law dictionary. The word establish occurs frequently in the Constitution of the United States, and it is there used in different meanings. Number one, to set—to settle firmly, to fix unusably, as to establish justice which is the avowed object of the Constitution, yada, yada, yada, yada, yada, ya. It means point, to settle, make or fix firmly, place on permanent footing, found, create, put beyond doubt or dispute, prove, convince. And then it gives the case law.

Jurisdiction on page 766. It exists when the court has cognizance of class of cases involved, proper parties are present, and point to be decided within the powers of the court.

THE COURT: I'm sorry, Mr. Huffman. Is that Black's law dictionary, page 766, you're reading from?

MR. HUFFMAN: Yes, ma'am.

THE COURT: All right, thank you. Go ahead.

MR. HUFFMAN: Also, jurisdiction in personam. Power of which the court has over the defendant's person and which is required before a court can enter a personal or in personam judgment. Case law. It may be acquired by an act of the defendant, which is myself in this case. I guess they're saying the defendant and it is a generic word for the accused and vice versa. It may be acquired by an act of the defendant within a jurisdiction under a law by which the defendant impliedly consents to the personal jurisdiction of the court, such as operation of a motor vehicle on the highway of state confers jurisdiction of operator and owner on courts of state.

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1 Now this brings us back to the point of the driver's license that is
2 expired. After it expired, I still had the right to drive because nobody at the
3 fuel pump said, do you have a driver's license?. I'm paying a highway
4 usage tax like everyone else is. Since the driver's license is expired, I'm no
5 longer under state contract so therefore this must fall under common law.
6 Now, wait a minute.
7 THE COURT: Well, Mr. Huffman, this sounds more on the
8 nature of an argument. Arguments come at the end of a trial. Opening
9 statements are just you telling me the preview of what you believe the
10 evidence is going to present. Do you intend to present evidence about a
11 highway usage tax and things like that?
12 MR. HUFFMAN: It's common knowledge, Your Honor.
13 THE COURT: Well, Mr. Huffman, as I said, this is moving
14 into the area of argument which is more appropriate –
15 MR. HUFFMAN: This is why I need assistance of counsel,
16 Your Honor.
17 THE COURT: -- at the close of a trial. I'll give you about
18 two more minutes, Mr. Huffman. Then you need to wrap up your opening
19 statement.
20 MR. HUFFMAN: OK. At law the accused is not under
21 compelled performance. The accused has repeatedly asked the court to
22 establish jurisdiction. To date, it is not a free gift. Furthermore, the State
23 of Ohio has notified the accused it has suspended his license, to which in
24 response, what license? At the fuel, at the fuel pump, the consumer pays a
25 tax as a right to use the highways. Nevertheless, this Court will take notice

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1 on the record and in front of the witnesses to these proceedings, devoid of
2 counsel and with just cause, moves this honorable court for a stay of these
3 proceedings pending review of mandamus and the right to prepare a
4 defense after reviewing the published rules of criminal procedures under a
5 statutory jurisdiction if with just cause at law loses his mandamus.
6 That's the only statement I have to make, Your Honor, and I'm not
7 prepared to go into trial without assistance of counsel; and by any counsel
8 that's practicing law does not have the right to turn down any client—
9 THE COURT: OK, Mr. Huffman, I told you we're --
10 MR. HUFFMAN: -- because of their position.
11 THE COURT: -- we're not gonna keep going over the same
12 ground. I thank you for your opening statement. We're going to take a
13 short recess while I perform a wedding ceremony. I expect we should be
14 done by about 2:20 or so. We will reconvene at 2:20.
15 - - -
16 THEREUPON, a short recess was taken, after which the following
17 further proceedings were had, to-wit:
18 - - -
19 THE COURT: We're back on the record in the State of Ohio
20 v. Donald Huffman. This is Case No. 07 TRC 1894. Everyone may be
21 seated. I understand that there was some type of incident in my absence.
22 I'm not interested in the specifics of what happened. We have a case to try.
23 There are a lot of things that I need to get done in a day. Sometimes, I have
24 to take breaks in certain proceedings to take care of other matters. I'm not
25 interested in when any other—whether any of you here like the fact that I

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took a break to perform a wedding ceremony. The fact of the matter is that there are cases assigned to me and the law requires I perform other responsibilities in addition to my responsibilities concerning criminal and traffic matters that are filed in this courtroom. I handle my docket in the most efficient way my time on the bench has taught me.

Mr. Collier and Mr. Bishop, you are welcome to remain in this courtroom for this proceeding as long as you can behave in a civil manner. I don't want comments about the trooper. I don't want comments about the prosecutor. I don't want comments about the court. You are free to form your own opinions. You are not free to share them during this proceeding. Can you both behave in a respectable manner for the continuance of this proceeding?

(Unknown:) Yes, ma'am.

THE COURT: Sir?

(Unknown:) Yes.

THE COURT: As long as you can behave in a civil and respectable manner, you are welcome to remain. At the point you can no longer do so, you are not welcome to remain. Do you understand?

(Unknown:) Yes, ma'am.

THE COURT: We have completed opening statements. Mr. Sheils, do you have any witnesses you would like to present?

MR. SHEILS: Yes, Your Honor. At this time, I would call Trooper Bullock to the stand.

