

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex. Rel.

Case No. 13-1561

ROBERT HARSH
PO BOX 69
London, Ohio 43140

vs.

ORIGINAL ACTION IN
WRIT OF MANDAMUS

ROBERT RINGLAND
Administrative Judge
Twelfth Dist, Court of Appeals,
1001 Reinartz Blvd
Middletown, Ohio 45042

Respondent

FILED
OCT 01 2013
CLERK OF COURT
SUPREME COURT OF OHIO

Originating 12th Dist Case No.
CA 2012 -07-134

SECTION 2 (B)(1) Art IV Ohio Const.
APPLICATION FOR WRIT OF MANDAMUS

JURISDICTION

1. This court has original jurisdiction over this instant application for a WRIT OF MANDAMUS being directed to a court of record with a justifiable controversy of which no adequate remedy of law exist .By virtue of Article IV Section 4 of the Ohio Constitution and Article I Section 16

VENUE

2. The acts or conduct give rise to an action that originated in the 12th Dist, court of Appeals being St ex rel ROBERT HARSH vs. Judge Patricia Oney CA 2012 - 07-134 which is a guaranteed appeal of right to the Ohio Supreme Court.

PARTIES

3. Relator Robert Harsh is a United States citizen and citizen of the State of Ohio and is currently serving an illegal prison term of seven mandatory years on a four count misdemeanor indictment with no specification or felony presented to the Grand Jury and misdemeanor jury verdict for D.U.I. On a manifestly facially void judgment entry.
4. Respondent Robert Ringland is the administrative Judge of the 12th Dist Court of Appeals which is a court of record in the State of Ohio.

RECEIVED
OCT 01 2013
CLERK OF COURT
SUPREME COURT OF OHIO

FACTUAL PRECISIS

5. In order to be entitled to a writ of mandamus, relator has the burden of establishing that he has a clear legal right to the relief prayed for, that the respondent has a clear legal duty to preform the requested act, and the relator has no plain remedy of law .**St ex rel Cordray vs. Judge Burge 2010-OHIO-2671St ex rel Ballard vs. Odonnell 50 Ohio St 3d 182.**
6. As such the Relator is being held falsely imprisoned on a facially void judgment entry by a tribunal lacking the authority and the subject matter jurisdiction to imprison and impose a seven year mandatory prison sentence on four count misdemeanor indictment with no specification before Grand Jury or Trial Jury and a misdemeanor jury verdict D.U.I. pursuant to O.R.C. 2945.75 (A)(2). SEE... State of Ohio vs. Robert Harsh ,Butler County Ohio CR,2006-03-0500 and 12th Dist Appeal Case No. CA 2007-03-083
7. The relator filed a writ of mandamus and prohibition against his presiding Judge Patricia Shane Oney in St ex rel Robert Harsh vs. Judge Patricia Shane Oney 12th Dist, Court of Appeals CA 2012-07-134) Stating four manifest grounds for relief from a facially void judgment entry. Of which the court refuse's to supply the relator with a certifying judgment entry or any entry for that matter thereby deny him his right to appeal in violation of Article I Section 16 of Ohio Constitution (pursuant to App R-4 & App R 22")
8. Certifying the trial Judge was without the jurisdiction and authority to impose the facially contrary to law sentence of seven mandatory years imprisonment for a misdemeanor D.U.I. and a misdemeanor JURY VERDICT. Pursuant to O.R.C. 2929.13 (G)(I) and O.R.C. 2945.75 (A)(2) *The relator is entitled to the relief requested.*

GROUND FOR RELIEF

9. Relator fully incorporates paragraphs (1-8) as if fully rewritten herein.
10. The Relator is being denied the right to file an appeal of right in his originating action in the 12th dist court of appeals **St ex rel Robbert Harsh vs. Judge Patricia Shane Oney CA 2012 -07-134** in violation of Article I Section 16 of Ohio Constitution. (App R.22)
11. The Respondent Robert Ringland administrative judge and the clerk of court refuse to send the relator any kind of ruling from this case. The relator has not received one ruling in regards to his writ of mandamus and the numerous pleadings in that case sub judice. (App R.22)
12. The relator has never received any kind of final appeal able order from the court, thereby denying his right to a meaningful appeal process. Denial of the right to legal redress of injury's See **Atkinson v. Ohio Grumman Corp (1988) 37 Ohio St 3d 80,523 N.E. 2D851**
13. The court should find the time for appeal has not yet begun to run because the court and the clerk refuse to send the relator any rulings from the court in the writ of mandamus because everyone including morons all know the relator is falsely imprisoned on a facially void judgment entry. Pursuant to Civil rules 58(b) ,Civ R, 5 (b) Civ, R52 (b)App R 4(A) and Fed R Civ P 77(d) SEE **State of Ohio vs. Larry Taylor N.E. 2D 2003 WL 21581710 Ohio app 6th dist, 2003-Ohio-3682** (App R 22 DENIED Journalized Judgment Entry)

WHEREFORE relator demands relief as follows;

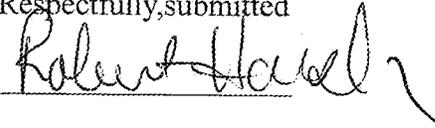
14. An order to the court and administrative Judge to issue the relator a final appeal able order, **St ex re Robert Harsh vs. Judge Patricia Oney CA 2012 -07-134** with a new date and time of issuance so the relator may now timely file his guaranteed appeal of right in his writ of mandamus against the presiding trial judge Oney whom was without the jurisdiction manifestly to issue a contrary to law sentence. (App R 22 supply journalized entry)
15. That relator recover his reasonable expenses of this litigation.

