

STATE OF OHIO)
)
County of Allen)

ss:

FILED
FEB 20 2014
CLERK OF COURT
SUPREME COURT OF OHIO

ORIGINAL

14-0271

AFFIDAVIT OF VARIETY OF RELATOR

DANIEL L. RITTNER, SR.

...

I, Daniel L. Rittner, Sr., after first being duly sworn and cautioned do hereby depose and state,

1. I am the Relator in an action seeking a Writ of Proceadendo or in the alternative a Writ of Mandamus to compel the Respondent, the Honorable Judge James E. Barber, Fulton Cuntly Court of Common Pleas, Ohio to rule upon my motion for Leave to Proceed pursuant to R.C. 2323.52(F)(1) in Haselman v Rittner, 11-0260.

2. I have first-hand knowledge of all matters set forth in the complaint and am competent to testify thereto.

3. On January 3, 2014 I mailed my "Motion for Leave to Proceed R.C. 2323.52(F)(1)" and several other documents and pleadings to the Fulton County Clerk of Courts in Haselman supra seeking to file a temporary restraining order in the Allen County Court of Common Pleas case titled State ex rel Rittner v Jones pursuant to Civ.R. 54(A).

4. In January 17, 2014 I received in return mail from the Court's clerk a form letter dated January 13, 2014 with check-offs indicating: 1. "Not Fulton County Jurisdiction" and 2. "Not Captioned 'Fulton County'" and containing the documents that I proposed to have filed in Allen County by "Leave to Proceed" by Judge Barber.

5. I immediately sent a letter to Judge Barber and a motion titled "Motion to Stay" the Jones decision and explained the error

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made by the clerk.

6. On February 10, 2014 I received in the mail a letter from Judge Barber dated February 6, 2014 stating, in part:

"I must again advise you that they cannot be processed in their present condition. I will not be responding in the future in those instances where you do not comply with Ohio and/or Federal law. I again urge you to engage an attorney in all of these matters. ***"

7. On February 7, I had mailed multiple documents and pleadings in the Jones action along with a copy of the proposed pleadings seeking a temporary restraining order to prevent constitutional violations in my underlying criminal case.

8. In past criminal and civil actions I have informed Judge Barber that my income amounts to a mere \$10 or less each month giving reasons why I am unable to comply with the rules of service and filing requirements.

9. I have attempted continuously to retain counsel in my underlying criminal case since 2002 to include seeking Judge Barber's order to have both appointed attorney's communicate with me.

10. Judge Barber has refused to order my appointed attorneys to communicate with me.

11. On February 12, 2014 I phoned the Ohio Public Defender's Office and spoke to Mr SPIRIT regarding the apparent prejudice of Judge Barber in my criminal action and civil actions. Mr Spirit stated that the Public Defender's Office cannot represent litigants who have proceeded in pro se.

12. Because of the constitutional violations to my right to access the courts in my criminal case to include the method and criteria in finding me non-indigent on a mere net income of \$10,

confiscation of my legal mail from Fulton County Courts, denied any and all access to my criminal case file, transcripts and all related documents I am unable to effectively proceed with attacking my criminal conviction and newly discovered evidence in the case.

13. On January 22, 2014 I newly discovered that Judge barber had falsified or perjured statements to the Supreme Court of Ohio in In re Disqualification of Judge Barber, No. 13 AP 081 in letter to Master Commissioner, Erick Gale, in letter dated September 3, 2013.

14. Because of the constitutional violations by prison officials I am denied access to the court in a due process violation and First Amendment when I unable to attack the newly discovered evidence.

15. I am forced to ineffectively choose access to the court over another constitutional right to reasonable medical care for serious medical conditions when forced to make a co-pay for services before I ineffectively access the courts on \$10 or less income.

16. It appears that Judge Barber has denied my proposed filings in his court because I cannot meet the technical requirements for filing when my funds are insufficient to do so or I am forced to make a medical co-pay.

FURTHER AFFIANT SAYETH NAUGHT.


Daniel L. Rittner, Sr.
Affiant

Sworn to or subscribed in my presence on this 18 day of

February 2014.

NOTARY PUBLIC:





MELISSA L. BARTLETT
Notary Public, State of Ohio
My Commission Expires

12/13/2015