

THE OHIO SUPREME COURT

15 – 0087

STATE EX REL., Rosanna L. Miller,  
Relator,

Vs.

ANN E. BECK, JUDGE  
BELLEFONTAINE CITY  
MUNICIPAL COURT, ET AL,

OHIO PLAN Risk Management, Inc.  
Certificate #OH1010268-P14,  
Respondents

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**WRIT**  
**of**  
**ERROR**  
**Amended**

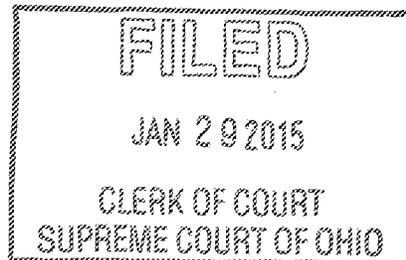
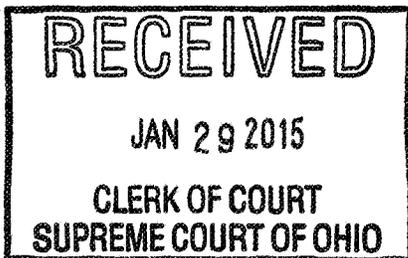
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Rosanna L. Miller (Relator) amends to include OHIO PLAN Risk Management as respondent in the WRIT of ERROR filed January 16, 2015 in the Common Law Court of Record<sup>1</sup>, to correct the errors from the THIRD DISTRICT COURT of APPEALS opinion of December 17, 2014 in CA8-14-11 WRIT of PROHIBITION on respondents (Ex A) with Affidavit of Facts attached.

**JURISDICTION**

An Article III Court has jurisdiction of a WRIT in Common Law<sup>1,2</sup> originating from the Holy Writ of Scriptures<sup>3</sup>; the Ohio Supreme Court has issued orders to Ohio courts on the matter of warrants for court costs. This order stemmed from the persistence of the American Civil Liberties Union urging the courts to stop issuing unconstitutional warrants for court costs or fines. If this is not an Article III court, forward it to the proper court.

NOTICE TO PRINCIPAL IS NOTICE TO AGENT NOTICE TO AGENT IT NOTICE TO PRINCIPAL.



## Facts of the Case

This issue is simple:

1. The Respondent issued an unconstitutional warrant on Relator, and others, over court costs on Jan. 31, 2014. (Ex B & C)
2. Relator was arrested from the warrant on May 12, 2014 by the respondent's police district. (Ex B)
3. Respondent has removed records from the case files and ignored filings to the court. (Ex B)
4. Respondent has released personal private information in public records that is mandated to be redacted. (Ex B, D)
5. Respondent employs court officers without holding a legal oath pursuant to O.R.C. 3.06 who are agents of former judge John Ross. Without a principal they are not insured or bonded. (Ex E)
6. Respondent has caused grave harm to Relator's life, liberty and property with no remorse of doing so. (Ex F)

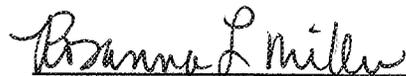
The decision by the appellate court raises more questions than the original Writ of Prohibition had. If there was not an active warrant then respondent's police had no authority to arrest Relator for a warrant they did not have. Therefore nobody can ever believe an officer if they tell them they have a warrant for their arrest. If the third district's claim that there was no warrant issued stands, the judges will have adjudicated a lawsuit against the respondent using their police district as a hit man for kidnapping with no authority to do so.

The Third Appellate District court stepped outside the bounds of the judicial code of canons, and ignored the evidence put before them when they denied the Writ of Prohibition to relator claiming judge Beck "did not issue a warrant for Relator's arrest" when the warrant is as visible as the nose on ones face. This was exhibited by both the Relator and the Respondent. If there was no contempt of court then there was no right to issue a warrant that the Third District claims does not exist. You can't ignore the evidence put before the court then claim the judges "drew therefrom in favor of the Relator". There will never be an appeal based on equality for all, when one side is favored over the other. This is bias and prejudice and flat out denotes abuse of discretion that is more than an error of law or judgment; it implies that the attitude of the trial court was "unreasonable, arbitrary or unconscionable" *Blakemore v. Blakemore* (1983), 5 Ohio St. 3d 217, 219.

The question remains will the Ohio Supreme Court honor their Oath and Bench Card sent to the Ohio courts<sup>4</sup>? Or is it conditional?

WHEREFORE, the Writ of Prohibition shall be granted to Relator and order issued to Judge Ann Beck to stop all illegal practices in the Bellefontaine Municipal Court. The conditions in the Counterclaim for damages from injuries shall be ordered and paid within 30 days. That order includes the return of Relators father, Clair R. Miller, to Relator immediately and any other remedy the court deems just.

All Rights Reserved without prejudice.



Rosanna L. Miller, Relator  
10469 Westfall Road  
Amanda, Ohio 43102  
740-969-2468

<sup>1</sup> US CONSTITUTION Art. III § 2. The judicial power shall extend to all cases, in *law and equity*, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;.....