16. That the cost of this action be taxed against the respondent.
17. That all future filings in the action complained of herein be sent certified mail to the relator by the respondent for proof of service.
18. Any other and or further relief which the relator may be entitled and which this court deems just and equitable.

VERITY

19. I hereby swear and affirm that all the foregoing statements are true and correct and all copies of documents are true copies of originals.

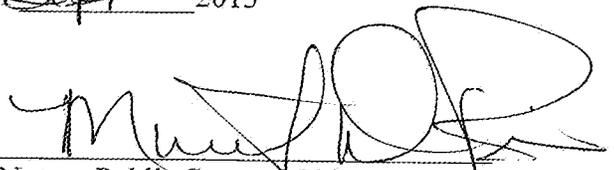
Respectfully, submitted



Robert Harsh# 547-305
LONDON CORR, INST.
PO BOX 69
London, Ohio 43140

NOTARY

Sworn to and subscribed before me on this 20 day of Sept 2013



Notary Public, State of Ohio



Muriel D. Reine
Notary Public, State of Ohio
My Commission Expires August 31, 2013

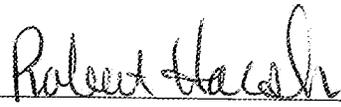
SEAL

Now comes Robert Harsh whom certifies under the penalty's of perjury to be the truth herein now avers;

1. I am competent and of age to testify.
2. I have knowledge of facts herein and all copies of documents are true copies of originals.
3. I am falsely imprisoned on a manifest facially void judgment entry.
4. I received a maliciously retarded illegal , not statutorily authorized sentence of **SEVEN YEAR MANDATORY PRISON TERM ON A MISDEMEANOR D.U.I. JURY VERDICT AND INDICTMENT.**
5. I have no felony record of any kind, my misdemeanor indictment was a four count misdemeanor indictment, " with no kind of specification on indictment or shown to the GRAND JURY or the TRIAL JURY>(MANIFEST FALSE IMPRISONMENT ON A FACIALLY VOID JUDGMENT ENTRY).
6. I never received any final appealable order from the 12th dist court of appeals or the clerk of court in my original action in mandamus STATE OF OHIO ex,rel ROBERT HARSH vs. JUDGE PATRICIA SHANE ONEY CA 2012 -07-134 , 12 Dist Court Of Appeals
7. I have have never received any nescient rulings of any kind from the court or the clerk in this original action in mandamus STATE OF OHIO ex,rel ROBERT HARSH vs. JUDGE PATRICIA SHANE ONEY CA 2012 -07-134 , not even a time stamped filed copy of any kind, because everybody knows,even the morons that i'm manifestly falsely imprisoned on a facially void judgment entry that even a freaking monkey could plainly see.
8. There was no prison term authorized for my misdemeanor D.U.I. offense or even a first time felony four D.U.I. Offender pursuant to O.R.C. 2929.13 (G)(I) my sentence of (7) seven mandatory years of imprisonment is highly contrary to every statue in the Ohio revised code purely maliciously ignorant and vindictive by an uneducated elected employee.
9. The jury verdict form and ruling pursuant to O.R.C. 2945.75, (A)(2) is a misdemeanor jury verdict D.U.I. In the least offense. Also there was only a four count misdemeanor indictment . All plainly manifest to monkeys or morons in **STATE OF OHIO vs. ROBERT HARSH CR 2006-03-0500 AND CA 2007-03-083 12TH** Dist, appeal court (2008)
10. I am manifestly falsely imprisoned on a misdemeanor D.U.I. for which no prison term was ever authorized by statue or the jurys misdemeanor jury verdict. There was never any kind of

specification shown to the Grand Jury or the Trial Jury (manifest false imprisoned on a facially void judgment entry of which res judicata never attaches).

