

IN THE SUPREME COURT OF OHIO

09-0033

Joshua E. Williams  
relator

Application  
on

HABEAS Corpus

S. Ct R. § section 16(e) B

Butler County Court of  
Common Pleas  
respondent

R.C. 2725

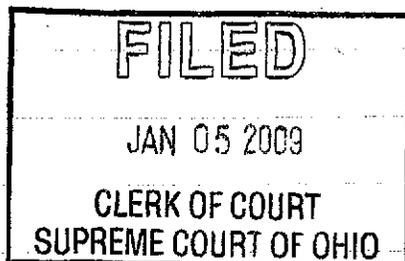
Case no 2008-09-1605

HABEAS Corpus  
of Petitioner Joshua E. Williams

Honorable Craig Hedrick (unknown)  
Judge of the Court of Common Pleas  
Government Services Center  
315 High Street Suite 550  
Hamilton, OHIO 45011-6016

Robin N. Piper (0023205)  
Prosecuting Attorney  
Government Services Center  
315 High Street, Suite 550  
Hamilton, OHIO 45011-6016

Greg S. Stephens (0065195)  
Assistant Prosecuting Attorney  
Government Services Center  
315 High Street, Suite 550  
Hamilton, OHIO 45011-6016



## I S.C.R. Section 2 (B)

### HABEAS CORPUS

The case arises when, I Joshua E Williams was deprived due process from the start, when this matter in question first started (I.R.C. 2907.02(B)) with an unlawful transport out of this great state; And it go on for the, I would like to stress with; what happen in the began, on this statement. I hope it show the relevant to the case so it may be relevant. I Joshua E Williams rights and liberty was violated without just cause; on the issue that come to question within a court of this state, I Joshua E Williams was deprived in every court within the body of Butler County, OHIO; the opportunity to build an defense by using the law and the constitution of the same, Butler County public defender commission use private attorney to defend the indigent within the county of the same; to help with the indigent person with he's/her defense; what raise this habeas corpus of great general interest is how Butler County Justice System neglected OHIO Rules of Criminal Procedure and other law that protect the right and liberty of its citizen in this great state. The Due process that Butler County use is Home-Rule provision within the constitution of this great state, which clearly violated the Bill of Rights within the constitution of this great state; (\*Please to explain an important point of interest\*) Most private attorney does not go in the favor of the indigent, do not ever more less help with the defend of the indigent citizens of this great state,

## HABEAS Corpus II S.Ct.R & Section 1(B)

Within the county of Butler, Ohio; How can you defend your life and liberty, when the laws that are handed down by the House and Senate legislative are neglected. My Joshua Erick Williams right that are amended in the Constitution of this (OHIO) State and of the United States are rejected when I apply them in open court in Butler County, Ohio Common Pleas Court, that's the reason why I Joshua Erick Williams feel that I WAS deprived my freedom because, I show CAUSE that their was no ground to proceed with legal action because the offense indicted do not constitute an punishment punishable by the law of this state, under the Senate Bill 5 (five) Eff 7.31.03) when I Joshua Erick Williams presented this impartial report under R.C. 2317.04 of the Revised Code the Honorable Craig Hedrick of the Common Pleas Court Butler County deprived me the opportunity under law to show how it is unlawful to construe legislative action in open court, The Honorable Craig Hedrick of the Common Pleas Court Butler County told, I Joshua Williams when against the advise of my attorney that why my motion was overruled, that's why I feel writing this HABEAS Corpus was in order because the motions I put in WAS drop without REASONABLE CAUSE, when this happen maliciously my appointed counsel never step up to defend the action that was unlawful under R.C. 2901.04 (A) within the state construction rule of the law, (1.49(E) 1.58(B) 1.23(A))

*Joshua Williams*  
Joshua Williams Affiant, this DAY 12.30.08

In the Supreme Court of OHIO

Notice of Evidence (Affidavit)  
in An Original Action S.C.R. VIII Section 5(A.9)

I JOSHUA E WILLIAMS wish to bring documents  
of Evidence before the Supreme Court of OHIO; So  
that it may be filed with the court, in the interest  
of Justice in this great State of OHIO; So the facts  
can be set forth to show how Affirmative the nature  
of this Action is.

Joshua E Williams

JOSHUA E WILLIAMS

Affiant

ON THIS DAY 12-30-08

2907.07(A)(B)(C) Importuning  
F5

CASE NO. CRA 08-1255

FILED  
2008 AUG 19 AM 9:39  
BUTLER COUNTY, OHIO

### COMPLAINT BUTLER COUNTY AREA COURTS

STATE OF OHIO vs. JOSHUA ERICK WILLIAMS, DOB: 3/4/80  
(Name)  
477 PEACHTREE ST. SSN: 255-35-3733  
(Street)  
ATLANTA, GA 30308  
(City, State, Zip)

P.O. J. DUMA, being first duly cautioned and sworn, deposes and says that the offender, JOSHUA ERICK WILLIAMS, on or about the 16<sup>th</sup> day of August, 2008, in West Chester Township, Butler County, State of Ohio, did (check one):

- solicit a person who is less than thirteen years of age to engage in sexual activity with the offender, whether or not the offender knows the age of such person,
- solicit a person of the same sex to engage in sexual activity with the offender, when the offender knows such solicitation is offensive to the other person, or is reckless in that regard,
- solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, and the other person is fourteen years of age, whether or not the offender knows the age of the other person,

contrary to and in violation of Section 2907.07(B) of the Revised Code of Ohio, a felony of the fifth degree and the offender has not had a prior conviction for this section.

