

IN THE SUPREME COURT OF OHIO

ORIGINAL

STATE OF OHIO *ex rel.*
JOHN J. ROHRER,

Case No. 14-0268

Petitioner/Relator,

v.

THE HONORABLE LEONARD
HOLZAPFEL, Visiting Judge in the
Court of Common Pleas of Ross County
Ohio, et al.,

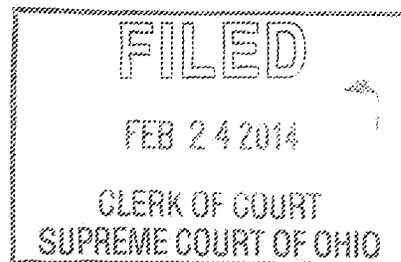
Respondents.

RESPONSE OF RESPONDENTS HOLZAPFEL AND LAVENDER ON THE ISSUE
OF THE WARRANTS FOR REMOVAL FILED BY THE TRIAL COURT ON
JANUARY 3, 2014 AND JANUARY 22, 2014

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COUNSEL FOR RESPONDENTS HOLZAPFEL AND LAVENDER

RESPONSE OF RESPONDENTS HOLZAPFEL AND LAVENDER

On February 20, 2014, Counsel for the Petitioner/Relator filed this action requesting this Court to issue writs of Habeas Corpus, Mandamus, and Prohibition. The following day, counsel for Respondents Holzapfel and Lavender received an email correspondence for the Court ordering that a response be filed no later than 2 p.m. the next business day, Monday, February 24, 2014. The order required counsel for these Respondents to address only the issue of the warrants for removal issued by Judge Leonard Holzapfel in case number 09 CR 393 in the Ross County Court of Common Pleas, styled State of Ohio v. John J. Rohrer. It should be noted that Judge Holzapfel is presiding over this case as a Visiting Judge.

This case was reactivated by the filing of multiple motions on behalf of John Rohrer on or about December 4, 2013. The Petitioner/Relator is currently residing at Appalachian Behavioral Healthcare in Athens, Ohio. In 2010, Mr. Rohrer was indicted on one count of Felonious Assault. Following a trial to court, Judge Corzine found him not guilty by reason of insanity. On that same date, Mr. Rohrer was found to be a mentally ill person subject to hospitalization. He was ordered to Twin Valley for a period not to exceed eight (8) years.

In 2012, following a hearing, he was ordered to be transferred from Twin Valley to Appalachian Behavioral Healthcare.

Based upon the motions filed December 4, 2013, a hearing was set for February 27, 2014, which would address the issues of whether the current order forcing medications should continue, and whether Petitioner/Relator should remain hospitalized at Appalachian Behavioral Healthcare. Further, a pretrial conference was set for February

21, 2014, to address other issues and motions not including those that were to be addressed at the February 27, 2014, hearing. The warrants for removal were issued by Judge Holzapfel for the February hearing dates. The warrants ordered the Ross County Sheriff to pick up and transport Mr. Rohrer to Ross County for the hearings.

Both of these Warrants were vacated by Judge Holzapfel by order filed February 19, 2014. A copy of this Order is attached to this response and marked as Exhibit A. Pursuant to the new Order, representatives of Appalachian Behavioral Healthcare were ordered to transport the Petitioner/Relator to the pre-trial conference held Friday, February 21, 2014, as well as the motion hearings scheduled for February 27, 2014.

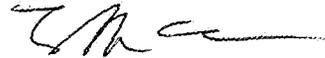
It should be noted that at the pre-trial conference that took place on Friday, February 21, 2014, Mr. Rohrer did appear, having been transported by representatives of Appalachian Behavioral Healthcare. Further, the scheduled hearing for February 27, 2014, was discussed. Having discovered that, over two months after the filing of the motions by the Defendant, counsel for the Petitioner/Relator had not yet determined which licensed psychiatrist would be evaluating Mr. Rohrer and issuing a report addressing the issues of continued forced medications and continued residential treatment at Appalachian Behavioral Healthcare. Between this delay on the part of Mr. Rohrer, and the filing of these Motions and Petitions in the Ohio Supreme Court in this case, the February 27, 2014, hearing was vacated.

Since the warrants for removal had been vacated by Respondent Holzapfel prior to this action being filed by Counsel for the Petitioner/Relator, any concerns of Mr. Rohrer being transported by the Ross County Sheriff's Office and detained in the Ross County Jail pending hearings, has been rendered moot. Further, all parties at the trial court level

have agreed that Appalachian Behavioral Healthcare shall transport Petitioner/Relator to all upcoming hearing which will resolve the present round of motions filed on and after December 4, 2013.

Respectfully submitted,

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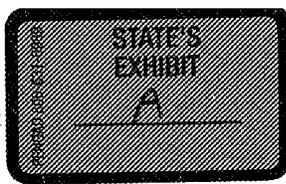
JEFFREY C. MARKS 0080026
Assistant Prosecuting Attorney
Ross County, Ohio

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served upon David L. Kastner, Attorney for Petitioner/Relator, at 3434 North Drive, Beavercreek, Ohio, 45432, by regular U.S. mail, this 24th day of February, 2014.



JEFFREY C. MARKS (#0080026)
Assistant Prosecuting Attorney
Ross County, Ohio



COURT OF COMMON PLEAS

IN THE COURT OF COMMON PLEAS OF ROSS COUNTY, OHIO

STATE OF OHIO,
Plaintiff,

-vs-

JOHN J. ROHRER,
Defendant.

* Judge HOLZAPFEL 2014 FEB 19 PM 2:47

* Case No. 09CR0003988

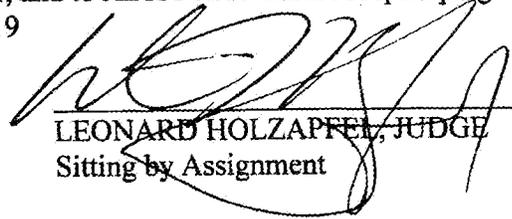
* ORDER TO TRANSPORT

ROSS COUNTY COMMON PLEAS
CLERK OF COURTS
TY D. HINTON

The court having scheduled hearings in the above captioned case for February 21, 2014 at 8:30 a.m. and for February 27, 2014 at 9 a.m. and it appearing to the court that defendant is presently confined at the Appalachian Behavioral Healthcare, 100 Hospital Drive, Athens, Ohio 45701, and it appearing further that said facility through its police department, is willing to transport defendant for his court appearances,

IT IS THEREFORE ORDERED as follows:

1. That said Appalachian Behavioral Healthcare transport defendant to court appearances currently scheduled..
2. That the Orders for Warrant of Removal filed previously, one on January 22, 2014 and one on January 3, 2014 are both hereby VACATED and said warrants withdrawn.
3. That the Clerk shall deliver copies of this Order to attorneys David L. Kastner and Jeffrey Marks, to Ross County Sheriff George Lavender, and to ABH Police Chief Joseph Sprague per his request, by fax transmission to (740)592-5619



LEONARD HOLZAPFEL, JUDGE
Sitting by Assignment

Entered: 2/19/14

TRANS OK