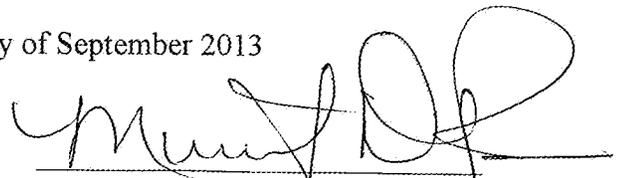
- 11. O.R.C. 2941.1416 SPECIFICATION FOR FIVE PRIOR MISDEMEANOR D.U.I.S was not on my indictment or jury verdict or even shown to the GRAND JURY.
- 12. O.R.C. 2941.1413 SPECIFICATION for FIVE PRIOR FELONY D.U.I.S was not on my indictment or jury verdict or even shown to the GRAND JURY.
- 13. Butler County Prosecutors office is under investigation or needs to be under investigation for altering indictments and sentencing citizens to unindicted criminal offenses , beyond the statutory authority and to criminal offenses never even committed by citizens, or even found guilty of by the trial jurys. How can this high court allow this.
- 14. The twelfth district court of appeals is in the business of giving nescient rulings all the time, no matter this court is just a sham as the internet is avail of this. The court also practices this art of not supplying litigants with their final appeal able orders if they have any merit whatsoever they try and hide everything from the high court, whom can not allow this practice to continue. Especially this manifestly falsley imprisoned citizen on a facially void judgment entry that any layman or moron can plainly see.... A MANDATORY SEVEN YEAR PRISON SENTENCE FOR A MISDEMEANOR D.U.I. OR EVEN A FIRST TIME FELONY FOUR D.U.I. OFFENDER IS RETARDED UNAUTHORIZED BY LAW. CONTRARY TO ALL STATUES PERIOD POINT BLANK*** SOMEBODY HELP ME WHO IS NOT CORRUPT.
- 15. Further affiant sayeth naught.


Robert Harsh (00547305)

Sworn to and subscribed before me this 20 day of September 2013



Muriel D. Reine
Notary Public, State of Ohio
My Commission Expires August 31, 2013


Notary Public

(seal)

APPENDIX

pg 1-13

Judge ONEY

SEE... STATE OF OHIO Vs Robert Harsh CR-2006-03-0500 +
SEE... STATE OF OHIO Vs Robert Harsh CA 2007-03-083

TELL THEM i.e., (NEW PROSECUTOR MICHAEL GOSMER) I WAS ALSO CONVICTED OF A CRIME NEVER SHOWN TO THE JURY; Multi Felony offender Specification RC 2941.1413
TELL HIM I DO NOT EVEN HAVE A FELONY, OF ANY KIND, ALSO TELL HIM I WAS NEVER INDICTED FOR THIS SPECIFICATION EITHER OF THEM RC 2941.1413 OR RC 2941.1416. TELL HIM MY CONVICTION IS UNLAWFUL AND ASK HIM SHOULD I FILE CRIMINAL COMPLAINTS AS WELL? "THANKS FOR YOUR HELP" ALSO TELL HIM ABOUT THE FAKE PT THEY LIED ABOUT, "THAT I NEVER HAD"

Assistant county prosecutor Phillabaum fired, subpoenaed

By Lauren Paol Staff Writer



Michael Gosmer

HAMILTON — Jason Phillabaum has lost his job as Butler County assistant prosecutor and been subpoenaed to appear in court today to answer questions about a grand jury indictment that may have been altered.

Michael Gosmer, the county's newly appointed prosecutor, filed a motion Monday in the case of Tyree Johnson, stating the firearms specifications in his indictment were added without presentation to — and a vote by — a grand jury.

Altering an indictment or prosecuting a case on charges that were not considered by a grand jury could result in criminal charges, according to officials.

Johnson's case was assigned to Phillabaum and is to be tried before Butler County Common Pleas Judge Michael Sage. On Tuesday, a subpoena was sent to Phillabaum. It is unclear whether Phillabaum was the prosecutor who presented the Johnson case

to the grand jury. News of the subpoena and of Phillabaum's firing surfaced Wednesday. Gosmer was elected Tuesday night by Butler County Republican Party Central Committee to fill the unexpired term of former Prosecutor Robin Piper, who is now a 12th District Court of Appeals judge.

Phillabaum had run against Gosmer, who tallied 118 out of possible 235 votes.

Within hours of his appointment, Gosmer had terminated Phillabaum and replaced him with another losing candidate for the prosecutor's post, Lance Salyers.

Salyers, a former assistant county prosecutor, resigned late last year after accusing Phillabaum of plagiarism. Gosmer said he hired Salyers Tuesday night, noting he believed the Monroe resident had integrity and talent.

"That is from my own experience as both a defense attorney

and prosecutor. He has won my admiration," Gosmer said.

Gosmer added he gave Phillabaum, who campaigned for more than a year to be prosecutor, a chance to resign or be terminated.

Phillabaum, who remained on vacation through Wednesday, did not resign, Gosmer said. Phillabaum would receive his letter of termination today.

"I thought it was best for the prosecutor's office to eliminate the tension that would be inevitable," Gosmer said. "I did wish him well."

Phillabaum said Wednesday, "Many doors will open when another one closes."

He had no comment about the subpoena or the grand jury issue.

Johnson, 17, who is being tried as an adult, is facing three counts of felonious assault and two counts of aggravated robbery for a shooting that occurred Oct. 3 in Hamilton. Each charge currently includes a gun specification that would add an automatic three additional years for each charge if his is found guilty.

