

ORIGINAL

IN THE SUPREME COURT OF OHIO

CHONG HAO SU PETITIONER : Case No: 2011-0108

VS : pro bono publico

Ohio Cincinnati city :
RESPONDER

FILED
JUN 23 2011
CLERK OF COURT
SUPREME COURT OF OHIO

Motion to suspend Warrant for people libration from the twice convictions.

The petitioner challenge the constitutionality of Ohio Cincinnati Building Code(CBC) authorizing Cincinnati city to alter the personal privacy without a warrant and the due process procedure and with force and the double convictions. The CBC annuls all of the law and judgments role for the CBC exercise. Thus the city broke into search and seizure or trespassed for all of the routine inspections without the warrant and the probable cause. The CBC stipulates an inspector order is law of the twice convictions for the same CBC violation charge without the judicial review and administrative appeal procedure. The CBC enforcement became the actual expropriation and the public nuisance and the criminal invasion to the public according to "Understanding Property Law (Second edition Book) by John G Sprankling- LexisNexis". The CBC exercise has unlawfully excluded the low and moderate income color families from their hometown and demolished their homes for the racial segregation. But they are not the only category of persons barred from so many municipalities by reason of the restrictive building use regulations. We have reference to young and elderly couples, single persons and large, growing families not in the poverty class, but who still can't afford the highest rent housing realistically permitted in most places. Their desperate requirement is the affordable rent of the historic existing building for survival. Without the property right law, the city continues to prohibit the historic existing buildings existence for the racial discriminatory eviction and many municipalities' restrictive building regulations foreclose the opportunity of the lower and moderate income housing and the unemployed people housing.

The unconstitutional ordinances existence and the all owners convictions fact prove that Cincinnati court judge Brad Greenburg entirely betray the office oath to annul Ohio Const. guarantee below rights and procedure. If this court did not hear my case, the macro legislation mistake and the courts common error would damage the constitutional master equal survival basis by the abuse of the police power. All courts rules ensure the following Const. enforcement: Ohio Const. §19 and Trial for crimes; witness. §10 and Writ of habeas corpus. §8 and "Redress for injury; Due process. §16 All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice

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administered without denial..." . Amendment 14th prohibits any state legislation to deprive me of the liberty and property right without the due process procedure. Any judge swears the allegiance pledge to Const. against the unconstitutional ordinance and action. If judge Brad can annul the Const. and this court' judgment guarantee rights and procedure, his office oath becomes the screaming farce. My constitutional challenge motions sought the public equal survival right and has had the law preponderance and the preponderance of the evidences in all courts. The cat has taken the tongues of the prosecutors so far. According to any court rule, a judge should do his office oath to sign his name in my constitutional challenge motion. The filed evidences prove this is an uproarious joke that the lower courts scared me to say law too much. The filed foreclosure decree proves the appellant has not been an owner. Any court ought not to convicted me. According to the CBC, the first time CBC violation is the minor misdemeanor charge. Amendment V prohibited the second conviction for a same charge. The filed evidences prove that Cincinnati court refused the jury trial and prohibited to say law and forbade the attorney and appeal rights for the twice convictions. The court record proves Cincinnati court never noticed the second conviction to the appellant. After the appellant finished the first sentence in jail, the courts refused to suspend the second conviction of the same sentence for the open fair trial. The other court rule prohibits the appeal concerned a law, then the court deprived me of the above procedure rights. Thus the local courts judges entirely betrayed their office oath to deprived me of the aforesaid rights without a fig leaf. Their ruling as the judicial precedent suppresses all the public constitutional prescriptive procedure right. This court documents and Email prove to manage my case. The below requirement is the pure procedure requirement and does not obstruct the court jurisdiction and will save court time for the management. So I respectfully request to suspend the two petitioners convictions and warrant for the court processing under the below law and grounds.

1 The city never posts the reply to me. Under the court rule, the case should continue. I respectfully request to return Ohio Const. guarantee above defense procedure right. Otherwise I have had not the above procedure rights forever. This is the typical violation of Amendment 14th .

2 The CBC is the legislature mistake and the macro management error and Const. issue and the federal question. Everyone is either owner or tenant. Cincinnati building code certainly affects the public. Secondly my petition proves the CBC conflicts with the much constitutional statute provisions. No judge can concretely deny my used provisions. The above deprivation proves that the public is hard to file the constitutional challenge in this court. This is sole chance to affirm the court two judgments and Ohio Const. Otherwise the public trust will fall down and cause the big social issue.

3 Amendment 8th prohibits the higher bail money. The Sentence Act and Amendment 5th prohibit the double convictions to the same minor misdemeanor charge. The point is I have not been an owner before the conviction according to the filed foreclosure order.

4 For the above, I have the qualification to apply the Habeas Corpus. According to Const. and "Habeas Corpus Act"1 and USC §2241 and the Judicial Precedent "Hamdi V.

1 United States [1867]

Rumsfeld”², no any ground refuses my requirement.

5 To deprive me of the jury trial right violated the Ohio Const. §5 and Amendment 14th and “Duncan V. Louisiana”³ without the fig leaf. The lower courts, by prohibiting me to speak or refusing to hear my speaking deprived me of the fair trial right.

