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ORIGINAL

EN BANC HEARING REQUEST
IN THE SUPREME COURT
IN AND FOR ROSS COUNTY, OHIO
FOURTH APPELLATE DISTRICT COURT
ADMIRALTY JURISDICTION VENUE
SPECIAL VISITATION

STATE OF OHIO Ex. Rel : CASE NUMBER GEN 2010-1096
Raymond Dean Austin (R) :
SUMMIT COUNTY, OHIO 91-CR-04-0891 :
PLAINTIFF/APPELLANT : APPEALED FROM
In Propria Persona : 4th APPELLATE DISTRICT
: 10-CA-003143
-VS- :
: DIRECT APPEAL OF RIGHT
ROBIN KNAB et. al. :
COMPLICITOR to ODRC/OAPA :
WARDEN CCI/ODRC/OAPA :
DEFENDANT?APPELLEE : REGULAR CALENDAR

COVER PAGE OF APPELLANT'S BRIEF
Raymond Dean Austin SURETY to
RAYMOND DEAN AUSTIN DEBTOR

APPELLANT/PLAINTIFF
Raymond Dean Austin (R)
P.O. BOX 5500
Chillicothe, Ohio
45601

DEFENDANT/APPELLEE
ROBIN KNAB et. al.
15802 St. Rte. 104 N.
Chillicothe, Ohio
45601

FILED
AUG 12 2010
CLERK OF COURT
SUPREME COURT OF OHIO

301727072
August 15th 2010
RAYMOND



Raymond Dean Austin



ROA

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STATEMENT OF CASE

THIS case is a DIRECT APPEAL from the ORIGINAL HABEAS CORPUS filings with the FOURTH APPELLATE DISTRICT COURT OF APPEALS 10-CA-3143, and is of great public interest to prevent SLAVERY-PEONAGE-VILLIENAGE within the STATE OF OHIO One of the several seperate states of the american union.

STATEMENT OF FACTS

THE PLAINTIFF Raymond Dean Austin SURETY for RAYMOND DEAN AUSTIN DEBTOR has been forced into SLAVERY-PEONAGE-VILLIENAGE by the STATE OF OHIO. The DEBTOR plead guilty in CR-91-04-0891 SUMMIT COUNTY, OHIO COURT OF COMMON PLEAS in 1991 to a stated 12-YEAR (12) PLEA BARGAIN CONTRACT. The STATE OF OHIO i.e. the person(s) of ROBIN KNAB et. al d/b/a WARDEN CCI/ODRC/OAPA violated that 12-YEAR (12) CONTRACT, and the RELEASE CONTRACT of February 27th 2007 by FRAUDULENT CLAIMS made, constituted and executed by TONYA LEE DIXON/AUSTIN and BOYFRIEND JIM person(s) of under SENATE BILL 269/2 STATUTES 5149.10.1 which do not apply to this OFFENDER under HOUSE BILL 511 SENTENCING STATUTES PRIOR to July 1 1996. These STATUTES can not apply under 1.58 (A)(A1)(A2)(A3)(A4), nor be forced upon the HOUSE BILL 511 offenders and prior obligations see also STATE -VS- RUSH. The PLAINTIFF perfected his HABEAS CORPUS to include the DECLATORY JUDGMENT and INJUNCTIVE RELEIF and all the other specific paperwork required under 2969.25 and 2969.26. The DEFENDANT/APPELLEE ROBIN KNAB et. al. d/b/a WARDEN of CCI/ODRC/OAPA and their EMPLOYEES i.e the CASHIERS OFFICE CCI, has promulgated procedures not under the control of the PLAINTIFF concerning the cashiers certificate and demand statements which has caused the injury under 2969.25(C). therefore the OHIO ATTORNEY GENERALS OFFICE FRAUDULENT CLAIMS are unwarranted and caused the dismissal in 10CA3143. THEREFORE reversal and remend are warranted in this case to correct the manifest injustice.

BRIEF

1....The PLAINTIFF is currently being held in SLAVERY against his recommendations, exhortations, requisitions, gifts, grants, assignments, constitutions, deputations, decrees, mandates, prohibitions, and/or wills.

And should anyone "PRESUME" to attempt this BE IT KNOWN: to them and/or any/all them; THAT they will incur the "WRATH" of Almighty God and: THAT of the "BLESSED" Raymond Dean Austin In Propria Persona SUI-JURIS.

THEREFORE should any/all "CONTRAVENE", I Raymond Dean Austin In Propria Persona, The PLAINTIFF strictly forbids any/all person(s) of whatever RANK, even "IMPERIAL and/or ROYAL", and/or of whatever "ESTATE", "DEGREE", "ORDER" and/or "CONDITION"; to dare to TRESPASS without My SPECIAL PERMIT and/or THAT any/all of "YOUR" aforesaid PERSONS OF, their HEIRS and/or SUCCESSORS, to come before, and/or go against Me for the PURPOSE to CREATE "CONDITIONS OF SLAVERY" "PEONAGE", "VILLIENAGE", and/or any/all other reasons to MAKE, CONSTITUTE and/or EXECUTE every "PRESUMPTION" to abridge My LIFE, LIBERTY, and/or PROPERTY; in every such case whatsoever to the CONTRARY is declared NULL AND VOID otherwise NOT-WITH-STANDING.

OATH OF Raymond Dean Austin

2.....The PLAINTIFF being ungirt before the most Sovereign Almighty God, MAKES, CONSTITUTES, and/or EXECUTES by this SPECIAL VISITATION and/or SPECIAL APPEARANCE to be cradeled in the arms of both His Earthly Parents. Has been BAPTISED in the FAITH before all His Ancestry and/or Brothers and Sisters of the most Sovereign Almighty God. Has obtained to the legal age of Majority, COMES NOW being at

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leats (21-YEARS) twenty-one years old. COMES NOW, to engage, MAKE, CONSTITUTE and/or EXECUTE; to subscribe to the SUPREMACY OATH of the most Sovereign Almighty God.

I Raymond Dean Austin [Ⓡ] CERTIFY under Certainty, THAT I DO understand THAT [Raymond Dean Austin [Ⓡ] In Propria Persona SUI-JURIS, SURETY]; DO hereby become "YOUR" garrison and/or "GIVE", "GRANT", "BARGAIN", "SOLD", "REMISED", "RELEASED", "CONVEYED", "ALIENED", and/or "CONFIRMED" for the specific intent and/or purpose to DECLARE publically the preservation of every Right, Privilege, and/or Immunity [Ab-Initio] NUNC-PRO-TUNC ON OR AFTER MARCH 16th, 1963 [Ⓡ] C.E.; DO hereby CLAIM every Right, Privilege and/or Immunity FROM THAT day named and/or hence forward [Ab-Infinitem] THEREFORE it shall be DEEMED to be BOUND perpetually to the HEAVENS and the EARTH.

I hereby, the undersigned "AGGRIEVED PARTY"; DO hereby CLAIM every Right, Privilege and/or Immunity to pledge My LIFE and/or LIMB and/or EARTHLY HONOR to the most Sovereign Almighty God, THAT I, being of sound and/or disposing MIND and MEMORIALIZED to "YOU" will be FAITHFULLY and/or LOYAL to BEAR "YOU" full faith and/or credit for the HERETIMENTS, TENEMENTS and/or LINEAMENTS; THAT the most Sovereign Almighty God has given as BIRTH RIGHTS to this "AGGRIEVED PARTY".

I hereby, the undersigned "AGGRIEVED PARTY" DO hereby CLAIM the ABSOLUTE and/or UNLIMITED RIGHT to "HOLD", "OCCUPY", and/or "ENJOY" of "YOU" saving the faith owed. I further hereby irrevocably "GIVE", "BESTOW", and/or "DELIVER UP", to the most Sovereign Almighty God, in exchange for any/all of My Rights, Privileges

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and/or Immunities, and/or Interests described herein and/or prescribed herein for the "AGRIEVED PARTY", The DEBTOR RAYMOND DEAN AUSTIN ^(R) and/or the SURETY Raymond Dean Austin In Propria Persona SUI-JURIS, from the most Sovereign Almighty God, So help Me most Sovereign Almighty God.

IN WITNESS WHEREOF

3.....Knowing the law of BEARING false WITNESS before the most Sovereign Almighty God and/or the GARRISON, I, Raymond Dean Austin ^(R) In Propria Persona SUI-JURIS, the undersigned "AGGRIEVED PARTY", DO hereby CLAIM right to solemnly AFFIRM, after having READ and ANNEXED these LETTERS/PATENTS/PRESENTS and/or KNOWS the specific TENOR/CONTENTS thereof.

4.....IN VIEW OF THE FACT THAT:

The same singular and/or any/all are TRUE of My own-Knowledge except as to any/all matters which are therein contained by "YOUR" "PRESUMPTIONS" about My information, privacy and/or the like. The same singular and/or any/all are TRUE of My beliefs and/or to these MATTERS THAT are believed to be TRUE, Materially Correct, Complete and/or Certain, Relevant and/or NOT MIS-LEADING.

Further subscribed and/or DECLARED publically to be the TRUTH, the whole TRUTH and/or nothing but the TRUTH, So help Me most Sovereign Almighty God.

5.....IN VIEW OF THE FACT THAT:

The FIRST, SECOND, THIRD, FOURTH, FIFTH and the SIXTH, Assignment of ERRORS/OMISSIONS/DEFECTS shall include but NOT limited to as if stated therein each of thier assigned sections the following verbatim herein.

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THEREBY violating the following Rights, Privileges and/or Immunities being the FIRST AMENDMENT [Nov 3, 1791]; FOURTH AMENDMENT [NOV 3, 1791]; FIFTH AMENDMENT [NOV 3, 1791]; SIXTH AMENDMENT [NOV 3,1791]; EIGHTH AMENDMENT [NOV 3 1791]; NINTH AMENDMENT [NOV 3 1791]; TENTH AMENDMENT [NOV 3 1791] THIRTEENTH AMENDMENT [DEC 18 1865]; FOURTEENTH AMENDMENT [JULY 28 1868]; FIFTEENTH AMENDMENT [MARCH 30, 1870] of the united states of america Constitution [Sept 17th 1787]; and/or.....

THEREBY violating the following Rights, Privileges and/or Immunities being the ARTICLE I§1 Inalienable Rights; ARTICLE I§ 2 Rights to alter, reform and/or abolish government and/or repeal special privileges; ARTICLE I§3 Right to assemble; ARTICLE I§5 Trial be Jury; ARTICLE I§6 SLAVERY and/or INVOLUNTARY SERVITUDE; ARTICLE I§8 WRIT OF HABEAS CORPUS; ARTICLE I§10 Trial for CRIMES- WITNESSES; ARTICLE I§11 FREEDOM of SPEECH, of PRESS, of LIBELS; ARTICLE I§14 SEARCH warrants and/or general warrants; ARTICLE I §15 No IMPRISONMENT for DEBTS; ARTICLE I§16 REDRESS for injury, DUE-PROCESS; ARTICLE I§20 POWERS reserved to the people; ARTICLE II§26 LAWS to have uniform operations; ARTICLE II§28 NO RETROACTIVE LAWS; ARTICLE IV §3(B)(1)(c) HABEAS CORPUS; ARTICLE IV §3 (B)(2) review of every "OFFICERS" and/or "ADMINISTRATIVE AGENCIES"; ARTICLE XV §7 OATH to OFFICE; Ohio Revised code §1.47 (A); Ohio Revised code §1.58 sections (A), (A1), (A2), (A3), (A4), Ohio Revised code §2967.02.1 (A), and/or Ohio Revised code §5120.02.1 (A) of the ohio Constitution and the Ohio Codes; and/or.....

THEREBY violating the following Rights, Privileges and/or Immunities being the 18 USC §241, 18 USC §242, 18 USC §245,

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42 USC §1983, 42 USC §1985, and/or 42 USC §1994.....

FIRST ASSIGNMENT OF ERROR/OMISSION/DEFECT
" DID the Ohio ATTORNEY GENERAL'S OFFICE
INTEREFERE with the private MATTERS between
the PLAINTIFF and/or the PERSON(S) of ROBIN KNAB
et. al dba WARDEN of CCI/ODRC/OAPA?.....