REMEMBER THEY LIED SAID THE WAS @ THE CRIME LAB

EXHIBIT E

SEEN IN:
CINCINNATI ENQUIRER
Hamilton Journal NEWS.

1 of 20 articles

MEMORANDUM OF LAW

Judges have no inherent power to create sentences. Griffin & Katz, Ohio Felony Sentencing Law (2008) 4, Section 1:3, fn. 1. See also Woods v. Telb. 89 Ohio St.3d at 507-509, 733 N.E.2d 1103 (describing the legislative intent behind a new, comprehensive sentencing structure, including postrelease control). Rather, judges are duty-bound to apply sentencing laws as they are written. See State v. Thomas (1996), 111 Ohio App.3d 510, 512, 676 N.E.2d 903. "[T]he only sentence which a trial court may impose is that provided for by statute. A court has no power to substitute a different sentence for that provided for by statute or one that is either greater or lesser than that provided for by law." Colegrove, 175 Ohio St. at 438, 25 O.O.2d 447, 195 N.E.2d 811. The failure to impose a statutorily mandated period of postrelease control is more than administrative or clerical error. It is an **340 act that lacks both statutory and constitutional authority.

No court has the authority to impose a sentence that is contrary to law. Colegrove, 175 Ohio St. at 438, 25 O.O.2d 447, 195 N.E.2d 811. We reaffirm that vital principle today and reiterate that a judge must conform to the General Assembly's mandate in imposing postrelease-control sanctions as part of a criminal sentence. Although the interests in finality of a sentence are important, they cannot trump the interests of justice, which require a judge to follow the letter of the law in sentencing a defendant.

Other states' courts hold similarly, using the voidness doctrine as well as a related theory, the illegal-sentence doctrine. FNI See, e.g., Summers v. State (Tenn.2007), 212 S.W.3d 251, 256 (describing a sentence imposed in direct contravention of a statute as illegal and subject to correction at any time); State v. Gayden (2006), 281 Kan. 290, 292-293, 130 P.3d 108 ("A sentence for which no statutory authority exists does not conform to statutory provisions and is, therefore, within the definition of an illegal sentence"); Sullivan v. State (2006), 366 Ark. 183, 234 S.W.3d 285 ("Where the law does not authorize the particular sentence pronounced by a trial court, the sentence is unauthorized and illegal"); Mizell v. State (Tex.Crim.App.2003), 119 S.W.3d 804, 806 ("A sentence that is outside the maximum or minimum range of punishment is unauthorized by law and therefore illegal"); United States v. Greatwalker (C.A.8, 2002), 285 F.3d 727, 729 ("A sentence is illegal when it is not authorized by the judgment of conviction *99 or when it is greater or less than the permissible statutory penalty for the crime").

LOOK WHAT THEY DID TO MR. HARSH CRUEL AND UNUSUAL

FNI. The term "illegal" generally means "forbidden by law." Black's Law Dictionary (9th Ed.2009) 815. It accurately summarizes a judge's action in failing to do what the General Assembly has commanded with respect to STATUTORY GUIDELINES.

LOOK WHAT THEY DID TO MR. HARSH CRUEL AND UNUSUAL

Furthermore, A guilty verdict shall state either the degree of the offense of which the offender is found guilty, or that such additional element or elements are present. **738 Otherwise, a guilty verdict constitutes a finding of guilty of the least degree of the offense charged." R.C. 2945.75(A)(2)

This court has repeatedly stated that " 'if the meaning of a statute is clear on its face, then it must be applied as it is written.' " Hartmann v. Duffev, 95 Ohio St.3d 456, 2002-Ohio-2486, 768 N.E.2d 1170, ¶ 8, quoting Lake Hosp. Sys. v. Ohio Ins. Guar. Assn. (1994), 69 Ohio St.3d 521, 524, 634 N.E.2d 611. "Thus, if the statute is unambiguous and definite, there is no need for further interpretation." Id. "To construe or interpret what is already plain is not interpretation but legislation, which is not the function of the courts." Lake Hosp. Sys., 69 Ohio St.3d at 524, 634 N.E.2d 611, quoting Iddings v. Jefferson

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

STATE OF OHIO

CASE NO. CR2006-03-0500

Plaintiff: APR 19 PM 12:03

vs.

INDICTMENT

ROBERT T. HARSH

Defendant

STATE OF OHIO,
COUNTY OF BUTLER, SS:

PAGE ONE OF TWO

In the Year 2006

THE JURORS OF THE GRAND JURY OF THE STATE OF OHIO, within and for the body of the County aforesaid, on their oaths, in the name and by the authority of the State of Ohio, do find and present that:

COUNT ONE

OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE

On or about February 11, 2006, at Butler County, Ohio, Robert T. Harsh did operate any vehicle, streetcar, or trackless trolley within this state while under the influence of alcohol, a drug of abuse, or a combination of them, when the offender, within six years of the offense, has been previously convicted of or pleaded guilty to three or four violations of division (A) or (B) of O.R.C. section 4511.19 or other equivalent offenses or who within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature, which constitutes the offense of OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE, a Fourth Degree Felony, in violation of R.C. §4511.19(A)(1)(a), and against the peace and dignity of the State Of Ohio.