6 Amendment 6th and “Power V. Alabama”⁴ and “Argersinger v. Hamlin”⁵ formulate I should have the attorney right. I am not attorney and never gave up the attorney right. The public defender office refused the aid of the constitutional challenge. The above Amendment 14th violation resulted in the homeless condition. I have not the liberty right to obtain attorney and to go to law library and to obtain the concerned evidence and witness. This court manages a case by law and evidence and attorney and can’t manage my case by my statement. However the above constitutional statute provisions prescriptive procedure and right should be embodied firstly, then this court can start to reconsider my case. Otherwise where are the above provisions guarantee my defense procedure right? Where are the adversary system and the US and Ohio Const. prohibitive power? I am not attorney. All judges are attorneys and are rich in the fight experience. The lower courts ought not to scare me to say law in the courts, so that they used the power to suppress my speaking right. If any problem causes to delay the lawsuit, I have not the blame according to the aforesaid. Since Cincinnati court judge Brad Greenburg firstly betrayed all judges office oath and refuse to fulfill the above Const. dictates firstly. I have not the aforesaid Const. prescriptive all rights. This is the “Act of God” to obstruct me for the litigation. Ohio appeal law Section. 8.03 ordains no limitation for the appeals Involving the substantial Constitutions⁶.

In resolving the issue, what matter is not the matter of individual action, the jeopardy of people losing equal survival basis can’t be disregarded; the rule by the Gov. substitutes for the rule of law without the honest law enforcement. Judge’ office oath becomes the lip service without the judicial integrity. The existence of the CBC and the many owners convictions prove the constitutional master is like the black slaves before the Civil War. The character of the litigation is like the quality of Civil War. Our ancestries sacrificed their life for the liberation of black slaves in the American Civil War. Every patriot should walk along our ancestries blood to protect Federalism unification and law unification, like patriotic soldier. Political essentials can’t tolerate secession of law and the federalism. Hereby I, patriot, in order to prohibit the damage to the public welfare, maintain the private ownership system, clarify Ohio Const. §19 and this court two judgments, give full effect to the meaning of property, insure the obligee’s property ownership right and liberty living right, against the abuse of the police power, do respectfully request to return the constitutional guarantee above procedure to appraise

² 542 US 507(2004)

³ 391 U.S. 145 (1968)

⁴ 287 U.S. 45; 53 S. Ct. 55; 1932

⁵ 407 U.S. 25 (1972)

⁶p126 Appellate practice and procedure in Ohio.

the unconstitutional ordinance. The implications of the issues will be the first property right law judicial precedent. History will remember people thanks, like the abolition of the racial discriminative law. I trust this court and advise the other people not to file the complaint to the international court. Since the aftermath will damage our foreign policy. The petitioner posted the letters to the concerned offices for the litigation continuance. If the court needs time for the reconsideration, the petitioner can wait. If the court grants the continuance, Dr. Sprankling needs time to join the litigation. All law universities teach "Understanding Property Law (Second edition Book) by John G Sprankling- LexisNexis" (Property Law Book) . So I can use it.

I THE OVERVIEW OF THE PROPERTY LAW.

Property is the relationship and a bundle of the restraint force rights between the people and concerns the concrete things. The bundle of the rights has three important sticks: 1)the right to exclude; 2)the right to transfer;3) the right to possess and use. The interpersonal relationship has the legal restraint force. The concepts of the value and scarcity are the important tools for the consideration of the property issues. The word "property" as a term used in the property Law includes movable and real property. The phrase "property rights" as a term used in the property Law refers to the exclusive right enjoyed by the obligee to directly control specific properties including ownership, usufructuary and security right in property rights.

Thomas Jefferson held property is necessary of the democracy. Property law embodies the core social value . The different social systems decide the property right existence or nonexistence. US implements the private ownership system against the public ownership regime of the socialism. The private ownership system and the property right law encourage and reward people to create the wealth for the purchase of a building and to pay tax. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed"

The natural law theory holds the essentials of the rights are the justice. So the rights of the inviolable property and liberty are essential ingredients of Amendment 4th and 14th and Ohio Const. §19. Amendment 14 and Ohio Const. §19 prohibit the legitimate ordinance to deprive people of the liberty and property rights. US becomes the supreme country by the law and the private ownership systems. China was tyranny and poorest against the private ownership system and the rule of law without the property right law. Our country exported our law to China. In the ten years, China used our law to ordain about 231 simple and clear laws. The many continental law countries have the simple clear property right law. A reasonable person can use the property right law with easy and does not take the risk to violate the property right law. The macro litigations numbers evidently is less. Thus China creates the economic marvel by our property law

⁷ Property law book P1

⁸ The Declaration of Independence of The United States of America

and the private ownership system and science. Hereby the scope and level of the property right lie on the private ownership system. Only the Gov. can confer and protect the property according to legal positivism. Pursuant to the judicial precedent "Johnson V. Intosh", law formulates the property right. The property right and law together born and together die (the symbiosis). Without law, the property can't possibly exist. E.G. I am not attorney. The two courts scared me to say law before jury, so that they deprived me of all of the defense rights and jury right. Of course the city scared an owner's attorney to use law, so that the city Gov. ordained the CBC: "Sec. 1109-19. " Severability. Should any section or provision of Chapter 1109 CBC be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of Chapter 1109 CBC as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid..." (Ordained by Ord. No. 164-2004, eff. May 5, 2004)" The other CBC entirely repealed the property law and criminal law. Otherwise the CBC and the aggrieved owners convictions can't possibly exist. So the property right is stipulated and protected by law. Hereby the deny of the property right denied our politic system and democracy.