The complainant states that this complaint is based on the investigation of the arresting officer and the statement of the victim. Joshua Erick Williams, 28 years old, did solicit sex with a 14 year girl. This incident occurred at the Rave Theatre, 9415 Civic Centre Dr., West Chester Township, Butler County Ohio.

Sworn to and subscribed before me this 8/16/08

[Signature]  
Notary Public/Deputy Clerk/Judge

[Signature] 109  
Complainant

Filed 8-19-08  
Debbie Bolser  
(Clerk of Butler County Area Courts)

West Chester Police Department  
9577 Beckett Road  
West Chester, Ohio 45069

By [Signature]  
Deputy Clerk



1<sup>ST</sup> APPEAR: \_\_\_\_\_

WEST CHESTER POLICE REPORT NO. 08-4286

BUTLER COUNTY COURT, AREA III  
9577 Beckett Rd - Suite 300  
West Chester, Ohio 45069

Jail

THE STATE OF OHIO  
State Of Ohio(Wctp)

Case No. CRA 0801255

vs.

COMMITMENT PENDING  
EXAMINATION ON ADJOURNMENT

Williams, Joshua E  
477 BEACHTREE STREET  
ALTANTA GA 30308

Rev. Code, Secs. 2937.07, .45

Offense: IMPORTUNING FS

\* \* \* \* \*

The State of Ohio, County of Butler County

TO THE KEEPER OF THE JAIL OF THE COUNTY AFORESAID, GREETINGS:

Whereas Williams, Joshua E has been arrested on the  
oath of Ptl. Jeff Duma for violation of Section 2907.07  
of the Ohio Revised Code and has been brought before said Court  
for examination, and the same has been necessarily postponed by  
reason of the Defendants failure to post bond in the amount of  
\$2500.00 and Cost of \$80.00

Therefore, you are commanded in the name of the State of Ohio,  
to receive the said Williams, Joshua E into your custody,  
in the jail of the county, there to remain until discharged by  
due course of law.

WITNESS my signature and the seal of said Court, Aug 19, 2008

Debbie Bolser  
Clerk

*Debbie Bolser*  
Clerk/Deputy Clerk

BUTLER COUNTY COURT, AREA III
9577 Beckett Rd - Suite 300
West Chester, Ohio 45069
(513) 867-5070

State Of Ohio(Wctp)

Case No. CRA 0801255

-vs-

Williams, Joshua E
477 BEACHTREE STREET
ALTANTA GA 30308
DOB: 03/04/1980 Sex : M
SSN: 255-35-3733 Race: BL
Hgt: 5'9" Hair: BLK
Wgt: 160 Eyes: BRO

WARRANT ON COMPLAINT
(Rule 4)

\* \* \* \* \*

TO: The Bailiff of the above named Court, any Sheriff, Deputy Sheriff or Police Officer of the State of Ohio - GREETINGS:

A Complaint, a copy of which is/is not attached, has been filed in this Court charging that on or about 08/16/2008 in Butler County, the defendant did unlawfully 2907.07 IMPORTUNING F5

YOU ARE ORDERED to arrest the above named Defendant and bring him/her before this Court without unnecessary delay.

You may not issue summons in lieu of arrest under Rule 4 (A) (2) or issue summons after arrest under Rule (F) because :

Bond Set at: \$2500.00 , plus Costs: \$80.00

Date: Aug 19, 2008

[Signature]
Clerk/Deputy Clerk

\* \* \* \* \*

SUMMONS ENDORSEMENT

This warrant was executed by arrest and/or by issuing the following summons:

TO: Williams, Joshua E (Defendant)

You are hereby summoned to appear at \_\_\_\_\_ at the above captioned court. Your failure to appear may result in your arrest.

ISSUING OFFICER

RETURN OF SERVICE OF WARRANT

Received this writ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and I executed the same by taking said \_\_\_\_\_ into custody. And upon posting recognizance \_\_\_\_\_ or bond in the amount of \_\_\_\_\_ was released.

SERVICE FEES \$
MILES ( ) \$
TOTAL \$

By \_\_\_\_\_ Officer Serving Writ

cap. Mark [Signature]
79 FRT 8/25/08

SERVE

[Justia](#) > [Law](#) > [Ohio Law](#) > [Ohio Code](#) > [TITLE \[29\] XXIX. Crimes - Procedure](#) > [2907. Sex Offenses](#) > 2907.07. Importuning.

## 2907.07. Importuning.

  Ohio Code  All US State Codes

### § 2907.07. Importuning.

(A) No person shall solicit a person who is less than thirteen years of age to engage in sexual activity with the offender, whether or not the offender knows the age of such person.

 (B) No person shall solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, and the other person is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of the other person.