SPECIFICATION. The Grand Jurors further find and specify that within twenty years of committing the offense, the offender previously has been convicted of or pleaded guilty to five or more equivalent offenses

COUNT TWO

POSSESSION OF MARIHUANA

On or about February 11, 2006, at Butler County, Ohio, Robert T. Harsh did knowingly obtain, possess, or use a controlled substance when the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, which constitutes the offense of POSSESSION OF MARIHUANA, a Minor Misdemeanor, in violation of R.C. §2925.11, and against the peace and dignity of the State Of Ohio.

COUNT THREE

DRIVING UNDER OVI SUSPENSION

On or about February 11, 2006, at Butler County, Ohio, Robert T. Harsh did operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this state while the driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under section 4511.19, 4511.191 [4511.19.1], or 4511.196 [4511.19.6] of the Revised Code or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance, which constitutes the offense of DRIVING UNDER OVI SUSPENSION, a First Degree Misdemeanor, in violation of R.C. §4310.14(A), and against the peace and dignity of the State Of Ohio.

Res 193A
DO CARWEL
EXHIBIT
A

Count # 1
NO SPECIFICATION
Shown to the
GRAND JURY
or
TRIAL JURY!
R.C. 2941.1416
or
R.C. 2941.1413
NO JURISDICTION
TO TRIAL COURT
Count # 2
Disappeared Illegally
Not in open court or
ON THE RECORD..

COUNT FOUR
SPEED LIMITS

On or about February 11, 2006, at Butler County, Ohio, Robert T. Harsh did operate a motor vehicle, trackless trolley, or streetcar at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions, and did drive any motor vehicle, trackless trolley, or streetcar in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead, which constitutes the offense of SPEED LIMITS, a Minor Misdemeanor, in violation of R.C. §4511.21, and against the peace and dignity of the State Of Ohio.

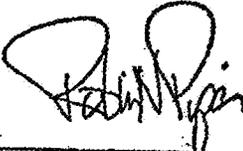
Filed _____

Defendant arraigned, and pleads:

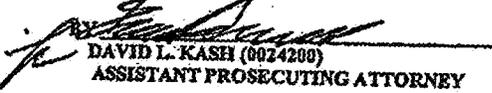
_____ Guilty to this indictment

By _____
CINDY CARPENTER
CLERK OF COURTS

By _____
Deputy



ROBIN N. PIFER (0023205)
PROSECUTING ATTORNEY


DAVID L. KASH (0024200)
ASSISTANT PROSECUTING ATTORNEY

A TRUE BILL


FOREPERSON, GRAND JURY

EX #1

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

STATE OF OHIO

Plaintiff

vs.

ROBERT HARSH

Defendant

CASE NO: CROB 03 0500

(Judge Patricia S. Oney)

VERDICT - COUNT ONE

We, the jury, being first duly impaneled and sworn, find the Defendant,
Robert T. Harsh, Guilty of operating a motor vehicle
under the influence on or about the 11th day of February, 2006

(*) Insert "Guilty" or "Not guilty," according to your findings.

- | | |
|---------------------------|----------------------------|
| 1. <u>Steph Sullivan</u> | 7. <u>David Chalk</u> |
| 2. <u>Steve Hartman</u> | 8. <u>Greg Cook</u> |
| 3. <u>Barbara Rimmer</u> | 9. <u>Miami Sparks</u> |
| 4. <u>Julene Stewart</u> | 10. <u>Cheryl Graham</u> |
| 5. <u>Kathleen Sawyer</u> | 11. <u>Ray Morrison</u> |
| 6. <u>Bob Lou</u> | 12. <u>Kristen McNeill</u> |

Dated this 24th day of January, 2007.

ENTER

Patricia Oney, Judge

SEE C.A.G. 07-3628

(9)

Exhibit

MR HARSH WAS FOUND GUILTY OF MISDEMEANOR D.U.I PER RC. 2945.75 (A)(2)

Exhibit B

5

COURT OF COMMON PLEAS BUTLER COUNTY, OHIO

MAR 21 PM 3:33

STATE OF OHIO

CASE NO. CR2006-03-0500

BUTLER COUNTY COURT OF COURTS

ONEY, J.

vs. ROBERT T. HARSH

JUDGMENT OF CONVICTION ENTRY

Defendant

On March 19, 2007 defendant's sentencing hearing was held pursuant to Ohio Revised Code Section 2929.19. Defense attorney, Robert Rettich III and the defendant were present and defendant was advised of and afforded all rights pursuant to Crim. R. 32. The Court has considered the record, the charges, the defendant's Guilty Finding by Jury, and findings as set forth on the record and herein, oral statements, any victim impact statement and pre-sentence report, as well as the principles and purposes of sentencing under Ohio Revised Code Section 2929.11, and has balanced the seriousness and recidivism factors of Ohio Revised Code Section 2929.12 and whether or not community control is appropriate pursuant to Ohio Revised Code Section 2929.13, and finds that the defendant is not amenable to an available community control sanction. Further, the Court has considered the defendant's present and future ability to pay the amount of any sanction, fine or attorney's fees.