- - -

THEREUPON, TROOPER TIMOTHY K. BULLOCK was

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IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CLARK COUNTY

STATE OF OHIO, EX REL., DONALD L. HUFFMAN *Relator* v. HON. DENISE L. MOODY, JUDGE *Respondent*	Appellate Case No. 2007-CA-87

DECISION AND FINAL JUDGMENT ENTRY
December 4, 2007

On August 6, 2007, Relator, Donald L. Huffman, filed a "complaint" that he captioned as "In Re: Circumvention of Federal Law." In his complaint, Huffman asserts that Respondent, Clark County Municipal Court Judge Denise L. Moody, denied him his Sixth Amendment right to counsel as a defendant in an underlying criminal prosecution. In support of this assertion Huffman cited to and attached copies of two complete transcripts of pretrial proceedings and a partial trial transcript. The trial court found Huffman guilty of operating a vehicle while under the influence of alcohol, operating a vehicle without a valid license, and a turn signal violation and sentenced him accordingly. In the complaint now before us, Huffman appears to seek a writ of mandamus that would order Judge Moody to

appoint counsel to represent him in the now completed underlying trial.

In response to the complaint, Judge Moody filed a motion to dismiss. The motion to dismiss argues that Huffman has failed to state a claim upon which relief can be granted because Huffman's petition fails to satisfy any of the three elements necessary to sustain a petition for a writ of mandamus.

Thereafter, Huffman filed a document in Clark County App. No. 07-CA-65. That case number was assigned to Huffman's notice of appeal after Judge Moody found him guilty following trial. We will treat this document, styled "Re: Motion to dismiss filed under Case No. 07-CA-0087" as a reply to Judge Moody's motion to dismiss herein.[1] The reply argued that the law director for the City of Springfield could not represent Judge Moody. It did not address the elements of mandamus as discussed in Judge Moody's motion to dismiss.

It is well established that to be entitled to a writ of mandamus, the petitioner must demonstrate: (1) that he has a clear legal right to the relief requested; (2) that the respondent is under a clear legal duty to perform the requested act; and (3) that the petitioner has no plain and adequate remedy in the ordinary course of law. *State ex rel. Luna v. Huffman* (1996), 74 Ohio St.3d 486, 487, 659 N.E.2d 1279.

"The concept is also well established that mandamus will not lie where a party has a plain and adequate remedy by way of appeal." *State ex rel. Jergens v. Court of Common Pleas, Juvenile Div.* (Aug. 15, 1997), Montgomery App. No. 16506, citing *State ex rel. Nichols v. Cuyahoga Cty. Bd. of Mental Retardation Dev. Disabilities* (1995), 72 Ohio St.3d 205, 209, 648 N.E. 2d 823.

---

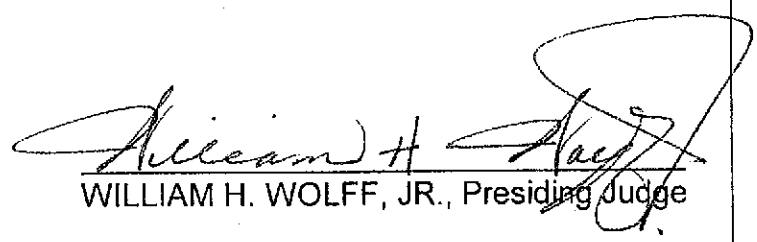
[1] By separate order we will overrule this motion in Clark County App. No. 07-CA-65.

In the present case, Huffman not only has a remedy by way of appeal, he has exercised this remedy. Huffman appealed his judgment of conviction and sentence in Clark County App. No. 07-CA-65. The issue of his Sixth Amendment right to counsel and whether Judge Moody erred may be raised there.

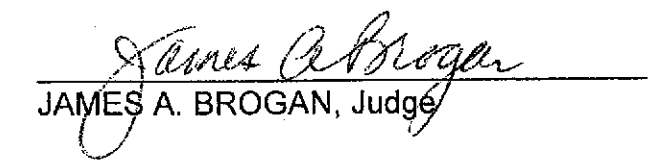
Accordingly, we need not address the first two elements required to support a mandamus petition. These issues necessarily go to the merits of Huffman's appeal.

Judge Moody's motion to dismiss is SUSTAINED. Huffman's petition for a writ of mandamus is DENIED, and this matter is DISMISSED.

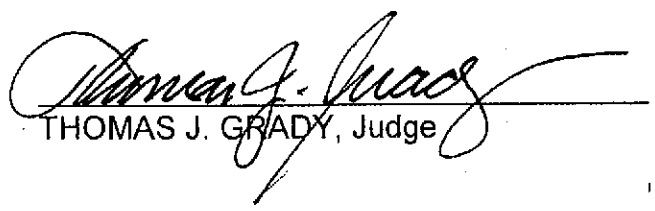
SO ORDERED.



WILLIAM H. WOLFF, JR., Presiding Judge



JAMES A. BROGAN, Judge



THOMAS J. GRADY, Judge

To the Clerk: Pursuant to Civil Rule 58(B), please serve on all parties not in default for failure to appear notice of judgment and its date of entry upon the journal.

Copies to:

Donald L. Huffman
Relator, *Pro Se*
529 Argonne Avenue
Springfield, Ohio 45503

Jerome M. Strozdas
Attorney for Respondent
Law Director
76 E. High Street
Springfield, Ohio 45502

CA3/JM

IN THE COURT OF APPEALS
OF CLARK COUNTY, OHIO

'07-CA-0087

STATE OF OHIO EX REL
DONALD L. HUFFMAN
529 ARGONNE AVE
SPRINGFIELD OHIO 45503
PLAINTIFF. RELATOR

CASE No. 07CA0065

V.