(C) No person shall solicit another by means of a telecommunications device, as defined in [section 2913.01](#) of the Revised Code, to engage in sexual activity with the offender when the offender is eighteen years of age or older and either of the following applies:

(1) The other person is less than thirteen years of age, and the offender knows that the other person is less than thirteen years of age or is reckless in that regard.

(2) The other person is a law enforcement officer posing as a person who is less than thirteen years of age, and the offender believes that the other person is less than thirteen years of age or is reckless in that regard.

(D) No person shall solicit another by means of a telecommunications device, as defined in [section 2913.01](#) of the Revised Code, to engage in sexual activity with the offender when the offender is eighteen years of age or older and either of the following applies:

(1) The other person is thirteen years of age or older but less than sixteen years of age, the offender knows that the other person is thirteen years of age or older but less than sixteen years of age or is reckless in that regard, and the offender is four or more years older than the other person.

(2) The other person is a law enforcement officer posing as a person who is thirteen years of age or older but less than sixteen years of age, the offender believes that the other person is thirteen years of age or older but less than sixteen years of age or is reckless in that regard, and the offender is four or more years older than the age the law enforcement officer assumes in posing as the person who is thirteen years of age or older but less than sixteen years of age.

(E) Divisions (C) and (D) of this section apply to any solicitation that is contained in a transmission via a telecommunications device that either originates in this state or is received in this state.

(F) Whoever violates this section is guilty of importuning. A violation of division (A) or (C) of this section is a felony of the fourth degree on a first offense and a felony of the third degree on each subsequent offense. A violation of division (B) or (D) of this section is a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.

**HISTORY:** 134 v H 511 (Eff 1-1-74); 148 v H 724 (Eff 3-22-2001); 149 v S 175. Eff 5-7-2002; 150 v S 5, § 1, *eff.* 7-31-03.

Not analogous to former RC § 2907.07 (RS § 6834; S&C 432; 72 v 149; GC § 12436; Bureau of Code Revision, 10-1-53), repealed 134 v H 511, § 2, *eff.* 1-1-74.

Analogous to former RC § 2905.30 (RS § 7026; S&S 289; 59 v 32; 89 v 127; GC § 13032; 121 v 557(573); Bureau of Code Revision, 10-1-53; 129 v 1670; 130 v 659; 131 v 672), repealed 134 v H 511, § 2, eff 1-1-74.

\* Effect of Amendments

S.B. 5, Acts 2003, effective July 31, 2003, deleted former (B); redesignated former (C) through (G) as (B) through (F); in present (E) and (F), substituted "(C)" for "(D)," and "(D)" for "(E)"; in (F), deleted the second sentence "Violation of division (B) of this section is a misdemeanor of the first degree," and substituted "(B)" for "(C)."

19xx Committee Report or Comment.

1974 Committee Comment to H 511

This section prohibits soliciting a person under 13 to engage in sexual activity, or soliciting a person age 13 to 15 to engage in sexual conduct when the solicitor is age 18 or over and 4 or more years older than the person solicited. The solicitation of homosexual or lesbian activity is also prohibited, when the solicitor knows or has reasonable cause to believe the solicitation is offensive to the person solicited.

The section represents an exception to the general rule that "just asking" is not a criminal offense. In the case of underage victims, the rationale for the offense is that mere solicitation carries a significant potential for harm because of the immature judgment of adolescents and the risk of adverse consequences from their engaging in sexual activity. The rationale for prohibiting indiscreet solicitation of deviate conduct is that the solicitation in itself can be highly repugnant to the person solicited, and there is a risk that it may provoke a violent response.

Importuning is a misdemeanor of the first degree when it involves solicitation of a person under age 13 or solicitation of homosexual or lesbian conduct, and a misdemeanor of the fourth degree when it involves solicitation of an early adolescent.

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leakish hire action  
(repeal)

Deleted  
[to wipe out destroy] to eliminate esp.  
by blotting out, cutting out, or erasing  
former  
being first mentioned or in order of  
two or more things

Substituted (Substitute)  
① to out or use in the place of another

(re-) designated  
① chosen but not yet installed  
② to appoint and set apart for a special  
purpose (to mark or point out)

COMMONWEALTH OF KENTUCKY  
UNIFORM CITATION

KSP 206 (REV 2/1/06)

VIOLATOR

OFFENDER/VIOLATOR

VEHICLE

DATE/TIME

CHARGE(S)

