

IN THE SUPREME COURT OF OHIO

STATE *exrel.* David Untied
48295 Outpost Rd.
Caldwell, Ohio 43724

Case No. 14-1059

Relator,

Original Action in Prohibition

vs.

Judge David Branstool
1 Courthouse Square
Newark, OH 43055

and

Prosecutor Kenneth Oswalt
20 S. Second St,
Newark, Ohio 43055

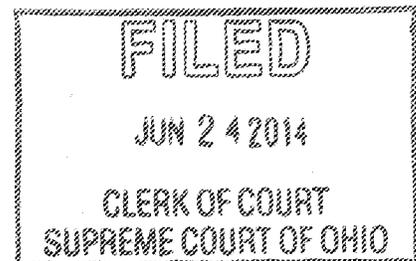
and

Licking County Common Pleas Court
1 Courthouse Square
Newark, OH 43055

and

Ohio Attorney General Mike DeWine
30 E. Broad St., 14th Floor
Columbus, OH 43215

Respondents.



**COMPLAINT FOR WRIT OF PROHIBITION
REQUEST FOR PEREMPTORY - EMERGENCY WRIT**

David Untied
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Kenneth Oswalt
20 S. Second St,
Newark, Ohio 43055
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ATTORNEY OF RECORD FOR RESPONDENT
DAVID BRANSTOOL AND LICKING COUNTY
COMMON PLEAS COURT

Ohio Attorney General Mike DeWine
30 E. Broad St., 14th Floor
Columbus, OH 43215
Phone: (614) 466-4986
ATTORNEY OF RECORD FOR RESPONDENT
KENNETH OSWALT AND RESPONDENT TO
CONSTITUTIONAL CHALLENGE OF LAW

This action is brought in the name of the State of Ohio on the relation of David Untied ("Relator"), who is petitioning this Court for a Writ of Prohibition against Respondents Judge David Branstool, Prosecutor Kenneth Oswalt, and the Licking County Common Pleas Court for patent and unambiguous lack of jurisdiction . The allegations in the Complaint are supported by the Affidavit of David Untied, below.

JURISDICTION

1. This court has original jurisdiction over this action pursuant to Article IV, Section 2(B)(1)(d) of the Ohio Constitution.

PARTIES

2. Respondent David Branstool is a Common Pleas Judge in the Licking County Court of Common Pleas for Licking County, Ohio. Respondent Kenneth Oswalt is the county prosecutor for Licking County, Ohio. Respondent Licking County Common Pleas Court is a Common Pleas Court located in Licking County, Ohio. Attorney General Mike Dewine is the Attorney General for the State of Ohio and is the head Executive Branch Official in Ohio and is also being served notice of a Constitutional challenge to an Ohio Law, Relator David Untied is a citizen of Ohio and of the United States.

FACTS RELEVANT TO COUNT ONE

3. Relator was charged with one criminal count in violation of Ohio Revised Code 2913.02 in the Licking County Common Pleas Court in Ohio. The Prosecutor who brought the charge is Kenneth Oswalt and the presiding Judge is David Branstool. The case number is 13-CR-304. A criminal warrant was originally issued on 05/14/13. The relator appeared before the Licking County Court

on 06/20/13. Prosecutor Kenneth Oswald filed obtained an indictment on the Relator on 06/27/13.

Relator was arraigned on 07/16/14 The Relator represented himself pro se.

Trial was eventually set for 12/17/13. Without leave of court, and no prior notice, Prosecutor Kenneth Oswald went to the Licking County Grand Jury and obtained another indictment on 12/12/13. No one appeared for trial on 12/17/13.

Instead of dismissing the original case and terminating that prosecution pursuant to Ohio Criminal Rule 48 as required, Prosecutor filed a re-indictment not permitted by law in the same case under case number 13-CR-304. The Relator submits to this court that all Respondents lost all jurisdiction at that time for a number of obvious reasons. The Licking County Common Pleas Court, Judge David Branstool, and Prosecutor Kenneth Oswald all have a patent and unambiguous lack of jurisdiction to proceed against the Relator in case number 13-CR-304 currently pending as (Re-Opened) in the Licking County Court of Common Pleas of Ohio.

The Relator is precluded from filing in the Licking County Court of Common Pleas because he is now represented by Ohio Public Defender Kurt McVay who considers the Relators case non-important and not worth putting forth the effort into to address the issues (and many more in the lower court) as the Relator is now forced to do.

