

ORIGINAL

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SUPREME COURT OF OHIO

IN The Supreme Court of Ohio

STATE ex rel
ROBERT HARSH

CASE NO. 2013-1561

- v -

Original ACTION in
MANDAMUS

ROBERT RINGLAND
Administrative Judge
Respondent

FILED
NOV 25 2013
CLERK OF COURT
SUPREME COURT OF OHIO

MOTION for Judgment on the Pleadings Civ R. 12(C)
with FACTS, finding's & Conclusion of LAW Civ R. 52(A)

Now comes Relator who hereby moves this
honorable court for judgment on the Pleadings
Pursuant to Civ R. 12(C) and fact, finding with
Conclusion of LAW Civ R. 52(A). Respectfully submitted

Robbie Harsh
(00547305)
PO BOX 69
LONDON OH
43140

* DEAR CLERK
A TIME STAMP RETURN COPY REQUEST "PLEASE"

I. INTRODUCTION ;

Relator Robert Harsh seeks a writ of mandamus to compel Respondent Judge Robert Ringland to perform his duty, pursuant to the Doctrine of *Stare Decisis* Ohio Supreme Court precedent. In violation of ART I SECT, 16 and APP R 22 The court must order the clerk to certify and journalize judgment entry's and serve the parties as cited throughout the complaint see complaint pg 2,3,4,par,5-13 SEE.. **Moldovan v. Cuyahoga Cty, Welfare Dept** (1986) Ohio St ,3d 293,295,25,OBR 343,345,N.E 2d 466,467 The opportunity to file an appeal is rendered meaningless when the citizen is not properly served with the judgment APP R, 4 (A) also SEE... Civ,R 58 (B) The respondent must be ordered to sign a new judgment entry if he hasn't already done so , and order the clerk to serve upon all party's not in default the judgment and its date upon entry of the journal. Within three days of entering judgment upon the journal, the clerk shall serve upon parties by Civ,R 5 (B) and note the service in the appearance docket.

fn1 The relator has never received ,not one ruling/ opinion/judgment entry of any kind not even a times stamped copy return from the court in the originating case herein complained of i.e., (State ex rel , Robert Harsh v. Judge Patricia Oney Case No. CA 2012-07-134)The Relator received a maliciously illegal sentence of "SEVEN MANDATORY YEARS IN PRISON "for a misdemeanor statute indictment and misdemeanor jury verdict O.V.I clearly contrary to Ohio statute's.

fn1 If I were a corrupt Judge or elected official, trying to cover up a maliciously illegal sentence of seven mandatory years for a misdemeanor O.V.I. or even a first time felony of the fourth degree O.V.I. offender and was ruling nesciently i.e., (lacking knowledge) giving frivolous judgment entry's trying to cover up a severe miscarriage of justice. I would not serve the relator any of my frivolous opinions either, but that is beside the point the Respondent has a duty and has terribly failed his oath of office and his pledge to the U.S. Constitution and society as a whole. This court has the duty to immediately issue the writ of mandamus in the pursuit of justice, and to preserve justice where it has been totally ignored. The Relator has been through a life time of corruption dealing with demonic figures within the judicial system. Something has to change at some point, they can not all be corrupt and ignorant of the law. May the same karma be bestowed 7x7 on all those who have helped to falsely imprison me for seven years on a facially void judgment entry.

II FACTUAL PRECISIS

Ohio Department of Corrections logs in every piece of legal mail received from the court's and attorneys @ law and this is documented from whom, where, when it was mailed and to whom it was mailed to and the inmate has to sign for every piece of legal mail sent to him. I have **never** received or signed for any piece of mail from the clerk of courts or Twelfth district court of appeals pertaining to the case complained of herein i.e., (State ex rel , Robert Harsh v. Judge Patricia Oney Case No. CA 2012-07-134) nor during the time frame they said they ruled on my writ of mandamus nothing was sent thru the mail to me or even thru the O.D.R.C. Not one piece of material journalized ~~was~~ hereby denying me a meaningful appeal process.

The Respondents appointed counsel i.e (ERIN BUTCHER, DARLENE PETTIT) in this case sub judice have failed to even attach any judgment or exhibits to the frivolous motion to dismiss filed on October 24, 2013.

In the Respondents motion to dismiss they keep referencing Respondents exhibits (a,b,c), but there was nothing attached to my copy of the motion to dismiss therefore the Respondents motion to dismiss must be stricken from the record as the Respondent or his appointed counsel will stop at nothing to allow me access to these documents for a final appeal able order, (we all know why) because any moron can plainly see the severe miscarriage of justice they are trying to cover up!

On January 24, 2007 The Relator was found guilty by the trial jury, of a misdemeanor O.V.I. Operating a motor vehicle impaired pursuant to the four count misdemeanor statue indictment with no specification of any kind presented to the Grand Jury or the Trial Jury see Complaint @ pg,2,3,4, and attached appendix @ 4,5,6,7,8,9,

Erroneously and contrary to Ohio Law and Every statutory code in the revised code. The Relator was maliciously, illegally, highly vindictively and retarded, sentenced to a "MANDATORY FOUR YEAR SENTENCE" for a misdemeanor jury verdict O.V.I. and then another UNIDICTED SPECIFICATION not shown to the Grand Jury or the Trial Jury and given a; "MANDATORY THREE YEAR

^{Not}
SENTENCE” of having five prior felony O.V.I. Offenses . For a grand total of (SEVEN YEARS MANDATORY PRISON TERM); When the Relator does not even have any kind of felony record whatsoever i.e.,(no prior felony's of any kind in the Relators record or anywhere for that matter. Clearly a malicious “SEVERE LIFE OR DEATH “ miscarriage of justice, manifest to all. !

