

307 2072

**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 :  
SUMMIT COUNTY, OHIO 91-CR-04-0891 :  
PLAINTIFF/APPELLANT :  
IN PROPRIA PERSONA : APPEALED FROM  
: 4th APPELLATE DISTRICT  
-VS- : 10-CA-00-3143  
: :  
ROBIN KNAB et. al. : DIRECT APPEAL OF RIGHT  
COMPLICITY to ODRC/OAPA :  
d/b/a WARDEN CCI/ODRC/OAPA :  
DEFENDANT/APPELLEE : REGULAR CALENDAR

COVER PAGE  
APPELLANT'S REPLY BRIEF  
INVESTIGATION FOR CRIMINAL CHARGES  
WAIVER OF ORAL ARGUMENTS

**FILED**  
SEP 09 2010  
CLERK OF COURT  
SUPREME COURT OF OHIO

BY: Raymond Dean Austin [SURETY]  
for RAYMOND DEAN AUSTIN [DEBTOR]

PLAINTIFF/APPELLANT  
Raymond Dean Austin [SURETY]  
c/o P.O. BOX 5500 CCI240-084  
Chillicothe, Ohio 45601

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

EXPLICIT RESERVATION OF RIGHTS  
WITHOUT PREJUDICE

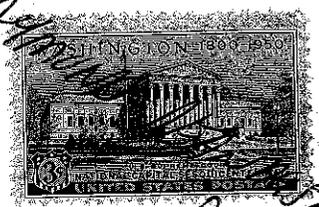
RESPECTFULLY SUBMITTED

/s/ *Raymond Dean Austin*  
Raymond Dean Austin [SURETY]  
for RAYMOND DEAN AUSTIN [DEBTOR]

*ROA*

*September 1 2010*

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*Raymond Dean Austin*

*ROA*

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AFFIDAVIT BY;Raymond Dean Austin [SURETY]  
RAYMOND DEAN AUSTIN [DEBTOR]

TO ALL AND SUNDRY  
TO WHOM THESE LETTERS/PRESENTS/PATENTS SHALL COME  
TO ANY/ALL MAGISTRATES

Greetings,

APPELLANT'S REPLY BRIEF

- 1. THAT , the APPELLANT was convicted pursuant to a PLEA BARGAIN of (12) twelve years for five (5) COUNTS of RAPE within the case styled STATE OF OHIO -VS- RAYMOND DEAN AUSTIN 91-CR-04-0891 in SUMMIT COUNTY, OHIO.
- 2. THAT, the APPELLANT has a PLEA BARGAIN of (12) twelve years, see the sentencing transcripts of JULY 22, 1991 pages 11, 24, and 25 attached to the APPELLANT'S BRIEF, which has been violated by ROBIN KNAB et. al. d/b/a WARDEN CCI/ODRC/OAPA.
- 3. THAT, the APPELLANT'S obligation for confinement has been abrogated by the PAROLE-RELEASE-CONTRACT with a "POA" of February 27, 2007 and a termination date of February 27, 2009 for the FINAL-REEASE.
- 4. THAT, ROBIN KNAB et. al. d/b/a WARDEN CCI/ODRC/OAPA has established and maintained SLAVERY/PEONAGE/VILLIENAGE within the state of Ohio, Ohio republic, one of the several seperate states of the Republican Union, the united states of america, which is prohibited by the 13th AMENDMENT the Ohio Const, Article 1§6 SLAVERY PROHIBITION and the 42 USCS1994 PEONAGE PROHIBITION.
- 5. THAT, the APPELLANT received a PAROLE on 12-27-2006 by the COBR HEARING which stated the following:

"All release factors in AR-5120-1-1-07 were considered at todays hearing. Offender has completed positive institutioal programming and is serving his first known felony commitment. After weighing the relevant factors, central office review votes to grant "POA" to further the interest of justice."

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THAT pursuant to ORCS2941.13, PLEADING the JUDGMENTS of both JOSEPH P. DYER III -VS- JAMES BOWLEN 465 F 3d 280, 2006 U.S. App. LEXIS 22221 6th Cir. August 30, 2006 and JAGO et. al. vs- VAN-CUREN 102 S. Ct. 31 1981 U.S. LEXIS 141 establishes and maintains through JUDICIAL NOTICE to do so, the APPELLANT'S vested property and liberty interests by CONTRACTUAL RIGHTS, PRIVILEGES and IMMUNITIES i.e. "MUTUALLY EXPLICIT UNDERSTANDINGS".

6. THAT, the APPELLANT received CONDITIONS of SUPERVISION CONTRACT on January 5, 2007 re-confirming the "POA" of February 27, 2007 and the FINAL-RELEASE of February 27, 2009 with the (16) sixteen prescribed conditions for supervision.

THAT the APPELLANT has a vested property and liberty interest in the PAROLE-RELEASE-CONTRACT and has to this date, NOT violated any of the terms, which wer to terminate on February 27, 2009, and the FINAL-RELEASE would issued therefrom.

THAT the APPELLANT has been forced since February 27 2009, to make, consytitute and execute the terms of CONDITIONS of SLAVERY/ PEONAGE/VILLEINAGE by the willful disregard for APPELLANT'S PLEA BARGAIN of (12) twelve years and the RELEASE-CONTRACT of February 27, 2007 by "MUTUALLY EXPLICIT UNDERSTANDINGS".

7. THAT, the APPELLANT had filed a HABEAUS CORPUS PETITION within the 4th APPELLATE DISTRICT COURT OF APPEALS 10-CA-00-3143 and the following items.

- (a) AFFIDAVIT of INDIGENCY/CASHIERS CERTIFICATE with a six (6) month demand statement.
- (b) FINANCIAL DISCLOSURE/AFFIDAVIT of INDIGENCY.
- (c) PETITION for HABEAUS CORPUS
- (d) AFFIDAVIT for INJUNCTIVE RELEIF.
- (e) AFFIDAVIT to support INJUNCTIVE RELIEF.
- (f) AFFIDAVIT of INDIGENCY for APPOINTMENT of COUNSEL.
- (g) AFFIDAVIT of PRIOR CIVIL FILINGS.
- (h) AFFIDAVIT OF CLAIMS SUBJECT TO GRIEVANCE SYSTEM.
- (i) MOTION FOR WAIVER OF COSTS
- Øj) MOTION for DECLATORY JUDGMENT.
- (k) MOTION for APPOINTMENT of COUNSEL.

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THAT the APPELLANT did number the HABEAS CORPUS package sequentially from number (1) one to number (71) seventy-one.

THAT the APPELLANT did write a syllabus of the items, and gave to all parties, sent the assembled packages for easy separations once the side staple was removed, which allows each separate package to stand alone for the date stamping, answering etc.....

THAT the CLERK OF COURTS had no problems understanding the instructions, thereby was able to date stamp each separate package. See date stamp exhibits within the APPELLANT'S BRIEF.

8 THAT, the APPELLEE did file for a CIVIL RULE (12)(B)(6) dismissal, while promulgating a "MATERIALLY FALSE CLAIM for non-compliance with ORCS2969.25(C).