The land and buildings are the human being survival and development sole resources. The land is the limited. The population has increased. Thus the limited land certainly has the more and more the disputers for the property right. The law does not mean jail and fine and gun. The law adjusts the relationship between man and man and reduces the arguments for the society stability and the economic development. A court is the outlet of the society issue. The legislation services for people. Thus the society needs the simple clear property right law. Hereby the implications of the issues will be formulated with a view to maintaining the national basic economic system and the economic order of the market, clarifying the ownership of property, giving full effect to the meaning of property, protecting the obligee's property ownership rights, adjusting the different targets and ways between the obligee and the whole society in accordance with Ohio Constitution§19 and this court two judgments.

II THE OUTLINE OF THE REBELLIOUS CINCINNATI BUILDING CODES.

1 The CBC and the orders violated the overbreadth doctrine. The CBC Sec. 1117-13. until 1117- 61.2. and "Sec. 1117-07.1 General and 1119.01.4 Scope" and "1119-01.5"(the CBC) stipulated that every portion of a vacant Lot and the historic existing resident and the historic existing vacant safe buildings have to be maintained in the good condition. Such as: the indoor painting color, visibility of the home inside, interior walls peeling, and of the home inside, interior walls peeling, unclean flaky, all accessory and appurtenant and trash, etc. The CBC enacted a sweeping set of the vague mandates for the comprehensive mandatory sanction. The CBC norms conflict with the traditional united building criteria: the basic equipments work well and do not affect the residents health and security.

⁹ The property law bookp3

¹⁰ The property law book p2

2 The CBC legislation and its exercise violated the Amendment 14th without the due process procedure. "Sec. 1117-07.1 General and 1119.01.4 Scope: and 1119-01.5: ordain that a violation is deemed to be serious hazards. Then the city can demolish the building. The Sec. "1101-51. Penalties" ordains that an inspector orders are law norm for twice convictions prior to the administrative appeal and judicial review. Thus the serious hazards norms are the unconstitutional vagueness subjectivism arbitrary abstract criteria in the violation of the first essential of the due process law. The alleged serious hazards standards are not architectural impersonal external standard with the architectural technical terms. The CBC can't give effective meaningful guidance to its application. The CBC orders were the unconstitutional vague without the concrete architectural norm for the correction and had not the correction deadline without the charge warning in advance. The orders and indictments haven't an ascertainable adjudicative material fact for guilty. No architectural company could offer letter for the orders. Thus the CBC and the orders violated the first essential of Due Process law. The unconstitutional vague CBC has not the specific legal definition norm for the CBC violation charge and the double convictions. Actually the unconstitutional vague CBC and the orders authorize a building inspector unrestricted arbitrary discretion and the discretionary law enforcement for the racial discriminative eviction in the different, arbitrary manner. The CBC has not the "judicial review" clause and an architectural expert identification procedure and annuls the appeal substance. *The CBC Sec. "1101-83.5. Board Members" ordained the city decides the appeal composition members.* The CBC Sec. "1121-17.2 Appeals from Determinations Made by the Director of Buildings and Inspections:..." "1101-81.3.1 Application for Variance: The applicant shall set forth in writing the nature of the hardship and shall indicate how the issuance of a variance to the provisions of Chapter 1109 CBC will not defeat the intent and purpose of the provisions of Chapter 1109 CBC." Thus the CBC annuls the administrative appeal substance. When an owner asked an architect identification procedure and the administrative appeal and the judicial review and jury trial procedure to discuss the CBC order legitimacy and authenticity, the city and the court already refused. An owner has no chance to say a difficulty and asks the alternative option and negotiation. So the city sidesteps the due process procedure and the judicial review procedure for the CBC enforcement in the CBC legislation for the abuse of the police power. A tail wags the dog with manipulanda. Thus the city deprived the public of the liberty and property right without the due process procedure.

3 The CBC legislation violated the specific law legislative procedure without the constitutional notice to the aggrieved owners. The CBC conflicts with and otherwise stands as an obstacle to the full purpose and objectives of Ohio Congress in creating the uniform criminal law and property law. The CBC was not approved at the same election by referendum vote of the electors. The city has had not the notice of the CBC enforcement to the aggrieved owners before and after the CBC enactment. The City never asked the all historic existed buildings renovation in the public record system and in a newspaper. The city never cancelled the building resident permit and the historic existing building codes. Thus the city had not the constitutional notice beforehand, then

deprived the all owners of the property right. The city violated Ohio Const. "Article II: Legislative" to ordained the CBC and to enforce the CBC. Thus the CBC is invalid.