COURT

POST-ARREST COMPLAINT

CDL

CASE

AGENCY					ORI: <b>KY</b>				
NAME (L-F-M) SKIP A SPACE BETWEEN NAMES					ATTN: <input type="checkbox"/>				
ALIAS					HOME PHONE				
ADDRESS (RFD/STREET/APT. NO., ETC.)					EMERGENCY PHONE				
CITY					STATE: ZIP:				
I.D. TYPE/STATE I.D. NUMBER					S.S. NUMBER				
DATE OF BIRTH					SEX				
RACE					ETHNIC ORIGIN				
PLACE OF EMPLOYMENT / OCCUPATION					CITY STATE				
VEH. MAKE					VEH. TYPE				
VEH. YEAR					COLOR TOP/BOTTOM				
REG. STATE					REG. YEAR				
REGISTRATION NO.					VEHICLE IDENTIFIERS				
VIOLATION DATE					VIOLATION TIME				
EXACT LOCATION OF VIOLATION / ARREST					B.A. RESULTS				
DATE OF ARREST					TIME OF ARREST				
MILES					DIRECTION				
CITY					COUNTY OF VIOLATION				
VIOLATION CODE					ASCF				
STATUTE / ORD.					CHARGES				
#					PLEA				
FIND-ING					FINAL VIOLATION CODE				
DISPN. CODE					FINE				
COSTS					FEE				
JAIL / PRISON					PROB. TIME				
COURT DATE					COURT TIME				
PAYABLE <input type="checkbox"/>					COURT LOCATION				
COURT CASE NO.					DISPN. DATE				
TRIAL <input type="checkbox"/>					CLERK'S INITIALS				
POST-ARREST COMPLAINT									
<p>Seizing warrant for Butler Co, Ohio</p> <p>① Fugitive from another state - arrested out of Butler Co, Ohio for <del>transporting</del> transporting (for offense)</p> <p>② officer has no knowledge of case</p>									
CDL LICENSE <input type="checkbox"/> No <input type="checkbox"/> Yes					PLACARDED HAZARDOUS VEHICLE <input type="checkbox"/> No <input type="checkbox"/> Yes				
COMMERCIAL VEHICLE <input type="checkbox"/> No <input type="checkbox"/> Yes					CDL CLASS <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C				
NAME OF WITNESS					ADDRESS				
NAME OF WITNESS					ADDRESS				
CASE NO. 1					CASE NO. 2				
CASE NO. 3					CASE NO. 4				
CARRIED FOR UCR BY CONTRIBUTOR: <input type="checkbox"/>					OTHER AGENCY: <input type="checkbox"/> SPECIFY				
<input type="checkbox"/> IN-CAR VIDEO					<input type="checkbox"/> FINGERPRINTS				
<input type="checkbox"/> PHOTOS					EVIDENCE HELD				
OFFICER'S SIGNATURE					BADGE / I.D. NUMBER				
ASSIGNMENT					YEAR				
CONTROL NUMBER					TYPE				

68  
0257039  
2

CINDY CARPENTER



CLERK OF COURTS

RECEIVED  
2008 OCT 13 11:31  
CLERK OF COURTS

THE SHERIFF OF BUTLER COUNTY  
705 HANOVER STREET  
HAMILTON, OH 45011

Date: October 2, 2008

Case No.: CR 2008 09 1608

STATE OF OHIO VS JOSHUA E WILLIAMS

**SUMMONS ON INDICTMENT  
COURT OF COMMON PLEAS, BUTLER COUNTY, OHIO**

To the defendant: An indictment, a copy of which is attached, has been filed in the Butler County Common Pleas Court charging you with the following offense(s):  
IMPORTUNING - 2907.07(B) - CT 1

You are hereby summoned to appear, to answer to the above listed charges at the Government Services Center, 315 High Street, 3<sup>rd</sup> Floor, Hamilton, Ohio 45011.

Date: OCTOBER 8, 2008 @ 8:30 AM  
Judge: HEDRIC

DEFENDANT INFORMATION:

Name: JOSHUA E WILLIAMS  
Address: 477 PEACHTREE STREET  
ATLANTA, GA 30308  
DOB: 03/04/1980  
SSN: 255-35-3733

*FBI  
BCJ*

You are further informed that you may be arrested if you fail to appear at the time and place stated.

CINDY CARPENTER  
Butler County Clerk of Courts

By: Frances Reece  
Deputy Clerk

**BUTLER COUNTY SHERIFF'S OFFICE  
EXECUTION OF SUMMONS ON INDICTMENT**

This criminal summons was served on \_\_\_\_\_, 20\_\_\_\_. Mileage \_\_\_\_\_

By: \_\_\_\_\_ Return and Service \_\_\_\_\_  
Officer

TOTAL FEES \$ \_\_\_\_\_

GOVERNMENT SERVICES CENTER • 315 HIGH STREET • SUITE 550 • HAMILTON, OHIO 45011-6016

BUTLER COUNTY CLERK OF COURTS  
[www.butlercountyclerk.org](http://www.butlercountyclerk.org)

IN THE COURT OF COMMON PLEAS  
BUTLER COUNTY, OHIO

STATE OF OHIO

Plaintiff

vs.

JOSHUA ERICK WILLIAMS

Defendant

CASE NO. CR2008-09-1608

INDICTMENT

FILED BUTLER CO. COURT OF COMMON PLEAS  
007 01 2009  
CINDY CARPENTER  
CLERK OF COURTS

STATE OF OHIO,  
COUNTY OF BUTLER, SS:

In the Year 2008

*THE JURORS OF THE GRAND JURY OF THE STATE OF OHIO, within and for the body of the County aforesaid, on their oaths, in the name and by the authority of the State of Ohio, do find and present that:*

COUNT ONE  
IMPORTUNING

On or about August 16, 2008, at Butler County, Ohio, Joshua Erick Williams did solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, and the other person is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of the other person, which constitutes the offense of IMPORTUNING, a Fifth Degree Felony, in violation of R.C. §2907.07(B), and against the peace and dignity of the State Of Ohio.