6.....The PERSON(S) of WILLIAM LAMB 0051808 dba OHIO ATTORNEY
GENERAL'S OFFICE DID MAKE, CONSTITUTE and/or EXECUTE FRAUD,
CORECION and/or THREATS of FORCE, DID PLAIN ERROR/OMISSION/
DEFECT by tresspassing upon the private MATTERS between the
PLAINTIFF and/or the PERSON(S) of ROBIN KNAB et. al. dba WARDEN
of CCI/ODRC/OAPA. By these ACTIONS of FRAUD, COERCION and/or
THREATS of FORCE DID submit in the name of ROBIN KNAB et. al.
dba WARDEN of CCI/ODRC/OAPA a response to the HABEAS CORPUS
ACTION case number 10-CA-3143 within the FOURTH APPELLATE DISTRICT
COURT OF APPEALS, with a FRAUDULENT CLAIM THAT the PLAINTIFF
DID NOT comply with the requirements of the Ohio Revised Code
§2969.25 (C), the AFFIDAVIT of PRIOR CIVIL FILINGS/ACTIONS/APPEALS.

The PLAINTIFF DOES AVER THAT compliance was MADE, CONSTITUTED,
and EXECUTED before the FOURTH APPELLATE DISTRICT COURT OF APPEALS
the requirements of the Ohio Revised code §2969.25(C) to wit;

- (a)AFFIDAVIT OF INDIGENCY see exhibits
- (b)CASHIERS CERTIFICATE of CCI see exhibits
- (c)(6) six month demand statement review with 4th app. court
- (d)AFFIDAVIT of PRIOR CIVIL FILINGS see exhibits
- (e)MOTION TO REMIT COSTS to the STATE see exhibits
- (f) all these exhibits are originally filed with the HABEAS CORPUS
ACTION 10 CA 3143, on Januray 21, 2010 at 2:28 PM with the
CLERK OF COURTS in and for THAT case see DOCKETING STATEMENT
as exhibit.

FACTS

7.....The PERSON(S) of ROBIN KNAB et. al. dba WARDEN of CCI/
ODRC/OAPA DID grant the PLAINTIFF a PAROLE RELEASE DATE on

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DECEMBER 27th 2006 C.E.

8.....The PERSON(S) of ROBIN KNAB et. al. WARDEN of CCI/ ODRC/OAPA DID MAKE, CONSTITUTE and/or EXECUTE a RELEASE CONTRACT by and/or through the CCI case management the PERSON(S) of TEDDI HAGENS/ENGLES/ALFORD on JANUARY 5th 2007 with the PLAINTIFF reserving any/all Rights, Privileges, and/or Immunities.

9.....The PERSON(S) of ROBIN KNAB et.al. dba WARDEN of CCI/ ODRC/OAPA DID MAKE, CONSTITUTE, and/or EXECUTE the RELEASE DATE ON OR AFTER FEBRUARY 27th 2007 with the PLAINTIFF.

10.....The PERSON(S) of ROBIN KNAB et. al. dba WARDEN of CCI/ ODRC/OAPA DID MAKE CONSTITUTE and/or EXECUTE a illegal STOP LETTER pursuant to the application of SENATE BILL 269/2 specific the application of the Ohio Revised code §5149.10.1 the VICTIM'S ADVOCACY HEARING a violation of Ohio Revised codes §2967.02.1(A) and/or §5120.02.1(A) and/or STATE -VS- RUSH 83 Ohio 3d 53.

11....The PLAINTIFF has served his (2-YEAR-PAROLE) two- year parole within the CCI INSTITUTION and has sent inquiry as to his FINAL-RELEASE and/or INVOLUNTARY SERVITUDE on or after FEBRUARY 27th 2009. sent to the OHIO ADULT PAROLE AUTHORITY on JULY 9th 2009 by CERTIFIED MAIL ARTICLE 7006-0810-0006-6684-4743.

12....The PLAINTIFF DID NOT recieve any/all answer from the OHIO ADULT PAROLE AUTHORITY named within number "11" above and/or sent inquiry as to his FINAL RELEASE and/or INVOLUNTARY SERVITUDE on or after FEBRUARY 27th 2009, sent to the OHIO QUALITY ASSURANCE OFFICE on AUGUST 11th 2009 by CERTIFIED MAIL ARTICLE 7006-0810-0006-6684-4811.

13.....The PLAINTIFF DID NOT recieve any/all answer from the

OHIO QUALITY ASSURANCE OFFICE named within number "12" above and/or sent inquiry as to his FINAL RELEASE and/or INVOLUNTARY SERVITUDE on or after FEBRUARY 27th 2009, sent to the OHIO DEPT. of REHAB and CORR. on OCTOBER 9th 2009 by CERTIFIED MAIL ARTICLE 7006-0810-0006-6684-4705.

14.....The PLAINTIFF DID MAKE, CONSTITUTE and/or EXECUTE the LETTERS of INQUIRY for the FIANL RELEASE and/or placed each PARTY in DEFAULT for NON-COMPLIANCE to the INQUIRY as well as the NON-CORRESPONDENCE to the PLAINTIFF, THEREBY causing the injury and/or the filing of the HABEAS CORPUS ACTION against the PERSON(S) of ROBIN KNAB et.al. dba WARDEN of CCI/ODRC/OAPA, 10-CA-3143.

CONTENTS FILED

- (a)AFFIDAVIT OF INDIGENCY/CASHIERS CERTIFIACTE 1-21-2010
- (b)FINANCIAL DISCLAOSURE/AFFIDAVIT OF INDIGENCY 1-21-2010
- (c)HABEAS CORPUS PETITION 1-21-2010
- (d)INJUNCTIV RELEIF 1-21-2010
- (e)AFFIDAVIT to support INJUNTIVE RELIEF 1-21-2010
- (f)AFFIDAVIT of INDIGENCY 1-21-2010
- (g)AFFIDAVIT of PRIOR CIVIL FILINGS 1-21-2010
- (h)AFFIDAVIT of GRIEVANCE SYSTEM 1-21-2010
- (i)MOTION FOR WAIVER OF COSTS 1-21-2010
- (j)MOTION FOR DECLATORY JUDGMENT 1-21-2010
- (k)MOTION FOR APPOINTMENT OF COUNSEL 1-21-2010
- (l) any/all contents totals (71-PAGES) seventy-one pages
see the DOCKETING STATEMENT HABEAS CORPUS and/or MISC PAPERS

15.....The PLAINTIFF DID MAKE, CONSTITUTE, and/or EXECUTE a PRAECIPE to the CLERK OF COURTS to date stamp and return each item and the total contents within "14" and/or to return a DOCKETING STATEMENT with the seperate filings on JANUARY 21, 2010 HOWEVER the CLERK OF COURTS filed it their way violating the PLAINTIFFS Rights, Privileges and/or Immunities.

16.....The PLAINTIFF hereby MAKES, CONSTITUTES and/or EXECUTES the exhibits marked by JANUARY 21,2010 to substantiate the FACTS herein contained, and/or evidence THAT complaince was

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made, constituted and/or executed by the Ohio Revised code §2969.25(C).

17....The PLAINTIFF hereby MAKES, CONSTITUTES and/or EXECUTES the numbered paragraphs ONE (1) through sixteen (16) as if re-stated herein. And THEREFORE is entitled a reversal of the ERROR/OMISSION/DEFECT and to be re-manded back to the FOURTH APPELLATE DISTRICT COURT OF APPEALS 10 CA 3143 for the issuance of the HABEAS CORPUS ACTION. And for the intent and purpose to hear the merits of the case, and/or in the alternative to preserve the Rights, Privileges and/or Immunities of the PLAINTIFF. And the numbered paragraph five (5) shall be included but not limited to, to preserve the united states of america Constitutional Rights, Privileges and/or Immunities, and/or the state of ohio Constitutial Rights, Privileges and/or Immunities, pursuant to the Ohio Revised code [general code] 1.47(A), the Ohio Revised codes quoted herein, the united states of america codes quoted herein, to wit any/all case laws quoted herein and/or its DOCTRINES.

SECOND ASSIGNMENT OF ERROR/OMISSION/DEFECT DID THE FOURTH APPELLATE DISTRICT COURT OF APPEALS interfere with the private MATTERS between the PLAINTIFF and/or the PERSON(S) of ROBIN KNAB et. al dba WARDEN of CCI/ODRC/OAPA by accepting the OHIO ATTORNEY GENERALS OFFICE FRAUDULENT CLAIMS of NON-COMPLIANCE to Ohio Revised code §2969.25(C)?

18....The PERSON(S) of McFARLAND, HARSHA, ABELE dba JUDGES under FRAUD, COERCION, and/or THREATS OF FORCE DID MAKE, CONSTITUTE and/or EXECUTE PLAIN ERROR/OMISSION/DEFECTS by tresspassing upon the private MATTERS between the PLAINTIFF and/or the PERSON(S) of ROBIN KNAB et. al. dba WARDEN of CCI/ODRC/OAPA. By the ACTIONS of FRAUD, COERCION and/or THREATS OF FORCE DID entertain the

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FRAUDULENT CLAIMS MADE, CONSTITUTED and/or EXECUTED by the PERSON(S) of WILLIAM LAMB dba OHIO ATTORNEY GENERALS OFFICE. and/or THEREBY dismissed the HABEAS CORPUS due to FRAUDULENT CLAIMS.

FACTS

19.....The PERSON(S) of WILLIAM LAMB dba OHIO ATTORNEY GENERALS OFFICE DIDI MAKE, CONSTITUTE and/or EXECUTE a FRAUDULENT CLAIM THAT the PLAINTIFF failed to COMPLY with Ohio Revised code §2969.25(C) and/or by their MOTION FOR DISMISSAL under CRIM. R. 12(B)(6) on the 17th day of FEBRUARY 2010.

20....The PERSON(S) of McFARLAND, HARSHA, ABELE DID MAKE, CONSTITUTE and/or EXECUTE the ERROR/OMISSION/DEFECT of the FRAUDULENT CLAIM and non-compliance against the PLAINTIFF thereby dismissing the HABEAS CORPUS ACTION.

21....The PERSON(S) of McFARLAND, HARSHA, ABELE DID MAKE, CONSTITUTE and/or EXECUTE the FINAL APPEALABLE ORDER pursuant to the failure under Ohio Revised code §2969.25(C).

22.....The PLAINTIFF DIDI MAKE, CONSTITUTE and/or EXECUTE a RE-CONSIDERATION to the case number 10 CA 3143 for the correction of the ERROR/OMISSION/DEFECT, by the PERSON(S) of McFARLAND, HARSHA and/or ABELE dba JUDGES.

23....The PERSON(S) of AARON McHENRY dba MAGISTRATE refused to file and/or hear the RE-CONSIDERATION according to some illegal LOCAL-COURT-RULE.

24....The PLAINTIFF hereby MAKES, CONSTITUTES and/or EXECUTES the numbered paragraphs eightheen (18) through twenty-three(23) as if re-stated herein. And THEREFORE is entitled a reversal of

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the ERROR/OMISSION/DEFECT and/or remended back to the FOURTH APPELLATE DISTRICT COURT OF APPEALS 10 CA 3143 for the issuance of the HABEAS CORPUS ACTION. And for the intent and purpose to hear the merits of the case, and/or in the alternative to preserve the Rights, Privileges, and/or Immunities of the PLAINTIFF And numbered paragraph five (5) shall be included and/or not limited to, to preserve the united states of america Constitutional Rights, Privileges, and/or Immunities, the state of ohio Constitutional Rights, Privileges and/or Immunities, pursuant to the Ohio Revised code 1.47(A) the Ohio Revised codes quoted, the united states codes quoted herein to wit the quoted case laws and doctrines for the PLAINTIFF.

THIRD ASSIGNMENT OF ERROR/OMISSION/DEFECT
DID the PERSON(S) of ROBIN KNAB et.al. dba
WARDEN of CCI/ODRC/OAPA violate the PLAINTIFF'S
PLEA BARGAIN of 12-YEARS (12) ?