DENISE L. MOODY
MUNICIPAL COURT JUDGE
50 E. COLUMBIA ST.
SPRINGFIELD, OHIO 45502
DEFENDANT. RESPONDENT

IN RE: CIRCUMVENTI
OF FEDERAL LAW

CLARK COUNTY
COURT OF APPEALS
AUG - 6 2007
FILED
RONALD E. VINCENT, CLERK

— COMPLAINT

(1) THE RELATOR IS A BOARD CERTIFIED ARBORIST BY TRADE, WITH OVER 50 YEARS OF EXPERIENCE. HOWEVER, RELATOR HAS A WELL ESTABLISHED WEBSITE, VOTED #1 ON GOOGLE SEVERAL TIMES, ABOUT A FULLY DOCUMENTED RUSE ENVOLVING, JOHN JAY, FIRST SUPREME COURT JUSTICE APPOINTED BY GEO. WASHINGTON, JAMES MADISON AND NOAH WEBSTER, FAMOUS, LEXICOGRAPHER. FOR ALL OF THE JUDICIARIES INTELLEC W.W.W. WEBSTERSRUSE-TER.COM. PROVING KEY WORDS AND THEIR DEFINITIONS WERE STRICKEN FROM THE ENGLISH LANGUAGE IN 1828, WHICH MADE THE FEDERAL CONSTITUTION,

(2)

by their created ruse, nothing more than a flexible capricious mandate. Their ruse extended the legislative democracy of Washington D.C. across our constitutional Republic, thus turning the Federal Constitution to be nothing more than an olé missive, full of illusions.

"Oh! That Constitution is an old document." (sic)

Judge Lewis Digel
in open court 1990

That remark was exponerated at the behest of Judge Lewis Digel, by Ms. Sherry Walls, out of the record, State of Ohio v. Donald L. Huffman. Ms. Sherry Walls was the personal secretary and amanuensis for that trial. NEED AFFIDAVIT.

That is about the general consensus of lower court judges and prosecutors all across this country, thanks to the ruses of the well known, threes cabal, that the Relator exposed.

I'll some up this section of the complaint with a quote —

"If the judicial branch of our government is left unchecked it will ruin our Republic." unquote

Geo. Washington
upon taking office

(2) The Relator knows full-well the extraordinary writ of mandamus or prohibition

IS A MANDATORY SUIT AT LAW. I AM NOT A LAWYER GROVELING IN AN APPELLANT PROCEDURE, LIKE THE LOWER COURT DENISE L. MOODY OR THIS COURT MAY ASSUME OR POSTULATE. THE RELATOR IS A duly AUTHORIZED REPRESENTATIVE EMPOWERED TO FORCE ANY COURT TO uphold THE SUPREME LAW OF THE LAND by KNOWLEDGE OF, OR IN WITNESS TO, ANY FEDERAL CONSTITUTIONAL TORT OR OTHERWISE. SEE ATTACHED COPY OF NOW RELATORS birth CERTIFICATE NOW claiming WE THE PEOPLE STATUS IN REPRESENTATIVE FORM.

RE: OATH OF OFFICE

(3) THE RESPONDENT IS A duly ELECTED LOWER COURT JUDGE who by RESPONDENTS OWN VOLITION TOOK THE OATH OF ALLEGIANCE.

AN OATH IS INDIVISABLE, NOT TO BE held PARTLY TRUE AND PARTLY FALSE. ANY BLATANT OR WANTON OR OTHERWISE ATTEMPT TO disregard THE POSITIVE GUARANTEES IS REPUGNANT TO THAT SUPREME AND PARAMOUNT LAW AND IS INVALID. SEE 16 AmJur 2nd 70. ECHOES OF THE SAME RHETORIC ARE EXPLICATED IN AmJur 2nd 71, AmJur 2nd 81, AmJur 2nd 82, AND § 155, imposing obligatory duty....

SINCE THE CONSTITUTION IS INTENDED FOR THE OBSERVANCE OF THE JUDICIARY AS WELL AS THE OTHER DEPARTMENTS OF GOVERNMENT

AND THE JUDGES ARE SWORN TO SUPPORT ITS PROVISIONS, THE COURTS ARE NOT AT LIBERTY TO OVERLOOK OR DISREGARD ITS COMMANDS, OR CONTINANCE EVASIONS THEREOF. IT IS THEIR DUTY IN AUTHORIZED PROCEEDINGS TO GIVE EFFECT TO THE EXISTING CONSTITUTION AND TO OBEY ALL CONSTITUTIONAL PROVISIONS, IRRESPECTIVE OF THEIR OPINION AS TO THE WISDOM OR DESIRABILITY OF SUCH PROVISIONS, AND IRRESPECTIVE OF THE CONSEQUENCES.

IF THE CONSTITUTION PRESCRIBES ONE RULE AND THE STATUTE ANOTHER AND A DIFFERENT RULE, IT IS THE DUTY OF THE COURTS TO DECLARE THAT THE CONSTITUTION, AND NOT THE STATUTE, GOVERNS IN CASES BEFORE THEM FOR JUDGEMENT. — 16 AM JUR 2ND

THE RESPONDENT IN OPEN COURT ON REPEATED OCCASIONS IGNORED RELATORS ORAL MOTION FOR THE COURT TO APPOINT ASSISTANCE OF COUNSEL AS RELATORS EFFORTS WERE FRUITLESS VIA ANY ATTEMPTS ON RELATORS PLEAS TO DO SO. (SEE TRANSCRIPT COPY)

THE RESPONDENT SUSTAINED THE OFFICER DENIAL OF ASSISTANCE DO TO ASSISTANCE OR REPRESENTATION IS A THING DONE OF THEIR OWN VOLITION.

WHEN THE COURT WOULD NOT ENTERTAIN CHANGING ITS RULING THE RELATOR MOVED

(5)

IN TIMELY FASHION FOR A PEREMPTORY WRIT OF MANDAMUS. PROHIBITION WOULD NOT BE EXPOST-FACTO TO ANY CONSTITIONAL TORT THEN.