Filed \_\_\_\_\_

Defendant arraigned, and pleads:

\_\_\_\_\_ Guilty to this indictment

By \_\_\_\_\_  
CINDY CARPENTER  
CLERK OF COURTS

By \_\_\_\_\_  
Deputy



ROBIN N. PIPER (0023205)  
PROSECUTING ATTORNEY

BY \_\_\_\_\_  
GREG S. STEPHENS (0065195)  
ASSISTANT PROSECUTING ATTORNEY

A TRUE BILL  
\_\_\_\_\_  
FOREPERSON, GRAND JURY

## 1.52 (B)

### IRRECONCILABLE STATUTES OR AMENDMENT

3) If Amendment to the same statute are enacted at the same or different sessions of the legislature, one Amendment without reference to another, the Amendments are to be harmonized, if possible, so that effect may be given to each. If the Amendments are substantively "irreconcilable", the latest in date of enactment prevails.

The fact that a later Amendment "restates" language deleted by an earlier Amendment, or fail to include language inserted by an earlier Amendment, does not of itself make the Amendments "irreconcilable". Amendments are "irreconcilable" only when changes made by each cannot reasonably be put into simultaneous operation.

## 1.58

### On the effects of reenactment, Amendment or repeal of a statute

The reenactment, Amendment or repeal of a statute does not revive, except as provided in division (B) of this section:

- 1) Affect the prior operation of the statute or any prior action taken thereunder;
- 2) Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded or incurred thereunder;
- 3) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture, or punishment; and investigation proceeding or remedy may be instituted, continued or enforced and the penalty, forfeiture, or punishment imposed as if the statute had not been repealed or

(see (B) on the other side of paper)

Amended (over)

1.58 (B)

On the effect of reenactment, Amendment or repeal of A Statute

3) If the penalty, forfeiture, or punishment for any offense is reduced by a reenactment or Amendment of a statute, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the statute as amended.

1.57

Repeal of repealing statute

The repeal of a repealing statute does not revive the statute originally repealed nor impair the effect of any saving clause therein

2317.38

### Notice of intention to offer report

The report or finding mentioned in section 2317.36 of the Revised Code is not Admissible unless the party offering it has given notice to the Adverse party A reasonable time before trial of his intention to offer it, together with A copy of the report or finding, or so much thereof as relates to the Controversy, and has Afforded him A reasonable opportunity to inspect and copy any records or other documents in the offering party's possession or control, on which the report or finding was based, and also the names of All persons furnishing facts upon which the report or finding was based.

This section and sections 2317.36 and 2317.37 of the Revised Code shall be so interpreted and construed as to effectuate their general purpose to make the law of this state uniform with those states which enact similar legislation. 12102-19, 12102-20; 118 V 663 §§ 3, 4; Bureau of Code Revision  
10.1.53

2317.04

### Impartial report of proceeding privileged

The publication of A fair and impartial report of the proceedings before state or municipal legislative bodies, or before state or municipal executive bodies, boards, or officers, or the whole or A fair synopsis of Any bill, Ordinance report, resolution, bulletin, notice, petition, or other document presented filed, or issued in Any proceeding before such legislative or executive body, board, or officer, shall be privileged, unless it is proved that such publication was made maliciously. 11343-1; 102 V 95, Bureau of Code Revision (Eff 10.1.53)

2935.23

## Felony investigation; examination of witnesses

After A felony HAS been committed, And before Any Arrest HAS been made the prosecuting Attorney of the County, Or Any Judge Or Magistrate MAY CAUSE "Subpoenas" to issue, returnable before Any court or Magistrate, for Any person to give information concerning such felony. The "subpoenas" shall require the witness to appear forthwith, Before such witness is required to give Any information he must be informed of the purpose of the inquiry And that he is required to tell the truth concerning the same.

He shall then be sworn And be examined under oath by the prosecuting Attorney in the Court or Magistrate, Subject to the Constitutional rights of the witness. Such examination shall be taken in writing form, And shall be filed with the Court or Magistrate taking the testimony.

Witness fees shall be paid to such person as in other case

Ch 11 § 22 13432-22 Bureau of Code Revision 113 v. 123

Common LAW 2901.03

Common LAW offenses Abrogated

2) No conduct constituted A criminal offense Against the State Unless it is defined As An offense in the Revised code.

1.53

Language of enrolled Act prevails in conflicts.

If the language of the enrolled Act deposited with the Secretary of State, including any code section number designated pursuant to section 103.131. [103.13.1] of the Revised Code, conflicts with the language of any subsequent printing or reprinting of the statute, the language and any such designated section number of the enrolled Act prevails

1.11

Liberal construction of remedial laws.