25....The PERSON(S) of McFARLAND, HARSHA, ABELE dba JUDGES DID MAKE, CONSTITUTE, and/or EXECUTE FRAUD, COERCION, and/or THREATS of FORCE by plain ERROR/OMISSION/DEFECT by trespassing upon the private MATTERS betwwen the PLAINTIFF and/or the PERSON(S) of ROBIN KNAB et.al. dba WARDEN of CCI/ODRC/OAPA. By the actions of FRAUD, COERCION, and/or THREATS of FORCE, entertained by the PERSON(S) of WILLIAM LAMB dba OHIO ATTORNEY GENERAL OFFICE with FRAUDULENT CLAIMS of NON-COMPLIANCE of the Ohio Revised code §2969.25(C) AFFIDAVIT OF PRIOR CIVIL FILINGS. The specific violations by the PERSON(S) of ROBIN KNAB et. al. dba WARDEN of CCI/ODRC/OAPA abridged the original SUMMIT COUNTY COURT OF COMMON PLEAS 91-CR-04-0891 PLEA BARGAIN of (12-YEARS) twelve years by the illegal application of Ohio Revised code §5149.10.1, the

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VICTIM ADVOCACY HEARING and/or RECISSION of the PAROLE CONTRACT of RELEASE on or after FEBRUARY 27th 2007.

26....The APPELLATES COURTS are CONSTITUTIONALLY CHARGED by the people, for the people with a DUTY to REVIEW, AFFIRM, MODIFY, and/or REVERSE the actions of the "ADMINISTRATIVE OFFICERS and/or ADMINISTRATIVE AGENCIES" to wit: The PERSON(S) of ROBIN KNAB et. al. dba WARDEN of CCI/ ODRC/OAPA for the violations of the (12-YEAR) twelve year PLEA BARGAIN. THEREAFTER the PLAINTIFF DID MAKE, CONSTITUTE, and/or EXECUTE the RIGHT to interpretations under the CONTRACT(S) law standards.

27....The PLAINTIFF hereby MAKES, CONSTITUTES, and/or EXECUTES the following case laws, see STATE -VS- ADKINS 161 Ohio App. 3d 114, 829 N.E. 2d 729 2005-Ohio-2577 and/or POPP -VS- STATE ADULT PAROLE AUTHORITY, FRANKLIN APP. No. 01-AP-892 2002-Ohio-199 and/or GRAHAM -VS- DRYDOCK COAL (1996) 76 Ohio St. 3d 311, 667 N.E. 2d 949 1996-Ohio-393 and/or lastly STATE -VS- PASTURZAK 2009 WL 2569377 Ohio App. 4th Dist. 2009-Ohio4222 "STARE DECISIS".

28....The PERSON(S) of ROBIN KNAB et.al. dba WARDEN of CCI/ODRC/OAPA are allpart of the EXECUTIVE BRANCH of GOVERNMENT, and/or violations of SEPERATIONS OF POWERS [QUASI-JUDICIAL] DECISIONS by abridging the Ohio Revised ocdes §2967.02.1(A) and/or the §5120.02.1.(A), consequently violates the original PLEA BARGAIN 91-CR-04-0891, the DUE-PROCESS and/or EQUAL PROTECTION of the LAWS and/or the DUTIES posed upon the FIDUCIARY FUNCTIONS of these OFFICERS/OFFICES, THEREFORE are required by law to CONTINUE any/all existing laws for this OFFENDER under House Bill 511 and/or NOT Senate Bill 269/2 ON OR AFTER JULY 1 1996 LAWS.

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The PLAINTIFF requests the STATE OF OHIO to fulfill its end of the CONTRACT(s) Both the ORIGINAL PLEA of "1991" and/or the RELEASE CONTRACT of 2007 February 27th, and/or NOW the FINAL RELEASE as of FEBRUARY 27th 2009 C.E.

The PLAINTIFF REQUESTS the immediate ORDER to STOP of any/all COMMENCMENTS and/or PROSECUTIONS in relations to 91-CR-04 0891 and/or an ORDER stating that THE STATE OF OHIO i.e. Ohio Dept. of Rehab and Corr, and/or Ohio Adult Parole Authority and/or CCI to fulfill thier end of the BARGAIN and/or interpretations of the CONTRACTS and/or ENFORCEMENTS for FINAL RELEASE.

See STATE -VS- FORD February 18th 1998 Lawrence App. No. 97-CA-32 1998 WL 79885 and/or SANTOBELLO -VS- NEW YORK 1971 404 U.S. 257 92 S. Ct. 495 for the ENFORCEMENT of the CONTRACT(s).

The REVIEW of the attached sentencing TRANSCRIPTS shall establish and maintain the FACTS of the (12-YEAR) Twelve year CONTRACT in "1991".

The HABEAUS CORPUS ACTION 10-CA-3143 included a DECLATORY JUDGMENT and/or INJUNCTIVE RELIEF against the person(s) of ROBIN KNAB et. al. d/b/a/ WARDEN CCI/ODRC/OAPA and/or requested the interpretation of the CONTRACTS, established by the PLAINTIFF and/or the OBLIGATIONS of the STATE OF OHIO PARTY pursuant to the proper applications of ORC §2967.02.1(A) and/or ORC § 5120.02 .1(A).

See STATE -VS- DAVIS 158 Ohio App. 3d 478, 816 N.E. 2d 1102 2004-Ohio-5354.

FACTS

29....The person(s) of John Campbell d/b/a/ Judge in and for summit county court of common pleas case number 91-CR-04-0891

DID MAKE, CONSTITUTE and EXECUTE a CRIMINAL RULE 11 requirement THEREBY accepting the PLEA of (12-YEARS) Twelve years and DID discuss that upon the COURT RECORD, and this COURT knows the COURT SPEAKS THROUGH ITS RECORD!

30....The PLAINTIFF submits the COURTS REPOTERS TRANSCRIPTS, [SENTENCING PROCEEDINGS of JULY 22 1991] pages 11, 24, 25. FURTHER the COURT DID MAKE, CONSTITUTE and EXECUTE the necessary language upon the RECORD to establish and maintain the FACTS of that (12-YEAR) Twelve year PLEA BARGAIN.

31....THE COURT DID MAKE, CONSTITUTE and EXECUTE upon page 11 lines 5, 6, 7;.....

"MR CARROLL, on a (30) Thirty to (75) Seventy-five, he's eligible for probation in (15) fifteen years isn't he, or (10) ten?

32.....THE PROSECUTION DID MAKE, CONSTITUTE and EXECUTE upon page 11 lines 8, 9.....

"It would be (15) fifteen years less good time, so it is (10) ten or (11) eleven years?

33.....THE COURT DID MAKE, CONSTITUTE and EXECUTE upon page 11 lines 10, 11, 12;.....

"(10) Ten or (11) eleven years, so we know (30) Thirty to (75) seventy-five still brings him out in (10) ten plus years?

34.....THE COURT DID MAKE, CONSTITUTE and EXECUTE upon page 24 line 4, 5;.....

"YOU will do your (10) Ten years and get out, You will be out on the streets?

35.....THE COURT DID MAKE, CONSTITUTE, and EXECUTE upon page 24 line 8, 9, 10.....

"YOU will be out in---by the time You are (38) Thiety-eight. YOU will be a young man. Maybe even (40) at the most?

36.....THE COURT DID MAKE, CONSTITUTE, and EXECUTE upon page 25 line 3, 4, 5, 6.....

"AND I recognize THAT YOU will be back on the streets. I hopee in the (10) ten or (12) Twelve years THAT YOU do time in the penententiary THAT YOU in some way get help.....?

37.....THE PLAINTIFF AVERS THAT he has NOT been released as yet to the streets since "1991" and/or has DONE (20-YEARS) Tenty years to date without causing any problems to his MASTERS, so they can justify thier decisions of continued confinement?

38.....THE PLAINTIFF AVERS THAT he has DONE his (12-YEARS) Twelve years plus?

39.....THA PLAINTIFF AVERS THAT he has went through forced thearpy and/or programs?

40.....THE PLAINTIFF AVERS THAT he is now (47-YEARS-OLD) Forty-seven years old.

41.....THE PLAINTIFF AVERS and/or MOVES for the enforcement of the CONTRACT between the PLAINTIFF and the STATE OF OHIO and/or immediate rel;ease to the streets, and/or in the alternative under CRIMINAL RULE 32.1 withdraw of guilty plea for good cause shown, and/or in the ALTERNATIVE by this COURT?

42.....The PLAINTIFF HEREBY MAKES, CONSTITUTES and EXECUTES the exhibits marked by the JULY 22 1991 time stamps to these FACTS

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RM

HEREIN, and PROOF of the compliance by the PLAINTIFF of a FINAL APPEALABLE ORDER. FURTHER the exhibits FROM the JULY 22nd 1991 sentencing transcripts pages 11, 24, and 25 shall be memorialized as the discussions of the CRIMINAL RULE 11 GUILTY PLEA and/or it being (12-YEARS) Twelve years in the case number 91-CR-04-0891. 43.....The PLAINTIFF HEREBY MAKES, CONSTITUTES and EXECUTES the numbered paragraphs twenty-five (25) through forty-two (42) as if re-stated herewith. And/or THEREFORE is entitled a reversal for ERROR, OMISSION and/or DEFECT, and THEREFORE re-manded back to the FOURTH APPELLATE DISTRICT COURT OF APPEALS 10-CA-3143 for the proper execution of the HABEAUS CORPUS ACTION. And/or for the INTENT and PURPOSE to hear the "MERIT" of this case. And/or in the ALTERNATIVE to preserve the Rights, Privileges, and Immunities of the PLAINTIFF. And/or the numbered paragraph Five (5) shall be included to also preserve the united states of america Constitutional Rights of the PLAINTIFF, the state of ohio Constitutional Rights of the PLAINTIFF, and/or pursuant to ORC §1.47(A), the Ohio Revised Codes quoted, the united states codes quoted, to wit the case laws quoted and/or DOCTRINES.

FOURTH ASSIGNMENT OF ERROR/OMISSION/DEFECT
 "DID THE PERSON(S) OF McFARLAND, HARSHA, ABELE
 d/b/a/ JUDGES ABUSE THEIR DISCRETION, AND BIAS
 TO REFUSE ANSWER OF THE DECLATORY JUDGMENT,
 THE PROPER MEANS TO CHALLENGE UN-CONSTITUTIONAL
 RETROACTIVE APPLICATIONS OF LAW i.e. ORC §5149.10.1".

44.....The person(s) of Mcfarland, Harsha, Abele d/b/a/ JUDGES under FRAUD, COERCION and/or TREATS of FORCE, PLAINLY ERRORRED, OMITTED and/or used defective CLAIMS to trespass upon the private matters between the PLAINTIFF and the person(s) ROBIN KNAB et.al. d/b/a Warden of CCI/ODRC/OAPA. By the actions of FRAUD, COERCION,

and TREATS of FORCE DID entertain and accept the FRAUDULENT CLAIMS made by person(s) of WILLIAM LAMB d/b/a/ OHIO ATTORNEY GENERAL OFFICE, FAILURE to comply with ORC§2969.25(C) and their silence upon any/all matters/issues and/or CLAIMS made by the PLAINTIFF.

The specific CLAIMS and violations are against the person(s) of ROBIN KNAB et. al. d/b/a/ WARDEN OF CCI/ODRC/OAPA which has abridged the PLAINTIFF'S LIFE, LIBERTY and PROPERTY INTERESTS. The HABEAUS CORPUS with its DECLATORY JUDGMENT and INJUNCTIVE RELIEF are the proper means to obtain RELEASE from SLAVERY and/or to challenge the un-constitutionality of any/all RETROACTIVE APPLICATIONS of ADMINISTRATIVE RULES and/or ORC §5149.10.1, SENATE BILL 269/2 LAWS, equivalent LAWS, composite LAWS on or after JULY 1, 1996 C.E. The REVOCATION of the PAROLE CONTRACT entered into January 5th 1997, and the violation occurred April 9th 2007.