COURT OF RECORD ...proceeds according to the course of *common law* {Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227,229; Ex parte Gladhill, 8 Mete. Mass., 171, per Shaw, CJ. See, also, Ledwith v. Rosalsky, 244 N.Y. 406,155 N.E. 688, 689J [Black's law Dictionary, 4th Ed., 425, 426]}

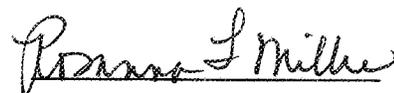
<sup>2</sup> US CONSTITUTION Art. VI - ....This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, *shall be the supreme law of the land*; and *the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding*.....

<sup>3</sup> ESTHER 8:13-14 (AMP) <sup>13</sup>A copy of the *writing* was to be issued *as a decree* in every province and as a proclamation to all peoples, and the Jews should be ready on that day to avenge themselves upon their enemies. <sup>14</sup>So the couriers, who were mounted on swift beasts that were used in the king's service, went out, being hurried and urged on by the king's command; and the *decree was released* in Shushan, the capital.

<sup>4</sup> 28 U.S. Code § 453 - Oaths of justices and judges - Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, XXX XXX, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as XXX under the Constitution and laws of the United States. *So help me God.*"

#### CERTIFICATE OF SERVICE

A copy of the foregoing Amended Writ of Error was sent by U.S.Mail on this 28th, day of January, 2015 to:  
Lynnette Dinkler, 5335 Far Hills Avenue, Suite 123, Dayton, Oh. 45429 (counsel for and of Respondents)  
Ohio Plan Risk Management Inc., Stolly Insurance Group (#OH1010268-P14), P.O. Box 5067, Lima, Oh. 45802



## **VERIFIED DECLARATION IN THE NATURE OF AN AFFIDAVIT OF FACTS**

Affiant, Rosanna L. Miller, a living soul, over 18 years of age, being competent to testify and having firsthand knowledge of the facts herein, declares under penalty of perjury to the Laws of Nature and Nature's God that:

1. Affiant was unaware a bench warrant had been issued on Jan. 31, 2014 for affiants arrest as a direct result from court costs by Judge Ann Beck of the Bellefontaine Municipal Corporation;
2. Affiant states the Ohio Supreme Court issued a bench card to all Ohio courts on February 2, 2014 instructing them it was unconstitutional to issue warrants or contempt of court on costs and fines;
3. Affiant was arrested as a direct result from the warrant on May 12, 2014 by the Bellefontaine Ohio Police Department;
4. Affiant was immediately incarcerated at the Logan County Jail for 24 hours against her will;
5. Affiant states three criminal charges were instigated from the unconstitutional warrant and subsequent arrest;
6. Affiant filed a Writ of Prohibition to the Third Appellate District Court of Appeals on May 20, 2014 to prohibit judge Beck from issuing warrants on court costs, and other criminal violations, on behalf of all the people;
7. Affiant states the warrant was ordered removed from the L.E.A.D.S. on May 21, 2014 after finding affiant not guilty of contempt of court;
8. Affiant was denied the Writ of Prohibition by the Third Appellate District Court claiming Judge Beck did not issue a warrant on affiant;
9. Affiant states Clerk of Court Jill Caudill confirms Judge Beck has issued warrants on many people for court costs;
10. Affiant states Judge Beck has violated privacy laws by releasing affiants Social Security Number in public records on the warrant and removal of warrant that is irreparable now;
11. Affiant states judge Beck has ignored affiant's pleadings or criminally removed them from the file;
12. Affiant has filed two Counterclaims on the injuries for relief of damages that are unsettled;



FILED  
COURT OF APPEALS

DEC 17 2014

BARB McDONALD  
CLERK, LOGAN COUNTY, OHIO

IN THE COURT OF APPEALS OF OHIO  
THIRD APPELLATE DISTRICT  
LOGAN COUNTY

EX  
A

STATE EX REL.,  
ROSANNA L. MILLER,

CASE NO. 8-14-11

RELATOR,

v.

ANN E. BECK, JUDGE,  
BELLEFONTAINE CITY  
MUNICIPAL COURT,

JUDGMENT  
ENTRY

RESPONDENT.

This cause comes before the Court for determination of Relator's complaint for writ of mandamus/prohibition and Respondent's answer and motion for judgment on the pleadings.

The instant complaint seeks a writ of mandamus ordering Respondent "to stop issuing warrants or contempt of court for civil court costs" against Relator or, in the alternative, a writ prohibiting Respondent "from issuing contempt of court and warrants on Relator for civil court costs."

To obtain a writ of mandamus, a relator must show that she has a clear legal right to the relief requested, respondent has a clear legal duty to act, and there is no plain and adequate remedy in the ordinary course of the law. *State ex rel. Hattie v. Goldhardt* (1994), 69 Ohio St.3d 123; and R.C. 2731.05.

A writ of prohibition is an extraordinary writ issued by a higher court to a lower court or tribunal to prevent usurpation or exercise of judicial powers or functions for which the lower court or tribunal lacks jurisdiction. *State ex rel. Winnefeld v. Butler Cty. Ct. of Common Pleas* (1953), 159 Ohio St. 225.