Remedial laws and all proceeding under them shall be liberally construed in order to promote their object and assist the parties in obtaining justice. The rule of the common law that statute in derogation of the common law must be strictly construed has no application to remedial law; but this section does not require a liberal construction of laws affecting personal liberty, relating to amercement, or of a penal nature

4948 S+C 940; 51 v. 57 § 2; GC 10214;  
Bureau of Code Revision 10-1-53

1.49

## Court Considerations As A legislative intent

If A statute is Ambiguous, the court in determining the intention of the legislature, may consider Among other matters:

- 1) The object sought to be Attained;
- 2) The circumstances under which the statute was enacted;
- 3) The legislative history;
- 4) The Common law or former statutory provisions, including laws upon the same or similar subjects;
- 5) The consequences of A particular construction;
- 6) The Administrative construction of the statute

1.22

Change in Judicial construction does not affect prior valid obligations

When an officer or board of a county, township, or municipal corporation by ordinance, resolution, order, or other proceeding, in pursuance of a statute of the State, has authorized or caused the issue and delivery of any bonds, obligations, or instrument of such county, township, or municipal corporation, or has caused any county, township, or municipal contracts, grants, franchises, rights, or privileges to be made or given, which were valid according to judicial construction and adjudication at the date of such action or proceeding and loan or other things of value have been effected or acquired or expenditures have been made by other person in reliance upon such construction or adjudication, such bonds, obligations, contracts, grants, franchises, rights, and privileges shall be valid and binding, notwithstanding subsequent (over)

Change of such rule of judicial construction and adjudication  
with respect to the other similar legislation.

2933.62

Condition for receiving result in evidence or disclosure

NO PART of the contents, of Any intercepted wire, oral, or electronic communication shall be received in evidence in Any trial, hearing or other proceeding in or before Any court, grand jury, department officer, Agency, regulatory body, legislative committee or other Authority of this State or of A political subdivision of this State if the disclosure of that information is in violation of section 2933.51 to 2933.66 of the Revised Code.

2933.66

Judge to conform proceeding to constitutions

Notwithstanding Any provision of sections 2933.51 to 2933.65 of the Revised Code, A Judge of A Court of common pleas to whom An Application for An interception warrant, An extension of An interception, or Another purpose is made pursuant to section 2933.51 to 2933.65 of the Revised Code MAY take evidence, MAKE A finding, or issue An order to conform the proceeding or the issuance of An order to the Constitution of the United States or of this State.

2317.48

## Action for discovery

When A person CLAIMING to have A CAUSE of ACTION OR A defense to AN ACTION COMMENCED AGAINST him, WITHOUT the discovery of A fact from the Adverse party, is unable to file his COMPLAINT OR ANSWER, he MAY bring AN ACTION for discovery setting forth in his complaint in the ACTION for discovery the necessity AND the grounds for the ACTION, WITH ANY interrogatories relating to the subject matter of the discovery that ARE necessary to procure the discovery sought. UNLESS A motion to dismiss the ACTION is filed under CIVIL Rule 12, the COMPLAINT shall be fully AND directly ANSWERED under OATH by the defendant, UPON the final "disposition" of the ACTION, the cost of the ACTION shall be TAKEN in the MANNER the court deems equitable.

RS § 5293 S+C 1151 64 V. 23, § 3; GC 11555;  
Bureau of Code Revision 10.1.53

140 V. 847 Eff 4.4.85

2317.05

Impartial report of indictment, warrant, Affidavit, or Arrest privileged.

The publication of a fair and impartial report of the return of any indictment, the issuing of any warrant, the arrest of any person accused of crime, or the filing of any affidavit, pleading, or other document in any criminal or civil cause in any court of competent jurisdiction, or of a fair and impartial report of the contents thereof, is privileged, unless it is proved that the same was published maliciously, or that defendant was refused or neglected to publish in the same manner in which the publication complained of appeared, a reasonable written explanation or contradiction thereof by the plaintiff, or that the publisher has refused upon request of the plaintiff to publish the subsequent determination of such suit or action. This section and section 2317.04 of the Revised Code do not authorize the publication of blasphemous or indecent matter.  
11343-2; 102 V 95; Bureau of Code Revision (Eff 10-1-53)

2917.36

## Admissible reports.

A written report or finding of the facts prepared by an expert who is not a party to the cause, nor an employee of a party, except for the purpose of making such report or finding, nor financially interested in the result of the controversy, and containing the conclusions resulting wholly or partly from written information furnished by the co-operation of several persons acting for a common purpose, shall in so far as the same is relevant, be admissible when testified to by the person, or one of the persons, making such report or finding without calling as witnesses producing the books or other writing on which the report or finding is based, if, in the opinion of the court, no substantial injustice will be done to the opposite party. 12102-17 118 v 663; Bureau of Code Revision (EFF 10-1-53)

2317.37

## Cross-examination by adverse party

Any person who has furnished information on which a report or finding mentioned in section 2317.36 of the Revised Code is based may be cross-examined by the adverse party, but the fact that his testimony is not obtainable shall not render the report or finding inadmissible, unless the trial court finds that substantial injustice would be done to the adverse party by its admission.

§ 12102-18; 118 v 663 § 2; Bureau of Code Revision (EFF 10-1-53)

1.51

## SPECIAL or LOCAL provision on general provision

If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both.

If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.