THAT the APPELLEE failed to answer the HABEAS CORPUS PETITION, DECLATORY JUDGMENT, INJUNCTIVE RELIEF, NOR ANY AFFIDAVITS.

THAT the APPELLANT contends THAT silence by the APPELLEE on these issues within the HABEAS CORPUS ACTION has therefore established the ultimate FACTS of PRIMA FACIA EVIDENCE and by TACIT AGREEMENT by their willful failure, refusing, and/or neglecting to fully answer. also pursuant to ORCS2941.13 PLEADING a JUDGMENT see UNITED STATES -VS- KIS 658 F 2nd 526-536 (7th Cir) (1981) March 22, 1982 which states THAT AFFIDAVITS left unanswered become TRUTH before the COURTS due to their failure, refusal and/or neglect to answer them.

9. THAT the APPELLANT filed a MOTION FOR EXTENTION OT TIME, to file a response to the FRAUDULENT CLAIMS made by the APPELLEE.

THAT the APPELLANT described the reasons for protesting the FRAUDULENT CLAIMS, and URGED both the APPELLEE and the COURT to reexamine their filings contained within the original packages.

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THAT the APPELLANT asked for (30) thirty days to research and answer the FRAUDULENT CLAIMS.

THAT the 4th APPELLATE DISTRICT COURT, did grant the extension HOWEVER failed to review the filings by the CLERK OF COURTS.

10. THAT, the APPELLANT did after research, did answer the FRAUDULENT CLAIMS, placing it within the facility Mail Room for processing.

THAT the APPELLANT, some time thereafter received these filings back from the CLERK OF COURTS, "REJECTED" for the reasons "POSTAGE DUE", CCI has injured the APPELLANT by removing the money from his account, but failed to place the proper postage upon it.

THAT the APPELLANT has been injured by CCI Mailing FACILITY, causing the deadline to be missed and the COURT consequently RULED on the ERROR/OMISSION/DEFECT created by the APPELLEE with the FRAUDULENT CLAIMS of non-compliance to ORCS2969.25(C) and did promulgate CIVIL RULE (12)(B)(6) dismissal.

THAT the APPELLANT did in good faith, file the ORCS2969.25(C) and is not trained in law for these legal matters, the COURT must construe liberally the filings, date stamps, and documents filed or held by the CLERK OF COURTS, the RECORD SPEAKS eloquently through its RECORDS.

THAT the APPELLEE and the COURT in 10-CA-00-3143 stand in ERROR/OMISSION/DEFECT, for their actions of bad faith.

11. THAT the APPELLANT filed a MOTION to RE-CONSIDER the dismissal by CIVIL RULE (12)(B)(6) and for the non-compliance under ORCS 2969.25(C).

THAT the APPELLANT attempted in good faith to explain THAT he was not attempting to correct the filings, but in fact was injured by the FRAUDULENT CLAIMS by the APPELLEE, and a review of the FILINGS, RECORD would confirm the DOCUMENT in question.

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THAT the STATUTE was silent for cases of materially FRAUDULENT CLAIMS, when in FACT the AFFIDAVIT was filed with the CLERK OF COURTS.

THAT the COURT has the CONSTITUTIONAL OBLIGATION and DUTY to correct the ERRORS/OMISSIONS/DEFECTS in the RECORD.

12. THAT the APPELLANT has filed his APPEAL for the PUBLIC-INTEREST, PROHIBITION against SLAVERY for such described acts within this case. THAT the APPELLEE has established and maintained SLAVERY/ PEONAGE/VILLIENAGE within the state of ohio, Ohio Republic, one of the several seperate states of the Republican Union, the united states of america.

That the "PERSON OF" WILLIAM H. LAMB d/b/a ASSISTANT ATTORNEY GENERAL located at CRIMINAL JUSTICE SECTION at 441 VINE STREET 1600 CAREW TOWER CINCINNATI, OHIO 45202 (523)-852-3497 did willfully trespass in 10-CA-00-3143 property and liberty interests, cause CRIMINAL TRESPASS:

BY:  
violation of ORCS2913.42 TAMPERING with RECORDS, a FELONY of the 3rd DEGREE \$1,000,000.°° INJURY. (A)(2) uter any writting, or record, knowing it to have been tampered with as provided in division (A)(1) of this section [FALSIFIED, DESTROYED, REMOVED, CONCEALED, ALTERED, DEFACED, or MUTILETED any writing, computor software, data, or RECORD. The materially FRAUDULENT CLAIM caused the dismissal in 10-CA-00-3143 for non-compliance to ORCS2969.25(C).

BY;  
violation of ORCS2921.03 INTIMIDATION a FELONY of the 3rd DEGREE \$1,000,000.°° INJURY. (A) No person, knowingly and by force, by unlawful threat of harm, to any person or property, or by filing recording or otherwise using materially false or FRAUDULENT writing with malicious purpose, in bad faith, or in wanton, or reckless manner, shall attempt to influence, intimidate or hinder a PUBLIC SERVANT, PARTY OFFICIAL, or WITNESS in the discharge of the persons DUTY. The materially FRAUDULENT CLAIM caused the filing, recording in bad faith influencing the dismissal in 10-CA-00-3143.

BY:  
violation of ORCS2921.11 PERJURY a FELONY of the 3rd DEGREE, \$1,000,000.°° INJURY (A) No person in any official procedding, shall knowing make a false statement under OATH or AFFIRAMATION or knwoingly SWEAR or AFFIRM the truth of a false statement previously made-constituted-executed when either statement is material.

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(B) a falsification is material, regardless of its admissibility in evidence ) ( ) where contradictory statements relating to the same material FACTS are MADE-CONSTITUTED-EXECUTED by the offender under OATH or AFFIRMATION and within the period of the STATUTE of limitations for PERJURY. It is not necessary for the prosecution to prove which statement was false but only THAT one or the other was false. The materially FRAUDULENT CLAIM arises from the 4th APPELLATE COURT 10-CA-00-3143 and then again in GEN 2010 1096 the CIVIL RULE (12)(B)(6) dismissal request for non-compliance then in the same breath states that the APPELLANT did promulgate a (2) two page AFFIDAVIT OF PRIOR CIVIL FILINGS but it defective. BOTH statements cannot be true before the COURT.

BY:  
violation of ORCS2921.12 TAMPERING with EVIDENCE a FELONY of the 3rd DEGREE \$1,000,000.00 INJURY (A) No person knowing THAT an official proceeding of investigation is in progress or is about to be or likely to be instituted, shall do any of the following; (A)(1) ALTER, DESTROY, CONCEAL, or REMOVE, any RECORD, DOCUMENT or THING, with purpose to impair its value or availability as evidence in such proceeding or investigation (A)(2) MAKE, PRESENT, or USE any RECORD, DOCUMENT, or THING, knowing it to be false and with purpose to mislead a PUBLIC OFFICIAL who is or may be engaged in such proceeding or investigation or with purpose to corrupt the outcome of any such proceeding or investigation. The MATERIALLY FRAUDULENT CLAIM was promulgated to impair the value and to corrupt y the outcome of the proceedings in 10-CA-00-3143. And further to corrupt the outcome in GEN 2010 1096. This is by the ATTORNEY GENRALS own arrogance and failure of duties now blames the APPELLANT for submitted to many pages and blames the APPELLANT for his misdeeds.

