

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, EX REL.,
SHARON BRISTOW,
4870 East Lincoln Way, #7
Wooster, Ohio 44691

Case # 11-1883

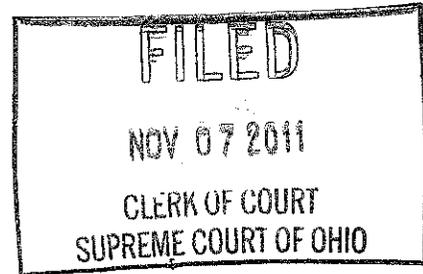
RELATOR,

COMPLAINT FOR WRIT OF
PROHIBITION (Court of

Appeals lacks jurisdiction to
determine unauthorized
practice of law)

v.

SCIOTO COUNTY COURT OF APPEALS,
Fourth Appellate District
14 South Paint Street
Suite 38
Chillicothe, Ohio 45601



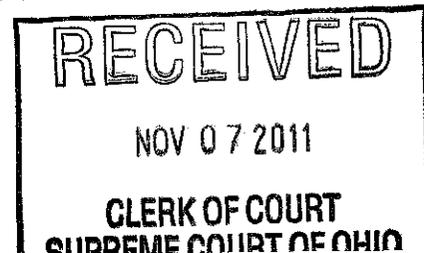
RESPONDENT.

I. Jurisdiction

The Supreme Court of Ohio has original jurisdiction in writs of prohibition pursuant to section 2(B)(1), Article IV of the Ohio Constitution.

II. Complaint

1. The relator, Sharon Bristow, filed a Petition for Writ of Mandamus in the Fourth District Court of Appeals, case number 11-CA-3458, Scioto County, related to the denial of access to public records.
2. On October 31, 2011, the respondent, Fourth District Court of Appeals, issued an order stating a concern that someone other than this relator prepared the documents.
3. In said October 31, 2011, order, the respondent stated: "Specifically, relator is ordered to address... WHO PREPARED THE DOCUMENTS FOR HER". The order then goes on to mention the possibility of sanctions.



4. Pursuant to Gov. Bar R. VII (2)(A), the unauthorized practice of law is the rendering of "legal services" for another by any person not admitted to practice, granted active status, or certified to practice law in Ohio pursuant to Gov. Bar R. I, II, VI, IX or XI.

5. "Legal services" includes preparation of legal documents and instruments upon which legal rights are secured and advanced. *Ohio Bar Association v. Newburn*, (2008) 119 Ohio St. 3d 96, 2008-Ohio-3823.

6. However, Ohio revised Code 4705.07 (B)(2) states:

"ONLY THE SUPREME COURT MAY MAKE A DETERMINATION THAT ANY PERSON HAS COMMITTED THE UNAUTHORIZED PRACTICE OF LAW IN VIOLATION OF DIVISION (A)(3) OF THIS SECTION".

7. Ohio Revised Code 4507.07 (A)(3) states:

"COMMIT ANY ACT THAT IS PROHIBITED BY THE SUPREME COURT AS BEING THE UNAUTHORIZED PRACTICE OF LAW".

8. Accordingly, a Court of Appeals in Ohio patently and unambiguously lacks subject matter jurisdiction to determine whether "any person" has engaged in the unauthorized practice of law or to act as an investigative authority on such matter.

9. In order to be granted a writ of prohibition, the relator must show (1)the lower court is about to exercise judicial authority; (2)the exercise of authority is not authorized by law. *State ex rel. Keenan v. Calabrese*, (1994) 69 Ohio St. 3d 176, 178, 631 N.E. 2d 119, 121.

10. Ordinarily, in order to be granted a writ of prohibition, one must also demonstrate no adequate remedy exists in the ordinary course of law. *Keenan*.

11. However, this very court created a limited exception where there appears to be a total lack of jurisdiction of the lower court to act. *State ex rel. Tollis v. Cuyahoga County Court of Appeals*, (1988) 40 Ohio St. 3d 145, 148, 532 N.E. 2d 727, 729.