## R.C. 2901.04 (General Provision) Construed Statute

1) Except as otherwise provided in division (c) or (d) of this section of the Revised Code defining offense or penalties shall be strictly construed against the state, and liberally construed in favor of the accused.

2) Mean; fair court processing under this general provision

3) Mean; guilty conviction or plea of guilty to offense charge under this general provision

4) Any provision of the Revised Code that refers to a section or to a division of a section, of the Revised Code that defines or specifies a criminal offense shall be construed to also refer to an "existing" or former law of this state, another state, or the United States, to an "existing" or former municipal ordinance, or to an "existing" or former division of any such "existing" or former law or ordinance that defines or specifies, or that defined or specified, a substantially equivalent offense

## Amendments to the Constitution of the United States

Articles in Addition And Amendment of the constitution of the United State 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 (one)

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

(Effective 1791)

### Amendment IV (four)

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 thing to be seized

(Effective 1791)

## Amendment V (five)

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, liberty, 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 just compensation. (Effective 1791)

ARTICLE I: BILL OF RIGHTS

Section

- 1 Right to freedom and protection of property.
- 2 Right to alter, reform, or abolish government, and repeal special privileges.
- 3 Right to assemble together.
- 4 Bearing arms; standing armies; subordination of military power.
- 5 Trial by jury; reform in civil jury system.
- 6 Slavery and involuntary servitude.
- 7 Rights of conscience; education; necessity of religion and knowledge.
- 8 Writ of habeas corpus.
- 9 Bail; cruel and unusual punishments.
- 10 Trial of accused persons and their rights; depositions by state and comment on failure of accused to testify in criminal cases.
- 11 Rights of victims of crime.
- 12 Freedom of speech and of the press; libel.
- 13 Transportation, etc., for crime.
- 14 Quartering of troops.
- 15 Search warrants and general warrants.
- 16 No imprisonment for debt.
- 17 Redress in courts.
- 18 Hereditary privileges, etc.
- 19 Suspension of laws.
- 20 Inviolability of private property.
- 21 Damage for wrongful death.
- 22 Powers reserved to the people.

\*

§ 1 Right to freedom and protection of property.

All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property; and seeking and obtaining happiness and safety.

§ 2 Right to alter, reform, or abolish government, and repeal special privileges.

All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the general assembly.

§ 3 Right to assemble together.

The people have the right to assemble together, in a peaceable manner, to consult for their common good; to instruct their representatives; and to petition the general assembly for the redress of grievances.

§ 4 Bearing arms; standing armies; subordination of military power.

The people have the right to bear arms for their defense

and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

§ 5 Trial by jury; reform in civil jury system.

The right of trial by jury shall be inviolate, except that, in civil cases, laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury.

HISTORY: (As amended, September 3, 1912.)

§ 6 Slavery and involuntary servitude.

There shall be no slavery in this state; nor involuntary servitude, unless for the punishment of crime.

§ 7 Rights of conscience; education; necessity of religion and knowledge.

All men have a natural and inalienable right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the general assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

§ 8 Writ of habeas corpus.

The privilege of the writ of habeas corpus shall not be suspended, unless, in cases of rebellion or invasion, the public safety require it.

\* § 9 Bail; cruel and unusual punishments.

All persons shall be bailable by sufficient sureties, except for a person who is charged with a capital offense where the proof is evident or the presumption great, and except for a person who is charged with a felony where the proof is evident or the presumption great and where the person poses a substantial risk of serious physical harm to any person or to the community. Where a person is

charged with any offense for which the person may be incarcerated, the court may determine at any time the type, amount, and conditions of bail. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

The General Assembly shall fix by law standards to determine whether a person who is charged with a felony where the proof is evident or the presumption great poses a substantial risk of serious physical harm to any person or to the community. Procedures for establishing the amount and conditions of bail shall be established pursuant to Article IV, Section 5(b) of the Constitution of the state of Ohio.

(As amended January 1, 1998.)

**§ 10 Trial of accused persons and their rights; depositions by state and comment on failure of accused to testify in criminal cases.**

Except in cases of impeachment, cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and cases involving offenses for which the penalty provided is less than imprisonment in the penitentiary, no person shall be held to answer for a capital, or otherwise infamous, crime, unless on presentment or indictment of a grand jury; and the number of persons necessary to constitute such grand jury and the number thereof necessary to concur in finding such indictment shall be determined by law. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed; but provision may be made by law for the taking of the deposition by the accused or by the state, to be used for or against the accused, of any witness whose attendance can not be had at the trial, always securing to the accused means and the opportunity to be present in person and with counsel at the taking of such deposition, and to examine the witness face to face as fully and in the same manner as if in court. No person shall be compelled, in any criminal case, to be a witness against himself; but his failure to testify may be considered by the court and jury and may be made the subject of comment by counsel. No person shall be twice put in jeopardy for the same offense.

HISTORY: (As amended September 3, 1912.)