In order to be entitled to a writ of prohibition, relator must establish that: (1) respondent is about to exercise judicial or quasi-judicial power, (2) the exercise of such power is unauthorized by law, and (3) denial of the writ will cause injury for which no other adequate remedy in the ordinary course of law exists. *State ex rel. White v. Junkin*, 80 Ohio St.3d 335, 1997-Ohio-340. Prohibition will only lie where a trial court patently and unambiguously lacks jurisdiction over the cause. *State ex rel. Litty v. Leskovyansk*, 77 Ohio St.3d 97, 1996-Ohio-340.

In the instant case, contrary to Relator's allegations, the complaint and attachments thereto show that Respondent did not issue a warrant for Relator's arrest and did not issue a finding of contempt based on her failure to pay court costs. Furthermore, as for the errors allegedly made by Respondent in Relator's criminal case and/or the guardianship case of her father, Relator clearly has an adequate remedy at law so as to preclude the availability of either relief by mandamus or prohibition. Finally, when appropriate under law, the general act of "issuing warrants" and "finding contempt" are patently and unambiguously within the jurisdiction of Respondent.

Thus, construing all material allegations and the reasonable inferences drawn therefrom in favor of Relator, the Court finds that no set of facts exist upon which Relator would be entitled to the relief requested. See *State ex rel. Boggs v. Springfield Local School Dist. Bd. of Edn.* (1995), 72 Ohio St.3d 94. Also, Relator has an adequate remedy at law by means of appeal in the appropriate case to raise the issues she claims to be in error. Accordingly, Respondent's motion for judgment on the pleadings is well taken and the complaint should be dismissed.

It is therefore **ORDERED** that Relator's complaint for writ of mandamus/prohibition be, and hereby is, dismissed at the costs of the Relator for which judgment is hereby rendered.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
JUDGES

DATED: DECEMBER 17, 2014  
/hlo

IN THE COURT OF APPEALS, THIRD APPELLATE DISTRICT  
LOGAN COUNTY, OHIO

FILED  
COURT OF APPEALS

MAY 20 2014

BARB McDONALD  
CLERK, LOGAN COUNTY, OHIO

STATE EX REL.  
Rosanna L. Miller  
10469 Westfall Rd.  
Amanda, Ohio 43102

CASE NO.

Relator

WRIT of  
MANDAMUS/PROHIBITION

EX  
B

vs.

with  
Emergency Injunctive Relief

ANN E. BECK, JUDGE  
BELLEFONTAINE CITY  
MUNICIPAL COURT  
226 W. COLUMBUS ST.  
BELLEFONTAINE, OH. 43311

ORAL HEARING REQUESTED

Respondent

Now comes Rosanna L. Miller, (Relator), and for her Complaint, states as follows: Affidavit is attached hereto.

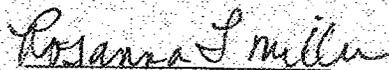
1. Relator is an inhabitant of Ohio.
2. Ann E. Beck (Respondent) is the duly elected Bellefontaine Municipal Court Judge.
3. The Respondent Ann Beck has taken an oath of office to honor and obey the Laws of Ohio and United States Constitution.
4. The Ohio Constitution Art 1 Sec 15 states "NO IMPRISONMENT FOR DEBT".
5. Relator filed indigent forms in the first false case #11CRB01572, which was *dismissed* on January 17, 2012 *under duress* with *waliver not to sue* Respondents.
6. The false charges of criminal trespassing were again attempted in case #12CRB1533/4 by the Respondent filed on September 19, 2012 who used a probate attorney portraying himself as a victim. Steven Fansler is in adversarial litigation opposing Relator for guardianship of her father that has left Clair Miller abused and the family estate exploited. This is a conflict of interest. By merely stating probate is supposed to be "in Rem" and "non-adversarial" does not make it so.

7. On December 31, 2012 Respondent Judge Beck *convicted* Relator in above case #12CRB1533/4 with no victim or legal complaints that violated R.C. 2935.09.
8. Relator filed a Counterclaim against Respondent on Sept. 27, 2013 for new evidence discovered that proved wrongdoing on the part of the Respondent and others. The Counterclaim was acquiesced by tacit consent.
9. On October 31, 2013 Respondent removed 19 pages of the Counterclaim from the courts records and returned it to Relator thru the United States Postal Service with the Clerk of Courts stamp crossed out on every page. (abbreviated 5 of 19 pgs. included EX A)
10. Pursuant to R.C. 2913.42, 2921.13, 3.07 and 18 U.S.C. 1001, 2071 it is criminal to remove and tamper with court records.
11. This is confirmed by the Ohio Attorney General's Opinion 94-089 dated December 13, 1994 to Morgan County Prosecuting Attorney Richard Ross. *"It is one of the well recognized canons of statutory construction that when a statute directs a thing may be done by a specified means or in a particular manner it may not be done by other means or in a different manner."* Page 6
12. Once pleadings are removed from court cases the court ceases to be a "court of record".
13. Relator did file an Affidavit of Specific Negative Averment that remains unanswered in response to a contempt of court hearing that was scheduled for court costs on November 18, 2013. (EX B)
14. On January 31, 2014 Respondent issued a Bench Warrant for the arrest of Relator solely over civil court costs. (EX C) Relator never received a copy of the Bench Warrant to rebut.
15. Warrants or contempt of court for civil court costs are *not authorized by law* or by the Ohio Supreme Court who issued a Bench Card in February of 2014 ordering the courts to stop this unconstitutional act (EX D) after vigilant pursuit by the American Civil Liberties Union. (EX E)
16. Warrants or contempt of court for civil court costs are unconstitutional pursuant to the United States Constitution. (BEARDEN v. GEORGIA, 461 U.S. 660 (1983) No. 81-6633).
17. On May 12, 2014 the Bellefontaine Police arrested Relator incarcerating her at the Logan County Sheriff.
18. On May 13, 2014 Respondent issued a Show Cause hearing for contempt of court dated May 21, 2014 that *is about to exercise unconstitutional judicial authority.* (EX F)
19. While incarcerated and thereafter Relator was told by two different officers that people are currently being issued warrants for outstanding court costs.