BY:  
violation of ORCS2921.32 OBSTRUCTION OF JUSTICE, a FELONY of the 3rd DEGREE \$1,000,000.00 INJURY. (A) No person with the purpose to HINDER the DISCOVERY, APPREHSION, PROSECUTION, CONVICTION, or PUNISHMENT of another for CRIME or to assist another to benefit from the commission of a CRIME, and no person with purpose to HINDER, the DISCOVERY, APPREHSION, PROSECUTION, ADJUDICATION, shall do any of the FOLLOWING. (A)(4) DESTROY, or CONCEAL physical evidence of the CRIME or ACT, or INDUCE any person to withhold testimony or information or to elude legal process, summoning the person to testify or supply evidence. (A)(5) PREVENT or OBSTRUCT any person by means of force, intimidation or deception from performing any act to aid in the DISCOVERY, APPREHENSION or PROSECUTION of the other person. (A)(5) COMMUNICATE FALSE INFORMATION to any person. The MATERIAL FRAUDULENT CLAIM was to aid the CCI/ODRC/OAPA to escape charges for CRIMINAL ACTIVITY.

BY:  
violation of ORCS2921.44 DERELICTION OF DUTY, a MISDEAMEANOR of the 2nd DEGREE \$1,000,000.00 INJURY (A) No PUBLIC SEVANT shall recklessly fail to perform a duty expressly imposed by law with respect to the PUBLIC SERVANTS OFFICE (i.e. ORCS2967.02.1(A) and FORMER ORCS 5120.02.1(A)) or recklessly do any act expressly forbidden by law with respect to the PUBLIC SERVANTS OFFICE (i.e. 42 USC S1994 PEONAGE PROHIBITION). The MATERIALLY FRAUDULENT CLAIM allowed the CCI/ODRC/OAPA to escape their duties under the above described duties

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BY:

violation of ORCS2921.45 INTERFERRING WITH CIVIL RIGHTS a misdeameanor 1st DEGREE \$1,000,000.°° INJURY (A) No PUBLIC SERVANT , UNDER COLOR OF HIS OFFICE EMPLOYMENT or AUTHORITY, shall knowingly deprive or conspire or attempt to deprive any person of a CONSTITUTIONAL or STATUTORY RIGHT see also ORCS1.01 THE REVISED CODE ORCS1.58 (A)(A1)(A2)(A3)(A4) ORCS2967.02.1(A), FORMER ORCS5120.02.1(A) and section 5 of SB2 effective ON OR AFTER JULY 1, 1996 ORCS1.47(A) for substantive and procedural DUE-PROCESS. The MATERIALLY FRADULENT CLAIM caused SLAVERY/PEONAGE/VILLIENAGE.

13. THAT, the APPELLANT lost his property and liberty interest by acts of OAPA in COMPLICITY with CCI/ODRC/OAPA did make, constitute and execute a sham legal process a violation of ORCS2921.52 a FELONY of the 3rd DEGREE \$1,000,000.°° INJURY (A1) to be lawfully ISSUED, means adopted, issued, or rendered in accordance with the united states constitution, the constitution of the state of Ohio, and the applicable STATUTES i.e ORCS2967.02.1(A) and FORMER ORCS 5120.02.1(A), ORCS1.47(A), and ORCS1.58 (A)(A1)(A2)(A3)(A4), rules regulations and ordinances of the united states, the state of ohio and the political subdivisions of the state of ohio (A4) shamm legal process, means an instrument THAT meets all of the following conditions.

- (a) IT IS NOT LAWFULLY ISSUED i.e ORCS5149.10.1 and accordingly to ORCS2967.02.1(A) and ORCS5120.02.1(A).
- (b) IT purports to do any of the following;
  - (i) TO be a summons subpoena judgment order of ..... executive or administrative body i.e ORCS5149.10.1.
  - (ii) To asert jurisdiction over or determine the legal or equitable status, rights, duties, powers or privileges of any person or property i.e ORCS5149.10.1
  - (iii) To require or authorize the search, seizure, indictment, arrest, trial or sentencing of any person or property (4 FOUR year continuance.
- (c) It is designed to MAKE another person believe THAT it was lawfully issued. RICHARD and CAROLYN WENDT attended and was made to believe it was lawfully issued.

The MATERIALLY FRAUDULENT CLAIMS made from TONYA LEE DIXON/AUSTIN and boyfriend JIM caused SLAVERY/PEONAGE/VILLIENAGE.

14. THAT "PERSONS OF" WILLIAM H. LAMB d/b/a ASSISTANT ATTORNEY GENERAL did falsify CLAIMS and WRITINGS in 10-CA-00-3143 which alleges THAT the APPELLANT failed to file an AFFIDAVIT of PRIOR CIVIL FILINGS ORCS2969.25(C) which caused THAT dismissal under CIVIL RULE (12)(B)(6) and now alleged CLAIMS of non-compliance in GEN 2010 1096, but promulgates THAT the APPELLANT did file two (2) pages TITLED AFFIDAVIT OF PRIOR CIVIL FILINGS but was defective in information, this is a different issue then the one that caused the dismissal. It does nor matter which MATERIALLY

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FRAUDULENT STATEMENT is false, both shall be stricken from the RECORD and criminal charges against said PERSONS OF " for violating, tampering with RECORDS, INTIMIDATION, PERJURY, TAMPERING with EVIDENCE, SHAM LEGAL PROCESS, DERELICTION OF DUTIES, INTERFERENCE with CIVIL RIGHTS etc. see section paragraph number "12".

15. THAT the APPELLANT comes now and PLEADS under ORCS2941.12 PLEADING THE STATUTES before this COURT.

FIRST ARGUMENT

THAT the APPELLANT has a STATUTORY RIGHT to every existing law PRIOR to JULY 1, 1996 and protected under ORCS2967.02.1(A) and FORMER ORCS5120.02.1(A) which originates in section 5 of SB2 which are all harmonized as follows.

That PROVISIONS of section 5 of SB2 (146 vs ) reads as follows; ORCS2967.02.1(A) and FORMER ORCS5120.02.1(A)  
SECTION (A)

"The provisions of the revised ocde in existence PRIOR to July 1 1996, shall apply to the person upon whom a COURT imposed a term imprisonment PRIOR to that date, and in accordance with the law in existence PRIOR to the date, imposed a term of imprisonment for an offense that was committed PRIOR to that date.

SECTION (B)  
NOTWITHSTANDING UPON THIS OFFENDER.  
The provisions of the revised code in existence ON OR AFTER July 1, 1996 apply to a person who commits an offense ON OR AFTER THAT date.