The Relator's re-opened case was set for trial again on June 24, 2014. Once again, without anything being filed, the trial is being continued.

COUNT ONE

(RESPONDENTS Oswald, Branstool, Licking County Common Pleas Court PROHIBITION)

4. Respondents Licking County Common Pleas Court, Judge David Branstool, and Prosecutor

Kenneth Oswalt patently and unambiguously lack jurisdiction over the relator and lack jurisdiction to proceed with any prosecution or proceedings in case number 13-CR-304 currently pending as (Re-Opened) in the Licking County Court of Common Pleas of Ohio.

5. The procedure for re-indictment of a criminal defendant in the State of Ohio is clear. Under Ohio Criminal Rule 48, The state may by leave of court and in open court file an entry of dismissal of an indictment, information, or complaint and the prosecution shall thereupon terminate. Since a dismissal by the State is without prejudice, the criminal rules clearly contemplate, and impliedly permit, the re-presentation of evidence to a grand jury under the Fifth Amendment to the United States Constitution and Criminal Rules 6 and 7 to obtain a second indictment on the same charges as the dismissed case.

6. Pursuant to the Tenth Amendment to the United States Constitution, as applied to this matter, precludes the State of Ohio from re-indicting defendants in a different unauthorized manner than what has been set forth under Ohio Criminal Rule 48 by the legislature for prosecutors and courts to follow.

7. For prosecutors and courts in the State of Ohio to simply file a re-indictment in the same case, when there is a precise and clear prescribed method for re-indictments, would completely undermine rules of the court, due process, and any notion of a fair judicial process. In this instant matter a trial date was set. No continuance was filed. No motion for leave of court was filed. The Prosecution circumvented those and other rules of the court and filed a re-indictment, did not show up for trial, and went on with the case as if this was perfectly normal. And respondent David Branstool went along with it and he is required to know better as a sitting Judge.

8. For prosecutors and courts in the State of Ohio to simply file a re-indictment in the same case,

when there is a precise and clear prescribed method for re-indictments, automatically violates a right to a speedy trial guaranteed in the Sixth Amendment to the United States Constitution and corresponding Ohio Constitutional provisions. Numerous other statutes are affected such as a filing for Disqualification of a Judge as one example. To re-indict in the same case, under the same case number, is a legal impossibility and Constitutional violation on its' face. It is clear that the Respondents in this case are about to exceed their jurisdiction and a Writ of Prohibition must be issued. State ex rel. Ellis v. McCabe, 138 Ohio St. 417, 35 N.E.2d 571 (1941)

9. State, ex rel. Adamo, v. Gusweiler (1972), 30 Ohio St. 2d 326, 329 -- "If an inferior court is without jurisdiction whatsoever to act, the availability or adequacy of a remedy of appeal to prevent the resulting injustice is immaterial to the exercise of supervisory jurisdiction by a superior court to prevent the usurpation of jurisdiction by the inferior court."

10. The Re-Indictment against the Relator as set forth herein violates the Fifth, Sixth, and Fourteenth Amendment rights set forth under the United States Constitution as well as corresponding Ohio Constitutional provisions. It also flies in the face of Ohio Criminal Rule 48.

FACTS RELEVANT TO COUNT TWO (A AND B)

11. Relator was charged with a criminal F5 charge of Theft in violation of in violation of Ohio Revised Code 2913.02 which reads:

(A) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

(1) Without the consent of the owner or person authorized to give consent;

(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;

(3) By deception.

The Relator is alleged to have opened a business checking account and writing checks on that account having insufficient funds. The alleged victim "the bank" then elected and chose to pay for two checks on the overdrawn account in the amount of approximately \$1,350.00. The specific charge alleged against the Relator is that he somehow schemed to go to the bank, open an account, knowing there would be no funds to cover checks he would write, and knew the bank would pay for those checks and thus, exerting control over the banks money without their consent or by deception.

COUNT TWO A

(ALL RESPONDENTS PROHIBITION)

12. Ohio Revised Code 2913.02 as applied against the Relator by Respondents Licking County Prosecutor, Judge, and the Licking County Common Pleas Court is unconstitutional and in violation of due process embedded in the Fifth and Fourteenth Amendments to the United States Constitution and corresponding Ohio Constitutional Provisions.