20. Relator states that Respondent Judge Beck had a clear legal duty to perform acts in accordance to the laws and constitutions; Relator is entitled to relief and *has no other adequate legal remedy in the ordinary course of law if the writ is denied.*

21. Relator <sup>or</sup> seeks a writ of mandamus ordering Respondent to stop issuing warrants or contempt of court for civil court costs in Logan County and against Relator. In the alternative the Relator seeks a writ of prohibition prohibiting Respondent Judge Beck from issuing contempt of court and warrants on Relator for civil court costs. Relator also demands such other and further relief as this Court deems just.

Respectfully submitted,

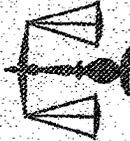


Rosanna L. Miller  
10469 Westfall Rd.  
Amanda, Ohio 43102  
740-969-2468



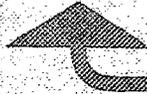
EX  
A

**BELLEFONTAINE  
MUNICIPAL  
COURT**



226 West Columbus Ave.  
Bellefontaine, OH 43311

Rosanna L. Miller  
10469 Westfall Road  
Amesda, Ohio 43102



JILL D. HULL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT

2013 OCT 22 PM 3:37

FILED

IN THE BELLEFONTAINE MUNICIPAL COURT

COUNTY OF LOGAN

STATE OF OHIO

STATE OF OHIO  
CITY OF BELLEFONTAINE  
Plaintiff,

-vs-

CASE # 12 CRB 01533 A&B  
12 CRB 01534 A&B

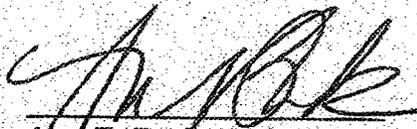
ROSANNA L. MILLER  
Defendant.

JOURNAL ENTRY

The Defendant, Rosanna L. Miller, has again filed an improper pleading under the above case numbers. As said in a prior entry, this case is closed but for the collection of court costs and the defendant's compliance with the suspended fines and sentences in this case.

The document shall be stricken from the record and returned to the Defendant by ordinary U.S. Mail.

IT IS SO ORDERED

  
Ann E. Beck, Judge

Cc: Defendant

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JILL SAUNDERS CLERK  
IN THE MUNICIPAL COURT OF BELLEFONTAINE, OHIO

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~~FILED~~

Case no 12 CR 01533  
12 CR 01534

Rosanna L. Miller  
Plaintiff

-vs-

BELLEFONTAINE MUNICIPAL COURT CORP. et al  
Defendant

BELLEFONTAINE POLICE DEPT. CORP. et al  
Defendant

STEVEN R. FANSLER OFFICER OF THE COURT  
Defendant

**COUNTER CLAIM**  
**For**  
**FALSIFICATION to**  
**INCRIMNATE**  
**Second Notice**

---

Now comes Rosanna L. Miller (Rosanna) a living flesh and blood child of God and counter claims against defendants of the corporation for deprivation of unalienable God endowed rights protected by the Constitution, while they acted under color of law and in their own capacity. This is the *second settlement* on behalf of the Counter Claim originally filed October 1, 2013 that is referenced as if it were re-written herein and attached. This was not filed as a Notice of Appeal. As plainly stated this was invoked pursuant to both Ohio and Federal R. Civ. P. 60(b)(2,3,4,6)(d)(3) Relief from a Judgment or Order from *new evidence* discovered and available after December 31, 2012 that was outlined in *italics* in the claim. The *new evidence* proves fraud to falsely convict Rosanna by perjury from agents pretending to be victims. The Counter Claim was submitted to privately settle this matter resulting from retaliation, bias and prejudice by agents who have done un-repairable harm to the people. The actions showed immoral conduct to conjure up imaginary crimes to purposely incriminate Rosanna to sever a 60 year relationship with her father for profit as was previously stated.