45.....The PLAINTIFF AVERS he is entitled to a FINAL RELEASE as of FEBRUARY 27th 2009 C.E. and/or is IMMUNED to SENATE BILL 269/2 LAWS under the ORC§2967.02.1(A) and/or ORC§ 5120.02.1(A) which SENATE BILL 269 section (3) THREE REPEALED SENATE BILL 2 section (5), and the OHIO SUPREME COURT confirms the APPLICATION PROHIBITION in STATE -VS- RUSH 83 Ohio St. 3d 53.

46.....The PLAINTIFF AVERS he is entitled to have BOTH CONTRACTS enforced, FIRST the original (12-YEAR) Twelve year plea bargain, SECOND the release CONTRACT of FEBRUARY 27th 2007, and THIRD Now entitled a FINAL RELEASE as of FEBRUARY 27th 2009 C.E.

47.....The PLAINTIFF AVERS he is entitled to interpretations of both the PARTIES rights, his status, his legal relations, with

the DEFENDANT, and his substantive and procedural Rights to be ascertained by the EXSISTING LAWS prior to JULY 1, 1996.

48.....The PLAINTIFF AVERS THAT the HABEAUS CORPUS with a DECLATORY JUDGMENT and INJUNCTIVE RELIEF cannot be dismissed by CIVIL RULE 12 (B) (6) when real controversy exists and/or justifiable issues exists under two (2) CONTRACTS, the PLEA BARGAIN, the RELEASE, and now the FINAL RELEASE see CONTRACT STANDARDS.

FACTS

49.....The PLAINTIFF AVERS he is entitled to a DECLATORY JUDGMENT for the proper means to challenge the un-constitutional RETROACTIVE APPLICATIONS of SENATE BILL 269/2 ORC\$5149.10.1 THE VICTIM ADVOCACY BOARD HEARING and the RECISSION of the PAROLE CONTRACT of January 5th 2007 at a hearing on April 9th,2007.

50.....The PLAINTIFF AVERS he is entitled to an interpretation of the laws existing prior to JULY 1, 1996 under ORC \$2967.02.1.(A) and/or ORC \$5120.02.1(A) for his original plea bargain CONTRACT, his release CONTRACT and now the FINAL RELEASE CONTRACT as of February 27th 2009 C.E.

51.....The PLAINTIFF AVERS he is immuned to CIVIL RULE 12(B)(6) dismissal of the HABEAUS CORPUS, when DECLATORY JUDGMENT and INJUNCTIVE RELIF are sought for legitimate issues of UN-CONSTITUTIONALITY.

52.....The PLAINTIFF AVERS he is entitled to relief from SB269/2 RETROACTIVE APPLICATIONS, ORC \$5149.10.1 VICTIMS ADVOCACY BOARD. He is entitled to every exsisting LAWS prior to July 1, 1996, The STATE OF OHIO has no AUTHORITY to BIND any/all SB269/2

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LAWS to the PLAINTIFF, he is immuned by ORC§2967.02.1(A) and ORC §5120.02.1(A) STATE -VS- RUSH 83 Ohio St. 3d 53.

53.....OMMITED/reserved.

54.....The PLAINTIFF AVERS he is entitled to enforce BOTH of his CONTRACTS, FIRST the original plea of (12-YEARS) Twelve years and SECOND the RELEASE CONTRACT of FEBRUARY 27th 2007, and/or FINAL RELEASE of FEBRUARY 27th 2009 C.E.

55.....THE PLAINTIFF HEREBY MAKES, CONSTITUTES, and EXECUTES the numbers paragraphs forty-four (44) through fifty-four (54) as if re-stated herewith. And/or THEREFORE is entitled a reversal for ERROR, OMISSION and DEFECT, and THEREFORE remanded back to the FOURTH APPELLATE DISTRICT COURT OF APPEALS 10-CA-3143 for the proper issuance of the HABEAUS CORPUS, and for the intent and purpose to hear the "MERITS" of the case. And/or in the alternative to preserve the Rights, Privileges, and Immunities of the PLAINTIFF. And the numbered paragraphs five (5) shall be included to preserve the united states of america Constitutional Rights of the PLAINTIFF, the state of ohio Constitutional Rights of the PLAINTIFF pursuant to ORC §1.47(A), the Ohio Revised Codes quoted, the united states codes quoted herein to wit the quoted case laws and doctrines herein.

FIFTH ASSIGNMENT OF ERROR/OMISSION/DEFECT
"DID THE PERSON(S) OF McFARLAND, HARSHA, ABELE
d/b/a/ JUDGES ABUSE THEIR DISCRETION, AND BIAS
TO REFUSE ANSWER OF THE INJUNCTIVE RELIEF
THE PROPER MEANS TO RESTRAIN THE PERSON(S) OF
ROBIN KNAB et. al. d/b/a/ WARDEN CCI/ODRC/OAPA

56.....The person(s) of Mcfarland, Harsha, Abele d/b/a JUDGES under FRAUD, COERCION, and THREATS of FORCE, plainly ERRORRED, OMITTED and caused DEFECTS by trespassing upon the private

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RDA

matters between the PLAINTIFF and the person(s) of ROBIN KNAB et. al. d/b/a WARDEN OF CCI/ODRC/OAPA. By the actions of FRAUD, COERCION, THREATS of FORCE DID ENTERTAIN the person(s) of WILLIAM LAMB d/b/a OHIO ATTORNEY GENERALS OFFICE FRAUDULENT CLAIM of non-compliance of ORC§2969.25(C). The specific CLAIM and VIOLATIONS are against the person(s) of ROBIN KNAB et.al. d/b/a WARDEN CCI/ODRC/OAPA to restrain them from the use of ARBITRAY, CAPRICIOUS, and UNREASONABLE ADMINISTRATIVE RULES and laws ascertained and maintained by SENATE BILL 269/2 on or after July 1, 1996 and/or its later composite laws.

57.....The PLAINTIFF AVERS THAT all the case laws within the THIRD ASSIGNMENT OF ERROR, OMISSION, and DEFECT are re-stated herein and/or apply to this issue as well verbatim.

FACTS

58.....The PLAINTIFF AVERS THAT he is entitled to INJUNCTIVE RELIEF against the misapplication of the ORC §2967.02.1(A) and ORC§ 5120.02.1(A) and/or ORC §5149.10.1 by the person(s) of ROBIN KNAB et.al. d/b/a WARDEN CCI/ODRC/OAPA.

59.....The PLAINTIFF AVERS THAT he is entitled to INJUNCTIVE RELIEF against the un-constitutional victim advocacy board ORC §5149.10.1, SB 269/2 and/or its later composite laws on or after July 1, 1996.

60.....The PLAINTIFF AVERS THAT he is entitled to INJUNCTIVE RELIEF against SLAVERY/PEONAGE/VILLIENAGE, since February 27th 2009 by STATE -VS- RUSH 83 Ohio⁴ 3d 53 which prohibits SB 269/2 RECISSION OF PAROLE RELEASE.

61.....The PLAINTIFF AVERS THAT he is entitled to INJUNCTIVE

RELIEF to have investigated and punishment of every wrogdoers, specifically against the person(s) of ROBIN KNAB et.al. d/b/a WARDEN OF CCI/ODRC/OAPA. specific violations against ORC§ 2921.03 by accepting FRAUDULENT CLAIMS, false statements, MADE, CONSTITUTED and EXECUTED by the person(s) of TONYA LEE DIXON/AUSTIN and BOY-FRIEND JIM on April 9th 2007 VICTIM ADVOCACY HEARING.

Specific violations against ORC §2921.05 by MAKING, CONSTITUTING, and EXECUTING FRAUDULENT filings by the person(s) of TONYA LEE DIXON-AUSTIN and BOYFRIEND JIM on April 9th 2007 VICTIM ADVOCACY HEARING.

Specific violations against ORC §2921.12(A)(A1)(A2) by the person of ROBIN KNAB et. al. d/b/a WARDEN OF CCI/ODRC/OAPA by altering, destroying, concealing, removal of records, and/or by persons of TONYA LEE DIXON-AUSTIN and BOYFRIEND JIM on April 9th 2007 VICTIM ADVOCACY HEARING.

Specific violations against ORC §2921.32(A)(A4) by the person(s) of ROBIN KNAB et. al. d/b/a WARDEN OF CCI/ODRC/OAPA by hindering the discovery, apprehension, and punishment for CRIME against the person(s) of TONYA LEE DIXON-AUSTIN and BOYFRIEND JIM on April 9th 2007 VICTIM ADVOCACY HEARING.

Specific violations against ORC §2921.44(A)(C)(E) by the person(s) of ROBIN KNAB et. al. d/b/a WARDEN OF CCI/ODRC/OAPA by dereliction of their prescribed duties, their facilities of CCI, the STATUTORY fudicairy LAWS specifically ORC§1.47(A); ORC §1.58(A); (A1), (A2), (A3), (A4); ORC §2967.02.1(A); ORC §5120.02.1(A) and arbitray, capricious, and un-reasonable DID establish and maintain SLAVERY/PEONAGE/VILLIENAGE within the state of ohio,

a part of the union of the united states of america, and a violation of 42 USC §1994 PEONAGE PROHIBITION, the united states of america Constitution thirteenth amendment, and the state of ohio Constitution Article I§6 SLAVERY PROHIBITION.

Specific violation against 18 USC §241; 18 USC §242; 18 USC §245; 42 USC §1983; 42 USC §1985; 42 USC §1994 against ORC §2921.45(A) by the person(s) of ROBIN KNAB et. al. d/b/a WARDEN OF CCI/ODRC/OAPA DID violate the PLAINTIFFS RIGHTS, PRIVILEGES, and IMMUNITIES and/or EXCLUSIVE CONTRACT RIGHTS.

Specific violations against ORC §2921.52 by the person(s) of ROBIN KNAB et. al. d/b/a WARDEN OF CCI/ODRC/OAPA by the use of the SHAM LEGAL PROCESS held under un-lawful ORC §5149.10.1 VICTIM ADVOCACY HEARING to breach the original PLEA CONTRACT, RELEASE CONTRACT of February 27th 2007 by the illegal rescission on April 9th 2007.

Specific violations against ORC §1.47(A) The person(s) of ROBIN KNAB et. al. d/b/a WARDEN OF CCI/ODRC/OAPA failed their OATH to OFFICE, FAILED their OATH to the state of ohio Constitution, Failed their OATH to the united states of america Constitution, Failed their FUDICIARY DUTIES to ORC §2967.02.1(A) and ORC § 5120.02.1(A) on April 9th 2007.

62.....The PLAINTIFF HEREBY MAKES, CONSTITUTES, and EXECUTES the numbered paragraphs fifty six (56) through sixty-one (61) as if re-stated herewith. And THEREFORE is entitled a re-versal of ERROR, OMISSION, DEFECT, and re-manded back to the FOURTH APPELLATE DISTRICT COURT OF APPEALS 10-CA-3143 for the proper issuance of the HABEAUS CORPUS. And for the intent and purpose to hear the

the "MERITS" of the case. And in the alternative to preserve the Rights, Privileges, and Immunities of the PLAINTIFF, and the numbered paragraph five (5) shall be included to preserve the united states of america Constitution, the state of Ohio Constitution of the PLAINTIFF, pursuant to the ORC §1.47(A) the Ohio Revised Codes quoted, the united states codes quoted herein to wit; quoted case laws and doctrines.

SIXTH ASSIGNMENT OF ERROR/OMISSION/DEFECT
"DID THE PERSON(S) OF ROBIN KNAB et.al. d/b/a/ WARDEN OF CCI:ODRC/OAPA established and maintained SLAVERY/PEONAGE/VILLIENAGE WITHIN THE STATE OF OHIO, ONE OF THE SEVERAL SEPERATE STATES OF THE AMERICAN UNION?"

63.....The person(s) of Mcfarland, Harsha, Abele d/b/a JUDGES under FRAUD, COERCION, and THREATS of FORCE, DID plainly ERROR, OMITTED, DEFECTS by trespassing upon private matters between the PLAINTIFF and the person(s) of ROBIN KNAB et.al. d/b/a WARDEN OF CCI/ODRC/OAPA. By thier ACTIONS and conditions of establishing and maintaining SLAVERY/PEONAGE/VILLIENAGE within the state of ohio, one of the several seperate states of the american union.