**§ 10a Rights of victims of crime.**

Victims of criminal offenses shall be accorded fairness, dignity, and respect in the criminal justice process, and, as the general assembly shall define and provide by law, shall be accorded rights to reasonable and appropriate notice, information, access, and protection and to a meaningful role in the criminal justice process. This section does not confer upon any person a right to appeal or modify any decision in a criminal proceeding, does not abridge any other right guaranteed by the Constitution of the United States or this constitution, and does not create any cause of

agent of the state or of any political subdivision, or any officer of the court.

(Adopted November 8, 1994)

**§ 11 Freedom of speech and of the press; libel.**

Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

**\*§ 12 Transportation, etc., for crime.**

No person shall be transported out of the state, for any offense committed within the same; and no conviction shall work corruption of blood, or forfeiture of estate.

**§ 13 Quartering of troops.**

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, except in the manner prescribed by law.

**§ 14 Search warrants and general warrants.**

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

**§ 15 No imprisonment for debt.**

No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

**\*§ 16 Redress in courts.**

All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay.

[Suits against the state.] Suits may be brought against the state, in such courts and in such manner, as may be provided by law.

HISTORY: (As amended September 3, 1912.)

**§ 17 Hereditary privileges, etc.**

No hereditary emoluments, honors, or privileges shall ever be granted or conferred by this state.

**§ 18 Suspension of laws.**

**§ 19**

Private property shall not be taken for public use without just compensation. Private property shall not be taken for public use without just compensation. Private property shall not be taken for public use without just compensation.

The provision SECTION 1. (A) "Blighted" the Revised Code corporation.

(B) "Public body" any county, municipal authority, or other power to take property.

SECTION 2. Code to the code shall use eminent domain, private ownership of the property that is determined by taking is economic ownership of the property that is eminent domain property that is public body, which development of the property being following shall

(a) The Ohio distribute to the eminent domain program

(b) The Department to the public program created

(c) The public capital purposes

(2) Until the funds described writing to the used its eminent this act to take established by

(C) Division of eminent domain follows:

(1) In the case of walkways, including right including, but granted under

(2) For a public

(3) By a public

(4) For public

(5) In the grounds used SECTION Force to State the State. The members:

(1) Three by the Speaker with the Member Speaker of the

COURT OF COMMON PLEAS  
Butler County, OHIO

CASE CR 08-09-1608

STATE of OHIO  
Plaintiff

Motion

to  
Withdraw plea of guilty

VS

Rule 32.1

Joshua Erick Williams  
Defendant

\* \* \* \* \*

Here come SAided defendant before the court of common pleas  
request that SAided plea of guilty be withdraw from the record  
so that injustice, can be corrected.

So, I SAided defendant presented new circumstantial evidence  
before SAided court of common pleas, within this county of Butler,  
OHIO, under 2901.05 of the Revised Code within the body of this County  
of Butler of OHIO

COURT OF COMMON PLEAS  
BUTLER COUNTY, OHIO

STATE OF OHIO

Plaintiff

VS

JOSHUA ERICK WILLIAMS

Defendant

CASE NO CR 08-09-1608

Motion

to

Demur

2941.57 (A)

\*\*\*\*\*

here come SAided Defendant before the court of common pleas  
within the body of SAided county of Butler to show Cause for  
SAided motion in question, on SAided indictment within the body  
of SAided county of Butler, grand jury.

SAided defendant have new circumstantial evidence show that  
the facts stated in the indictment do not constitute an offense punishable  
by the law of this state as of 7-1-03 under senate Bill 5 Acts 2003,  
which has an effect of amendment under SAided offense in question  
in this case. SAided defendant submitted this motion to preserve  
my rights under SAided constitution of this state and the united states  
to show that the offense in question has been re-amendment to show  
that the first amendment of the united states, and of this state, may  
stay in track.

I SAided defendant filed SAided motion to "Demur" so that SAided  
court of common pleas within this state under SAided constitution  
of this state, under Article IV 4(B) Here SAided case before open court.

Admission of testimony regarding an Administrative Hearing  
leading to the termination of an employee charged  
with contributing to the unruliness of a child is  
inadmissible in a criminal trial on that charge.

STATE V. BLACK  
(Hamilton 1991)

78 Ohio App. 3d 130, 604 N.E. 2d 171.

(use this Annotation to throw out child testimony)

GC 1639-45 (former RC 2151.41, now 2919.24) is

Constitutional

Appeal

(Annotation from former RC 2151.41)

dismissed

STATE V. COTEREL (Ohio App 1953) 162 Ohio St. 112, 120

97 Ohio App 48, 123 N.E. 2d 438, 55 O.O. 272 N.E. 2d 590, 54 O.O. 38

RC 2151.41, 2945.12 and Ohio constitution Article I § 10  
should be considered and construed together

(Annotation from former 2151.41 RC)

STATE V. WALKER (Ohio App 1959)

108 Ohio App. 333, 161 N.E. 2d 521, 9 O.O. 2d 296

A curfew ordinance that restrict minor children at nighttime  
can be constitutionally valid, however a curfew ordinance must  
not exceed the bound of reasonableness

CITY OF EASTLAKE V. RUGGIERO (Ohio App 1966)

7 Ohio App. 2d 212, 270 N.E. 2d 126, 36 O.O. 2d 345 (2907.39(A,B))

→ The Court... from the manner... that the law... (unclear)