13. Ohio Revised Code 2913.02 as applied in this case against this relator as the law is written forbids or requires the doing of an act in terms so vague that men or women of common intelligence must unnecessarily guess at its meaning and differ as to its application in violation of the first essential of due process of law. As applied against the Relator Ohio Revised Code 2913.02 criminalizes innocuous everyday activities of Ohio Citizens.

14. Ohio Revised Code 2913.02 as applied against the Relator allows arbitrary enforcement of the laws and arbitrary prosecutions and denies Ohio Citizens the ability to live free from fear or the chilling effect of unpredictable prosecution.

15. Ohio Revised Code 2913.02 as applied against the relator is in direct violation of Section 15(D), Article II of the Ohio Constitution which provides that “[n]o bill shall contain more than one subject.” Ohio Revised Code 2913.02 was legislated for theft. But when applied to someone conducting business with a bank, this allow prosecutors to expand the subject within Ohio Revised Code 2913.02 and is an unconstitutional application of the law.

16. Ohio Revised Code 2913.02 **as applied in this case against the Relator, for all the reasons above in paragraphs 13-15**, is in direct violation due process clauses, in the Fifth and Fourteenth Amendments to the United States Constitution without narrowing the circumstances in which the statute may constitutionally be applied.

COUNT TWO A

(ALL RESPONDENTS PROHIBITION)

17. Ohio Revised Code 2913.02 because it was applied against the Relator by Respondents Licking County Prosecutor, Judge, and the Licking County Common Pleas Court in the manner it was applied, and the manner the law is being applied in numerous circumstances in Ohio since the law was passed, is unconstitutional and in violation of due process embedded in the Fifth and Fourteenth Amendments to the United States Constitution and corresponding Ohio Constitutional Provisions.

18. Ohio Revised Code 2913.02 in the State of Ohio is being used to prosecute innocuous everyday activities of Ohio Citizens and business owners. This law is being used to prosecute building

contractors building homes, auto mechanics working on cars, cabinet makers making cabinets, and virtually anyone owning a business and the clients who engage with those businesses.

19. Ohio Revised Code 2913.02 is so overly vague that the statute is allowing the state's discretion to prosecute to be overly broad and subject to abuse through selective enforcement allowing arbitrary enforcement of the laws and arbitrary prosecutions. The law is too vague for the average citizen to understand what conduct is prohibited.

20. Ohio Revised Code 2913.02 is void because the legislature's delegation of authority to judges is so extensive that it has led to arbitrary prosecutions. In a system that is supposed to presume both liberty and innocence, catches many innocent citizens in its net of criminal prosecutions and in Ohio this law denies Ohio Citizens the ability to live free from fear or the chilling effect of unpredictable prosecution.

21. Ohio Revised Code 2913.02 is in direct violation of Section 15(D), Article II of the Ohio Constitution which provides that "[n]o bill shall contain more than one subject,". Ohio Revised Code 2913.02 is written in such a way that on its face it appears to be one subject, but allows State Prosecutors to apply it to many applications circumventing the meaning and intention of Section 15(D), Article II of the Ohio Constitution. And Prosecutors across the State of Ohio have done just that. Prosecutors utilize Ohio Revised Code 2913.02 in many subject areas to prosecute cases unintended for the meaning of theft.

22. Ohio Revised Code 2913.02, **for all the reasons above in paragraphs 18-21**, is in direct violation due process clauses, in the Fifth and Fourteenth Amendments to the United States Constitution.

23. The facts in this Petition clearly establish (1) The court or officer against whom it is sought must

be about to exercise judicial or quasi-judicial power, (2) the exercise of such power must be clearly unauthorized by law, and (3) it must appear that the refusal of the writ would result in injury for which there is no adequate remedy in the ordinary course of law." State, ex rel. La Boiteaux Co., v. Court (1980), 61 Ohio St. 2d 60, 61 and State, ex rel. Northern Ohio Telephone Co., v. Winter (1970), 23 Ohio St. 2d 6, 8.

24. State, ex rel. Adamo, v. Gusweiler (1972), 30 Ohio St. 2d 326, 329 -- "If an inferior court is without jurisdiction whatsoever to act, the availability or adequacy of a remedy of appeal to prevent the resulting injustice is immaterial to the exercise of supervisory jurisdiction by a superior court to prevent the usurpation of jurisdiction by the inferior court."