4 The CBC violation correction is not emergency. The CBC has not the correction concrete period clause and the correction deferrable clause. The repair permit grants the 12 months. The city filed the charge less than the half year and always refused to postpone the CBC enforcement after the half year.

5 The CBC enforcement procedure: the city deliberately accustoms to frame a case against an owner for the racial persecution. The city asked the impersonating fire safety fire inspector to break in search and seizure for the building inspection or trespassed for the inspection. The city charged the owners for the obstruction of the business performance, then issued the order for the alleged CBC violation. After less than half year, the city filed the charge for not complying with the order. Then the city alleged the building is hazard and ordered to close the building and did the warrantless eviction again and again. The inspector enforced the owner to apply for the vacant building maintenance permit and pay annual fee. According to the CBC Sec. 1101-79, all the vacant historic existing building owners have to obtain the vacated building maintenance licenses and pay the annual fee. After an inspection proves that the vacant building meets the CBC demands, the license will be granted. Otherwise the owners have to stand twice convicted of the CBC violation charges and pay the big fine, regardless of the building foreclosure. Then the city ordered to demolish the vacant building without the due process procedure. The city secondly convicted the two appellants with the big fine for Race building and tried to demolish Race building. The historic conversation board objected the city to demolish Race building. The evidence was filed. The too many victimized owners and tenants are the color people and were evicted out of their homes, by the demolishing their shelters. The CBC enforcement is the moniker for the racial eviction.

III The constitutional state provisions prohibit Cincinnati Building Code again and again.

The city has the constitutional prescriptive unshakeable duty to satisfy the public different housing requirements and can't deprive the lower and moderate income people and the unemployed people of the opportunity to obtain the affordable rent house. For abolishing our treasurable law, the city combined with judge to subject us to a jurisdiction foreign to our law and unacknowledged by our laws. The city declared us out of the general law protection. So the city has not the unshakable duty to meet our shelter requirement after the city destroys the historic existing buildings of the public. Cincinnati court, by implementing the CBC, evicted them out of the city, regardless of the economic crisis impact and their survival difficulty.

The legal issues are 1) whether the double convictions and the big fine can enforce the historic existing vacant buildings to meet the vacant building norms for the vacant building permit; 2) why the city willfully disregard the below prohibition and the public great requirement and the big necessary to destroy the historic existing buildings.; 3) whether the courts can strike down Ohio Const.§19 and this court two judgment for the

executive branch privilege over law.

The CBC and its order annul the public most important foundational property right in the large area. "There cannot be the slightest doubt that shelter, along with food, are the most basic human needs. The question of whether a citizenry has adequate and sufficient housing is certainly one of the prime considerations in assessing the general health and welfare of that body." It is required that, affirmatively, a zoning regulation, like any police power enactment, must promote public health, safety, morals or the general welfare. (The last term seems broad enough to encompass the others). ... Conversely, a zoning enactment which is contrary to the general welfare is invalid. ... It is plain beyond dispute that proper provision for adequate housing of all categories of people is certainly an absolute essential in promotion of the general welfare" required in all local land use regulation."¹¹ The property right is the fundamental most important civil right and the indispensable substantial bedrock of the all civil rights and is liberty guarantee. Property Law refers to the property right definition in the exclusive rights enjoyed by the obligee to directly control specific properties including ownership, property utilization and disposition rights etc. The exclusive ownership of personal property by citizen is ownership in indivision. The city, by implanting the CBC, took out the most important "right to exclude stick" and "the right to possess and use sticks" from the bundle of rights, supra. It is the similar possessory action. (possessorium). So the rights of the inviolable property and liberty are essential ingredients of Amendment 4th and 14th and Ohio Const. §19. The Fourth Amendment, made applicable to the States by the Fourteenth Amendment, prohibits any invasion to the inviolable liberty and property right. Any country protects the private ownership system and the public homes. This is the world acknowledged the basic human nature. An owner uses his money to buy his home for his family residence. The city acknowledges the privacy ownership system and Amendment 4th, so that the law granted the title and punished a trespasser and robber. Thus the city has not the authorization to ask an owner to spend the money and time for the CBC exercise. Admittedly the CBC exercise and the double penalties entirely strike down the public privacy and the liberty and property rights. They have not any real substantial relation with the safety, morals or general welfare and the health of the public against the private ownership system. This is the worst than the arbitrary search for tea that cased Independence War in Boston. Our ancestors used many ways to prohibit the governmental invasion to a home. The three branches check and balance prohibit an executive branch to have the legislature and jurisdiction. Amendment 4 and 14 secure the property and liberty rights by the due process dictate and warrant against the arbitrary invasion to an individual home. Our congress ordains the united criminal law and property law. The purpose is to prohibit an ordinance to conflict with the uniformed law. Amendment 14 and Ohio Const. §19 prohibit any state legitimate ordinance to deprive people of the liberty and property rights. The taking clause (Amendment 5th) specially protects the public property against the Gov. invasion. Thus the city has no authorization to ordain the CBC instead of the united criminal law and