To Recap:

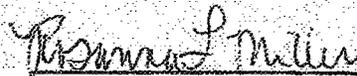
1. The burden of proof is on the accuser. The accusers were the agents of the corporation. There was no victim. Rosanna didn't have to participate.
2. On December 4, 2012 Judge Beck stated the "complaints were sufficient on their face" when they were fraudulent and void. The judicial branch forged documents for the executive branch.
3. The affidavits Judge Beck used were illegal and inadmissible. There was no standing, jurisdiction, or cause of action without a victim and legal affidavits under penalty of perjury.
4. Even then the sentence imposed for the illegal conviction extends many months to years past the time allotted for such a crime.
5. All agents perjured their selves on the stand in court.
6. The agents failed to do their duty and investigate the true crimes of elder theft and abuse.
7. These same agents either singly or collusively stole \$500,000 from the Miller estate.
8. They physically harmed Clair Miller from years of abuse then chemically restrained him.
9. The drugs Clair was subjected to are lethal of a high death rate for the dementia he has that was diagnosed by two credentialed professionals.
10. This is attempted murder from drugs by any common person's standard.
11. This court claims jurisdiction over criminal crimes. The above are criminal crimes with documented evidence.
12. On December 4, 2012 while Clair was trying to commit suicide after the agents of the corporation abducted and incarcerated him Judge Beck stated in court *"Now, Ms. Miller, you know, I know that you are trying -- that you are doing things in other courts where you bring -- you bring causes of action in other courts and you say that you want the laws of the State of Ohio to apply in those cases but don't in other cases where you don't like it. Why do you think that you're special?"* If those courts can violate the laws, then this court can violate the laws to falsely incriminate somebody. If those courts had applied and upheld the laws Clair would not have been abused and trying to kill himself, Ann's death would have been investigated, their estate wouldn't be exploited by Steven Fansler who committed campaign finance fraud, Michael Brady and other officials would be legally seated, public records would not be denied, elder's wouldn't be murdered, babies wouldn't be beat and estates plundered.

~~JULIA WOOD CLERK  
MUNICIPAL COURT  
FILED~~

13. Judge Beck acquiesced to the crimes committed by failing to allow the evidence produced in the facts stated with exhibits. Consent has been established by refusing to address crimes they claim to have jurisdiction of.

14. The Counter Claim for Falsification to Incriminate was made under penalty of perjury, notarized by a Notary Public Officer of the Court and is legally binding. While every fact was not supported with documentation, the court should take notice all facts have evidence that can be produced before a trial by jury.

WHEREFORE the original conditions and terms for settlement of the Counter Claim shall remain in force and are demanded by October 14, 2013.



Rosanna L. Miller, *in Propria Persona*  
10469 Westfall Rd.  
Amanda, Oh. 43102  
740-969-2468

EX  
B

IN THE MUNICIPAL COURT OF BELLEFONTAINE, OHIO

ADMITTED 12/17/13

Rosanna L. Miller  
Plaintiff

Case no 12 CR 01533  
12 CR 01534

V

BELLEFONTAINE MUNICIPAL COURT CORP. et al  
Defendant

BELLEFONTAINE POLICE DEPT. CORP. et al  
Defendant

**AFFIDAVIT of SPECIFIC  
NEGATIVE AVERMENT**

STEVEN R. FANSLER OFFICER OF THE COURT  
Defendant

The terms you/you means any and all persons doing business as the Bellefontaine Municipal Corporation (Agents) any and all of their employees/principals/agents/ assigns/successors/their/nominees who act in regard to this matter.

The term Affiant (Rosanna Lynn Miller) a living sentient being possessing all the corporeal and incorporeal hereditament rights granted under the Creator, in the status de-jure National of Ohio. The terms I, me, my, mean (Rosanna Lynn Miller).

1. Affiant herein (Rosanna Lynn Miller) states that I am competent and being of the age of majority affirm that my "yes" be "yes" and my "no" be "no" and that the following facts are true, certain, correct, and not misleading under the penalty of the Creator's Law of bearing false witness, and,
2. Affiant has not seen or been provided any evidence that a victim and/or legal complaint was memorialized in the record to convict Rosanna of any crimes on Dec 31, 2012 nor does Affiant believe any such evidence exists, and,
3. Affiant has not seen or been provided any evidence that indicates Rosanna did or has knowledge of a card delivered by any means to the Campbell House to find her guilty on Oct 16, 2013 nor does Affiant believe any such evidence exists, and,
4. Affiant has not seen or been provided any evidence that Steven Fansler possesses a postmarked envelope that contained the card to accuse Rosanna of its delivery nor does Affiant believe any such evidence exists, and,

5. Affiant has not seen or been provided any evidence from the Public Records Request or Findings of Facts and Conclusion of Law submitted, that prove there are any Facts or Law that supports Rosanna has committed any crimes nor does Affiant believe any such evidence exists, and,

6. Affiant has not seen or been provided any evidence that confirms Belinda McMullen or David Newland are legally appointed in their respective tax paid jobs who are taking sworn oaths nor does Affiant believe any such evidence exists, and,

7. Affiant has not seen or been provided any evidence that the Agents of the Corporation have the authority to threaten people to illegally sign affidavits that is not of their free will nor does Affiant believe any such evidence exists, and,

8. Affiant has not seen or been provided any evidence that Ohio Constitution Article 1 Section 15 has been abolished that prevents debtors prison for civil action nor does Affiant believe any such evidence exists, and,