PRAYER FOR RELIEF

25. On Count I, issuance of a peremptory other writ, including an emergency other writ, precluding the Respondents from proceeding or further prosecuting case number 13-CR-304 against the Relator in the Licking County Ohio Common Pleas Court.

26. On Count I (A), issuance of a peremptory other writ, including an emergency other writ, precluding all Respondents from proceeding or further prosecuting case number 13-CR-304 against the Relator in the Licking County Ohio Common Pleas Court.

27. On Count I (B), issuance of a peremptory other writ, including an emergency other writ, precluding all Respondents, including instruction of Respondent Mike Dewine to all Prosecutors in the State of Ohio, to cease and desist using Ohio Revised Code 2913.02 to prosecute cases per instruction of this Court.

28. Ohio Revised Code Section 2503.40 authorizes this Court to issue, in addition to the original jurisdiction conferred by Section 2, Article IV of the Ohio Constitution, "writs of supersede as in any case, and other writs not specifically provided for and not prohibited by law, when necessary to enforce the administration of justice." (*Smith v. Granville Twn. Bd. of Trustees* (1996), 77 Ohio St.3d 1215).

29. Such other relief as this Court deems equitable, necessary, proper or just.

AFFIDAVIT / VERIFICATION

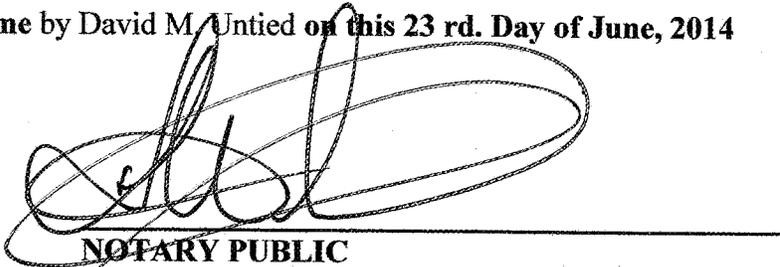
I, David M. Untied, having been duly sworn, state and depose, based on my own personal knowledge of the facts, that all of the allegations contained in the Petition to which this Verification is attached are true and correct and that all of the Exhibits attached to the Petition are true and correct to the best of my knowledge.

Signed by my hand on this 23 rd. Day of June, 2014



David M. Untied

Swom to and subscribed before me by David M. Untied on this 23 rd. Day of June, 2014



NOTARY PUBLIC



TAMMY L. HUHN
Notary Public, State of Ohio
My Commission Expires 8-4-2015

PRAECIPE TO CLERK

Please serve the foregoing Complaint for Writ Prohibition on the Respondent named in the Complaint as follows:

Kenneth Oswalt
20 S. Second St,
Newark, Ohio 43055

Judge David Branstool
1 Courthouse Square
Newark, OH 43055

Ohio Attorney General Mike DeWine
30 E. Broad St., 14th Floor
Columbus, OH 43215

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Complaint for Writ of Prohibition was served by electronic mail, fax, and certified mail return receipt requested on this 24th day of June, 2014 upon the following:

Kenneth Oswalt
20 S. Second St,
Newark, Ohio 43055

Judge David Branstool
1 Courthouse Square
Newark, OH 43055

Ohio Attorney General Mike DeWine
30 E. Broad St., 14th Floor
Columbus, OH 43215



David Untied

2013 CR 00304

Case Type: **CRIMINAL**
 Status Date: **01/02/2014**
 Case Judge: **BRANSTOOL, W. DAVID**
 Next Event: **06/24/2014**

Case Status: **REOPEN (RO)**
 File Date: **05/14/2013**
 DCM Track:

