

ORIGINAL

IN THE SUPREME COURT OF OHIO

09-1848

William L. Bowersock,	:	
	:	
Appellant,	:	On Appeal from the Allen County
	:	Court of Appeals, Third
versus	:	Appellate District
	:	
Scott Campbell, et al.,	:	Court of Appeals
	:	Case No. 1-09-39
Appellees.	:	

MEMORANDUM IN SUPPORT OF JURISDICTION
OF APPELLANT WILLIAM L. BOWERSOCK

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<p>FILED</p> <p>OCT 13 2009</p> <p>CLERK OF COURT SUPREME COURT OF OHIO</p>

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EXPLANATION OF WHY THIS CASE IS A CASE OF
PUBLIC OR GREAT GENERAL INTEREST AND
INVOLVES A SUBSTANTIAL CONSTITUTIONAL QUESTION

This cause presents critical issue for the future of the property owners in Ohio and The United States of America: whether the government can on its own whim take and destroy the property of the owner, who is protected by The Ohio Revised Code and The Constitution of The United States of America from without the due process being completed.

In this case the court of appeals allowed the situation to happen.

The appellees without respect for the appellate procedure at law took it upon themselves to contract to destroy property protected by the Ohio Revised Code and guaranteed rights by The Constitution of the United States of America.

It would be counter to American jurisprudence to allow this action by the government to set a precedent to damage Appellant.

The Appellant herein purchased real property from the State of Ohio some four, (4) decades ago with the natural go green in mind of cultivating an Ohio Oak timber growing business. Lower government of the township has on-going been harassing Appellant over Appellant's property real and personal. The Appellant is supported by the exception in the Ohio Revised Code which allows the Appellant to conduct his business to whereby the Appellant should be able to conduct his bona fide business in quiet enjoy-

ment.

Appellant's business is none of the business of the government herein. The government could take a lesson from the native American Appellant on making success from austere operations. The government has allowed air pollution and water pollution to wreak havoc upon the Appellant's Ohio Oak growing timber. The growth of the Ohio Oak trees has been stunted by the pollutions. Then, the township government steps up and destroy the Appellant personal property. An act has happened which is un-American and should never be allowed to stand by the decision of the courts herein.

The record in this case will indicate the specifics as to the Ohio Revised Code which should be followed by the government herein and the Appellant has rights to stand up protected by The Constitution of The United States of America.

The decision below is dangerous in its implications for the property owners in general and the decision is fundamentally wrong. The Supreme Court of Ohio needs to stand up and speak for all the property owners who have made this State of Ohio and this nation/country a land of opportunity with liberty and justice for all.

The decision below must be reversed. A reversal will promote the exemplary purposes of the Ohio Revised Code and preserve the unmistakable legislative intent, which this court has uniformly supported.

The Appellant respectfully submits his memorandum, will brief on que, looks forward to oral argument with request herewith, and provides his signature proudly on the following page.

For the reasons discussed above, this case involves matter of public and great general interest and substantial constitutional question. The Appellant requests that this court accept jurisdiction in this case so that the important issue presented will be reviewed on the merits.



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CERTIFICATE OF SERVICE

I certify that a copy of this Memorandum in Support of Jurisdiction was sent by ordinary U.S. Mail to counsel for appellees, Michael A. Rumer, 212 North Elizabeth Street, Suite 400, Lima, Ohio 45801 on October 13, 2009.



William L. Bowersock, pro se
In Propria Persona

COURT OF APPEALS
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**IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
ALLEN COUNTY**

JAS. S. STALEY-BURL
CLERK OF COURTS
ALLEN COUNTY, OHIO

**SCOTT CAMPBELL, ZONING
INSPECTOR, BATH TWP., OHIO,**

CASE NO. 1-09-39

PLAINTIFF-APPELLEE,

v.

WILLIAM L. BOWERSOCK,

**J U D G M E N T
E N T R Y**

DEFENDANT-APPELLANT.

This cause comes before the court for determination of Appellee's motion to dismiss appeal as moot, and Appellant's objection to the motion.

The trial court previously issued a judgment enjoining Appellant from keeping a nuisance on his property and ordering removal of the current nuisance. This judgment was affirmed on appeal. *Campbell v. Bowersock*, 3rd App.No. 1-08-64, 2009-Ohio-1833. On July 14, 2009, the trial court issued a judgment authorizing entrance on Appellant's premises to remove and destroy the two motor homes which were declared a nuisance. The instant appeal followed.

Upon consideration the court finds that Appellee alleges and supports by attached affidavit, and it is uncontested by Appellant, that the two motor homes in

question were removed and destroyed by Appellee on July 29, 2009, pursuant to the trial court's order. Appellant did not seek alternative remedy to stay execution of the judgment to preserve the status quo. Moreover, we note that the judgment on appeal provides only for the means of executing the prior order of nuisance and removal, which was reviewed and affirmed on appeal. Thus, Appellant's assertion against this case being rendered moot, that removal and destruction of the motor homes by Appellee violated the law and Appellant's constitutional rights, was already addressed in the prior appeal.

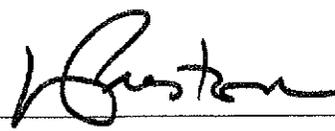
Consequently, the court finds that an appellate judgment would have no effect on the substantial rights of the parties, and the instant appeal has been rendered moot. Furthermore, we find no "public interest" involved to warrant an exception to the mootness doctrine. See *Ruprect v. Cincinnati* (1979), 64 Ohio App.2d 90. It is not the duty of this court to answer moot questions. *Miner v. Witt* (1910), 82 Ohio St. 237.

Accordingly, for the reasons set forth herein, Appellee's motion is well taken and the appeal should be dismissed as moot.

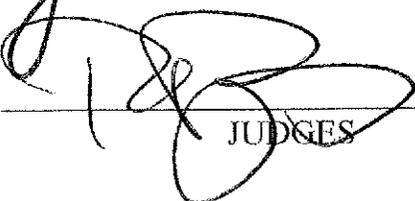
It is therefore **ORDERED, ADJUDGED and DECREED** that the appeal be, and hereby is, dismissed at the costs of the Appellant for which judgment is

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rendered and that the cause be, and hereby is, remanded to the trial court for execution of the judgment for costs.







JUDGES

DATED: August 26, 2009
/jnc