¹¹ SOUTHERN BURLINGTON COUNTY N.A.A.C.P. v. TOWNSHIP OF MOUNT LAUREL, DEFENDANT-APPELLANT AND CROSS-RESPONDENT. 67 N.J. 151; 336 A.2d 713; 1975 N.J. LEXIS 181

property law. The CBC is the constitutional prohibitive power that our ancestors feared too much according to Federalist Paper. To willfully neglect our aforesaid means the betrayal of the judge' office oath. The CBC and its order annul the public individual private without the human nature in the CBC legislation and the routine practice. The city orders (E23 and E33) prove the CBC' enforcement were for "regulate housing standards ... and lead to an increase or stabilization of property values." The city "Case History Report" and indictments and the current orders repeat the orders same meaning that embodies the above CBC. All of the city documents and the cited CBC words and the police reports and the public record system prove the CBC exercise and its norm and breaking in arrests and the alleged evidences were the irrelevant, immaterial, incompetent to the public exigency and the public nuisance and the tort action and the habitability restrictions and the common law prohibitive condition and the public purpose and the alleged CBC violation without the public nature. An owner door always is locked without open to the public. The exanimate building interior material can't possibly affect any building value and the public exigency and safety welfare and moral and health. Inspector Jim twice broke in search and seizure for seeing the superficial material within my closet. If the city had not been for the united interior decoration norms enforcement, the city would have not spent the much money and time to break into and to convict an owner twice. A building outside size to the inside size is a few ratio. The CBC abounds in the unconstitutional vague interior decoration norms. The city orders and "Case History Report" and the indictments never mentioned the outside condition. Aesthetics concept for the interior design is subjective spirit quality and exists the multiformity. Different people have the different eye for the different home. The public homes have the manifold privacy. The right of the privacy includes the privacy extent and the right of the personal autonomy. The right to be let alone is the character of the privacy right. The public homes precisely are the privacy extent of Amendment 4th protected. This is our tradition. "II A Today's decision rests, in large measure, on the premise that warrantless arrest entries constitute a particularly severe invasion of personal privacy. I do not dispute that the home is generally a very private area, or that the common law displayed a special "reverence . . . for the individual's right of privacy in his house."¹² "Silverman V. United States"¹³ extended the protection of Amendment 4th from property to the reasonable expectation of privacy. The right of the personal autonomy for the interior design belongs to the exclusive right to possess and use and the liberty right. The private ownership system precisely protects the property right and the right of the privacy. Essentially the orders and the order cited CBC abolish any one' privacy extent and the right of the personal autonomy and the expectation of the privacy for the militarized interior united norms by the military discipline (double convictions) within the exanimate locked safe Race building. No one except king has the

¹² PAYTON V. NEW YORK, 445 U. S. 573 (1980)

¹³ 365 U.S. 505 (1961)

individual privacy in his castle. No obligee has the personal autonomy right to decide the interior decoration speed and norm. The right of the privacy belongs to the civil right. The liberty right includes the freedom right in the home. Thus the CBC strikes down the world acknowledged civil right and private ownership system.

Hereby housing Assistance and Administration Urban Development Act and housing subsidy reflect that the federal Government helped the public to have housings; additionally reflect that the municipality has the unshakable duty to presumptively make realistically possible an appropriate variety and choice of housing for the general welfare. There is not the slightest doubt that the city has been, and continues to be, faced with a desperate need for the affordable rent housing and the low and moderate cost housing for the low and moderate income families and unemployed people. The situation was characterized as a "crisis" according to the economic crisis impact and the public poor economic condition and locality character. I construe the principle of the property law precedent as follows.¹⁴ The municipality, by its Building Code, can't foreclose the opportunity of the low and moderate income housing and the unemployed people housing, and its regulations must affirmatively afford that opportunity. These obligations must be met unless the municipality can meet the heavy burden of demonstrating a compelling substantial city interests and the alternative options and a legitimate concrete legislative fact for the CBC constraint, which dictate that it should not be required to do so. The proper provisions for adequate housing for all types of people is an absolute essential in promotion of the general welfare. There is a unshakable obligation that each municipality should affirmatively provide and ensure, by its ordinance, the reasonable enough opportunity for an appropriate variety and choice of housing, including low and moderate cost housing and the affordable housing. It can't adopt the any ordinance, which precludes that opportunity. Congress used new law and the fund to help the owners. "An ordinance under review, as well as all similar laws and regulations, must find their justification in some aspect of the police power, asserted for the public welfare."¹⁵ It is to be determined by considering the community people economic difficulty and the economic crisis impact and the circumstances character and the locality. Any ordinance can't demolish the public survival foundation.