NOW IT SEEMS THE LOWER COURT AND THE COURT OF COMMON PLEAS, WHICH IS A SUPERIOR COURT BY LAW, HAS IN THE PAST, NAMELY ACTING JUDGE HENDERSON, IN 1990, IN REGARDS TO PEREMPTORY MANDAMUS AND THE ALTERNATIVE PROHIBITION, THEN FILED IN HIS COURT. ONCE THE RELATOR EXPLICATED BOTH WRITS ACCORDING TO THE NATURE OF THE WRITS FROM ITS HISTORY AND PURPOSE AND FROM BOTH BLACKS LAW AND ANDERSENTS, HENDERSON, WAS ENLIGHTENED. WE CHATTED FROM 11 PM TO 1 AM, OUR CONVERSATION IS HEARSAY. HOWEVER, THE NOW, RELATOR, MOVED TO CALIFORNIA TO RESEARCH THE RELATORS FINDINGS CONCERNING THE INFRA MENTIONED DOCUMENTED RUSE.

(4) RIGHT TO COUNSEL, (SEE ATTACHED COPY) SIXTH SO-CALLED AMENDMENT (SEE ATTACHED COPY) RE: LOCAL OFFICERS OF THE COURT, NAMELY SANFORD FLACK (SANDY) WILFRED POTTER (WILLIE) AND THE GOOD OFFICES OF HEATH, ALL CONCERNED AMICUS CURIA, IS NOT THE RELATORS PROBLEM WHO IS SEEKING BOTH REMEDY AND RESOLVE IN HIS WRIT.

(6)

To put it plainly to this Court, concerning the peremptory writ, no assistance of counsel, and no signed waiver equates to no lawful trial. For this Courts indulgence, although partly hearsay, Mr. Sandford Flack's comments in 1990 in the State of Ohio v. Donald L. Huffman. The Relator can produce affidavits on this. Quote, at Mr. Flack's, N. Limestone office, after a motion to dismiss as counsel because of a fundamental difference of opinion to trail tactics etc....

"You know Huffman, I've been a prosecutor and lawyer, and I always thought I knew and understood law, but, after rubbing elbows with you, I don't know, you're probably going to screw up the whole judical system with the things you know, but, I'm proud to know you, your quite a unique character."

Mr. Flacks pleas to dismiss as assistance was sustained by Judge Lewis Digel in a motion hearing. Flack said, "My wife Faye is a commissioner, and I have to practice law in this town."

Willis Potter to whom I have never met along with Heath's law firm, both echoed that, "I have a personal vendetta

AGAINST THE CLARK COUNTY COURT SYSTEM, ETC. IN RESPONSE, TO POTTER'S REMARKS, "YOU DAMN RIGHT I'LL MAKE THEM UPHOLD THE LAW, NOT WIPE THEIR ASS ON IT." HE HUNG UP.

WHAT CAN I SAY TO THE RUMORS OF DISDAIN ABOUT THE PERSONAL DIGS? — "THE CLICK HICK

THIS COURT MAY ALSO HAVE ILL FEELINGS ABOUT THE RELATOR, BUT YOUR GOING TO RESPECT ME OR YOU'LL SHOW ME JUST CAUSE MANDAMUS MEANS "WE COMMAND," NOT YOU COMMAND. THE RELATOR IS NOT INTERRESTED IN TENETS OF THE BAR. I'LL SEE THE RESPONDENT, IN THIS COURT, AND JUDGE DENISE L. MOODY, IS MANDATED TO BRING WITH HER, THE PUBLISHED RULES OF CRIMINAL PROCEDURES UNDER A STATUTORY JURISDICTION, OR, THIS HONORABLE COURT WILL PRODUCE IT, SO ITS POSSIBLE FOR THE ACCUSED TO LAWFULLY, LEGALLY, AND BOTH SYSTEMATICLY PREPARE HIS OR HER DEFENSE. AN ORAL MANDATED, DUCES TECUM, IF YOU WILL, SINCE THE RELATOR DOES NOT HAVE THE ASSISTANCE OF COUNSEL TO PERF HIS DEFENCE IN THE COARSE OF THIS WRIT.

ALSO, WHY IN THIS HEARING, THE RESPONDENT, IGNORED RELATORS SIXTH SO-CALLED AMENDMENT MANDATED RIGHTS AND CIRCUMVENTED OTHER LAWS IN OPEN COURT. WE COMMA

(8)

Relator is patiently awaiting his Remedy and Resolve in this matter before the Court.

If this Lower Court Fiasco of so-called Judicial proceedings and Tenets of Postulated power proves but two things, it will be this, ignorance of law and Amicus Curae, and Law, does not go hand in hand.

Wherefore and Theirby Relator, is seeking remedy and resolve in his Peremptory Writ of Mandamus.

State of Ohio, Clark County } SS:

I Donald L. Huffman, Relator, in this action and in good faith, swears that the Writ of Mandamus, in Complaint Form, all statements, copies, attachments and averments, therein contained are true as the Relator verily believes.

NOTARY PUBLIC STATE OF OHIO

JESSIE L. BECK
Notary Public, State of Ohio
My Commission Expires
March 20, 2011

Donald L. Huffman

Sworn to before me and subscribed in my presence this 2nd day of August 2007

2007

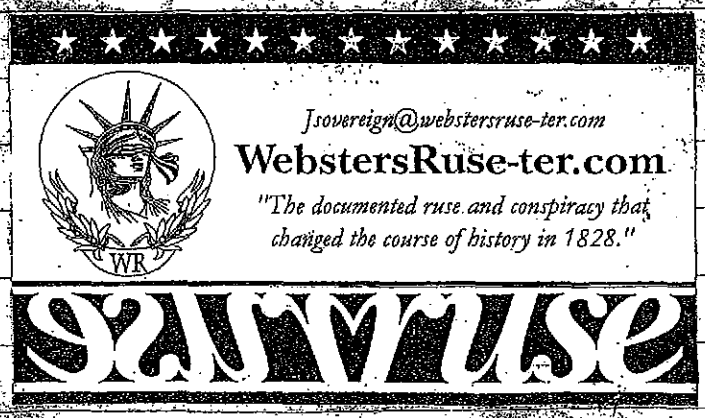
Notary Public

CASE NO. 07CA0065

RE: STATE OF OHIO EX REL
DONALD L. HOFFMAN
PLAINTIFF-RELATOR
V.
DENISE L. MOODY
DEFENDANT-RESPONDENT

PROOF OF SERVICE

Submitted on this 6th day of August, 2007, with the Clark County, Court of Appeals, incorporated with Relators Complaint, as per § 90.03 Anderson's Ohio Civil Practice or § 90.04 Alternative Writ and order with cause(s) stated and shown supra.