9. Affiant has not seen or been provided any evidence that *Galluzzo v. Galluzzo, 2013-Ohio-3847* has been overturned that states plain error when the trial court errs in employing contempt proceedings to collect a civil judgment nor does Affiant believe any such evidence exists, and,

10. Affiant has not seen or been provided any evidence that these cases used to support the Ohio Constitution and the above aforementioned case has been overturned:

" [A]lthough trial courts have the authority to enforce their orders through contempt proceedings, R.C. 2705.02, an order to pay court costs is essentially a judgment on a contractual debt where the court is the creditor and the party ordered to pay court costs is the debtor. As such, the creditor, i.e., the court, can collect only the money it is due by the methods provided for the collection of civil judgments. A contempt proceeding is not a proper method by which to collect a civil judgment. *In re Buffington* (1939), 89 Ohio App.3d 814, 816, 627 N.E.2d 1013, citing *Heidelberg College v. Deppen* (1988), 44 Ohio Misc.2d 20, 514 N.E.2d 637." *Id.* at ~ 13. *State v. Ellis, 2d Dist. Montgomery No. 22189, 2008-Ohio-2719, ~ 20.*

nor does Affiant believe any such evidence exists, and,

11. Affiant has not seen or been provided any evidence that the court can imprison people for their failure to pay court costs:

*State v. Glasscock, 91 Ohio App.3d 520, 632 N.E.2d 1328 (4th Dist. 1993), the Fourth District noted as follows:*  
\* \* \* *In Strattman v. Stolt* (1969), 20 Ohio St.2d 93, 102-103, 49 O.O.2d 428, 432, 253 N.E.2d 749, 754, the court held that a major distinction between fines and court costs exists. The court noted that because court costs are civil debts and because Section 15, Article I of the Ohio Constitution prohibits imprisonment for civil debt, courts may not imprison people for their failure to pay court costs. Similarly, we find courts may not order people to work to payoff court costs. See, also *Strongsville v. Wainwood* (1989), 62 Ohio App.3d 521, 526, 577 N.E.2d 63, 66, where the court followed *Strattman* and held that trial courts may only collect court

JUL 10 11 00 AM '13  
CLERK  
NAME

costs "by the methods provided for the collection of civil judgments." We  
are aware of no authority permitting a court to order a civil debtor to perform  
community service to payoff a debt.  
nor does Affiant believe any such evidence exists, and,

12. Affiant has not seen or been provided any evidence that you have honored the Ohio  
Constitution or Statutes you took an oath to uphold nor does Affiant believe any such  
evidence exists, and.

13. Affiant has not seen or been provided any evidence that agents of the corporation  
are allowed to destroy and dismember family relationships nor does Affiant believe any  
such evidence exists they are authorized to do so.

Further Affiant sayeth not.

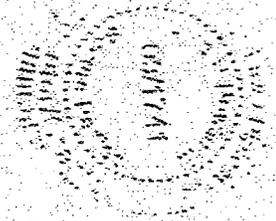
*Rosanna L. Miller*

Rosanna L. Miller

Notary

Before me \_\_\_\_\_ a Notary Public in and for \_\_\_\_\_  
county, State of Ohio; appeared (Rosanna Lynn Miller) known and made known to me  
and did affirm the truth of the facts herein stated and placed her signature on this  
document on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_, my commission expires: Notary Public  
Signature Verified on this the \_\_\_\_\_ th day of \_\_\_\_\_, 2013.



BENCH WARRANT  
Bellefontaine Municipal Court  
Bellefontaine, Ohio

EX  
C

D.O.B. 11-30-50

S.S.N. [REDACTED]

REMOVED

BELLEFONTAINE POLICE DEPARTMENT

-vs-

ROSANNA L MILLER

COPY

Case #: 12CRB01533

Original Charge: 2909.07 CRIMINAL MISCHIEF

Incident #: 122730

To BELLEFONTAINE MUNICIPAL COURT BAILIFF, GREETINGS:  
The State of Ohio, Logan County, ss.

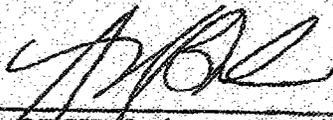
It appearing to the Court on January 31, 2014 that one ROSANNA L MILLER of 10469 WESTFALL RD., AMANDA, OH 43102 has failed to comply with a court order by failing to appear on 11-18-13 as personally notified FOR SCHEDULED PAYMENTS.

THESE THEREFORE ARE TO COMMAND YOU to take said ROSANNA L MILLER if defendant be found in your County, or, if defendant is not found in your County, that you pursue after defendant in any other County in this State, and take and safely keep defendant so that you have defendant's body forthwith before said Court.

WITNESS my signature and the seal of said Court on the day and year last aforesaid.

BOND:

\$1,051.89 CASH ONLY

  
ANN E. BECK, Judge 1/31/14

RETURN

Bellefontaine, Ohio \_\_\_\_\_, 20\_\_

Received this Writ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M., and pursuant to its command, I executed it on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by arresting the said \_\_\_\_\_ and now have defendant before the Court.