In current economic crisis, the property and land tax income increase and the survival of the owners and tenants are the overriding importance. *Every week Cincinnati court has convicted the many owners and allowed to demolish their shelters. The CBC enforcement touch the numerous of owners and tenants and their children and grandmothers.* The city used the people economic difficulty to evict them by the CBC enforcement. The matter occurred during the economic crisis period. "Census data: US poverty rate hits 14 percent in 2009." US unemployed rate has been about 10%

¹⁴ SOUTHERN BURLINGTON COUNTY N.A.A.C.P. v. TOWNSHIP OF MOUNT LAUREL, DEFENDANT-APPELLANT AND CROSS-RESPONDENT. 67 N.J. 151; 336 A.2d 713; 1975 N.J. LEXIS 181

¹⁵ VILLAGE OF EUCLID V. AMBLER REALTY CO., 272 U. S. 365 (1926).

so far. The CBC enforcement is one of the reasons to cause 14% buildings being vacant. The 14% buildings owners have to seek the vacant buildings permit. Otherwise they have to stand twice convicted of the CBC violation like me. The young and elderly couples, single persons and large growing families and the lower and moderate income people and the pauper have lived in the historic existing buildings for ages. Proletariat and unemployed people are mostly color people. The unemployment rate of the community was over 30%. The CBC has not the specific legal definition norm for the CBC violation charge and the double convictions and authorizes a building inspector unrestricted arbitrary discretion and the discretionary enforcement of law for the racial discriminative eviction in the different, arbitrary manner. Thus the unconstitutional vague CBC can affect the more and more owners and tenants as follows.

The plenty of people lost jobs and homes. Numerous of people can't find job over one year. The many people have great difficulty in obtaining work. They are just not making enough to keep up with the cost of living. Social welfare has an applicant qualification limitation and the period limitation without the free housing supply. Thus the many people have not been qualification or are the welfare aid expires. Social welfare and the shelters can't possibly satisfy their requirements. Apart from summer, numerous singles are waiting a bed of the shelter. The plenty of families have not shelter remedy. For their families, the belt-tightening is about subsistence. Their dream is to keep the roof over the heads of the baby and kiddy. They have not a car and absolutely have not an ambition of the perfect condition housing. Since the perfect condition house and its district need the higher rent and more maintenance fee and a car than the national historic existing building district. Since the rent and the maintenance fee and the car fee for the perfect condition building is the excess demand more than they can afford. Under no circumstances, *the large area many families* are unable to scrape up the expensive rent for the perfect condition house that *every part is kept in perfect condition*. Thus the affordable rent of the historic existing buildings is the public biggest requirement and great necessary.

Actually the city strikes down the historic existing building code to prohibit such buildings existence. Then the city convicted the historic existing vacant building owners and unlawfully excluded the owners and tenants from their hometown for the racial discrimination by the CBC exercise. Everything has the two sides. The historic existing buildings continue to be occupied. Every day they normally are used and worn and damaged. The interior worn and damaged conditions can't avoid. There is none without a fault. According to the Federalist Papers, the city Gov. is not God and can't avoid the bad faith and misconduct, so that Const. does not believe the Gov.. Thus the city Gov. every portion does not keep in the good condition. According to "fiction of law" that is the same with the CBC, the city Gov. is hazard and should be demolished. When I visited the inspector office, the office did not keep in the good condition. One man may steal a house while another may not look over a hedge. Thus the interior worn and damaged sign can't be the pretext to convict the historic existing vacant buildings owners. However the public likes the historic existing building and its environment character. Although the historic existing building inside is the old painting and worn signs, yet the public and the relatives and schoolmates grow up there. East or west, home is the best.

There is no place like home. Thus the national historic area' historic existing buildings are where the public hearts are. *The building record system and the continued occupied residence permit substantiate that the Race property was completed renovated and passed the annual inspection and the Section 8 official annual inspection. (Evidences 31)* Race building is located in the national historic district. *All of the surrounding buildings are the historic existing buildings.* The convenience stores and a free food bank and three free lunch places and a shelter and the restaurants and clubs plus the eight bus lines have been around Race building. The plenty of the community people lack car and money and are color people. They like the historic existing building' affordable rent and the conveniences district characters. The city deliberately disregard the public actual financial ability for the racial discriminative eviction. The many owners are the salary people. They have worked hard and saved the food money for ages, then have the down payment to apply the loan for the purchase of the homes. The loan interests and the building maintenance fee and the property tax payment are higher than the general rent. The children education fee increases the more and more. If they had had enough money, they would have purchased the new building. If they had money, they would perfect every part of the building for the highest rent or the enjoyment. All aggrieved owners are confronting the increasingly fierce social competition to hold the job and building. The comprehensive impracticable mandatory urgent orders disrupted the owners priority and resources to focus time and energy on the job or the business for the children survival. After they finish the work and drive car to arrive home, it is too later. The spare time needs to take care of the children. They are busy for their job and family, so that they can't do the CBC demands by themselves and have to hire the different company. Any interior decoration costs at least \$2000.00. The total cost for the every part decoration is like the new building purchase price. The repair permit grants the one year for the repair. They could not possibly finish all the interior decoration within the half year. The CBC violation charge imposed the impermissible heavy financial burden and the much psychological burden to the owners beyond the owners limited financial ability. The charge obstructed the loan grant and the sale of the building. Under the CBC, an owner failing to comply with a norm should be convicted twice; his home is deemed to be hazard and should be demolished. Lawsuits consume time, and money, and rest, and friends. Many companies do not allow the criminal charge procedure or record. The owner lost the job without the acquisition a normal job possibility and lost everything. The charge or conviction resulted in the losing building and the bankrupt. The city wasted the good money after bad money to kill cow(demolish the building) without milk(property and land tax payment). Of course the tenants were evicted. The CBC enforcement impact intensifies the social contradictions and threatens the social stability and damage the public general welfare. The community had the frantic blatant racial eviction history and the big riot according to the history record. Therefore, I respectfully request to consider the case from the wider viewpoint that the other city similar regulation prevents the various categories of persons from living in their hometowns because of the discriminative ordinance or believe social incompatibility. People consist of persons. *The city' forcible uniform interior norms (the CBC norms) deny all of people requirements without the human nature against the above law. Thus the*