VERIFY PRESENCE OF ODH WATERMARK HOLD TO LIGHT TO VIEW

STATE OF OHIO
OFFICE OF VITAL STATISTICS

CERTIFICATION OF BIRTH

STATE FILE NUMBER 00220203 **DATE RECORD FILED** 10/14/1942

NAME DONALD LEROY HUFFMAN

DATE OF BIRTH 10/12/1942 **SEX** M

PLACE OF BIRTH CEDARVILLE, OHIO

MOTHER'S NAME GRACE HUFFMAN

MAIDEN KNISLEY

MOTHER'S BIRTHPLACE OHIO

FATHER'S NAME ROSS LOWELL HUFFMAN

Note:

VOID

THIS ... EXACT ... ON FILE WITH ... OF HEALTH.

FE 20 07 0 0 0 1 3 0 6

H0946708

... OFFICE OF VITAL STATISTICS ... & SEAL

VOID WITHOUT WATERMARK OR IF ALTERED OR ERASED

VERIFY PRESENCE OF ODH WATERMARK HOLD TO LIGHT TO VIEW

Court of Appeals of Clark County Ohio
Second Appellate District

STATE OF OHIO EX REL Donald L. Huffman Relator	CASE NO. 07-CA-0065
v.	RE. Motion To dismiss Filed under Case No. 07-CA-0067
Hon. Denise L. Moody, Judge Respondent	

CLARK COUNTY
COURT OF APPEALS
AUG 30 2007
FILED
RONALD E. VINCENT, CLERK

The Relator, Donald L. Huffman, respectfully moves this court to dismiss, the now motion to dismiss for the following lack of procedural rule(s) of law.

(A) The Respondent, Denise L. Moody, like, the Relator in the above captioned case, is not indigent and must act by either, pro se or with employed private counsel, not an employee of the Law Director's office who is not in private practice. Mr. Jerome M. Strozdas is soley employed in and for the City of Springfield, Ohio, Clearly, not the Respondent or Respondents counsel employed by the Respondent.

Therefor the supra authorities at law being stated, the Relator moves this court to consider his Writ of Mandamus

Filed in Timely Fashion and Responded Too likewise, should be held on its Face Value and overturn the Lower courts Judgement(s) to be held for naught.

Furthermore the Relator prays that this court holds the Respondent his costs in this matter.

STATE OF OHIO Clark County } SS:

I Donald L. Huffman Relator, in this action and in good faith swears that the statements copies attachments and averments therein contained are true as the Relator verily believes.

Donald L. Huffman

Sworn to before me and subscribed in my presence this 30th day of August 2007.

Notary Public

Jessie Beck

NOTARY PUBLIC STATE OF OHIO

JESSIE L. BECK
Notary Public, State of Ohio
My Commission Expires
March 20, 2011

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO

STATE OF OHIO	:	Case No. 07 TRC 1894
-vs-	:	ON C.A. 0065
DONALD L. HUFFMAN,	:	TRANSCRIPT OF
Defendant.	:	ARRAIGNMENT

* * * * * * * * * * * * * * * * * *

APPEARANCES:

On behalf of the State:

None

On behalf of the Defendant:

Donald L. Huffman
529 Argonne Avenue
Springfield, OH 45502

Court Reporter:
Ms. Sherry Walls
50 E. Columbia
Springfield OH 45502

(1990 Trial Record Exparte)

CLARK COUNTY
COURT OF APPEALS
JUL 20 2007
FILED
RONALD E. VINCENT, CLERK

FORM 2094 PENGAD • 1-800-631-6989

This matter came on for arraignment on the 21st day of February, 2007, and was heard before the Honorable Denise L. Moody, Judge of the Municipal Court of Clark County, Ohio; and the following proceedings were had, to-wit:

- - -

THE COURT: Donald Huffman. Mr. Huffman, Case No. 07 TRC 1894. One count of operating a vehicle while under the influence of alcohol. That is a first-degree misdemeanor, Mr. Huffman, punishable by 180 days in jail, $1,000.00 in fines. A conviction for this offense will result in minimum mandatory sanctions. The mandatory fine is $250.00 and there is a mandatory period of incarceration of three days. The sentencing judge can substitute three days in a driver's intervention program for the three days in jail. The minimum mandatory sanction is one or the other. Do you understand?

MR. HUFFMAN: Yes, ma'am, but I do have a couple questions I'd like to ask you.

THE COURT: You have a charge of driving without a license. That's a first-degree misdemeanor. It's punishable by 180 days in jail, $1,000.00 in fines.

MR. HUFFMAN: I have a license, Your Honor.

THE COURT: No minimum mandatory penalties. You have a turn signal violation. That's a minor misdemeanor. As it's filed, it's punishable by a $100.00 fine. Mr. Huffman, the Bureau of Motor Vehicles' records on you indicate that your license expired the 12th of October of 1989.

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MR. HUFFMAN: Excuse me?

