

IN THE SUPREME COURT OF OHIO

DONALD L. SEARLES

Relator

Vs.

Case No. 2012-0895

D. W. FAVREAU, Judge
Morgan County
Court of Common Pleas

Respondent

MOTION TO DISMISS

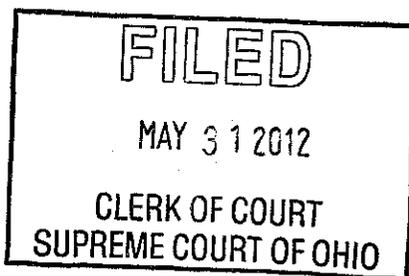
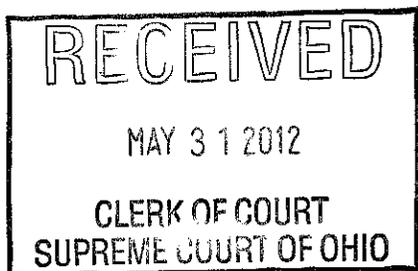
Respondent, D. W. Favreau, Judge of the Morgan County Court of Common Pleas, through the undersigned Morgan County Prosecuting Attorney moves the Court to Dismiss Relator's Complaint.



Mark J. Howdysshell (0051910)
Morgan County Prosecuting Attorney
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MEMORANDUM IN SUPPORT

Respondent, D. W. Favreau was unaware Relator had filed his motion on January 18, 2012. Relator has filed numerous motions pro se, which are redundant in nature. The undersigned believes he has reached the point of being a vexatious litigator.



The January 18, 2012 motion appeared to be a refiling of a motion filed by Relator on June 22, 2011, and was placed in the closed criminal file. The January 18, 2012 motion was not brought to the attention of the Court. Upon receipt of summons herein, the closed criminal file and the motion discovered. Respondent immediately ruled on the motion. A copy of the entry is attached hereto.

For the foregoing reasons, Respondent moves the Court to dismiss the complaint as the issue raised therein is now moot.

Respectively submitted,



Mark J. Howdyshell (0051910)
Morgan County Prosecuting Attorney

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion was served on Donald L. Searles (419-561), Ross Correctional Institute, P. O. Box 7010, Chillicothe, Ohio 45601, by ordinary U.S. Mail, this 28th day of May, 2012.



Mark J. Howdyshell (0051910)
Morgan County Prosecuting Attorney

IN THE COURT OF COMMON PLEAS
OF MORGAN COUNTY, OHIO

FILED
MORGAN COUNTY
CLERK OF COURTS

2012 MAY 29 PM 2:56

State of Ohio,

Plaintiff

vs.

Donald L. Searles,

Defendant

Case No. CR-01-043
D. W. Favreau, Judge



JOURNAL ENTRY

This matter came before the Court on Defendant's Motion for Reconsideration to Contest Classification/Adjudication Pursuant to Ohio Revised Code 2950 et seq. filed herein on January 18, 2012.

The Court notes that the alleged basis for the motion is that a hearing was not conducted to determine defendant's status as a sexual offender. The Court finds that a classification hearing was held on May 5, 2004, immediately following the sentencing hearing. As this matter has already been heard by the Court, the Defendant's motion is hereby denied.

IT IS SO ORDERED


D. W. Favreau, Judge

Cc: Mark J. Howdysell
Donald L. Searles