ORCS5149.10.1 apply only to SENATE BILL 2 offenders on or after JULY 1, 1996

THAT ORCS1.01 THE REVISED CODE, The enactments of the REVISED CODE i.e ORCS5149.10.1 shall not be construed to affect a RIGHT or liability accrued or incurred under any section of the general code (ORCS1.47(A) and ORCS1.58 (A)(A1)(A2)(A3)(A4) PRIOR to the effective date of such enactment SB2 effective July 1, 1996 or an action see 91-CR-04-0891 or proceeding for the enforcement of such right or liability 10-CA-00-3143. Such enactment shall not be construed to relieve any person from punishment for an act

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committed in violation of any section of the general code, SHAM LEGAL PROCESS nor to affect an indictment or prosecution therefor (CRIMINAL INVESTIGATIONS MATERIALLY FRAUDULENT CLAIMS) for such purpose any such section of the general code, shall continue in full force NOTWITHSTANDING its REPEAL for the purpose of revision.

THAT the APPELLANT contends THAT the law in existence PRIOR to JULY 1, 1996 apply to this offender promulgated in both sections (A) of ORCS2967.02.1(A) and ORCS5120.02.1(A) and to include but not limited to NOTWITHSTANDING the amendment MADE constituted and executed by HOUSE BILL 525 effective on or after 5-18-2005 changing the duration of incarceration and supervision of offenders i.e. SLAVERY/PEONAGE/VILLIENAGE/

THAT the APPELLANT contends THAT the law in existence ON OR AFTER, apply to new law offenders in both sections of (B) of ORCS 2967.02.1(B) and ORCS5120.02.1(B).

THAT the APPELLEE has injured the APPELLANT with illegal applications of ORCS5149.10.1 which is STATUTES creates by SB2 and only apply to a person who committs an offense on or after JULY 1, 1996 and not this OFFENDER which conviction and sentence is PRIOR to its creation.

THEREFORE the APPELLEE'S of CCI/ODRC/OAPA have used the sham legal process i.e ORCS5149.10.1 to recind the APPELLANTS PAROLE RELEASE CONTRACT, abridging CIVIL RIGHTS of property and liberty interests without any protections of substantial nor procedural due\_process under the constitutions, abrogating "MUTUALLY EXPLICIT UNDERSTANDINGS" in contract MADE, CONSTITUTED, and excecuted.

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WHEREAS the COURT shall RULE appropriately THAT the APPELLANT is exempt by ORCS2967.02.1(A) and FORMER ORCS5120.02.1(A) from every SB2 applications of law i.e. STATE -VS- RUSH 83 Ohio St. 3d 53 and any/all SB2 composite laws ON OR AFTER JULY 1 , 1996, and APPELLANT MOVES for the execution, continuation of existing laws PRIOR to that date, for substantive and procedural DUE-PROCESS for this offender.

16. THAT the APPELLANT now PLEADS ORCS2941.13 PLEADING the JUDGMENTS before the COURT.

SECOND ARGUMENT

THAT the APPELLANT has a JUDGMENT RIGHT to every existing law PRIOR to JULY 1, 1996 and under STATUTES ORCS2967.02.1(A) and FORMER ORCS5120.02.1(A) NOTWITHSTANDING the ADMENDMENT by HB525 effective 5-18-2005 see STATE-VS- RUSH 83 Ohio St. 3d 53 which secures to this offender the general STATUTORY CODE RIGHTS under ORCS158 (A)(A1), (A2)(A3)(A4)

- (A) The re-enactment, amendment or repeal DOES NOT.
  - (A1) DOES NOT affect the PRIOR operations of law under HOUSE BILL 511 and any PRIOR action taken thereunder see SUMMIT COUNTY COURT OF COMMON PLEAS 91-CR-04-0891.
  - (A2) DOES NOT affect any validation, cure, right, privilege, obligation liability PREVIOUSLY acquired accrued accorded or incurred thereunder see 91-CR-04-0891.
  - (A3) DOES NOT affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto see 91-CR-04-0891 PRIOR to july 1, 1996.
  - (A4) DOES NOT affect any investigation, proceeding or remedy in respect to privilege obligations, liabilities, penalties, forfeitures or punishments.
- And the investigations, proceedings, or remedies may be instituted continued or enforced see 91 CR-04-0891.
- And the penalties, forfeitures, punishments imposed as if the STATUTES had not been repealed or amended see 91-CR-04-0891.

THEREFORE the APPELLEE'S of CCI/ODRC/OAPA have used the sham legal process i.e ORCS5149.10.1 to rescind the APPELLANTS PAROLE RELEASE CONTRACT abriging property and liberty interests abrogating "MUTUALLY EXPLICIT UNDERSTANDINGS" in these CONTRACTS.

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WHEREAS this COURT SHALL RULE appropriately THAT the APPELLANT is exempt from ORCS5149.10.1 by ORCS2967.02.1(A) and FORMER ORCS5120.02.1(A) and entitled to all existing laws PRIOR to JULY 1,1996 made constituted and executed thereunder see 91 CR-04-0891.

17. THAT the APPELLANT nw PLEADS ORCS2941.13 PLEADING JUDGMENTS beofre this COURT.

THIRD ARGUMENT

JAGO -VS- VANCURREN, 102 S. Ct. 31 is a SIXTH CIRCUIT case against the Ohio Parole Authority estabkished and maintained the property and liberty interests by CONTRACTS "MUTUALLY EXPLICIT UNDERSTANDINGS" and protected by SUBSTANTIVE and PROCEEDURAL DUE-PROCESS. ALSO see DYER -VS- BOWLEN 465 F3d 280 is a SIXTH CIRCUIT case against the TENNESSEE PAROLE AUTHORITY established and maintained the EX-post-FACTO and DUE-PROCESS of all existing laws which apply to the finalized JOURNAL ENTRY dates and not the current events date which is in harmony with STATE -VS- RUSH 83 Ohio St. 3d 53 and with ORCS2967.02.1(A) and FORMER ORCS5120.02.1 (A) entitlement to all existing laws PRIOR to JULY 1, 1996.

THEREFORE the APPELLANT was injured by the APPELLEES CCI/ ODRC/OAPA using the sham legal process i.e ORCS5149.10.1 to rescind the APPELLANTS PAROLE RELEASE CONTRÆCT abridging property and liberty interests abrogating "MUTUALLY EXPLICIT UNDERSTANDINGS" of this contracts.

WHEREAS this COURT shall RULE appropriately THAT APPELLANT is exempt from ORCS5149.10.1 by ORCS2967.02.1(A) and FORMER ORCS5120.02.1(A) and entitled to all existing laws PRIOR to JULY 1,1996, made constituted and executed in 91-CR-04-0891.

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18. THAT the APPELLANT has been issued a PAROLE and has not violated any of the terms of that CONTRACT, to be rescinded, and THAT the sham legal process of APRIL 9, 2007 by CCI/ODRC/OAPA has in FACT established and maintained conditions of SLAVERY/PEONAGE/VILLIENAGE which is prohibited by the 13th AMENDMENT, the Ohio Const Article I §6 and 42 USC §1994 PEONAGE PROHIBITION.

THEREFORE tha APPELLANT is ENTITLED to immediate RELEASE and issued a final RELEASE from every obligations under 91-CR-04-0891 and any further confinement.