FACTS

64.....The PLAINTIFF AVERS the earliest PROTEST against SLAVERY/PEONAGE/VILLIENAGE was memorialized in the american account of the battle of lexington [REVOLUTIONARY WAR] April 26th 1775. "Nevertheless, to the prosecution and tyranny of his cruel ministry We will NOT tamely submit to SLAVERY/PEONAGE/VILLIENAGE, appealing to heaven for the JUSTICE of our CAUSE, We are determined to DIE or to be FREE.....PRESIDENT of CONTINENTAL CONGRESS JOSEPH WARREN.

65.....The PLAINTIFF AVERS the next PROTEST against SLAVERY/PEONAGE/VILLIENAGE and was memorialized in the address of the CONTINENTAL CONGRESS to the inhabitants of CANADA May 29th 1775. "YOU certainly will NOT permit the infamy and disgrace of such pusillanimity to rest on YOUR own heads, and to the consequence

of it on YOUR children forever. We for our part, are determined to live FREE or NOT at all, and are RESOLVED THAT posterity shall never REPROACH us with having brought SLAVES/PEONS/VILLIENS into the WORLD....CONTINENTAL CONGRESS PRESIDENT JOSEPH WARREN

66.....The PLAINTIFF AVERS the next PROTEST against SLAVERY/ PEONAGE/VILLIENAGE was memorialized in the DECLARATIONS OF THE CAUSES AND NECESSITY OF TAKING UP ARMS JULY 6th 1775.

"We are reduced to the alternative of choosing an un-conditional submission to the tyranny of irritated ministers, or resistance by FORCE. The latter is our choice, We have counted the costs of this contest, and find nothing so dreadful as to voluntary SLAVERY/PEONAGE/VILLIENAGE. HONOR, JUSTICE and HUMANITY forbid us tamely to surrender THAT FREEDOM which We recieved from our gallant ancestors, and which our innocent posterity have a right to recieve from us. We caanot endure the infamy and guilt of resigning succeeding generations to THAT wretchedness which inevitably awaits them, if We basely entail hereitary BONDAGE upon them CONTINENTAL CONGRESS JOHN HANCOCK.

67.....The PLAINTIFF AVERS the next PROTEST against SLAVERY/ PEONAGE/VILLIENAGE was memorialized in the MOVEMENT FOR INDEPENDENCE

May 27th 1776.
"We hoped in vain, They have lost their love to FREEDOM, they have lost their SPIRIT of JUST RESENTMENT, We THEREFORE renounce with disdain our connection with a KINGDOM of SLAVES/PEONS/VILLIENS, We bid a final adieu to BRITAIN.

68.....The PLAINTIFF AVERS the next PROTEST against SLAVERY/PEONAGE VILLIENAGE was memorialized in the DECLARATION OF INDEPENDENCE

JULY 4th 1776.
"He is at this time transporting large ARMIES of FOREIGN MERCENARIES to complete the works of DEATH, DESOLATION and TYRANNY, already begun with circumstances of CRUELTY and PERFIDY scarcely paralled in the most barbarous ages and totally un-worthy the HEAD of a civilized NATION. We must THEREFORE acquiesce in the necessity which denounces our seperation and hold them as, We hold the rest of MANKIND ENEMIES in WAR in PEACE FRIENDS. THAT We have a Right to be FREE, INDEPENDENT SOVEREIGN PEOPLE, absolved from all ALLEGIANCE to the BRITISH CROWN. We mutually pledge to each other our LIVES, our FORTUNES, and our SACRED HONOR. CONTINENTAL CONGRESS PRESIDENT JOHN HANCOCK.

69.....The PLAINTIFF AVERS the next PROTEST against SLAVERY/ PEONAGE/VILLIENAGE was memorialized in the TREATY OF ALLIANCE WITH FRANCE February 6th 1778.

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RAA

"The essential and direct end of the present defensive alliance is to maintain effectively the liberty, sovereignty, and the independence, absolute and unlimited of the people, as well as in the matters of government and of commerce.

70.....The next protest against SLAVERY/PEONAGE/VILLIENAGE was memorialized in the VIRGINIA session of the western lands Dec 20 1783.

"THAT the STATES so formed shall be distinct republican states, and become members of the american union, and the people are FREE, SOVERIEGN and INDEPENDENT as within the other several seperate states of the union.

71.....The next protest against SLAVERY/PEONAGE/VILLIENAGE was memorialized in the NORTHWEST ORDINANCE July 13, 1787 Article 6.

"THERE shall be neither SLAVERY, nor INVOLUNTARY SERVITUDE in the said territory, otherwise than in the punishment of crimes WHEREOF the party shall have been duly convicted.

72.....The next protest against SLAVERY/PEONAGE/VILLIENAGE was memorialized in the united states Constitution Sept 17 1787 in Amendment Article XIII section 1 .

"Neither SLAVERY nor INVOLUNTARY SERVITUDE except as a punishment for CRIME WHEREOF the party shall have been duly convicted, shall exist within the united states of america or any place subject to their jurisdiction.

73.....The next protest against SLAVERY/PEONAGE/VILLIENAGE was memorialized in the state of Ohio Constitution March 10 1851. Article I B6.

"SLAVERY and INVOLUNTARY SERVITUDE"

"THERE shall be no SLAVERY in the state, nor involuntary servitude

unless for the punishment of "CRIMES".

74.....The next protest against SLAVERY/PEONAGE/VILLIENAGE was memorialized within 42 USC 81994 PEONAGE PROHIBITION.

"The holding of any/all person(s) to service and/or labor under the system KNOWN as PEONAGE is established and/or forever prohibited in any/all TERRITORY and/or STATE (OHIO) of the united states of america, any/all ACTS-LAWS-RESOLUTIONS-ORDERS-REGULATIONS i/e ORC 82967.02.1(a) and ORC 85120.02.1(A) and/or ORC 85149.10.1 and/or USAGE of any/all TERRITORY and/or STATE (OHIO) which have HERETO established, maintained and/or enforced and/or by VIRTUE of which any/all attempt shall HEREAFTER be MADE-CONSTITUTED-and EXECUTED to establish and/or maintain and/or enforce DIRECTLY and/or INDIRECTLY the voluntary and/or involuntary service, and/or labor of any/all person(s) as PEONS in the liquidation of any/all DEBTS and/or OBLIGATIONS and/or otherwise are DECLARED NULL and VOID.

75.....The next protest against SLAVERY/PEONAGE/VILLIENAGE was memorialized in the definition of SLAVERY/PEONAGE/VILLIENAGE.

"1.....SLAVERY is the owning and/or keeping of SLAVES as a practice and/or institution, SLAVEHOLDING, the condition of being a SLAVE, BONDAGE, SERVITUDE. The condition of submission to and/or domination, by some influence, habit, toil, drudgery, servitude, bondsman, serf, bondslave, villein, vassel, thrall, churl, peon which is divested of any/all FREEDOM, and PERSONAL RIGHTS.

2.....PEONAGE, the condition of a PEON, a person(s) forced to work of a DEBT, or to perform penal servitude, to labor for their creditors and/or person(s) who lease their services from the state.

3.....VILLIENAGE, the condition of a class of serf's (FEUDAL) who by the 13th century had become FREEMAN in their legal relations to

any/all except their LORDS to whom they remained subject as SLAVES.
76.....The next protest against SLAVERY/PEONAGE/VILLIENAGE was memorialized in the WRIT OF PROHIBITION PLESSY -VS- FERGUSON 16 S. Ct. 1138 April 13th 1896.

"It created the seperate but EQUAL doctrines".

77.....The next protest against SLAVERY/PEONAGE/VILLIENAGE was memorialized in an APPEAL "PEONAGE CASES 123 F. 671 June 16th 1903. "The conditions of PEONAGE, compliance to any/all CONTRACTS and/or the prohibition against THIRD PARTY person(s) intereference and the original 42 USC B1994 encoded as 42 USC B1990 whish included the words "NEW MEXICO". Later amended and re-codified as PEONAGE PROHIBITION. It further created a NEW DOCTRINE in JURISPRUDENCE in determining the penal enactments and misdeeds, misuse of the AUTHORITY by the STATES, in private performance, obligations as PEONS.

78.....The next protest against SLAVERY/PEONAGE/VILLIENAGE was memorialized in an APPEAL BROWN et. al. -VS- BOARD OF EDUCATION OF TOPEKA KANSAS et. al. 74 S. Ct. 686 May 17th 1954.

"The COURT overturned the PLESSY -VS- FERGUSON and its SBEERATE BUT EQUAL DOCTRINE and/or its segregation, stating it was a denial of the EQUAL PROTECTION OF THE LAWS under the THIRTEENTH, FOURTEENTH, and the FIFTHEENTH AMENDMENTS of the united states of america Constitution.

79.....The next protest against SLAVERY/PEONAGE/VILLIENAGE was memorialized in the WRIT OF CERTIORARI JAGO et. al. -VS- VANCURREN 102 S. Ct. 31 Nov 9th 1981.

"a rescission without a hearing of the pr0soners PAROLE by the Ohio Adult Parole Authority, holding THAT rescission without a

HEARING thus violates the substantive and procedural DUE-PROCESS and/or does not protect the property interests, nor liberty interests. and becomes the GROUNDS for a CONSTITUTIONAL CLAIM, if any language be found in the STATUTES i.e. ORC B2967.02.1(A) and/or ORC B5120.02.1(A) and/or any/all other RULES defining the obligations of AUTHORITY charging them with EXERCISING ORC 1.58 (A), (A1), (A2), (A3), (A4) and/or prohibits them from exercising SB269/2 STATUTES as with the case at hand ORC B5149.10.1 are only applicable to SB 2 OFFENDERS and not this HB511 OFFENDER PRIOR to JULY 1 1996. The PAROLE AUTHORITY on its own ACCORD did award a PAROLE to the PLAINTIFF granted upon Dec 27 2006 and a release date of Feb 27 2007 and liberty interests exists upon the final release of Feb 27 2009.

STATUTE ORC B2967.02.1(A) creates a protected liberty interest with substantive and procedural DUE-PROCESS to any/all LAWS as it existed PRIOR TO July 1, 1996 see ORC B2967.02.1.(A) The REVISED CODE as it EXISTED PRIOR to July 1, 1996 applies to a person(s) upon whom a COURT imposed a TERM OF IMPRISONMENT PRIOR to July 1 1996, and a PERSON(S) upon whom a COURT on or after July 1, 1996, and in accordance with law EXISTING PRIOR to JULY 1, 1996, imposed a TERM OF IMPRISONMENT for an OFFENSE THAT was committed PRIOR to July 1, 1996. ORC B5149.10.1 was created for SB269/2 OFFENDERS on or after July 1, 1996 and NOT PRIOR. THEREFORE the OHIO PAROLE AUTHORITY rescinded My PAROLE without any/all substantive procedural DUE-PROCESS.