III ARGUMENT

A. STANDARD OF REVIEW

When considering the factual allegations in the complaint and all the exhibits and affidavits attached thereto the court can not dismiss on a failure to state a claim when it is relevant from the complaint and exhibits and affidavits attached thereto the Relator has a clear right to the relief as requested as is manifest in the case sub judice. *Mitchell v. Lawson Milk Co.* 40 Ohio St 3d, 190 192,532,N.E,2d 753 (1988)

Therefore the Relator has manifestly shown by the complaint and the exhibits and affidavits attached thereto that the Respondent clearly had a duty and failed that duty to cover up a severe miscarriage of justice which is a life or death situation. Under Ohio Law the motion to dismiss must be stricken from the record and could not be granted in the first place **St,ex rel, Boegs v. Springfield Board Of Ed.**(1995) 72 Ohio St 3d 94, Ohio 202 647, N.E. 2D 788 Writ of mandamus can not be dismissed when the Relator has shown a duty.

B. Relators request for the writ of mandamus must be granted according to law he has satisfied all the requirements above and beyond the call of duty.

In this case pursuant to the Civil Rules of Procedure Civ,R 58 (b) Civ,R 5 (a) App R, 4 (a) and App R 22 and citing Fed R, Civ P 77 (d) citing *Atkinson v. Ohio Gruman Corp. (1988)* 37 Ohio St 3d, 80, 523, N.E. 2D 851. The Relator request to be served with a journalized judgment entry on all the issues presented in the originating writ of mandamus against his trial judge . i.e., (State ex rel , Robert Harsh v. Judge Patricia Oney Case No. CA 2012-07-134) Whom maliciously violated her oath of office by sentencing outside the guidelines and to crimes never found guilty of or even indicted upon.

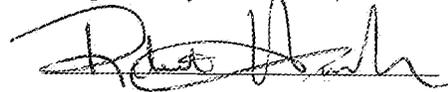
A sentence is *void ab initio* if not statutorily authorized as the Relator received a maliciously illegal sentence of "SEVEN MANDATORY YEARS IN PRISON" for a misdemeanor statue indictment and misdemeanor jury verdict O.V.I clearly contrary to every Ohio statue. Citing **St,ex rel, Cruzado v. Zaleski 111 Ohio St 3d 353**

IV. CONCLUSION

For all the aforementioned reasons cited in the complaint also the undisputed affidavits in the complaint this court has a duty to stop the severe miscarriage of justice occurring on a daily basis in these courts and issue the writ . With the overly paid state employees who choose to be demonic figures who could careless about the life or death of American citizens this court must guide these people. All these demonic figures care about is collecting an undeserved pay check and covering for their partners in crime as is relevant from the Relators perseverance and his vigorousness's pursuit of justice.

A "SEVEN YEARS, MANDATORY YEARS IN PRISON" for a misdemeanor statue indictment and misdemeanor jury verdict O.V.I clearly contrary to every Ohio statue in the revised code book .Now that is criminally insane in itself and to go uncorrected by so many for so long is yet again maliciously demonic in nature and this kind of criminal behavior by corrupt state employees can not continue in the eyes of justice.

Respectfully submitted,



Robert Harsh(00547305)
Po Box 69
London, Ohio 43140

CERTIFICATE OF SERVICE

Robert Ringland
1001 Reinartz Blvd,
Middletown, Ohio 45042
U.S. MAIL [REDACTED] 11/22/13

EX #1

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

STATE OF OHIO

Plaintiff

vs.

ROBERT HARSH

Defendant

CASE NO: CR08 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, 2008

() 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>John Hart</u> |
| 3. <u>Andrew Riemer</u> | 9. <u>Diane Sparks</u> |
| 4. <u>Judene Stewart</u> | 10. <u>Cheryl Graham</u> |
| 5. <u>Kathleen Sawyer</u> | 11. <u>Steph Morrison</u> |
| 6. <u>Bill Low</u> | 12. <u>Beth McNeill</u> |

Dated this 24th day of January, 2007.

ENTER

Patricia Oney, Judge

SEC (A) 6 07-3620

(8)

Exhibit

MR Harsh was found guilty of MISDEMEANOR D.U.I. per (RC 2945.75(A)(2))
*St V. Pettrey 112 Oh St 3D 4262, 860, NE 2D 735. OH 2007

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 Guck-enberger 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 refused 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.

SOMETHING DONE TOO
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 & STATE DECISIONS 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

R.C. 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)

EXHIBIT 6-K

KATZ, GARNETT & BALDWIN § 117.03
"IN THE INTEREST OF JUSTICE"

Look → This guy will not stop his pursuit of justice... RAISE GOD Almighty!

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