WHEREAS this COURT shall RULE approprietly THAT ORCS 5149.10.1 CANNOT rescind the PAROLE CONTRACT nor RESCIND the "POA" of February 27, 2007 and final release of February 27, 2009.

19. THAT the APPELLANT HEREBY WAIVES the opportunity to APPEAR and to defend in person before the COURT for any/all oral arguments due to the circumstances unless this COURT appoints an ATTORNEY for that purpose only.

20. THAT the APPELLANT HEREBY invokes the investigations for CRIMINAL CHARGES against the person's of WILLIAM H. LAMB d/b/a ASSISTANT ATTORNEY GENERAL of the CRIMINAL JUSTICE SECTION at 441 VINE STREET 1600 CAREW TOWER CINCINNATI OHIO 45202 (513)- 852- 3497 and to STRIKE from the RECORD any/all RESPONSES made, constituted, and executed by his criminal conduct by materailly false statements made, constituted, and executed within either case 10-CA-00-3143, and GEN- 2010- 1096.

KNOW YE:

THAT the undersigned APPELLANT, by virtue of the power and authority to him given for THAT intent and purpose, DO HEREBY, by hhesse PRESENTS/LETTERS/PATENTS, in the name of, and in behalf of the Almighty God and Men, fully and entirely CERTFIY, CONFIRM,

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and DECLARE each and every of the enumerated THINGS, paragraphs numbered 1 through 20, and all and singular the matters HEREIN contained to be TRUE, materially correct, complete and certain, relevant and not misleading, the truth, the whole truth and nothing but the truth so help Me Almighty God.

KNOW YE:

THAT the APPELLANT further solemnly plight and engage the respective MAGISTRATES of the OHIO SUPREME COURT, THAT they shall abide by the state of Ohio, Ohio republic, one of the several sepaerarte states of the Republican Union, the united states of america, to make, constitute, and execute the laws under ORCS 2967.02.1(A) and former ORCS5120.02.1(A) along with STATE -VS- RUSH 83 Ohio St. 3d 53 application of laws PRIOR to JULY 1, 1996 and not SB2 ORCS5149.10.1 or any of its illegal composite laws ON OR AFTER JULY 1, 1996.

KNOW YE :

THAT the MAGISTRATES shall issue firth the lawful and appropriate ORDERS binding all parties, officers and the like to the inviolably observances of the laws, to become a perpetual ENTRY of HONOR, JUSTICE, and HUMANITY.

IN WITNESS WHEREOF:

THAT the APPELLANT has set his hand before the NOTARY PUBLIC, DONE at Chillicothe Correctional Institution, in and for the state of Ohio, Ohio Republic on this the 27th day of August \_\_\_\_\_ 2010 in the year of our Almighty God two thousand and tenth year ANNI. DOMINI and in the two hundreth and thirty fourth year of our independence.

THEREFORETO:

THAT HEREIN undersigned APPELLANT DECLARES, CERTIFIES, and

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RATIFIES, by his hand before the NOTARY PUBLIC, DEPOSES and SAYS, THAT under the pains and penalties of prjury, THAT the APPELLANT in this DIRECT APPEAL has shown CAUSE to believe the causes shown in this action are warranted thereto. Further the APPELLANT DOES have first hand knowledge and information of the misapplications of laws, made constituted, and executed under the COLOR OF LAW and thereafter are JUST to make constitute, and execute these enumerated things against the APPELLEES CCI/ODRC/OAPA. THAT the APPELLANT further DECLARES and SAYS THAT the information and probative matters containd HEREIN are TRUE, materially correct, complete and certain, relvant and not misleading, the truth, the whole truth and nothing but the truth so help Me Almighty God. These DECLARATIONS HEREIN are made constituted, and executed in accordance with the laws of Almighty God and Men, the state of Ohio Ohio Republic, one of the several separate states of the Republicam Union, the united states of america.

EXPLICIT RESERVATION OF ALL RIGHTS  
WITHOUT PREJUDICE

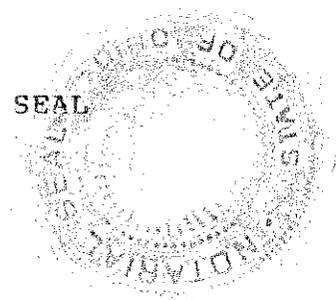
RESPECTFULLY SUBMITTED  
/s/ Raymond Dean Austin  
Raymond Dean Austin [SURETY]  
for RAYMOND DEAN AUSTIN [DEBTOR]

NOTARY PUBLIC

ROA

SWORN to and SUBSCRIBED to before Me a NOTARY PUBLIC on  
this the 27<sup>th</sup> day of August 2010.

Megan Sweet  
NOTARY PUBLIC  
8/20/2013  
MY COMMISSION EXPIRES ON



CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been sent to the state on this 7<sup>th</sup> day of September 2010

/s/ Raymond Dean Austin  
Raymond Dean Austin [surety]

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

10-1096

STATE OF OHIO EX. REL. : CASE NUMBER  
Raymond Dean Austin® :  
SUMMIT COUNTY, OHIO 01CR040891 :  
PLAINTIFF/APPELLANT : APPEALED FROM  
In PROPRIA PERSONA : 4th APPELLATE DISTRICT  
: 10-CA-003143  
-VS- :  
: DIRECT APPEAL OF RIGHT  
ROBIN KWAB et. al. :  
COMPLICITOR to ODRC/OAPA :  
WARDEN CCI/ODRC/OAPA :  
DEFENDANT/APPELLEE : REGULAR CALENDAR

*copy*

NOTICE OF APPEAL  
COMES, NOW Raymond Dean Austin® In Propria Persona, HEREBY  
gives NOTICE OF APPEAL to the OHIO SUPREME COURT, appealed from  
the DECISION and JOURNAL ENTRY of an EXTRA-ORDINARY "WRIT OF  
HABEAS CORPUS" issued by the 4th APPELLATE DISTRICT COURT OF  
APPEALS in and for ROSS COUNTY, OHIO in case number 10-CA-003143  
on this the 10th day of MAY 2010 and as RECORDED by person(s)  
of TY D. HINTON aka ROSS COUNTY, COURT OF APPEALS CLERK OF  
COURTS.

RESPECTFULLY SUBMITTED  
/s/ Raymond Dean Austin®  
Raymond Dean Austin®  
Without Prejudice  
In Propria Persona

PLAINTIFF/APPELLANT®  
Raymond Dean Austin®  
c/o 15302 St. Rte. 104 N.  
Chillicothe, Ohio 45601

DEFENDANT/APPELLEE  
ROBIN KWAB et. al.  
15302 St. Rte. 104 N.  
Chillicothe, Ohio 45601

*ROA*

RECEIVED  
JUN 14 2010  
CLERK OF COURT  
SUPREME COURT OF OHIO

RECEIVED  
JUN 22 2010  
CLERK OF COURT  
SUPREME COURT OF OHIO

RECEIVED  
JUN 22 2010  
CLERK OF COURT  
SUPREME COURT OF OHIO

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(N) "Post-release control" means a period of supervision by the adult parole authority after a prisoner's release from imprisonment that includes one or more post-release control sanctions imposed under section 2967.28 of the Revised Code.