All Information Party Charge Event Docket Disposition

Docket Information

Date	Docket Text
05/14/2013	CRIMINAL COMPLAINT/WARRANT FILED
05/14/2013	ARREST WARRANT ISSUED TO LICKING COUNTY SHERIFF
05/14/2013	Issue Date: 05/14/2013 Service: WARRANT ON CRIMINAL COMPLAINT Method: FOREIGN SERVICE Provider: NEWARK PD Cost Per: \$ 0.00
	UNTIED, DAVID M. 9015 RAIDERS ROAD FRAZEYSBURG, OH 43822 Tracking No: F000000800
06/20/2013	HEARING SCHEDULED Event: DAILY INITIAL BOND HEARINGS Date: 06/20/2013 Time: 12:45 pm Judge: ARRAIGNMENTS Location: NO LOCATION
06/20/2013	JUDGMENT ENTRY FILED. THIS MATTER CAME FOR INITIAL APPEARANCE/BOND HEARING. DEFT APPEARED. THIS MATTER IS SET FOR PRELIMINARY HEARING 6/27/13 AT 3PM. BOND IS SET AS FOLLOWS WITH CONDITIONS. Arrest Bond Added to Case with: Action Code: CRIMINAL COMPLAINT/WARRANT Arrest Date: 06/20/2013 Bond Status: BOND SET Status Date: 06/20/2013 Blanket Bond: Yes Okay to Apply: No Bond Type: CASH SURETY OR 10% Bond Amount: 20000
06/20/2013	HEARING SCHEDULED Event: PRELIMINARY HEARING Date: 06/27/2013 Time: 3:00 pm Judge: ARRAIGNMENTS Location: NO LOCATION Result: CANCELLED
06/21/2013	BOND POSTED BY WOODY FOX BAIL BONDS SURETY BOND Sent on: 06/21/2013 10:29:24.18

6/23/2014

CourtView Justice Solutions

- 09/13/2013 SUBPOENA RETURNED: DET. MELANIE ANGLE, NPD (RS); OFF. KEITH SPEARS, NPD (RS); MANAGER ANDREA FORD, PNB (RS) AND SEC. OFF. DOUG MARSTON (PS).
- 10/08/2013 RESPONSE TO DEFT'S MOTION TO DISMISS INDICTMENT FILED.
- 10/11/2013 MOTION TO COMPEL DISCOVERY FILED. COPY TO COURT.
Attorney: PRO SE ()
- 10/11/2013 JUDGMENT ENTRY - THIS MATTER CAME BEFORE THE COURT FOR A HEARING ON DEFT'S MOTION TO DISMISS INDICTMENT. THE DEFT'S MOTION TO DISMISS IS DENIED. FURTHER, THE DEFT'S MOTION TO MODIFY BOND WAS ALSO DENIED.
- 10/14/2013 NOTICE TO THE COURT FILED
- 10/16/2013 HEARING SCHEDULED
Event: NON ORAL HEARING
Date: 10/22/2013 Time: 4:30 pm
Judge: BRANSTOOL, W. DAVID Location: EAST COURTROOM
- 10/16/2013 COURT ORDER OF HEARING
- 10/21/2013 MOTION TO CONTINUE
Attorney: VAN WINKLE, TRACY F (0000075572)
- 10/21/2013 MOTION FOR ORAL HEARING ON MOTION TO COMPEL DISCOVERY FILED
Attorney: PRO SE ()
- 10/21/2013 MOTION TO EXPAND THE RECORD FILED
Attorney: PRO SE ()
- 10/21/2013 MOTION FOR CHANGE OF VENUE FILED
Attorney: PRO SE ()
- 10/21/2013 MOTION FOR FUNDS FOR EXPERT WITNESS FILED
Attorney: PRO SE ()
- 10/21/2013 MOTION TO CONTINUE TRIAL FILED
Attorney: PRO SE ()
- 10/22/2013 HEARING SCHEDULED

The following event: JURY TRIAL scheduled for 10/24/2013 at 9:00 am has been rescheduled as follows:

Event: JURY TRIAL
Date: 12/17/2013 Time: 9:00 am
Judge: BRANSTOOL, W. DAVID Location: EAST COURTROOM

Result: CONTINUED

- 10/22/2013 RESPONSE TO DEFENDANT'S MOTION TO COMPEL DISCOVERY FILED
- 10/22/2013 JUDGMENT ENTRY - UPON REVIEW AND FOR GOOD CAUSE SHOWN, THE MOTION IS FOUND WELL TAKEN AND THE SAME IS GRANTED. IT IS THEREFORE ORDERED THAT THE JURY TRIAL IN THIS MATTER IS HEREBY CONTINUED TO 12/17/13 AT 9AM. SPEEDY TRIAL TIME IS TOLLED.
- 10/29/2013 RESPONSE TO DEFENDANT'S MOTION TO EXPAND THE RECORD FILED
- 10/29/2013 RESPONSE TO DEFENDANT'S MOTION FOR CHANGE OF VENUE FILED
- 10/29/2013 RESPONSE TO DEFENDANT'S MOTION FOR FUNDS FOR EXPERT WITNESS FILED
- 11/01/2013 NOTICE TO THE COURT FILED
- 11/07/2013 REPLY TO RESPONSE TO DEFT'S MOTION FOR CHAGE OF VENUE ORAL HEARING REQUESTED, PROOF OF SERVICE FILED.
Attorney: PRO SE ()
- 11/07/2013 REPLY TO RESPONSE TO DEFT'S MOTION TO COMPEL DISCOVERY ORAL HEARING REQUESTED., PROOF OF SERVICE FILED.