CBC demands are the blameless unreasonable and arbitrary invasion to the inviolable liberty and property rights. The deny of the above population economic difficulty and great requirement precludes the above law guarantee opportunity and damages the general welfare. The municipal code Sec. 1201-23 Existing Buildings and the CBC Sec. 1101-15.6 object the CBC invasion to the historic existing building. The historic existing building inspector said he does not manage the inside condition. The current public record system proves the historic conversation board objected the city to destroy the Race property. The owner is qualified with the renovation grant. (Evidence is filed). The point is the historic existing building codes and its criteria existences were early prior to the CBC enactment. "A nuisance may be merely a right thing in the wrong place -- like a pig in the parlor instead of the barnyard. If the validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control."¹⁶ Thus the above constitutional master desired necessary enough suppresses Judge Brad Greenburg any pretext for the CBC invincible position.

The CBC norms entirely are the contrary of the uniform lawful criteria. The CBC norm is that every portion of any building and any a lot has to be kept in the good condition for the increase of the building value. A violation of a building is seemed to be serious hazard. Then the city can abuse the police power for the arbitrary unreasonable punishment and can demolish the shelters. Before proceeding to an examination of the CBC in question, it should be observed that the owner's liberty and property rights are constitutionally protected against unwarranted and arbitrary interference by the uniform property law and criminal law. The State implements the private ownership system against the invasion to the public homes. Const. Section 10 prohibited any state to "impairing the obligation of contracts,..."; as well as the impairing to the common assurance. Const. is the social contract. When the effectiveness of the city issued occupied permit and the city public record system record continued, the city can't declare the hazard conclusion except the judicial review and an architect identification to annul the permit. The city could not evicted the owner and tenant and demolish the building without warrant according to Amendment 14th and 4th. The legitimacy of any exercise of the police power had not a real and substantial relationship in a particular manner between the Race property and the public health, safety, morals or general welfare of the public. Ohio Const. § 19 has the same meaning like *B1anchard V. Department of Transp* holding: "It is the responsibility of the courts to assure that government does not abuse its extraordinary power to take the private property of its Citizens against their wishes." "It is well established that, without the consent of the property owner, the government may only exercise its power of eminent domain when the property is to be put to a public use and when a public exigency requires it. ME CONST. art. I, §21;..."¹⁷ If a man objects the conclusion, he can't object the sense of legal. "An ordinance under review, as well as all similar laws and regulations, must find

¹⁶ *Radice v. New York*, 264 U. S. 292, 264 U. S. 294.

their justification in some aspect of the police power, asserted for the public welfare.”¹⁸ “City of Cincinnati v. CORRELL”¹⁹ in 1943 and “Wilson V. City of Cincinnati” in 1976 already annulled the concerned CBC. Thus the CBC and the orders conflict with the above provisions and have not any essential nexus with the public health and moral and welfare and safety and the public purpose. The CBC enforcement damages the public equal survival basis by the abuse of the police power. So to support the CBC annuls the law and private ownership system.

IV The city expropriated and demolished the public shelters for the racial eviction.

The city and Cincinnati court judges, by implementing the CBC, unconstitutional took the public properties and deprives them of the equal survival right for the racial eviction. The CBC enforcement is the actual public nuisance. The phrase “the public nuisance” as a term used in the petition refers to the action to interrupt and damaged the public common right. The action seriously damages the public foundational right and has continued to damage the public vital interest.

The CBC enforcement became the management nature expropriation, under the below judicial precedents. The building management destroyed the building existence. The aggrieved owners and tenants lost their shelters without the equal survival basis and right. The CBC enforcement affected the people foundational liberty and property right in the large area. Thus such case needs the strict scrutiny with the equal protection clause and the due process clause and takings clause. According to the property law, my filed petitions already demanded the city to reply the compelling state interest and the rational basis. The cat has taken the prosecutors tongues so far. Thus the city has not the compelling state interest and the rational basis and did the racial discriminative eviction. “Penn Central Transportation V. New York City” ordained the first three norms. If a manage meets the one of the three norms, the management becomes the actual expropriation. The filed motions and evidences prove my case meets all of the below norms.