80.....The next protest against SLAVERY/PEONAGE/VILLIENAGE was memorialized in an APPEAL of the united states -VS- KOZMINSKI 821 F. 2d 1186 April 16 1987 2 3

"INVOLUNTARY CONVERSION" We conclude THAT a holding to involuntary servitude occurs when (a) the servant believes THAT he or she has no viable alternative but to perform services for the MASTER. (b) because of: (b1) the MASTER uses of, or threatens the use of physical force or, (b2) the MASTER use of or threatened use of

STATE(OHIO) imposed legal coercion i.e PEONAGE or (b3) the MASTER use of FRAUD or DECEIT to obtain or maintain services where the servant is vulnerable ~~1~~1.....PROLONGED CAPTIVITY, 2.....CONTINUOUS AROUND THE CLOCK SUPERVISION 3.....ISOLATED ENVIRONMENT 4.....REMOVAL OF ALL FAMILY, FRIENDS and SUPPORTS 5.....AN ATTACK ON THE PERSONALITY, habits, expressed by physical and mental activities and attitudes, to include repute, reputation, distinction, mark, name, figure, note, vogue, celebrity, fame report, renown, popularity, public esteem, popular favor, glory, honor, credit, prestige, account, regard, respect, rank, standing, precedence, station, place, status, position, order, grade, degree, caste, condition. 6.....LACK OF PRIVACY 7.....ASSULT UPON THE TOTAL PERSONALITY classes and forced therapy 8.....SYSTEMATIC USE OF REWARD AND PUNISHMENTS, SEGREGATION good time, early releases etc. 9.....TEARING of the FABRIC of the PERSONALITY the pre sb 269/2 offenders were labeled the WORSE OF THE WORSE and now being punished by two laws HB 511 and SB 269/2 and/or its composite laws the STATE REQUIRES THAT all RESPONSIBLE on or after July 1, 1996, so THAT they can receive RE-ENTRY MONEY. 10.....AND THE BUILDING UP OF A NEW PERSONALITY "ONCE A SEX OFFENDER ALWAYS A SEX OFFENDER, ONCE A CRIMINAL ALWAYS A CRIMINAL, the 12 steps motto ONCE a ALCOHOLIC ALWAYS A ALCOHOLIC.. THE STATE OF OHIO has inveigled the PLAINTIFF, blinding, deluding, with deception enticement, tricking into giving something up at the CRIMINAL RISK ASSESSMENT ORC B5120's to be used against him. 81.....The next protest against SLAVERY/PEONAGE/VILLIENAGE was memorialized in the APPEAL of JOSEPH DYER III -VS- JAMES BOWLEN 465 F. 3d 280 August 30 2006 **10 (B) requirements for proving

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and EX-POST-FACTO violation 1...it must apply to events occurring before its enactments (the PLAINTIFF became liable in 1991 and the limitations have run prior to the enactment of the ORCB2950.s (2) it must diadvantage the offender, it creates SLAVERY/PEONAGE/VILLIENAGE with CLASSIFICATION/REGISTRATION/NOTIFICATION with segregation overtones.

FIRST DISCUSSION

ORC B2967.02.1(A) states the continuance of HB511 OFFENDERS STATUTES PRIOR to July 1, 1996 and also PROHIBITS the STATE OF OHIO from making-constituting-executing any/all SB269/2 and/or its COMPOSITE laws against this offender, for PRIOR actions taken in 1991.

SECOND DISCUSSION

The offenders under SB269/2 are required by law to serve their entire sentence day for day less good time, while the offenders under HB511 are required to serve a minimum time less good time and allowed earlier release (a)The COURT convicted and sentenced the PLAINTIFF to 30 thirty to 75 seventy-five years indefinite term, and not to SB 269/2 75 seventy five years day for day. (b) under HB511 and the negotiated plea of 12 twelve years the PLAINTIFF expected to be released any time after the STATUTORY mimimum and not the 75 seventy five years by the STATE OF OHIO. 9(c) THEREBY SB269/2 guidelines, requirements are excessive, cruel and injurous to indefinite sentenced offenders PRIOR to July 1, 1996.

THIRD DISCUSSION

The PLAINTIFF is entitled a IMMEDIATE RELEASE from this SLAVERY/PEONAGE/ VILLIENAGE, and/or ORDERS to the appropriate dept. as such.

25920-Brief-1

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IN CONCLUSION

The PLAINTIFF HEREIN states verbatim, the FIRST ASSIGNMENT OF ERROR, the SECOND ASSIGNMENT OF ERROR, the THIRD ASSIGNMENT OF ERROR the FOURTH ASSIGNMENT OF ERROR, the FIFTH ASIGNMENT OF ERROR, the SIXTH ASSIGNMENT OF ERROR as if it is re-stated HERE as the causes for this appeal. Further states verbatim, the FACTS contained within the 81 paragraphs and the discussions to include this conclusion, Further MOVES and PRAYS for this COURT to reverse and remand this case back to the Fourth Appellate District Court of Appeals 10-CA-3143 and/or the alternative which preserves the PLAINTIFF'S Rights, Privileges, and Immunities

without prejudice, with reservation to all rights
RESPECTFULLY SUBMITTED

/s/ *Raymond Dean Austin*
Raymond Dean Austin SURETY
for RAYMOND DEAN AUSTIN DEBTOR
AUTHORIZED REPRESENTATIVE
In Propria Persona



I hereby certify THAT a true copy of the foregoing was sent to ROBIN KNAB et. al. d/b/a WARDEN of CCI/ODRC/OAPA on this _____ day of _____ 2010.

RESPECTFULLY SUBMITTED

/s/ *Raymond Dean Austin*
Raymond Dean Austin SURETY
for RAYMOND DEAN AUSTIN DEBTOR
AUTHORIZED REPRESENTATIVE
In Propria Persona

301727072
August 10th 2010

RAY



Raymond Dean Austin



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RD

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APPENDIX
TO THE BRIEF

25920-Brief-(

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IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
ROSS COUNTY

Raymond Dean Austin, : Case No. 10CA3143
Petitioner, : **MAGISTRATE'S ORDER**
v. :
Robin Knab, Warden, et al., :
Respondents. :

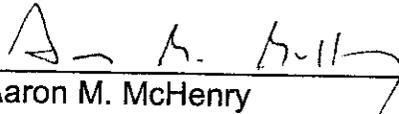
FILED
ROSS COUNTY COMMON PLEAS
CLERK OF COURT
TY D. HINTON
2010 MAY 26 PM 6:40

COURT OF APPEALS

Petitioner, Raymond Dean Austin, has filed a motion asking this court to reconsider our May 10, 2010 decision dismissing his petition for a writ of habeas corpus because he failed to comply with R.C. 2969.25. Because this was an original action filed in the court of appeals, a motion to reconsider pursuant to App.R. 26(A) is not appropriate. See, *Pitts v. Ohio Dept. of Transp.* (1981), 67 Ohio St.2d 378, paragraph one of the syllabus (holding that "[t]he Ohio Rules of Civil Procedure do not prescribe motions for reconsideration after a final judgment in the trial court."). Therefore, petitioner's motion is **DENIED**.

The clerk is **ORDERED** to serve all counsel of record at their last known addresses. The clerk is further **ORDERED** to serve petitioner by certified mail, return receipt requested. If returned unserved, the clerk shall serve petitioner by ordinary mail. **IT IS SO ORDERED.**

FOR THE COURT



Aaron M. McHenry
Magistrate

25920-Brickfall

RDA

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
ROSS COUNTY

2310 MAY 10 PM 12: 43

ROSS COUNTY CLERK OF COURT LEAG
T. D. HOFFMAN

Raymond Dean Austin, : Case No. 10CA3143
Petitioner, : **DECISION AND**
v. : **JUDGMENT ENTRY**
Robin Knab, Warden, et al., :
Respondents. :

Petitioner, Raymond Dean Austin, has filed a petition for a writ of habeas corpus to compel respondents to release him from prison. Respondents have filed a motion to dismiss the appeal. Petitioner has not filed a response. After reviewing the petition, we conclude that it is fatally defective because petitioner failed to comply with R.C. 2969.25.

R.C. 2969.25(A) requires inmates who file a civil action or an appeal of a civil action against a government entity or employee to file at the commencement of the action or appeal an affidavit describing all such actions and appeals filed in the preceding five years in any state or federal court. *State ex rel. Hawk v. Athens Cty.*, 106 Ohio St.3d 183, 2005-Ohio-4383. The information the inmate is required to provide includes a brief description of the action, the case name, the case number, and the court where the action was filed, the name of each party, and the outcome of the action. Petitioner's complaint does not include such an affidavit supplying the required information.

"The requirements of R.C. 2969.25 are mandatory, and failure to comply with

25920 - Br 1001

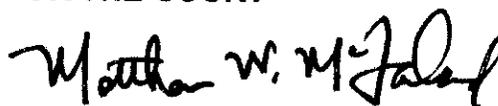
RDA

them subjects an inmate's action to dismissal." *State ex rel. White v. Bechtel*, 99 Ohio St.3d 11, 2003-Ohio-2262, at ¶5. See, also, *State ex rel. Qualls v. Story*, 104 Ohio St.3d 343, 2004-Ohio-6565. Moreover, petitioner cannot correct the omission because R.C. 2969.25 (C) expressly state that the verified statement shall be filed at the time an inmate commences a civil action or appeal against a government entity or employee. *Fuqua v. Williams*, 100 Ohio St.3d 211, 2003-Ohio-5533, at ¶9.

Because petitioner has not complied with R.C. 2969.25, respondents' motion to dismiss is **GRANTED**, the writ of habeas corpus is **DENIED**, and the petition is sua sponte **DISMISSED**. **COSTS TO PETITIONER. ANY PENDING MOTIONS ARE DENIED AS MOOT. IT IS SO ORDERED.**

Harsha, J., Abele, J.: Concur.

FOR THE COURT



Matthew W. McFarland
Presiding Judge

NOTICE

This document constitutes a final judgment entry and the time period for appeal commences from the date of filing with the clerk.

Pursuant to Civ.R. 58(B), the clerk is ORDERED to serve notice of the judgment and its date of entry upon the journal on all parties who are not in default for failure to appear. Within three (3) days after journalization of this entry, the clerk is required to serve notice of the judgment pursuant to Civ.R. 5(B), and shall note the service in the appearance docket.

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RDA

1 think it is accurately reflected what's going on in
2 Raymond's own mind. He's having some internal
3 tension, all of this these forces that have acted
4 upon him.

5 THE COURT: Mr. Carroll, on a 30 to
6 75, he's eligible for probation in 15 years, isn't
7 he, or 10?

8 MR. CARROLL: It would be 15 years less
9 the good time, so it is 10 or 11.

10 THE COURT: Ten or 11 years. So we
11 know 30 to 75 still brings him out in 10 plus
12 years.

13 So let's establish that fact right off the
14 bat, not that we are putting him into a dark hole
15 some place for 30 years and he's never going to
16 come out.

17 Do you have somebody else that you want to
18 speak before I ask Mr. Austin anything?

19 MR. WILLIAMS: No, Your Honor.

20 THE COURT: You had his wife here.
21 You had somebody from victim's assistance. Do they
22 care to make a statement?

23 MR. WILLIAMS: They came on their own.
24 I did not solicit their attendance.

25 THE COURT: While they are here, do

trial. I would have had no compulsion to sentencing
you for life because you have destroyed this
child's life. She's punished now for the rest of
her life. You will do your ten years and you will
get out. You will be out on the streets.

How old are you now?

THE DEFENDANT: Twenty-eight, Your Honor.

THE COURT: You will be out in -- by
the time you are 38. You will still be a young
man. Maybe even 40 at the most.

Quite frankly, I don't think -- I wish I
could sentence you to more time because I want the
word to go out that I do not tolerate grown men
having sexual intercourse, complete sexual
intercourse all the way to having a climax,
ejaculation inside of an eight and nine year old
child.

My sentence today is going to be in count
one, ten to 25 years; on count two, ten to 25
years; on count three, ten to 25 years; on count
four, ten to 15 years; on count five, ten to 25
years.

I wish I could run them all consecutively,
but I am not. I indicated to your counsel before
that counts one, two and three would run

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consecutive with each other and they will. Counts four and five will run concurrent with each other and concurrent with counts one, two and three. And I recognize that you will be back on the streets.

I hope in the ten or 12 years that you do time in the penitentiary, that you in some way get some help because you are pedophile and it is my understanding that pedophiles are very hard to cure. In fact, for some of them there is no cure.

I hope that you can do something for yourself. And when you come out, at least you will be able to have some control over these urges that you might have towards younger woman.

So you will be taken by the Summit County sheriff and there safely kept for the statutory period of time, after which time you will be taken to the appropriate institution.

It is my understanding that an HIV test was requested; was it not?

MR. WILLIAMS: Yes.

THE COURT: Has that be finished?

MR. WILLIAMS: I do not know, Your Honor. We were requested in July to accomplish that purpose. I don't know whether it has been done.