6/23/2014

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- 11/07/2013 RESPONSE TO DEFT'S MOTION FOR FUNDS FOR EXPERT WITNESS, ORAL HEARING REQUESTED, PROOF OF SERVICE
- 11/15/2013 NOTICE OF SUBSTITUTION OF COUNSEL FILED
Attorney: SAWYERS, PAULA M (0061175)
- 11/15/2013 NOTICE TO COURT
- 11/25/2013 SUBPOENA FOR WITNESS FILED FOR 12/17/13 AT 8:45AM.
- 12/05/2013 SUBPOENA RETURNED: DET. MELANIE ANGLE, NPD (RS); OFF. KEITH SPEARS, NPD (RS); MANAGER ANDREA FORD, PNB (RS) AND SEC. OFF. DOUG MARSTON, PNB (RS)
- 12/06/2013 MOTION TO COMPEL RECIPROCAL DISCOVERY
Attorney: SAWYERS, PAULA M (0061175)
- 12/06/2013 SUPPLEMENTAL DISCOVERY FILED.
- 12/06/2013 NOTICE TO COURT
- 12/06/2013 SUBPOENA FOR WITNESS FILED FOR 12/17/13 AT 8:45AM.
- 12/10/2013 NOTICE TO THE COURT FILED
- 12/12/2013 SUBPOENA RETURNED: DET. TRAVIS DELANCEY, NPD (RS)
- 12/12/2013 RE-INDICTMENT FILED FOR THEFT (F5)
- 12/12/2013 SUMMONS & COPY OF INDICTMENT ISSUED
- 12/12/2013 Issue Date: 12/12/2013
Service: SUMMONS ON INDICTMENT FOREIGN COUNTY
Method: FOREIGN SERVICE
Provider: MUSKINGUM COUNTY SHERIFF
Cost Per: \$ 0.00
- UNTIED, DAVID M.
9015 RAIDERS ROAD
FRAZEYSBURG, OH 43822
Tracking No: F000001070
- 12/13/2013 AFFIDAVIT OF DISQUALIFICATION FILED WITH THE SUPREME COURT OF OHIO (#13 AP 120)
- 12/17/2013 LETTER DATED DECEMBER 11, 2013 TO JUDGE BRANSTOOL FROM ERICK D. GALE MASTER COMMISSIONER OF THE SUPREME COURT OF OHIO FILED.
- 12/17/2013 LETTER DATED DECEMBER 13, 2013 TO MASTER COMMISSIONER GALE OF THE SUPREME COURT OF OHIO FROM JUDGE BRANSTOOL.
- 12/17/2013 LETTER DATED DECEMBER 13, 2013 TO JUDGE BRANSTOOL FROM ERICK D. GALE MASTER COMMISSIONER OF THE SUPREME COURT OF OHIO FILED.
- 12/17/2013 LETTER DATED DECEMBER 13, 2013 TO ERICK D. GALE MASTER COMMISSIONER OF THE SUPREME COURT OF OHIO FROM JUDGE BRANSTOOL FILED.
- 12/19/2013 COPY OF REQUEST TO WITHDRAW OR DISMISS AFFIDAVIT OF DISQUALIFICATION FILED WITH THE SUPREME COURT (13 -AP-120)
- 12/19/2013 COPY OF JUDGMENT ENTRY FROM THE SUPREME COURT (13AP120) FILED. THE AFFIDAVIT OF DISQUALIFICATION IS DISMISSED.
- 12/20/2013 FOREIGN CO. SHERIFF'S RETURN
Method : FOREIGN SERVICE
Issued : 12/12/2013
Service : SUMMONS ON INDICTMENT FOREIGN COUNTY

6/23/2014

CourtView Justice Solutions

Return : 12/20/2013

On : UNTIED, DAVID M.