The Court finds that the defendant has been found guilty of:

OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE as to Count One, a violation of Revised Code Section 4511.19(A)(1)(a) a fourth degree felony. With respect to this Count, the defendant is hereby sentenced to:

Pursuant to Ohio Revised Code Section 4511.19(G)(1)(d)(i) a Mandatory Prison Term of 4 years.

SPECIFICATION as to Count One, and pursuant to Ohio Revised Code Section 2941.1413, an additional Prison Term of three (3) years is imposed as a mandatory and consecutive term pursuant to Revised Code Section 4511.19(G)(1)(c)(ii). READ STATUTE

DRIVING UNDER OVI SUSPENSION as to Count Three, a violation of Revised Code Section 4510.14(A) a first degree misdemeanor. With respect to this Count, the defendant is hereby sentenced to:

Jail for a period of 6 months.

Pay a fine in the amount of \$300.00 to the Butler County Clerk of Courts.

This sentence will be served concurrently with the sentence imposed in Count One.

SPEED LIMITS as to Count Four, a violation of Revised Code Section 4511.21 a minor misdemeanor. With respect to this Count, the defendant is hereby sentenced to:

Court costs

PROSECUTING ATTORNEY, BUTLER COUNTY, OHIO P.O. BOX 515, HAMILTON, OH 45012-0515

DEAR Judges
THE SENTENCE IS
Highly Illegal AND
Contrary to LAW
I RECEIVED 7 YEAR
MANDATORY PRISON
SENTENCE!

MANDATORY IS NOT
ALLOWED BY LAW

NO PRISON TERM
IS AUTHORIZED BY
LAW R.C. 2929.13(G)(1)

I WAS NOT INSULTED
ON ANY SPECIFICATION

MY PLEA DEAL WAS
3 MONTHS PLEA DEAL

I SAID NO I'M INNOCENT

FEDERAL COURT SAID
I HAVE STATE LAW
VIOLATION'S THE STATE
MUST CORRECT THE
MANIFEST INJUSTICE

THE JURY'S VERDICT
WAS MISDEMEANOR
IN ACCORDANCE WITH
LAW R.C. 2945.75(A)(2)

look →

Approved v. New Jersey

Blakely v. Washington

SENTENCE DECEASED JURY'S VERDICT ILLEGAL SENTENCE DOCTRINE

This Judgment Entry is Void Contrary to LAW

R.C. 2945.75.(A)(2)

R.C. 4511.19(G)(1)(d)(i)

KATZ, Garinwelli § 117.3

R.C. 4511.99 (A)(4)

R.C. 4511.19 (A)(1)(a)
R.C. 2941.33

Painter + Locker § 12:13

R.C. 2929.13(G)(1)

R.C. 2929.16 (A)(3)

Everything SAY'S Unlawful To Dismiss

6

Jail time credit for 68 days served is granted as of this date.

As to Count(s) One and Three:

The Court has notified the defendant that post release control is optional in this case up to a maximum of three (3) years, as well as the consequences for violating conditions of post release control imposed by the Parole Board under Revised Code Section 2967.28. The defendant is ordered to serve as part of this sentence any term of post release control imposed by the Parole Board, and any prison term for violation of that post release control. The defendant is therefore ORDERED conveyed to the custody of the Ohio Department of Rehabilitation and Correction.

Defendant is ORDERED to pay:

Costs of prosecution, supervision and any supervision fees permitted pursuant to Revised Code Section 2929.18(A)(4).

It is FURTHER ORDERED that said defendant is fined the sum of \$1,500.00 as to Count One, \$800.00 of which is a mandatory fine imposed pursuant to the provisions of Ohio Revised Code, 2929.18(B)(3) and 4511.19(G)(1)(d)(iii), and that the court makes the following equitable division of the mandatory fine in the amount of \$800.00 to be distributed pursuant to revised Code 4511.19(G)(5) \$210.00 of the fine shall be paid to the enforcement and education fund established for the Ohio State Highway Patrol, which the court determines is the law enforcement agency primarily responsible for the arrest of the offender; \$440.00 of the fine shall be paid to the Ohio Department of Rehabilitation and Corrections; and the balance of the fine shall be disbursed as otherwise provided by law.

Fines are to be paid to the Butler County Adult Probation Department.

It is FURTHER ORDERED, pursuant to Revised Code 4507.16, that the defendant's pleasure driving, operator's license or any other driving permits or privileges shall be suspended for a term of 10 years. Said term will begin March 19, 2007. Said term will end on March 18, 2017.

It is FURTHER ORDERED that the Clerk shall notify the Ohio Bureau of Motor Vehicles through form 2724.