(O) "Post-release control sanction" means a sanction that is authorized under sections 2929.16 to 2929.18 of the Revised Code and that is imposed upon a prisoner upon the prisoner's release from a prison term.

(P) "Community control sanction," "prison term," "mandatory prison term," and "stated prison term" have the same meanings as in section 2929.01 of the Revised Code.

(Q) "Transitional control" means control of a prisoner under the transitional control program established by the department of rehabilitation and correction under section 2967.26 of the Revised Code, if the department establishes a program of that nature under that section.

(R) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.

**HISTORY:** 130 v P.H., 149 (Eff 3-18-65); 131 v 685 (Eff 10-20-65); 134 v H 494 (Eff 7-12-72); 138 v S 52 (Eff 1-9-81); 139 v S 199 (Eff 7-1-83); 145 v H 571 (Eff 10-6-94); 146 v H 4 (Eff 11-9-95); 146 v S 2 (Eff 7-1-96); 146 v S 269 (Eff 7-1-96); 147 v S 111 (Eff 3-17-98); 148 v H 349. Eff 9-22-2000.

See provisions, § 5 of SB 2 (146 v —) as amended by § 3 of SB 269 (146 v —) following RC § 2929.03.

### § 2967.02 Administration of provisions; pardons.

(A) The adult parole authority created by section 5149.02 of the Revised Code shall administer sections 2967.01 to 2967.28 of the Revised Code, and other sections of the Revised Code governing pardon, community control sanctions, post-release control, and parole.

(B) The governor may grant a pardon after conviction, may grant an absolute and entire pardon or a partial pardon, and may grant a pardon upon conditions precedent or subsequent.

(C) The adult parole authority shall supervise all parolees. The department of rehabilitation and correction has legal custody of a parolee until the authority grants the parolee a final release pursuant to section 2967.16 of the Revised Code.

(D) The department of rehabilitation and correction has legal custody of a releasee until the adult parole authority grants the releasee a final release pursuant to section 2967.16 of the Revised Code.

**HISTORY:** 130 v P.H., 150 (Eff 3-18-65); 146 v S 2. Eff 7-1-96; 149 v H 490, § 1, eff. 1-1-04.

The effective date is set by section 4 of H.B. 490.

See provisions, § 5 of SB 2 (146 v —), as amended by § 3 of SB 269 (146 v —), following RC § 2929.03.

### [§ 2967.02.1] § 2967.021 Application of provisions effective 7-1-96.

(A) Chapter 2967, of the Revised Code, as it existed prior to July 1, 1996, applies to a person upon whom a court imposed a term of imprisonment prior to July 1, 1996; and a person 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.

(B) Chapter 2967, of the Revised Code, as it exists on and after July 1, 1996, applies to a person upon whom a court imposed a stated prison term for an offense committed on or after July 1, 1996.

**HISTORY:** 146 v S 2. Eff 7-1-96.

The effective date is set by section 6 of SB 2.

### § 2967.03 Pardon, commutation, or reprieve.

The adult parole authority may exercise its functions and duties in relation to the pardon, commutation of sentence, or reprieve of a convict upon direction of the governor or upon its own initiative. It may exercise its functions and duties in relation to the parole of a prisoner who is eligible for parole upon the initiative of the head of the institution in which the prisoner is confined or upon its own initiative. When a prisoner becomes eligible for parole, the head of the institution in which the prisoner is confined shall notify the authority in the manner prescribed by the authority. The authority may investigate and examine, or cause the investigation and examination of, prisoners confined in state correctional institutions concerning their conduct in the institutions, their mental and moral qualities and characteristics, their knowledge of a trade or profession, their former means of livelihood, their family relationships, and any other matters affecting their fitness to be at liberty without being a threat to society.

The authority may recommend to the governor the pardon, commutation of sentence, or reprieve of any convict or prisoner or grant a parole to any prisoner for whom parole is authorized, if in its judgment there is reasonable ground to believe that granting a pardon, commutation, or reprieve to the convict or paroling the prisoner would further the interests of justice and be consistent with the welfare and security of society. However, the authority shall not recommend a pardon or commutation of sentence of, or grant a parole to, any convict or prisoner until the authority has complied with the applicable notice requirements of sections 2930.16 and 2967.12 of the Revised Code and until it has considered any statement made by a victim or a victim's representative that is relevant to the convict's or prisoner's case and that was sent to the authority pursuant to section 2930.17 of the Revised Code, any other statement made by a victim or a victim's representative that is relevant to the convict's or prisoner's case and that was received by the authority after it provided notice of the pendency of the action under sections 2930.16 and 2967.12 of the Revised Code, and any written statement of any person submitted to the court pursuant to division (H) of section 2967.12 of the Revised Code. If a victim, victim's representative, or the victim's spouse, parent, sibling, or child appears at a full board hearing of the parole board and gives testimony as authorized by section 5149.101 [5149.10.1] of the Revised Code, the authority shall consider the testimony in determining whether to grant a parole. The trial judge and prosecuting attorney of the trial court in which a person was convicted shall furnish to the authority, at the request of the authority, a summarized statement of the facts proved at the trial and of all other facts having reference to the propriety of recommending a pardon or commutation, or granting a parole, together with a recommendation for or against a pardon, commutation, or parole, and the reasons for the recommendation. The trial judge, the prosecuting attorney, specified law enforcement

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institutions included under section 5120.05 of the Revised Code.

**HISTORY:** 134 v H 494 (Eff 7-12-72); 149 v H 510. Eff 3-31-2003.

**[§ 5120.01.1] § 5120.011 Sanctions where inmate's action is found to be frivolous or malicious.**

(A) As used in this section, "civil action or appeal against a government entity or employee," "inmate," "political subdivision," and "employee" have the same meanings as in section 2969.21 of the Revised Code.

(B) The director of rehabilitation and correction may adopt rules under section 5120.01 of the Revised Code to implement the procedures described in sections 2323.51, 2969.22, and 2969.23 of the Revised Code.

(C) The director of rehabilitation and correction shall adopt rules that provide that, if an inmate files a civil action or appeal against a government entity or employee or files a civil action against the state, a political subdivision, or an employee in a federal court and if the court in which the action or appeal is filed dismisses the action or appeal pursuant to section 2969.24 of the Revised Code or the federal court finds the action to be frivolous under 28 U.S.C. 1915(d), the inmate shall be subject to one or more of the following sanctions:

(1) Extra work duty, without compensation, for not more than sixty days;

(2) The loss of commissary privileges for not more than sixty days;

(3) The loss of sundry-package privileges for one time in any calendar year;

(4) The loss of television privileges for not more than sixty days;

(5) The loss of radio privileges for not more than sixty days;

(6) The loss of recreational activity privileges for not more than sixty days.

**HISTORY:** 146 v H 455. Eff 10-17-96.

**§ 5120.02 Assistant director of the department; powers and duties.**

The assistant director of the department of rehabilitation and correction is hereby excepted from section 121.05 of the Revised Code. The assistant director shall exercise the powers and perform the duties which the director of correction may order and shall act as director in the absence or disability of the director, or in case of a vacancy in the position of director.