THE COURT: Did you not hear me?

MR. HUFFMAN: I can't hear you that well.

THE COURT: The Bureau of Motor Vehicles' records on you indicate that your license expired October the 12th, 1989.

MR. HUFFMAN: Oh, I was in California, Your Honor.

THE COURT: How would you like to plead today, Mr. Huffman?

MR. HUFFMAN: Well, Your Honor, I'm kind of confused. Since I didn't have a valid driver's license, I don't believe the statute applies to me. I didn't refuse to take the test (inaudible) –

THE COURT: Mr. Huffman, then that sounds like we should do a not guilty plea for you. What are you gonna do about a lawyer?

MR. HUFFMAN: Well, Your Honor, I guess I'll cross that bridge when I get to it.

THE COURT: You're at it. You're at the bridge right now.

MR. HUFFMAN: I'm at the bridge?

THE COURT: Time to cross. Represent yourself, you can hire one, you can pay the fee and see if you qualify for court-appointed counsel, but you're at the bridge now, Mr. Huffman.

MR. HUFFMAN: Well, I believe the State's obligatory duty right now is to establish jurisdiction.

THE COURT: Mr. Huffman, either you can answer my question –

MR. HUFFMAN: (Inaudible) –

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THE COURT: -- or you can have a seat and we'll continue this discussion after I take care of all these other folks seated behind you.

MR. HUFFMAN: Yes, ma'am. Be glad to.

THE COURT: Have a seat.

MR. HUFFMAN: Thank you.

THE COURT: Uh hum.

- - - -

THEREUPON, the Court had further proceedings, and then the following proceedings were had, with the Defendant, to-wit:

- - - -

THE COURT: Mr. Huffman, you can step back up, if you would. We're back on the record in 07 TRC 1894.

MR. HUFFMAN: I have a little hearing problem.

THE COURT: We're back on the record in your case, Mr. Huffman. It's 07 TRC 1894. What is it that you wanted to discuss with me?

MR. HUFFMAN: Your Honor, he wrote on the ticket that I did not have a license. I had a license. There was two places on there for expired six months and beyond.

THE COURT: I know. Mr. Huffman, that's covered by your not guilty plea. You've entered a not guilty plea. It's not for today to determine whether or not you are guilty. That's for a later date, Mr. Huffman.

MR. HUFFMAN: Well, Your Honor, I'd still like to leave

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the door open. I want to challenge the jurisdiction of the court, either now or later.

THE COURT: Well—

MR. HUFFMAN: I'll let you decide that.

THE COURT: You can put the basis of your challenge on the record now, if you'd like, Mr. Huffman.

MR. HUFFMAN: OK, I believe that the, since my driver's license was expired and not suspended, the State has no –

THE COURT: You should probably hold on and let me caution you that we're tape-recording this.

MR. HUFFMAN: OK.

THE COURT: The prosecutor's free to come listen to the tape and use anything you say against you later on. With that cautionary instruction, go ahead if you like, Mr. Huffman.

MR. HUFFMAN: OK, I was just as I understand the law to be, Your Honor, I have wrote a book on the subject—the State has to establish jurisdiction and I'm not bound by any statutory law. Since the driver's license was expired.

THE COURT: So are you confining your comments just to the driving without a license charge?

MR. HUFFMAN: In regards to that and that point only.

THE COURT: OK. So you're not speaking anything about the driving under the influence or the turn signal violation?

MR. HUFFMAN: I wasn't aware of the turn signal.

THE COURT: Well, I told you about them about a half an

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hour ago when we first talked, Mr. Huffman. The law governing criminal jurisdiction in the State of Ohio is set forth in 2901.11. I think based upon a reading of that, specifically (A)(1), I find you are subject to the jurisdiction of this court. As I told you, your not guilty plea covers your concern about the driving without a license charge. We're not determining today if you are guilty of it. That comes at a later date (what not guilty plea?)

You need to tell me what you're going to do as far as a lawyer. If you're trained in the law, which you appear to indicate you are, you certainly can represent yourself. It would be my suggestion that you do not do that, but the law allows you to represent yourself, Mr. Huffman.

Is that what you're going to do?

MR. HUFFMAN: No, I'm going to seek assistance of counsel.

THE COURT: You're going to hire a --

MR. HUFFMAN: I'm also going to –

THE COURT: One thing at a time. You're going to hire a lawyer?

MR. HUFFMAN: Yes.

THE COURT: OK. Do you want this set right for trial or do you think your lawyer might want a pretrial, Mr. Huffman?

MR. HUFFMAN: Right now, I'll discuss it with him.

THE COURT: OK. That's great, but you just need to tell me how I should mark your case so we know how to set it after today. Do you want a pretrial or do you want it right for trial?

MR. HUFFMAN: Run it for trial.

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1 THE COURT: OK. 529, is it Argonne Avenue?

2 MR. HUFFMAN: Yes, ma'am.

3 THE COURT: A r g o n n e?

4 MR. HUFFMAN: Yes, ma'am.

5 THE COURT: OK. Your case will be scheduled for trial,

6 Mr. Huffman. If the trial notice leaves this building before your lawyer's

7 paperwork, your lawyer's paperwork is filed, you are going to get the trial

8 notice, so make sure you let your lawyer know the date and time of your

9 pretrial (sic).

10 MR. HUFFMAN: Yes, ma'am.

11 THE COURT: If your lawyer's paperwork gets filed here

12 first, your lawyer will get the paperwork --

13 MR. HUFFMAN: OK.

14 THE COURT: --and tell you when your trial is scheduled.

15 MR. HUFFMAN: Thank you.

16 THE COURT: You're done for today, Mr. Huffman.

17 MR. HUFFMAN: You're notify me in the mail as I

18 understand?