301727072

EN-BANC-HEARING-REQUEST
IN THE COURT OF APPEALS
4th APPELLATE DISTRICT
ROSS COUNTY, OHIO

STATE OF OHIO
Raymond Dean Austin® ex. rel.
SUMMIT COUNTY, OHIO 91-CR-04-0891
PLAINTIFF/PETITIONER
In Propria Persona

-VS-

ROBIN KNAB et. al.
COMPLICITOR to ODRC/OAPA
Warden CCI/ODRC/OAPA
DEFENDANT/RESPONDANT

STATE OF OHIO
COUNTY OF ROSS
CITY OF CHILLICOTHE

)
) CASE NO.
)
) JUDGE
)
)
) ORIGINAL ACTION
) HABEAUS CORPUS \$2725
) AFFIDAVIT pursuant to
) ORC§2969.25 (A1)(A2)(A3)(A4)
) REGULAR DOCKET
)
)
) SCILICET
)

ROSS COUNTY COMMON PLEAS
CLERK OF COURTS
T. D. HINTON
2010 JAN 21 PM 3:31
COURT OF APPEALS

AFFIDAVIT OF Raymond Dean Austin®
AFFIDAVIT of PRIOR CIVIL FILINGS

Before Me Mrs Bartlett personally came the living flesh and blood being, Raymond Dean Austin® In propria Persona who being first warned and duly sworn accordingly to the Almighty God, hereby reserves every Right, Immunity, and Privilege, Does hereby DEPOSE and SAY THAT CHAPTER §2969 is by design oppressive and an invasion of privacy of papers/property against the PLAINTIFF/PETITIONER's Constitutional Rights see ORC§1.47(A). I further state to receive My redress of Greivances I am forced, coreced, and under threat of dismissal unless information is provided to the PUBLIC RECORD, in hopes to cure this manifest of injustice.

1...IN VIEW OF THE FACT THAT:

- A1...DIRECT APPEAL to sb10 re-classification
- A2...CASE NO 08-CA-3033 4th APPELLATE DISTRICT COURT OF APPEALS
- A3...Raymond Dean Austin -VS- MARK DANN
- A4...Dismissed action for filing in wrong jurisdiction.

2...IN VIEW OF THE FACT THAT:

- A1...CRIMINAL COMPLAINT
- A2...CASE NO 08-CVH-209 ROSS MUNICIPAL COURT
- A3...Raymond Dean Austin -VS- MARK DANN
- A4...ATTORNEY GENERAL chaged the filings to SB10 re-classification and dismissed for wrong jurisdiction.

3...IN VIEW OF THE FACT THAT:

- A1...SB10 RE-CLASSIFICATION request
- A2...Case no unknown/changed to 08-CVH-209 ROSS COUNTY COURT OF COMMON PLEAS
- A3...Raymond Dean Austin -VS- MARK DANN
- A4...DISMISSED with MUNICIPAL COURT 08-CVH-209 RULINGS/NOT COMMON PLEAS.

4...IN VIEW OF THE FACT THAT:

- A1...ORIGINAL WRIT OF PROHIBITION
- A2...case no 07-0945 OHIO SUPREME COURT
- A3...Raymond Dean Austin -VS- TERRY COLLINS et. al.
- A4...Dismissed, could NOT serve defendants TONYA L AUSTIN/JIM

5...IN VIEW OF THE FACT THAT:

- A1...DISJOINDER from DOUGLAS ANKROM -VS- HARRY HAGEMAN
- A2...case number 01-CVH 01-1563 FRANKLIN COUNTY COMMON PLEAS
- A3...DOUGLAS ANKROM -VS- HARRY HAGEMAN (OAPA) FRANKLIN COUNTY COMMON PLEAS

25920 Brief-1

38 of 71 RM

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ROSS COUNTY COMMON PLEAS
2010 JAN 21 PM 2:28
COURT OF APPEALS

EN-BANC-HEARING REQUEST
IN THE COURT OF APPEALS
4th APPELLATE DISTRICT
ROSS COUNTY, OHIO

STATE OF OHIO
Raymond Dean Austin® ex. rel.
SUMMIT COUNTY, OHIO 91-CR-04-0891
PLAINTIFF/PETITIONER
In Propria Persona

)
) CASE NO. #3143

)
) JUDGE

-VS-

ROBIN KNAB et. al
COMPLICITOR to ODRC/OAPA
Warden CCI/ODRC/OAPA
DEFENDANT/RESPONDANT

) ORIGINAL ACTION
) HABEAUS CORPUS §2725
) AFFIDAVIT of INDIGENCY/CASHIERS CERT.
) pursuant to ORC §2969.25(C1)(C2)
) REGULAR DOCKET
)

STATE OF OHIO
COUNTY OF ROSS
CITY OF CHILLICOTHE

)
) SCILLICET
)

AFFIDAVIT OF Raymond Dean Austin®
AFFIDAVIT OF INDIGENCY/CASHIERS CERTIFICATE

Before Me Mrs Bartlett personally came the living flesh and blood being, Raymond Dean Austin® In Propria Persona who being first warned and duly sworn accordingly to the Almighty God, hereby reserves every Right, Immunity, and Privilege, Does hereby DEPOSE and SAY THAT presently on this the 11th day of January 2010, I have no means of financial support and no assets of any value except ORC §1.03 (E) RIGHTS in an ACTION and therefore submit the AFFIDAVIT of civil filings, Motion to waive costs, Affidavit of Indigency, cashiers certificate and the Inmate account statement.

RESPECTFULLY SUBMITTED

Raymond Dean Austin
Raymond Dean Austin ®
PLAINTIFF/PETITIONER

In Propria Persona

SWORN TO and SUBSCRIBED TO before Me a NOTARY PUBLIC on this the 11

day of January 2010.

Melissa Bartlett
NOTARY PUBLIC

SEAL

8-11-2013
MY COMMISSION EXPIRES ON

CASHIERS CERTIFICATE

I, CERTIFY THAT the PLAINTIFF/PETITIONER named herein has the sum of \$ _____ on account to his credit at the CHILLICOTHE CORRECTIONAL INSTITUTION. I further CERTIFY THAT during the past six (6) months the PLAINTIFF/PETITIONER's average monthly balance was \$ _____ and the PLAINTIFF/PETITIONER's average monthly deposits was \$ _____ and placed in the prison trust fund account see statement, and the showing of at least six (6) months transactions. I further CERTIFY the PLAINTIFF/PETITIONER does NOT have a secondary account(s) such as savings, certificate of deposits, or savings bonds. The secondary account balance is \$ _____.

SIGNATURE

DATE

copy
Petitioners

25920-Brief-1

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30727072

EN-BANC-HEARING-REQUEST
IN THE COURT OF APPEALS
4th APPELLATE DISTRICT
ROSS COUNTY, OHIO

COURT OF APPEALS

2010 JAN 21 PM 3:31

ROSS COUNTY COMMON PLEAS
CLERK OF COURTS
TY D. HINTON

STATE OF OHIO
Raymond Dean Austin® ex.rel.
SUMMIT COUNTY, OHIO 91-CR-04-0891
PLAINTIFF/PETITIONER
In Propria Persona

) case no.
)
) JUDGE
)
) ORIGINAL ACTION
) HABEAS CORPUS §2725
) AFFIDAVIT OF INDIGENCY
) pursuant to ORC §2969.25(C)
) REGULAR DOCKET
)

-VS-

ROBIN KNAB et. al.
COMPLICITOR to ODRC/OAPA
Warden CCI/ODRC/OAPA
DEFENDANT/RESPONDANT

STATE OF OHIO
COUNTY OF ROSS
CITY OF CHILLICOTHE

)
) SCILLICET
)

AFFIDAVIT OF Raymond Dean Austin®
AFFIDAVIT OF INDIGENCY

Before Me Mrs Bartlett personally came the living flesh and blood being, Raymond Dean Austin® In Propria Persona who being first warned and duly sworn accordingly to the laws of the Almighty God, hereby reserves every Right, Immunity, and Privilege, DOES DEPOSE and SAY THAT presently on this the 11th day of January 2010, I have no means of financial support and no assets of any "VALUE" except under ORC §1.03 (E) RIGHTS in an ACTION and therefore, cannot afford to pay for any legal services, clerks fees, attorney fees, prosecutors fees, and/or any hidden costs-fees by any officer or person(s) contracting with this COURT in the above styled case and headings.

RESPECTFULLY SUBMITTED
Raymond Dean Austin
Raymond Dean Austin®

STATE OF OHIO
COUNTY OF ROSS
CITY OF CHILLICOTHE

)
) SCILLICET
)

ACKNOWLEDGMENT
NOTARY PUBLIC

SUBSCRIBED TO and/or AFFIRMED TO before Me M. Bartlett a NOTARY PUBLIC in and/or for ROSS COUNTY, OHIO on this the 11 day of January 2010 C.E.

IN VIEW OF THE FACT THAT: Raymond Dean Austin® the PLAINTIFF/PETITIONER the live flesh and blood being, In Propria Persona-Sui Juris did personally "APPEAR" before Me and/or is known to Me as the named-person herein and/or has Made, Constituted, and/or Executed this Instrument of LETTERS/PATENTS/PRESENTS by his voluntary affirmation and/or acknowledgment, and to be his Free Act and/or Deed to the same.

Melissa Bartlett
NOTARY PUBLIC SEAL

8-11-2013
MY COMMISSION EXPIRES ON

25920 Briek-1

37 of 71 RDA

301727072

EN-BANC-HEARING-REQUEST
IN THE COURT OF APPEALS
4th APPELLATE DISTRICT
ROSS COUNTY, OHIO

STATE OF OHIO
Raymond Dean Austin®
SUMMIT COUNTY, OHIO 91-CR-04-0891
PLAINTIFF/PETITIONER
In Propria Persona

-VS-

ROBIN KNAB et. al.
COMPLICITOR to ODRC/OAPA
Warden CCI/ODRC/OAPA
DEFENDANT/RESPONDANT

)
) CASE NO.
)
) JUDGE
)
) ORIGINAL ACTION
) HABEAUS CORPUS §2725
) MOTION FOR WAIVER OF COSTS
) ORC §2967.25 (C)
) REGULAR DOCKET
)

ROSS COUNTY COMMON PLEAS
CLERK OF COURTS
TY HINTON
2010 JAN 21 PM 3:31

COURT OF APPEALS

MOTION FOR WAIVER OF PREPAYMENT OF COSTS
pursuant to ORC §2969.25(C)

COMES, Now the PLAINTIFF/PETITIONER Raymond Dean Austin® In Propria
Persona Sui-Juris pusuant to ORC §2969.25(C) and hereby respectfully MOVES
this COURT for an ORDER to waive all the costs, fees CLERK FEES, ATTORNEY
FEES, PROSECUTOR FEES and any other HIDDEN FEES, COSTS associated by any/all
person(s) contracting with this COURT in the prosecution of this ORIGINAL
ACTION for WRIT OF HABEAUS CORPUS.