**HISTORY:** 134 v H 484. Eff 7-12-72.

**[§ 5120.02.1] § 5120.021 Application of provisions effective 7-1-96 and of prior provisions.**

(A) The provisions of Chapter 5120. of the Revised Code, as they existed prior to July 1, 1996, and that address the duration or potential duration of incarceration or parole or other forms of supervised release, apply to all persons upon whom a court imposed a term of imprisonment prior to July 1, 1996, and all persons 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 impris-

onment for an offense that was committed prior to July 1, 1996.

(B) The provisions of Chapter 5120. of the Revised Code, as they exist on or after July 1, 1996, and that address the duration or potential duration of incarceration or supervised release, apply to all persons upon whom a court imposed a stated prison term for an offense committed on or after July 1, 1996.

(C) Nothing in this section limits or affects the applicability of any provision in Chapter 5120. of the Revised Code, as amended or enacted on or after July 1, 1996, that pertains to an issue other than the duration or potential duration of incarceration or supervised release, to persons in custody or under the supervision of the department of rehabilitation and correction.

**HISTORY:** 146 v S 2. Eff 7-1-96; 150 v H 525, § 1, eff. 5-18-05.

The provisions of § 3 of H.B. 525 (150 v —) read as follows:

SECTION 3. The General Assembly hereby declares that its purpose in amending section 5120.021 of the Revised Code in Sections 1 and 2 of this act is to clarify the applicability of the provisions in Chapter 5120. of the Revised Code that address the duration or potential duration of incarceration and supervision of offenders by the Department of Rehabilitation and Correction, and to clarify the applicability of any other provision in Chapter 5120. of the Revised Code amended or enacted on or after July 1, 1996, to persons in custody or under supervision of the Department. The General Assembly believes that the amendments to section 5120.021 of the Revised Code made in Sections 1 and 2 of this act are not substantive in nature, that these amendments do not affect any substantive right of any offender, and that the version of section 5120.021 of the Revised Code resulting from this act is substantively the same as the version of that section in existence immediately prior to the effective date of this act.

The effective date is set by section 6 of SB 2.

The provisions of § 5 of SB 2 (146 v —) read as follows:

SECTION 5. The provisions of the Revised Code in existence prior to July 1, 1996, shall apply to a person upon whom a court imposed a term of imprisonment prior to that date and to a person upon whom a court, on or after that date and in accordance with the law in existence prior to that date, imposed a term of imprisonment for an offense that was committed prior to that date.

The provisions of the Revised Code in existence on and after July 1, 1996, apply to a person who commits an offense on or after that date.

**§ 5120.03 Change of use of institution; penal/reformatory distinction eliminated; privatization of facilities.**

(A) Subject to division (C) of this section, the director of rehabilitation and correction may change the purpose for which any institution or place under the control of the department of rehabilitation and correction is being used. The director may designate a new or another use for such institution, if the change of use and new designation has for its objective, improvement in the classification, segregation, care, education, cure, or rehabilitation of persons subject to the control of the department.

(B) The director of rehabilitation and correction, by executive order, issued on or before December 31, 1988, shall eliminate the distinction between penal institutions and reformatory institutions. Notwithstanding any provision of the Revised Code or the Administrative Code to the contrary, upon the issuance of the executive order, any distinction made between the types of prisoners sentenced to or otherwise assigned to the institutions under the control of the department shall be discontinued.

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final and are not subject to review or change by the chief.

(E) In addition to its duties pertaining to parole and clemency, if an offender is sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code, the parole board shall have control over the offender's service of the prison term during the entire term unless the board terminates its control in accordance with section 2971.04 of the Revised Code. The parole board may terminate its control over the offender's service of the prison term only in accordance with section 2971.04 of the Revised Code.

**HISTORY:** 130 v PUL, 253 (Eff 3-18-65); 134 v H 494 (Eff 7-12-72); 135 v S 299 (Eff 2-13-74); 142 v S 94 (Eff 7-20-88); 145 v H 571 (Eff 10-6-94); 146 v S 2 (Eff 7-1-96); 146 v H 180. Eff 1-1-97.

The effective date is set by section 3 of HB 180.

See provisions, § 27 of HB 670 (146 v —), concerning the date of expiration for certain state agencies [parole board], following RC § 5101.93.

See provisions, § 4 of HB 180 (146 v —) following RC § 5120.49.

**Cross-References to Related Sections**

Appointment of officers and employees, RC § 5149.09.  
Office of victims' services, RC § 5120.60.

**Ohio Administrative Code**

- Department of rehabilitation and correction, division of parole and community services—
  - Initial and continued parole board hearing dates; projected release dates. OAC 5120:1-1-10.
  - Parole, reprieve and commutation of sentence. OAC 5120:1-1-15.
  - Review procedure for early release consideration. OAC 5120:1-1-20.

**Research Aids**

- Adult parole authority:
  - O-Jur3d: Crim L § 1621; Penal Inst § 23
  - Am-Jur2d: Pard § 76 et seq
  - C.J.S.: Pard&Par §§ 42-44
- West Key No. Reference
  - Pardon 55

**CASE NOTES AND OAG**

- (1978) The Ohio parole board enjoys exclusive authority in matters dealing with parole determinations under the provisions of RC § 5149.10: State ex rel. Leis v. Clark, 53 OS2d 101, 7 OO3d 183, 372 NE2d 810.
- (1992) An inmate does not have a remedy by way of declaratory judgment where the adult parole authority adopts nonbinding "guidelines" for release and such guidelines have not been formally adopted as "rules" for purposes of RC § 2721.03: Wise v. Ohio Dept. of Rehab. & Corr., 84 OApp3d 11, 616 NE2d 251.

**[§ 5149.10.1] § 5149.101 Petition for full board hearing on proposed parole; who may attend.**

(A) A board hearing officer, a board member, or the office of victims' services may petition the board for a full board hearing that relates to the proposed parole of a prisoner. At a meeting of the board at which at

least seven board members are present, a majority of those present shall determine whether a full board hearing shall be held.

(B) At a full board hearing that relates to the proposed parole of a prisoner and that has been petitioned for in accordance with division (A) of this section, the parole board shall permit the following persons to appear and to give testimony or to submit written statements:

- (1) The prosecuting attorney of the county in which the indictment against the prisoner was found and members of any law enforcement agency that assisted in the prosecution of the offense;
- (2) The judge of the court of common pleas who imposed the sentence of incarceration upon the prisoner, or the judge's successor;
- (3) The victim of the offense for which the prisoner is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code.

(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (3) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.

At the request of a person described in division (B)(3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented by counsel or some other person designated by the prisoner.

If there is an objection at a full board hearing to a recommendation for the parole of a prisoner, the board may approve or disapprove the recommendation or defer its decision until a subsequent full board hearing. The board may permit interested persons other than those listed in this division and division (B) of this section to attend full board hearings pursuant to rules adopted by the adult parole authority.