19 THE COURT: Do what?

20 MR. HUFFMAN: You'll notify me in the mail as I

21 understand?

22 THE COURT: Well, I was just explaining to you, if your

23 lawyer's paperwork gets here before the scheduling notice leaves—

24 MR. HUFFMAN: I understand that, yes. Uh huh.

25 THE COURT: -- no, then your lawyer will get the

scheduling notice and let you know.

MR. HUFFMAN: OK.

THE COURT: If we don't have any paperwork when this gets scheduled, then it will go directly to you, yes.

MR. HUFFMAN: OK. I get it.

THE COURT: But if there's paperwork from a lawyer saying I represent Mr. Huffman, at that point all correspondence goes directly to the lawyer.

MR. HUFFMAN: Yes, ma'am.

THE COURT: OK?

MR. HUFFMAN: Thank you very much.

THE COURT: All right. That's all today, Mr. Huffman.

MR. HUFFMAN: Thank you.

- - - -

END OF HEARING

- - - -

FORM 2094 PENGAD • 1-800-631-6989

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO

STATE OF OHIO	:	Case No. 07 TRC 1894
-vs-	:	07 C.A. 0065
DONALD L. HUFFMAN,	:	TRANSCRIPT OF
Defendant.	:	TRIAL 4/3/07

* * * * * * * * * * * * * * * * * *

APPEARANCES:

On behalf of the State:

Michael Sheils, Attorney
50 E. Columbia Street
Springfield OH 45502

On behalf of the Defendant:

Donald Huffman (pro se)
529 Argonne Avenue
Springfield OH 45503

Court Reporter:

Ms. Sherry Walls
50 E. Columbia
Springfield OH 45502

CLARK COUNTY
COURT OF APPEALS
JUL 20 2007
FILED
RONALD E. VINCENT, CLERK

FORM 2094 PENGAD • 1-800-631-6989

This matter came on for Trial on the 3rd day of April, 2007, and was heard before the Honorable Denise L. Moody, Judge of the Municipal Court of Clark County, Ohio; and the following proceedings were had, to-wit:

- - -

THE COURT: This is the State of Ohio v. Donald Huffman. This is Case No. 07 TRC 1894. Present in behalf, present on behalf of the State of Ohio is prosecuting attorney Michael Sheils. Mr. Huffman is present as well. The case is scheduled for trial to the court this afternoon. Mr. Huffman, you can be seated.

At your arraignment, you indicated that it was your intention to hire counsel. I see that you're by yourself this afternoon. Have you changed your mind in that regard, Mr. Huffman?

MR. HUFFMAN: No, ma'am. I called Mr. Potter's office. He just point-blank refused to assist me in this because he claimed that I had a personal vendetta against either Springfield or the court system. He wasn't sure which one and he said he didn't want any part of it. I called -- Mr. Flack has turned me down, Flack and Mayhall. Mr., I believe it's Heath, that's in with Ronemus. He refused.

Since I'm entitled to assistance of counsel, we're kind of at a quandary and I do wish to have assistance of counsel, but it seems like everyone in this town is a little bit tainted. So –

THE COURT: Have you contacted any lawyers from outside Clark County, Mr. Huffman?

MR. HUFFMAN: Well, ma'am, I don't see that I should –

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they're all officers of this court in Clark County and they're all your officers. I think if you would ask them, you might have a little more leverage, a little more weight. I would like to file a cross in this and whatever else needs to be necessary. I'm not sure. It might move to the point where-- might want to, you know, go for a mandamus and I'm not sure of the rules of procedures. I don't have anything at my disposal. Everything that I own is still out in California. I haven't had a chance to retrieve it yet. But I still do need to have the assistance of counsel.

THE COURT: Mr. Huff—

MR. HUFFMAN: And here's a copy of the transcript, Your Honor. The Court had reiterated in several times—would you like to see this?

THE COURT: No, sir.

MR. HUFFMAN: That I entered a plea of Not Guilty. At no time the record will bear witness that I didn't enter a plea. As a matter of fact, there's a couple places in here that Miss Walls' put on here, one for sure –

THE COURT: OK, Mr. Huffman, let's take one –

MR. HUFFMAN: It says inaudible.

THE COURT: Mr. Huffman. Let's take one issue at a time.

MR. HUFFMAN: OK.

THE COURT: Let's go back to the question concerning counsel.

MR. HUFFMAN: Uh hum.

THE COURT: If you are suggesting that I force an attorney

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1 to take you on as a client, Mr. Huffman, I do not have the authority to do
2 that.
3 MR. HUFFMAN: Well –
4 THE COURT: If you want to retain counsel, that's entirely
5 your call, but I will not and cannot force a lawyer to accept you as a client,
6 Mr. Huffman.
7 MR. HUFFMAN: Well, Your Honor, I beg to differ with
8 you.
9 THE COURT: Well, Mr. Huffman, let's not spend any more
10 time on this. I am not going to force a local attorney or any attorney, for
11 that matter, to take you on as a client. That's a voluntary relationship and if
12 the people that you've called don't want to accept you as a client, I will not
13 force them to do so. I will grant you an extension of thirty days to hire a
14 lawyer, but let me make it crystal clear to you that I'm not going to force
15 someone to take you on as a client.
16 Your other options are twofold. You can represent yourself or if you
17 would like to be evaluated to see if you qualify for court-appointed counsel,
18 that is your option as well. That process costs $25.00. You must pay that
19 before you are evaluated. So with those options in mind, being a
20 continuance to allow you to retain counsel, your representing yourself, or
21 your going through the evaluation process, which do you choose, Mr.
22 Huffman?
23 MR. HUFFMAN: Well, ma'am, as I read the Sixth
24 Amendment of the Constitution, not to bother you with the whole thing but
25 just this one pertinent part, and to have the assistance of counsel for his