RESPECTFULLY SUBMITTED
Raymond Dean Austin
Raymond Dean Austin®
In Propria Persona

PLAINTIFF/PETITIONER
Raymond Dean Austin®
15802 St. Rte. 104 North
Chillicothe, Ohio 45601

DEFENDANT/RESPONDANT
ROBIN KNAB
15802 St. Rte. 104 North
Chillicothe, Ohio 45601

25920-Brief-1

6/28/71/RA

301727072

EN-BANC-HEARING-REQUEST
IN THE COURT OF APPEALS
4th APPELLATE DISTRICT
ROSS COUNTY, OHIO

STATE OF OHIO
Raymond Dean Austin®ex.rel.
SUMMIT COUNTY, OHIO 91-CR-04-0891
PLAINTIFF/PETITIONER
In Propria Persona

-VS-

ROBIN KNAB et.al.
COMPLICITOR to ODRC/OAPA
Warden CCI/ODRC/OAPA
DEFENDANT/RESPONDANT

STATE OF OHIO
COUNTY OF ROSS
CITY OF CHILLICOTHE

)
) CASE No.
)
) JUDGE
)
) ORIGINAL ACTION
) HABEAS CORPUS §2725
) AFFIDAVIT pursuant to
) ORC§2969.26
) REGULAR DOCKET
)

)
) SCILLICET
)

COURT OF APPEALS
2010 JAN 21 PM 3:31
FILED
ROSS COUNTY CLERK OF COURTS
T. D. HAMILTON

AFFIDAVIT OF Raymond Dean Austin®
CLAIMS SUBJECT TO GRIEVANCE SYSTEM
APPLICATION thereby ORC §2969.26

COPIES herein attached

Before Me Mrs Bartlett personally came the living flesh and blood being, Raymond Dean Austin® In Propria Persona who being first warned and duly sworn accordingly to the Almighty God, hereby reserves every Right, Immunity, and Privilege, Does hereby DEPOSE and SAY THAT [ON OR ABOUT] April 2007 the collective CCI/ODRC/OAPA did create circumstances and conditions of SLAVERY or INVOLUNTARY SERVITUDE (VILLIENAGE) by the willful BREACH-OF-PAROLE-CONTRACT for release and the conditions of THAT contract have been fulfilled and WARRANT the immediate release. I further DEPOSE and SAY THAT due diligence has been exercised by the PLAINTIFF/PETITIONER, to correct the omissions, errors, and defects pursuant to STATUTORY PROVISIONS ORC§2967.02.1 (A) and ORC§5120.02.1(A) ORC§1.58 (A)(A1)(A2)(A3)(A4). I further DEPOSE and SAY THAT the grievance system under 5120-9-31 does not cover any issue of law nor the OHIO ADULT PAROLE AUTHORITY, VICTIMS ADVOCACY. There is a specific system under the QUALITY ASSURANCE OFFICE and the LEGAL DEPARTMENT of OHIO DEPARTMENT OF REHABILITATIONS and CORRECTIONS. I further DEPOSE and SAY THAT the DEFENDANTS/RESPONDANTS have been given the opportunity to CURE their actions/CONDITIONS/CIRCUMSTANCES and refused to do so thereby leaving omissions, errors, and defects upon the RECORD'S, for this COURT to examine and served upon them [ON OR ABOUT] JULY 10th 2009, AUGUST 12th 2009, and finally OCTOBER 13th 2009 without any CONSTITUTIONAL or STATUTORY effects.

FACTS OF LAW

The CONDITIONS of SLAVERY are such THAT are established and/or maintained by CCI/ODRC/OAPA i.e. ROBIN KNAB Warden at CCI and the circumstances are such THAT:

The DEFENDANTS/RESPONDANTS exercise NEGLIGENCE, RECKLESSNESS, and KNOWINGLY violate the PLAINTIFFS/PETITIONERS CIVIL RIGHTS 42 USCA §1983, 42 USCA §241 and 42 USCA §242. The DEFENDANTS/RESPONDANTS further Do maliciously Hold the PLAINTIFF/PETITIONER in the conditions of SLAVERY/Villienage by the BREACH OF CONTRACT (2007) by the violation of Ohio Statutes §2967.02.1 (A), §5120.02.1(A) Chapter §2930, and finally Chapter §5149 by violation of the general codes ORC §1.58 (A)(A1)

25920-Brick-1

Yoct 71 RDA

Public Docket Information
RAYMOND DEAN AUSTIN VS ROBIN KNAB - WARDEN
Case: 10CA003143
[Print](#)

Date Filed 01/25/10 **Case Type** Court Of Appeals **Judge** WILLIAM J CORZINE **Balance Owed** ~~XXXXXX~~

Parties

Name	Type	Address	Attorney(s)
RAYMOND D AUSTIN <i>R</i>	Appellant	# A240 084 CCI P.O. BOX 5500, CCI CHILLICOTHE, OHIO 45601	
ROBIN KNAB	Appellee	WARDEN CCI 15802 ST RT 104 N. CHILLICOTHE, OHIO 45601	

Docket ([Show All Entries](#) | [Show Entries Page 1](#))

Date	Text	Type
01/21/10	PETITION FOR HABEAS CORPUS AND ADDITIONAL DOCUMENTS FILED.	APPEAL
01/25/10	NOTICES ON FILING OF HABEAS CORPUS FILED. COPIES TO JUDGE HARSHA, ATTORNEY GENERAL, AND APPELLANT BY REG MAIL.	
01/25/10	Cost Bill Entry	
01/25/10	SUMMONS AND COPY OF PETITION ISSUED TO ROBIN KNAB-WARDEN BY CERT MAIL. RECEIPT #7008 1300 0002 1411 9890	SUMMONS
01/26/10	CERTIFIED MAILER RETURNED ON ROBIN KAAB- WARDEN SIGNED BY GENTLER SIGNED ON 1-26-10	FILING
02/23/10	RESPONDENT'S MOTION TO DISMISS AND MEMORANDUM FILED. (4) COPIES TO JUDGE HARSHA.	
02/24/10	APPELLANT'S MOTION FOR EXTENSION OF TIME FILED. (4) COPIES TO JUDGE HARSHA.	
03/02/10	MAGISTRATE'S ORDER FILED. COPIES BACK TO JUDGE HARSHA. APPELLANT'S MOTION TO DISMISS IS GRANTED IN PART AND DENIED IN PART. PETITIONER'S MOTION TO STRIKE IS DENIED. PETITIONER GRANTED UNTIL 3/16/10 TO FILE A RESPONSE TO RESPONDENT'S MOTION TO DISMISS. COPY TO COUNSEL BY REG MAIL. COPY TO PETITIONER BY CERT MAIL. RECEIPT 7008 1300 0002 1412 0353.	ORDER
03/08/10	Certified Mail Return : Article # : 70081300000214120353, Delivered Date : 03/5/2010, Reason : Certified Mail Receipt Returned and Filed, Party : RAYMOND D. AUSTIN, Note : SIGNED BY G. ENTLER.	FILING
03/08/10	LETTER OF REFUSAL FROM APPELLANT FILED. (4) COPIES TO JUDGE HARSHA AND COPY TO APPELLANT BY REG MAIL.	
04/19/10	MOTION FOR LEAVE OF COURT FOR SUMMARY JUDGMENT FILED.	

- 13. I agree to give all information regarding my financial status to assist in determining my ability to pay specific financial obligations, to my supervising officer.
- 14. I agree to follow all rules and regulations of treatment facilities or programs of any type in which I am placed or ordered to attend while under the jurisdiction of the Court, and/or Department of Rehabilitation and Correction.
- 15. I agree to fully participate in, and successfully complete, the following indicated Sanctions/Special conditions:

Parole on or after 2/27/07 – sex offender screening, programming if indicated, no unsupervised contact with minors

16. I agree and understand that if I am arrested in any other state or territory of the United States or in any foreign country, my signature as witnessed at the end of the page will be deemed to be a waiver of extradition and that no other formalities will be required for an authorized agent of the State of Ohio to bring about my return to this state.

I understand that I am required to pay the Financial Obligations listed. Failure to do so will negate any eligibility for an early termination of supervision and result in civil suit by the Attorney General's Office.

Respected Revoked Returned

Financial Obligations

Type	Supervision Fees	Fines	Restitution	Court Costs	Child Support	Other
Amount						
Payment Frequency						
Completion Date						

I understand that I have a grievance process available to me and may request a grievance form from my supervising officer at any time. However, I also understand that I may not grieve Parole Board or Court Ordered Special Conditions and/or Sanctions, being arrested for supervision violations, failure to follow directions/instructions of my supervising officer, the final decision of previous grievances, complaints unrelated to supervision, e.g. legislative action, judicial proceedings and sentencing, or any matter exclusively within the jurisdiction of the courts or other agencies, e.g. Human Services. The grievance procedure has been read and/or explained to me and I am indicating by my signature that I understand this process.

I have read or had read to me the conditions of my parole. I fully understand these conditions and I agree to follow them. I understand that a violation of any of these conditions may result in the revocation of my parole which may result in additional imposed sanctions, including imprisonment.

In addition, I understand that I must follow these conditions until notified by my supervising officer. By my signature I acknowledge that I have received a copy of these conditions of supervision. I further understand that I may request a meeting with my supervising officer or his/her supervisor if I feel any of the conditions or instructions are causing problems. I shall make this request in writing if at all possible.

I further acknowledge I understand that I am under the supervision of the Adult Parole Authority until I receive a certificate or journal entry terminating my period of supervision. Be advised, ORC 2967.16 (B) establishes the categories for final release from post release control as "favorable" or "unfavorable." If you receive an unfavorable final release from your post release control, this could result in an enhancement of any future felony sentence.

REC August 15th 2010

Witness: <u>T. E. [Signature]</u>	Date: <u>7-5-07</u>	Offender Signature: <u>[Signature]</u>	Date: <u>7-5-07</u>
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REC
[Signature]

THE STATE OF OHIO
vs.
RAYMOND DEAN AUSTIN

SUMMIT COUNTY 91 04 0891
CLERK OF COURTS

Term 19 91

JOURNAL ENTRY

1462 PAGE 743

THIS DAY, to-wit: The 22nd day of July, A.D., 1991, now comes the Prosecution Attorney on behalf of the State of Ohio, the Defendant, RAYMOND DEAN AUSTIN, being in Court with counsel, BRIAN WILLIAMS, for sentencing; having heretofore on June 17, 1991 plead GUILTY to RAPE, as contained in the amended Counts One (1), Two (2), Three (3), Four (4), and Five (5) of the indictment, which pleas were accepted by the Court.

Thereupon, the Court inquired of the said Defendant if he had anything to say why judgment should not be pronounced against him and having nothing but what he had already said and showing no good and sufficient cause why judgment should not be pronounced:

IT IS, THEREFORE, ORDERED AND ADJUDGED BY THIS COURT that the Defendant, RAYMOND DEAN AUSTIN, be committed to the Ohio Department of Rehabilitation and Correction for an indeterminate period of not less than ten (10) years and not more than the maximum of Twenty Five (25) Years for punishment of the crime of RAPE, on each of five (5) counts, Ohio Revised Code Section 2907.02(A)(1)(b), aggravated felonies of the first (1st) degree, and that the said Defendant pay the costs of this prosecution for which execution is hereby awarded; said costs to be paid to the Summit County Clerk of Courts, Court House, Akron, Ohio 44308.

IT IS FURTHER ORDERED, pursuant to the above sentence that the Defendant be conveyed to the Lorain Correctional Institution at Grafton, Ohio, to commence the prison intake procedure.

IT IS FURTHER ORDERED that the sentence imposed in Counts One (1), Two (2), and Three (3) be served CONSECUTIVELY and not concurrently with each other.



25970-Brief 1

31-125

Raymond Dean Austin

ACCEPTED FOR VALUE - EXEMPT FROM SALES TAX
FOR ANY REMEDY, RELEASE OF THE PROCEEDS,
ACCOUNTS, AND FILINGS IN THE ORDER(S) TO
IMMEDIATELY IN ACCORDANCE WITH THE PUBLIC POLICY
UCC CONTRACT ACCT # 387227022-0316
EXEMPTION ID # 20127022-0316
U.S. CURRENCY
DATE

Personal A/C Withdrawal Check Out-Slip

Dollars: 7 Cents: 00

Institution: Chillicothe Date: 5-18-2010
 Name: clerk of courts
 Address: 2 North Paint St.
 City: Chillicothe State: Ohio Zip Code: 45601

Postage Copies ID Misc. Check-out CK # _____

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Inmate's Signature: Raymond Dean Austin Number: 4240084 Block & Cell Number: D-5
 Approved By: Austin Witnessed: [Signature]

Ship VIA: _____ Date Processed: MAY 18 2010

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <u>7.00</u>

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PS Form 3811, February 2004 See Reverse for Instructions

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Chillicothe Ohio
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 PS Form 3811, February 2004 Domestic Return Receipt

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 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
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4. Restricted Delivery? (Extra Fee) Yes No

COMPLETE THIS SECTION ON DELIVERY

A. Signature * [Signature] Agent Addressee
 B. Received by (Printed Name) Raymond D Austin Addressee
 C. Date of Delivery _____
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below: _____

25920 Brien