12. In such circumstances, a writ of prohibition may issue even before a lower court has made a determination of its own jurisdiction, even where an adequate remedy in the ordinary course of law may exist. *Ohio Department of Administrative Services Office of Collective Bargaining v. State Employee Relations Board*, 54 Ohio St. 3d at 51-52.

13. Simply stated, an Ohio Court of Appeals is patently and unambiguously without subject matter jurisdiction to investigate or determine whether "any person" has engaged in unauthorized practice of law.

III. Relief

WHEREUPON, the relator respectfully requests all of the following:

- (a) Issuance of a Peremptory Writ prohibiting the respondent, Scioto County Court of Appeals, from investigating or determining whether any person has engaged in the unauthorized practice of law;
- (b) Issuance of an Alternative Writ prohibiting the respondent, Scioto County Court of Appeals, from proceeding with the proceedings in that court pending final determination from this court.
- (c) Issuance of any and all other relief this court may deem just and appropriate.
- (d) Tax costs of this case against the respondent, Scioto County Court of Appeals, Fourth Appellate District.

Respectfully submitted,

Sharon Bristow

Sharon Bristow
Relator (Pro-se)
4870 East Lincoln Way, #7
Wooster, Ohio 44691

State of Ohio)

)ss:

Affidavit

Richland County)

1. I am the relator in the foregoing Petition for Writ of Prohibition and I make this affidavit based upon the facts set forth herein. If called to testify, I will do so.
2. On October 20, 2011, I filed a case in the Scioto County Court of Appeals, Fourth Appellate District, case number 11-CA-3458, to seek a mandamus to compel the release of public records that were requested.
3. On October 31, 2011, the respondent, Scioto County Court of Appeals, Fourth Appellate District, issued the attached order exhibited as Exhibit B.
4. I believe that the Scioto County Court of Appeals, Fourth Appellate District, patently and unambiguously lacks jurisdiction to inquire or investigate in areas that are specifically and unequivocally designated for the Supreme Court of Ohio.
5. I believe that a Peremptory Writ and/or an Alternative Writ is warranted in this case.

Further Affiant Sayeth Naught

Sharon Bristow

Sharon Bristow

Affiant

NOTARY

Sworn to, and subscribed before me, a Notary Public, this 2 day of Nov 2011.

Earnest Mosier III

Notary Public
State of Ohio



EARNEST
MOSIER III
NOTARY PUBLIC.
STATE OF OHIO
My Commission
Expires
Dec. 8, 2015

cash

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Lisa D. White
CLERK OF COURTS

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

State ex rel. Sharon Bristow, :
Relator, :
v. :
Larry Greene, :
Respondent. :

Case No. 11CA3458

MAGISTRATE'S ORDER

Relator, Sharon Bristow, has filed a complaint in mandamus to compel respondent, Larry Greene, to provide her with certain public records. This court, however, is concerned that relator is attempting to assist a vexatious litigator, Lonny Bristow, in subverting R.C. 2323.52's requirement that a vexatious litigator receive leave before proceeding with any actions in the court of appeals. See *State ex rel. Bristow v. Greene*, Scioto App. Nos. 11CA3435, 11CA3427 & 11CA3426. Not only is relator's request similar to those previously brought by Lonny Bristow, but the form of relator's complaint is nearly identical to his as well.

Accordingly, relator is **ORDERED** to file a memorandum addressing this issue. Specifically, relator is **ORDERED** to address whether Lonny Bristow asked her to file this action and who prepared the documents for her. If it is determined that relator is assisting Lonny Bristow in subverting R.C. 2323.52, sanctions may be appropriate.

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

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IS SO ORDERED.

FOR THE COURT

A. M. McHenry
Aaron M. McHenry
Magistrate

THE STATE OF OHIO
SCIOTO COUNTY, SS.

CLERK OF THE COURT OF
COMMON PLEAS WITHIN
AND FOR SAID COUNTY

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY AND CORRECTLY
ORIGINAL DOCUMENT FROM THE FILE IN MY OFFICE WITNESSED BY MY SEAL OF SAID COURT

OCT 28 2011

BY [Signature] DEPUTY