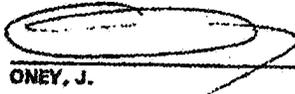
The Court further advised the defendant of all of his/her rights pursuant to Criminal Rule 32, including his/her right to appeal the judgment, his/her right to appointed counsel at no cost, his/her right to have court documents provided to him/her at no costs, and his / her right to have notice of appeal filed on his behalf.

Directive to Ohio Department of Rehabilitation and Correction: Please notify the Butler County Court of Common Pleas of any major changes of incarceration status including but not limited to release, transfer, execution or death of the defendant.

APPROVED AS TO FORM:

ENTER

ROBIN N. PIPER
PROSECUTING ATTORNEY
BUTLER COUNTY, OHIO


ONEY, J.

DLK/rim
March 20, 2007

PROSECUTING ATTORNEY, BUTLER COUNTY, OHIO
P.O. BOX 515, HAMILTON, OH 45012-0515

7

Hearing date set for fired official

Former assistant prosecutor accused of altering indictment.

Staff Report

HAMILTON — A hearing date has been set concerning an indictment But-



Jason Phillabaum

ler County Prosecutor Michael Gmoser said was altered under order from former Assistant Prosecutor

Jason Phillabaum.

Visiting Judge Guy Guckenberg has scheduled a hearing for 2 p.m. March 9. The retired judge from Hamilton County was assigned to the case last week after Butler County Judge Michael Sage recused himself.

Gmoser filed a motion last week in the case of Tyree Johnson, stating the firearms specifications in his indictment were added without presentation to — and a vote by — a grand jury. The motion was filed shortly after Gmoser was named interim prosecutor and a day before he bested Phillabaum and two others to get the appointment by the Republican Party Central Committee.

Phillabaum was terminated by Gmoser the day after his appointment.

Gmoser said the case against 17-year-old Johnson, who is being tried as an adult on felonious assault and robbery charges stemming from an Oct. 3 shooting outside the Boys and Girls Club in Hamilton, was presented to a grand jury by Assistant Prosecutor Josh Muennich without gun specifications for the five charges. Phillabaum told Muennich to add the specification, which he refused to do, according to Gmoser. Phillabaum then told a stenographer to alter the indictment, Gmoser said.

Attorney Mike Allen, who represents Phillabaum, said his client has done nothing wrong and the issue is politically driven. Allen filed a motion to quash a subpoena issued for Phillabaum.

STRICTLY CONFIDENTIAL
MIL HARSH WAS ALSO MALICIOUSLY SENTENCED AN UNCHARGED OFFENSE R.C 2941.1413 OR R.C 2941.1416
MR HARSH DOES NOT EVEN HAVE A FELONY OF ANY KIND!

MIL HARSH'S SENTENCE IS VERY CONTRARY TO LAW & STARE DECISIS. MR HARSH IS NOT ALLOWED BY LAW TO EVEN BE IN PRISON...

THE JUDGE (CONEY) EXCEEDED HER JURISDICTION [BLAKELY & WASHINGTON CLAIM]

PURSUANT TO THE JURY'S VERDICT

RC 2929.13 (G)(1) / R.C. 2929.13 (G)(1)(ii)
R.C. 4511.19 (G)(1)(d)(i)
R.C. 2929.16 (A)(3)

KATZ, Gawnellia Baldwin § 117.3
"IN DDICAM, TEEM AUTHORITY"
⑧

Look → This boy will not stop his pursuit of Justice... Praise God Almighty!

Franklin County Ohio Court of Appeals Clerk of Courts- 2013 Apr 29 9:52 AM-13AP000357

FILED

COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

2007 JAN 26

STATE OF OHIO

CINDY CARPENTER
BUTLER COUNTY
CLERK OF COURTS

CASE NO. CR2006-03-0500

ONEY, J.

vs.

ENTRY OF VERDICT

ROBERT T. HARSH

Defendant

On Tuesday January 23, 2007, came the Prosecuting Attorney into Court and the defendant personally appearing with his counsel, Robert Rettich III, and the defendant having entered a plea of NOT GUILTY, to the charges contained in the indictment, to wit:

- **OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE** as charged in Count One of the indictment, which offense is a Felony of the Fourth Degree, contrary to Section 4511.19(A)(1)(a), of the Ohio Revised Code.
SPECIFICATION: That within twenty years of committing the offense, the offender previously has been convicted of or pleaded to five or more equivalent offenses, contrary to Section 2941.14.13 of the Ohio Revised Code.
- **DRIVING UNDER OVI SUSPENSION** as charged in Count Three of the indictment, which offense is a Misdemeanor of the First Degree, contrary to Section 4510.14(A), of the Ohio Revised Code.
- **SPEED LIMITS** as charged in Count Four of the indictment, which offense is a Minor Misdemeanor, contrary to Section 4511.21 of the Ohio Revised Code.