Signed By :

Reason : FOR. COUNTY SHERIFF'S RETURN - SUCCESSFUL

Comment : MUSKINGUM CO. SERVED DEFT (PS)

Tracking #: F000001070

- 12/31/2013 JUDGMENT ENTRY - DEFT APPEARED FOR ARRAIGNMENT WITHOUT A TTY. DEFT PLED NOT GUILTY. BOND IS CONTINUED AS PREVIOUSLY SET WITH CONDITIONS CONTINUED AS PREVIOUSLY SET (SEE ENTRY).
- 01/02/2014 HEARING SCHEDULED
Event: JURY TRIAL
Date: 01/28/2014 Time: 9:00 am
Judge: BRANSTOOL, W. DAVID Location: EAST COURTROOM
Result: CONTINUED
- 01/02/2014 HEARING SCHEDULED
Event: PRETRIAL CONFERENCE
Date: 01/17/2014 Time: 8:30 am
Judge: BRANSTOOL, W. DAVID Location: EAST COURTROOM
- 01/02/2014 COURT ORDER OF HEARING
- 01/08/2014 JUDGMENT ENTRY - THIS CASE IS BEFORE THE COURT ON A NUMBER OF MOTIONS FILED BY THE DEFT. THE COURT HAS REVIEWED THE ARGUMENTS PRESENTED BY THE DEFT IN HIS RESPECTIVE MOTIONS AS WELL AS THE ARGUMENTS SUBMITTED ON BEHALF OF THE STATE. ACCORDINGLY, THE COURT HEREBY ISSUES THE FOLLOWING ORDERS: 1. DEFT'S MOTION TO COMPEL DISCOVERY IS HEREBY DENIED. 2. DEFT'S MOTION TO EXPAND THE RECORD IS HEREBY DENIED. 3. DEFT'S MOTION FOR CHANGE OF VENUE IS HEREBY DENIED. 4. DEFT'S MOTION FOR FUNDS FOR EXPERT WITNESS IS HEREBY DENIED.
- 01/08/2014 JUDGMENT ENTRY - THE DEFT IS ORDERED TO PROVIDE RECIPROCAL DISCOVERY TO THE STATE BY JANUARY 15, 2014.
- 01/09/2014 MOTION TO RECONSIDER COURT ORDER DATED JANUARY 2, 2014 FILED. COPY TO COURT
Attorney: PRO SE ()
- 01/16/2014 SUBPOENA FOR WITNESS FILED FOR JANUARY 28, 2014 AT 8:45 A.M.
- 01/17/2014 PRETRIAL MEMORANDUM FILED.
- 01/23/2014 SUBPOENA RETURNED: DET. MELANIE ANGLE, NPD (RS); DET. TRAVIS DELANCEY, NPD (RS); OFF. KEITH SPEARS, NPD (RS); MANAGER ANDREA FORD, FNB (RS); SEC. OFF. DOUG MARSTON, FNB (RS)
- 01/24/2014 HEARING SCHEDULED
Event: JURY TRIAL
Date: 01/28/2014 Time: 9:00 am
Judge: BRANSTOOL, W. DAVID Location: EAST COURTROOM
Result: CONTINUED
- 01/27/2014 MOTION FOR CONTINUANCE FILED. COPY TO COURT
Attorney: PRO SE ()
- 01/29/2014 JUDGMENT ENTRY - THIS MATTER IS BEFORE THE COURT ON DEFT'S MOTION FOR CONTINUANCE. THE TRIAL DATE OF 1/28/14 IS HEREBY VACATED. THE TRIAL WILL BE RESCHEDULED AFTER THE DEFT NOTIFIES THE COURT BY 1/31/14 WHETHER HE HAS RETAINED COUNSEL OR WHETHER HE REQUESTS THE COURT TO APPOINT COUNSEL.
- 01/30/2014 CASE DISPOSITION: OTHER
- 02/03/2014 NOTICE TO COURT/REQUEST FOR REPRESENTATION FILED. COPY TO COURT.
Attorney: PRO SE ()
- 02/03/2014 JUDGMENT ENTRY - THE COURT APPOINTS KIRK MCVAY AS COUNSEL FOR DEFT
- 02/04/2014 NOTICE TO COURT/REQUEST FOR REPRESENTATION FILED.