(D) The adult parole authority shall adopt rules for the implementation of this section. The rules shall specify reasonable restrictions on the number of media representatives that may attend a hearing, based on considerations of space, and other procedures designed to accomplish an effective, orderly process for full board hearings.

**HISTORY:** 146 v S 2. Eff 7-1-96.

The effective date is set by section 6 of SB 2.

See provisions, § 5 of SB 2 (146 v —) following RC § 5120.02.1.

**Cross-References to Related Sections**

- Full board hearing defined, RC § 5149.01.
- Membership of parole board; clemency recommendations; parole determinations, RC § 5149.10.
- Notice of defendant's incarceration and release date; prior notice of events affecting release or of defendant's escape or death, RC § 2930.16.
- Pardon, commutation, or reprieve, RC § 2967.03.

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8/28

# Ohio Parole Board Decision

Inmate Last Name: AUSTIN	Inmate First Name: RAYMOND	# Prefix: A	Inmate Number: 240084
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CCI

**Current Hearing Identifier:**

Hearing Month (mmm yyyy) Dec 2006	Type Of Hearing: COBR OTHER HEARING	Record Number:	Date Of Hearing: 12/27/2006
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**Offense(s) Of Conviction:**

2907.02

2907.02

*changed charge*  
*violation*  
*2967.02.1 / 5/20.02.1*  
*exempt from levy*  
*proceeds to me immediately*  
*104*

**1. Category 10**

A. Guideline Section No.(s): 231A.30

B. Details of the conviction behavior: Only state the facts that support the specific offense category, which corresponds to the offense(s) of conviction:

Offender was convicted of Rape which involved a victim who was less than 16 years of age.

*Accepted for release*  
*for my family*  
*and failures in the orders to me*  
*in accordance with Public Policy*  
*Exemption ID 30172707*  
*UCC Contract 031603*  
*Raymond Austin Family*

C. The equivalent SB2 sentence range for this (these) sentence(s) of conviction is 108 - 360 months

*violation ORC*  
*2967.02.1 / 5/20.02.1*  
*Section (A)*

2. Criminal History/Risk Score: 0

3. The Guideline Range is 0 - 180 months

4. Total Time Served: 188 months - awarded by - A. Prison Time: 185 months + B. Jail Time Credit: 3 months

TPV Arrest Date:

5. 0 infractions that resulted in a new conviction for felony criminal conduct committed in a prison facility/or while in custody. Only state the facts that support the specific offense category, which corresponds to the offense(s) of conviction.

Category for new conviction:	Section No.(s):	Criminal History/Risk Score:	Guideline Range:
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Details of Conviction Behavior:

*Raymond Austin*

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Inmate Last Name: <b>AUSTIN</b>	Inmate First Name: <b>RAYMOND</b>	# Prefix: <b>A</b>	Inmate Number: <b>240084</b>
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6. Class Rescission Behavior Guideline Range is 0 - 4 months.

A. 0 disciplinary infractions involving felonious conduct

1. 0-18 months for each infraction	2. = <u>0 - 0</u> months
------------------------------------	--------------------------

Details:

B. 0 disciplinary infractions involving threatening conduct against staff and/or possession of a dangerous instrument

1. 0-12 months for each infraction	2. = <u>0 - 0</u> months
------------------------------------	--------------------------

Details:

C. 0 disciplinary infractions involving possession or use of alcohol and/or a controlled substance

1. 0-6 months for each infraction	2. = <u>0 - 0</u> months
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Details:

D. 0 disciplinary infractions involving other misdemeanor conduct

1. 0-6 months for each infraction	2. = <u>0 - 0</u> months
-----------------------------------	--------------------------

Details:

E. 2 significant disciplinary infractions

1. 0-2 months for each infraction	2. = <u>0 - 4</u> months
-----------------------------------	--------------------------

Details:

02/05, R49      02/05, R26 & 27 & 51 & 59

2967011 SB2/269

← BAD TIME  
Violation 2967.02.1/5120.02.1

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*Accepted for Value exempt from levy  
for my Remedy please of the Proceeds Products  
Accounts and Fixtures in the Orders to me immediately  
in accordance with Pub L 2 HJR 192  
Exemption ID 301727072  
WCC Contract 301727072  
Raymond Dean of the Austin Family  
03/663*

Inmate Last Name: <b>AUSTIN</b>	Inmate First Name: <b>RAYMOND</b>	# Prefix: <b>A</b>	Inmate Number: <b>240084</b>
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7. Aggregate Guideline Range is: 0 - 184 months (#3 + #5 + #6):

8. Rationale of Decision within Aggregate Guideline Range:

All release factors in AR 5120:1-1-07 were considered at today's hearing. Offender has completed positive institutional programming and is serving his first known felony commitment. After weighing the relevant factors, Central Office Board Review votes to grant POA to further the interests of justice.

*Violation of ORC →  
2967.02.1 / 5120.02.1*

9. A. Circumstances related to the offense(s) of conviction, including crimes that did not result in conviction, and any other factors the APA deems relevant.

B. Based on these additional factors, an additional \_\_\_\_\_ months should be served from the date of this hearing before release/next hearing.

10. A. Total Time to be Served: To next hearing  \_\_\_\_\_ months  
 To Release  190 months

B. Remaining Time to be Served: To next hearing  \_\_\_\_\_ months  
 To Release  2 months

*\*total time to be served cannot exceed the maximum sentence*

11. A. Outstanding Program Achievement  granted  not granted

B. \_\_\_\_\_ month credit for the following programs: \_\_\_\_\_

C. Adjusted Total time to be Served: \_\_\_\_\_ months

D. Adjusted Remaining Time to be Served: \_\_\_\_\_ months

12. A. Recommendation: POA 02/27/2007  
SOS & PII No Unsupervised Contact with Minors

B. actual release subject to approved placement plan, 2 years supervision, CON

13. Instructions/Notes:

14. Hearing Panel

Board Member Signature:	<input type="text"/>	Hearing Officer Signature (if applicable):	<input type="text"/>
Board Member: <b>COBR</b>		Hearing Officer (if applicable):	

Release on PRD is contingent on good institution behavior and/or reduction from maximum security status. A PRD may be extended for a Class II violation when the case is reviewed at the PRD Pre-Release Review.

*29990-Sup-Brief*

*RDA*

30172702

**DATE:** January 31, 2007

**TO:** Joseph Dubina, Regional Administrator  
Lee Adams, Unit Supervisor  
Levon Lamb, Parole Officer  
Polly Mallett, Supervising Secretary  
Mark Hooks, UMA

**FROM:** Ms. Shelly Muncy, Adult Parole Authority

**SUBJECT:** AUSTIN, Raymond #240-084

*Parole Stop Letter*

*POA 2-27-2007*

Please be advised the above-named offender's parole has been stopped. **DO NOT ISSUE A CERTIFICATE OF PAROLE/RELEASE AUTHORIZATION FOR THIS OFFENDER.** This will be in effect until we receive further instructions from the Parole Board.

Thank you for your cooperation.

cc: File

2/5/2007

25920-SEP-Brief

RAA