WHEREFORE the trial began and after having heard all the testimony adduced by both parties, the JURY in writing made its VERDICT, to wit:
GUILTY, as to:

- **OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE** as charged in Count One, of the indictment, which offense is a Felony of the Fourth Degree, contrary to Section 4511.19(A)(1)(a), of the Ohio Revised Code.
SPECIFICATION: That within twenty years of committing the offense, the offender previously has been convicted of or pleaded to five or more equivalent offenses, contrary to Section 2941.14.13 of the Ohio Revised Code.

• **DRIVING UNDER OVI SUSPENSION** as charged in Count Three, of the Indictment, which offense is a Misdemeanor of the First Degree, contrary to Section 4510.14(A), of the Ohio Revised Code.

WHEREFORE the trial began and after having heard all the testimony adduced by both parties, the **COURT** made its **VERDICT**, to wit:

GUILTY, as to:

• **SPEED LIMITS** as charged in Count Four, of the Indictment, which offense is a Minor Misdemeanor, contrary to Section 4511.21, of the Ohio Revised Code.

It is **FURTHER ORDERED** that the previously issued bond is hereby revoked. Said defendant is referred for a presentence investigation. Final disposition is set for **March 19, 2007 at 8:30AM.**

APPROVED AS TO FORM:

ENTER

ROBIN PIPER *RP*
PROSECUTING ATTORNEY
BUTLER COUNTY, OHIO


Onsey, J.

DLK/rim
January 25, 2007

EXHIBIT
6

OA037
C.



O.V.I LAW EXHIBIT

A SENTENCING JUDGE HAS NO AUTHORITY TO SENTENCE OUTSIDE THE STATUTE OR CONTRARY TO LAW, OUTSIDE THE MAXIMUM IS ILLEGAL, UNAUTHORIZED BY LAW AND NO JURISDICTION... PURSUANT TO: RC, 2929.13 (G)(I) and RC. 2929.16(A)(3) RC.4511.19 (G)(I)(d)(i) and RC.4511.19 (G)(I)(c)(ii) RC.4511.19 (A)(I) APPELLATE COURT FAILED TO RECOGNIZE JURISDICTIONAL CLAIMS

It is well settled law in the state of OHIO that a first time felony four (D.U.I.) i.e., DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS (O.V.I) PURSUANT TO LAW AND STARE DECISIS (NO PRISON TERM IS AUTHORIZED***)

SEE... RC.2929.13 (G)(I) : If the offender is being sentenced for a fourth degree felony and he has not been convicted of section RC,2941.1413 (prior multi felony O.V.I. offender specification) then the court shall impose upon the offender a mandatory term of local incarceration of 60 days ***as specified in division (G)(I)(d) of section 4511.19 of the revised code***The term shall be in jail, halfway house or rehab facility....The sentence may be from the 60 day mandatory, jail, rehab or halfway upto one year and (no prison term is authorized for a first time felony four (D.U.I) OFFENDER.)

- SEE.... KATZ, GIANNELLI AND BALDWIN § 117.3
- SEE... PAINTER AND LOOKER OHIO DRIVING UNDER THE INFLUENCE PENALTIES § 12;13
- SEE ALL CONTROLLIN STARE DECISIS 1996-2010
- SEE... STATE V. BROOKE 109 ohio ST,3d,1404,845,NE,@D,522,545,2006,ohio,1703
- SEE... STATE V. WILTON 113,ohio,app 3d, 575,729,NE,2d 420,ohio app 6dist 1999
- SEE... OHIO SUPREME COURT DISCIPLINARY COUNSEL V. LANDIS 124,ohio,ST,3d,508 124,ne,2d,361,2010..927 *** (2 felony four d.u.i's he got 60 days)
- SEE... STATE V. MALONEY NE,2d, 1999, WL 760923 ohio app 12th dist..1999
- SEE... STATE V. HUBBS 2010, WL 3861081 ,2010 ohio 4849,app 7th dist 2010.09-0024
- SEE... STATE V. PARKER 2010,WL 1017956 ohio app 7th dist 2010.
- SEE... STATE V. ADKINS 2010 WL 334972.ohio app 5th dist 2010
- SEE... STATE V. MIKOLAJCZYK 2010, WL,125998 ohio app 8th dist 2010
- SEE... STATE V. KALISH .120 ohio,ST,3d,23,2008,ohio,4912,869,ne 2d,124
- SEE... STATE V. HURST NE,2d,2001, WL, 188761 ohio app 6th dist Feb, o9.2001
- SEE... STATE V. LAMIS 139,ohio,app 3d,617,744,ne,2d,1260,ohio,app 8th dist 2000
- SEE... STATE V. PANELLA 2010,WL,2802248,ohio app 2nd dist.2010,ohio 3354 citing (HE RECEIVED 60 days and this was a felony three D.U.I)
- SEE... STATE V. REED 2010,WL,334909 ohio app 2nd dist 2010

Mr. Robert Harsh case sub judice Received A MANDATORY 7 SEVEN YEAR PRISON SENTENCE!!!
How INSANELY Corrupt & Illegal!!!
STATE V. Robert Harsh CR 2006-03-0500... Help!!!

115-118

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