1 The manage causes to lose all of the building use ways. Then the manage becomes the actual expropriation. By the moniker of the CBC exercise, the city demolished the historic existing buildings or closed such buildings for the foreclosue sale, supra. The city pays the cost to demolish and remove the building. The plenty of the buildings are waiting for the foreclosue sale. The buildings value is less than 25% of the purchase price.
2 When the Gov. required donation has no essential nexus with the legitimate state interest, the Gov. action becomes the actual expropriation according to “Nollan v. California Coastal Commission” . The double convictions enforce an owner to spend time and money for the city willpower, supra. This is the typical involuntary payment and involuntary servitude. Ohio Const. §6 prohibits such condition: “...nor involuntary

18 VILLAGE OF EUCLID V. AMBLER REALTY CO., 272 U. S. 365 (1926).

¹⁹ No. 29230 Supreme Court of Ohio June 2, 1943 141 OhioSt. 535 40 N.E.2d 412

²⁰ 438 US 104(1978)

²¹ 483 U.S. 825 (1987)

servitude, unless for the punishment of crime." Thus the building management becomes the actual expropriation.

3 If Gov. or Gov. authorized agent occupies the private land for the long period, the Gov, actually takes the all bundle of the rights. The occupation is the actual expropriation, regardless of the public use according to LORETTO V. TELEPROMPTER MANHATTAN CATV CORP. The city broke into search and seizure or trespassed for the building inspection. The double convictions enforced to alter the interior privacy. The city usurped the obligee exclusive rights to possess and use. The filed motions detailed that the city evicted the owners and tenants without warrant and supported the trespasser to occupied Race building. Thus the city actions were the open and notorious physical entry and conversion to the building until the bank took the title back with the hostile and exclusive character. The criminal charge and the illegal conversion obstructed to sell the building. The city took the right to transfer. The CBC legislature and exercise deny the bundle of the rights. So the city expropriated the all victimized owners buildings.

4 If the building overbroad management demands deny viable use of an owner building, the building management becomes actual expropriation and violation of the Fifth Amendment according to the principle of "Hotel & Motel Ass'n of Oakland V. City Oakland". The CBC has the multitudinous mandamus that "every part of a building and a lot shall be maintained in good repair." The CBC overabundance sweeping vague commands perfection needs the numerous of money and time. Numerous of money and time are indispensable to every part maintenance in good repair. The total cost burden is like the new building purchase price and is the overburden which is much over any building highest rent income and the building purchase down payment and the owners financial ability without any gain in income. The correction of the CBC violation needs the all kinds of the decoration companies. Any family belongings are too much. A family is busy for the bread and butter and has no time for the interior decoration within half year. Any decoration needs too much time for the stuffs relocation and to put back. In addition the outside material needs to be taken off firstly. So the inter decoration is the hand work and is done one by one. Thus it took the more time and money than to build up new building. To build new building uses the mechanism. This is quick and cheap. Hereby the city unconstitutionally took the owners buildings in violation of Amendment 5th. Thus the CBC enforcement is the actual expropriation.

5 When the obligee' loss is over the city interest, the management becomes the actual expropriation. The city wasted good money after the bad money to kill cow(demolish the building or the foresure sale of the buildings) without milk(the property and land tax payment). Thus the building manage is the unlawful expropriation.

Based on the foregoing, the city intentionally disregards the above prohibitions

²² 458 U. S. 419, 426,435 (1982)

²³ 344F. 3d 959 C. A. 9(Cal.)

and the economic crisis impact and the public economic difficulty to destroy their shelters on purpose. The end is crown. The disparate impact and the public loss and the racial discriminative eviction history and the Civil Rights Act of 1968 prove the alleged CBC violation correction is the racial eviction. I and the many owners attorneys already submitted the aforesaid and demanded against the racial eviction. A reasonable person can't possibly kill his income payer. The silence gives consent of the racial eviction. If the city purpose was the legitimacy, the city would show the compelling substantial city interest and rational basis and the concrete legislative fact for the CBC constraint. If the city had not the serious malignant intention, the city would stop to inveterately waste money like water to kill cow without milk. The current same CBC orders prove the city intention is the inveterate. In 1950-1960, the city evicted the several thousand color people out of the Race building community and other area. The purpose is to attract the rich white men; but attracted nothing. History repeats itself. The most Race building community people and the victimized owners and tenants are the color people. The constructive fraud and the constructive malice evidently for the CBC legislation and exercise are for the racial discriminative eviction and the racial segregation on purpose. Otherwise nothing explains the city active intent to evict the owners and tenants out of their hometown, regardless of the much money loss and the damage of the public welfare.

For the abolition of the racial eviction and the return of the constitutional guarantee defense rights and procedure, I respectfully request to suspend the warrant until the court decision for me and Martha Lee, supra. The special cause lets me sign my name. Martha W Lee needs to suspend the convictions and warrant too. I believe to return the deprivation of the constitutional guarantee lowest level defense procedure and right for seeking the public equal survival right and protecting this court two judgments.

Respectfully submitted



Applicant:

Chong Hao Su Chong_su@hotmail.com suchong5@gmail.com

Signature: 苏崇豪

THE CERTIFICATE OF THE SERVICE

I, Chong Hao Su service the following documents to the city prosecutor office in the Cincinnati city hall in 801 Palam street Cincinnati city Ohio 45202.

APPLICANT: Chong Hao Su

Applicants: Signature: 苏崇豪

A handwritten signature in black ink, appearing to be 'Chong Hao Su', written in a cursive style.