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INFER

1 defense—that would his or her—if I'm allowed to enjoy the assistance of
2 counsel, since I'm just the accused and no jurisdiction has ever been
3 established as far as I'm concerned. Had I had a valid driver's license, and
4 to clear up that point, I – they have the old –
5 THE COURT: Mr. Huffman, again—
6 MR. HUFFMAN: -- the old state number.
7 THE COURT: -- we are discussing only the matter of
8 counsel. If you can show me the passage in the Sixth Amendment that says
9 the Court will force private counsel to represent you, I'd be happy to review
10 that but my recollection of the Sixth Amendment is that that language is not
11 contained therein, Mr. Huffman.
12 MR. HUFFMAN: Well, I believe that is just a tenet of the
13 bar, Your Honor.
14 THE COURT: Mr. Huffman, would you like a continuance
15 to explore the possibility of retaining other lawyers? Would you like to
16 represent yourself or would you like to be evaluated to see if you qualify
17 for court-appointed counsel?
18 MR. HUFFMAN: I don't think that I qualify for court-
19 appointed counsel.
20 THE COURT: All right. Then that leaves your choices at
21 two. You can have a continuance of thirty days to hire a lawyer or we can
22 proceed with the trial today and you can represent yourself.
23 MR. HUFFMAN: Your Honor, the law doesn't say that I
24 have to pay for anything until I become a defendant. It says the accused--
25 THE COURT: Mr. Huffman—

FORM 2094 PENGAD • 1-800-631-6989

1 MR. HUFFMAN: -- shall enjoy the right to counsel.

2 THE COURT: There have been some changes in Ohio law

3 since you returned to the State of Ohio, and Ohio law does now require that

4 you pay a $25.00 fee to be evaluated. You appear to believe that you do

5 not qualify and if you're speaking of retained counsel, you have to pay a

6 lawyer to represent you, Mr. Huffman.

7 MR. HUFFMAN: Well, ma'am, I'll challenge that.

8 THE COURT: Well, that would be a challenge on appeal,

9 Mr. Huffman, not here at the trial court. Would you like me to continue

10 your trial date thirty days for you to hire another lawyer or would you like

11 to proceed this afternoon?

12 MR. HUFFMAN: Oh, I definitely do not wish to proceed

13 without assistance of counsel

14 THE COURT: All right.

15 MR. HUFFMAN: I think what's in line right now is

16 mandamus--

17 THE COURT: Well, if you feel compelled--

18 MR. HUFFMAN: -- to challenge this law and this rule.

19 THE COURT: -- if you feel compelled to file that, that's

20 certainly within your right and no one will stop you from doing that.

21 MR. HUFFMAN: Going back to, it is a quandary --

22 THE COURT: I'll recess for a few minutes while I get a new

23 trial date for you, Mr. Huffman. We'll convene shortly.

24 (short recess)

25 THE COURT: We are back on the record in the State of

FORM 2094 PENGAD • 1-800-631-6989

1 Ohio v. Donald Huffman. Case No. 07 TRC 1894. Mr. Huffman, I will
2 grant your request for a continuance and I have reset your trial for
3 Wednesday afternoon, May the 16th at 1:30 in the afternoon. Mr. LeVan,
4 would you hand that to Mr. Huffman, please? Mr. Huffman, that will give
5 you a full ninety days to retain counsel. The State of Ohio will be prepared
6 as it is today to try this case on May the 16th.
7 I will not continue it again. If you come here without a lawyer that
8 day, Mr. Huffman, on that day I will make a finding that you have elected
9 to waive your right to counsel and the trial will proceed.
10 Are there any other matters that you wanted me to consider this
11 afternoon, Mr. Huffman?
12 MR. HUFFMAN: Your Honor, I don't know what to say. I
13 mean if I can't cite the law and the court won't act on the law, then where
14 am I at?
15 THE COURT: You did cite the law, Mr. Huffman, and I did
16 act on what you cited. You may not like the action that I took, but I haven't
17 ignored you. I don't believe the Sixth Amendment to the United States or
18 the Ohio Constitution has been interpreted by any court the way you are
19 asking me to interpret this afternoon. Again, I will not force any lawyer to
20 take you on as a client. You are free to search any county you like for a
21 lawyer that will represent you and take you on as a client, but it beyond this
22 court's authority to force a lawyer to do so. As I've indicated to you, the
23 trial will proceed on Wednesday, May the 16th, whether you bring a lawyer
24 with you that day or not.
25 Mr. Sheils, on behalf of the State of Ohio, is there anything further?

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1 MR. SHEILS: No, thank you, Your Honor.

2 THE COURT: We are recessed for the day. Thank you.

3 MR. HUFFMAN: Would the court like a copy of this

4 transcript?

5 THE COURT: I have the transcript, Mr. Huffman.

6 MR. HUFFMAN: Do you? OK.

7 THE COURT: Thank you.

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9 END OF HEARING

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CERTIFICATE OF COURT REPORTER:

I, SHERRY WALLS, Official Court Reporter in and for the Municipal Court of Clark County, Ohio, do hereby certify that in the course of my official duties I transcribed from the recorded proceedings had in the Continuance of Trial hereinbefore styled, in which State of Ohio v. Donald L. Huffman, Defendant; being Case No. 07 TRC 1894 on the docket of said Court; heard before the Honorable Denise L. Moody, Judge of the said Municipal Court of Clark County, Ohio; on the 3rd day of April, 2007; and that the foregoing is a true and accurate transcript of said Continuance of Trial, made by me from the recording so made.

Sherry Walls

SHERRY WALLS, Official Court Reporter
of the Municipal Court of Clark County, Ohio

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