

ORIGINAL

IN THE OHIO SUPREME COURT

STATE OF OHIO ex rel,  
ROBERT HARSH

Case No. 2013 - 1051

vs.

Judge Patricia Shane Oney  
Respondent

FILED  
SEP 23 2013  
CLERK OF COURT  
SUPREME COURT OF OHIO

MOTION FOR JUDGMENT ON THE PLEADINGS  
CIVIL R, 12

Now comes relator Robert Harsh who moves this court for judgment on the undisputed pleadings pursuant to Civ R, 12. The doctrine of *res ipsa loquitur* guards this case sub judice. As the record plainly proves the manifest injustice and false imprisonment of a United States citizen in an ohio Institution without the lawful authority.

The relator received a maliciously illegal, not statutorily authorized prison term of “ (SEVEN MANDATORY YEARS FOR A MISDEMEANOR D.U.I.) “That was portrayed as his first time felony four offender D.U.I. And pursuant to statue O.R.C. 2929.13 (G)(I) NO PRISON TERM WAS AUTHORIZED.

The respondent can not reply to the original action in mandamus and prohibition because it is clear to any layman or even a moron the relator has been falsely imprisoned on a facially void judgment entry you can not receive a “ SEVEN YEAR MANDATORY PRISON SENTENCE “ for a first time felony four D.U.I. Offender or a misdemeanor jury verdict. Pursuant to the Ohio Revised Code.

Any attempt by a trial court to disregard statutory requirements when imposing a sentence renders that sentencing “ VOID AB INTIO ” or a legal nullity. See **State vs. Payne** 114 Ohio St 3d 502, **Foster** 109 Ohio St 3d 1 2006 Ohio 856 N.E 2d 470 P103.

In order to be granted a writ of mandamus,prohibition relator must demonstrate that the relator has a

RECEIVED  
SEP 23 2013

clear legal right to the relief requested as is definitely the case sub judice. Judge Oney has a clear legal duty to vacate the facially void judgment entry, CLEARLY CONTRARY TO LAW\*\*\*

State ex rel, Berger v. Mc Mononagle (1983)6, Ohio St.3d 28,451N.E. 2D,22 See St ex rel Mayer v.

Henson 97 Ohio St 3d 278 .The lower court should have issued the writs.

fn1 Its axiomatic that imposing a sentence outside of the statutory range, contrary to statute, is outside a courts jurisdiction , thereby rendering a sentence *void ab initio* As such a writ of mandamus and prohibition should have been automatically granted in the appeals courts

PRAYER FOR RELIEF

Judgment on the undisputed pleading's pursuant to Civ R 12 be granted in favor of the relator whom has been falsely imprisoned on a facially void judgment entry manifest to monkeys and morons. 4 seven year mandatory prison term for a first time felony four D.U.I. Or even a misdemeanor jury verdict D.U.I. Is an abuse of discretion clearly contrary to law and cannot stand under the banner of justice. THE REASON RESPONDENT REFUSES TO ANSWER... IS MANIFEST TO ALL..

This court has original jurisdiction over writs of mandamus and prohibition Section 2 (b)(1) ART IV of O'Const which should automatically grant the relief requested. Relief from manifest false imprisonment is right forth.

Respectfully,

Robert Harsh

Robert Harsh Relator

00547305

PO BOX 69

London, Ohio 43140

CC.

Judge Patricia Shane Oney

315 High st

Hamilton Ohio, 45011

U.S. MAIL 09-18-2013

\* Dear Clerk of Court

A time stamp filed copy requested "PLEASE"