FEES

Service and Return, \_\_\_\_\_ Persons, each \$ \_\_\_\_\_

Mileage, \_\_\_\_\_ miles at \_\_\_\_\_

Total \_\_\_\_\_

Sheriff, Deputy

COPY



# THE SUPREME COURT of OHIO

OFFICE OF JUDICIAL SERVICES

EX  
D

OVER →

## COLLECTION OF FINES AND COURT COSTS IN ADULT TRIAL COURTS

Fines are separate from court costs. Court costs and fees are civil, not criminal, obligations and may be collected only by the methods provided for the collection of civil judgments.<sup>1</sup> Sole authority exists under R.C. 2947.14 for a court or magistrate to commit an offender to jail for nonpayment of fines in a criminal case. An offender **CANNOT** be held in contempt of court for refusal to pay fines.<sup>2</sup> Accordingly, unpaid fines and/or court costs may neither be a condition of probation, nor grounds for an extension or violation of probation.

### ENFORCING FINES BY IMPOSING JAIL

- A person may be jailed for a willful refusal of nonpayment of a fine that he or she has the ability to pay.<sup>3</sup>
- Prior to committing an offender to jail for nonpayment of fines, an economic ability-to-pay hearing is required, but this requirement does not arise until the trial court decides to jail the offender for failure to pay fines.<sup>4</sup>
- Notice must be provided at a reasonable time prior to the hearing.<sup>5</sup>
- A person has a right to counsel (including a public defender or court-appointed attorney) for the hearing.<sup>6</sup>
- Any person jailed for failure to pay a fine shall receive credit upon the fine at the rate of fifty dollars per day or per fraction of a day.<sup>7</sup>
- The court shall inquire and make a determination of an offender's ability to pay a fine, which shall be supported by findings of fact set forth in a judgment entry that indicates the offender's ability to pay, as well as the income, assets, and debts, as presented by the offender.<sup>8</sup>
- A person cannot be ordered to serve additional days for failure to pay a fine if the maximum jail sentence was imposed and served.<sup>9</sup> Under R.C. 2947.14(E), no commitment pursuant to this section shall exceed six months.

### IMPOSING COSTS

- Trial court must impose court costs at time of sentencing.<sup>10</sup>
  - Stated at sentencing hearing
  - Written in sentencing order
- Trial court has a mandatory duty to inform a defendant at the time of sentencing that failure to pay court costs may result in imposition of community service.<sup>11</sup>
- Trial court retains jurisdiction to waive, suspend, or modify the payment of costs at the time of sentencing or any time thereafter.<sup>12</sup>
- A court may not order a person to appear or issue a warrant for unpaid court costs.<sup>13</sup>

Note: When both fines and court costs are owed, the court has the obligation to segregate and/or allocate the amounts when imposing jail time for nonpayment, so that the appropriate mechanisms can be utilized to collect each.<sup>14</sup>

### LIMITATION OF CONTEMPT

1. Contempt *may not* be used in lieu of R.C. 2947.14 to impose jail time to collect fines.<sup>15</sup>
2. Contempt *may not* be used to collect costs.<sup>16</sup>
3. If community service is in lieu of either fines or court costs, contempt *may not* be imposed for failure to perform.<sup>17</sup>

Contempt of court may be applied if a defendant fails to appear for a court-ordered hearing, including a hearing under R.C. 2947.14, but only after the defendant has been served with a separate citation for contempt of court, notice, and advised of the right to counsel (including appointed, if applicable) and jury trial. Contempt may not be used to create a jail sentence that does not exist with the underlying offense. Contempt for non-appearance cannot be used on a summary basis. If contempt is used for non-appearance at a payment hearing, then any imposition of jail time must be based upon the failure to appear, *not for the failure to pay fines.*

Failing to follow the dictates of R.C. 2947.14 and using contempt as a sanction to collect fines can result in disciplinary violations.<sup>18</sup>

### ALLOCATION OF COURT COSTS, FINES, RESTITUTION & REIMBURSEMENTS (R.C. 2942.11)

Unless the court enters in the record of the case a different method of assigning payments, the clerk shall assign the offender's payment in the following manner:

1. Court costs, until entirely paid, then;
2. State fines or costs, on a pro rata basis, until entirely paid, then;
3. Restitution, until entirely paid, then;
4. Fines, until entirely paid, then;
5. Reimbursements

COLLECTING FINES

Permitted Methods of Collection:

- Voluntary Payment<sup>19</sup>
- Payment Plan<sup>20</sup>
- Collection Agency<sup>21</sup>
- Community Service<sup>22</sup>
- Attachment of Prisoner Accounts<sup>23</sup>
- Execution of Civil Judgment<sup>24</sup>
- Registration Block<sup>25</sup>
- Imposing Jail (see Enforcing Fines)
- Driver's License Forfeiture<sup>26</sup>
- Warrant Block<sup>27</sup>

Non-permitted Methods of Collection:

- Contempt of Court<sup>28</sup>
- Forfeiture of Confiscated Money<sup>29</sup>
- Refusal to Accept Filings<sup>30</sup>
- Violation or Extension of Probation<sup>31</sup>

COLLECTING COSTS

Permitted Methods of Collection:

- Voluntary Payment<sup>32</sup>
- Payment Plan<sup>33</sup>
- Collection Agency<sup>34</sup>
- Community Service<sup>35</sup>
- Attachment of Prisoner Accounts<sup>36</sup>
- Execution of Civil Judgment<sup>37</sup>
- Registration Block<sup>38</sup>

Non-permitted Methods of Collection:

- Imposing jail<sup>39</sup>
- Driver's License Forfeiture<sup>40</sup>
- Warrant Block<sup>41</sup>
- Contempt of Court<sup>42</sup>
- Forfeiture of Confiscated Money<sup>43</sup>
- Refusal to Accept Filings<sup>44</sup>
- Violation or Extension of Probation<sup>45</sup>

AN ALTERNATIVE: CANCELLATION/DISCHARGE

If at any time the court finds that an amount owing to the court is due and uncollectible, in whole or in part, the court may direct the clerk of the court to cancel all or part of the claim.<sup>46</sup> The court retains jurisdiction to waive, suspend, or modify the payment of the costs of prosecution, including any costs under R.C. 2947.231, at the time of sentencing or at any time thereafter.<sup>47</sup>

COMMUNITY SERVICE AS PAYMENT FOR COURT COSTS

R.C. 2947.23 authorizes a court to convert court costs to community service when a defendant fails to pay court costs or comply with a payment plan to pay court costs.

- Notice must be given to the defendant and the prosecuting attorney
- An evidentiary hearing must be held
- Limit of forty hours per month

Defendant is entitled to credit at a specified hourly credit rate defined by 29 U.S.C.A. 206(a)(1).

Offense	Statutory Authority	Limitation
Minor Misdemeanor	R.C. 2929.27(D)	Maximum 30 hours
Second, Third, and Fourth Degree Misdemeanor	R.C. 2929.27(A)	Maximum 200 hours
First Degree Misdemeanor	R.C. 2929.27(A)	Maximum 500 hours
Unclassified Misdemeanor	Suspended License Offenses <sup>48</sup>	Maximum 500 hours
Felony	R.C. 2929.17 R.C. 2951.02	Maximum 500 hours
Satisfaction of Court Costs	R.C. 2947.23	Federal minimum hourly wage rate with maximum 40 hours per month; hearing required
Satisfaction of Fines <sup>49</sup>	R.C. 2929.28	Not specified; hearing not required

**ENDNOTES**

<sup>19</sup>Stratman v. Studd (1989), 29 Ohio St.3d 95.

<sup>20</sup>Cleveland v. Anderson (1991), 82 Ohio App.3d 63.

<sup>21</sup>State v. Ellis, 2d Dist., 2008 Ohio 2719.

<sup>22</sup>State v. Perkins (2003), 154 Ohio App.3d 631.

<sup>23</sup>State v. Swift, 2d Dist., 2003 Ohio 1595.

<sup>24</sup>R.C. 2947.14 (D).

<sup>25</sup>R.C. 2947.14 (B).

<sup>26</sup>Stratman v. Studd (1989), 29 Ohio St.3d 95.

<sup>27</sup>State v. Joseph, 125 Ohio St.3d 76, 2010-Ohio-954.

<sup>28</sup>R.C. 2947.23 (A)(1)(a)(i).

<sup>29</sup>R.C. 2947.23 (C).

<sup>30</sup>Strongsville v. Walwood (1989), 62 Ohio App.3d 521.

<sup>31</sup>State v. Swift, 2d Dist., 2003 Ohio 1595.

<sup>32</sup>Alliance v. Kelly (1998), 78 Ohio App.3d 133; Cleveland v. Anderson (1992), 82 Ohio App.3d 63.

<sup>33</sup>State v. Lamb (2003), 163 Ohio App.3d 290.

<sup>34</sup>Id. & State v. Ellis, 2d Dist., 2008 Ohio 2719.

<sup>35</sup>Ohio State Bar Assn. v. Cobble (2009), 119 Ohio St.3d 438.

<sup>36</sup>R.C. 2929.28 (F).

<sup>37</sup>R.C. 2929.28 (F)(2).

<sup>38</sup>R.C. 2929.18 (F) Felony; R.C. 2929.28 (F)(1) Misdemeanor.

<sup>39</sup>R.C. 2947.13.

<sup>40</sup>R.C. 5120.13A.

<sup>41</sup>R.C. 2929.28 (D).

<sup>42</sup>R.C. 1901.14 (B) Municipal Court; 1907.25 (B) County Court; 2947.09 (A) Common Pleas Court.

<sup>43</sup>State v. Swift, 2d Dist., 2005 Ohio 1595.

<sup>44</sup>State v. Short, 2nd Dist. Darke No. 2011 CA 16, 2012-Ohio-2546.

<sup>45</sup>Stratigovich v. Winwood (1989), 62 Ohio App.3d 521.

<sup>46</sup>State v. Ellis, 2d Dist., 2008 Ohio 2719.

<sup>47</sup>State v. Cruise (2009) 175 Ohio App.3d 230.

<sup>48</sup>In re GMS Adg. Co., Inc. v. Unpaid Court Costs, Fees and Delinquencies (2010), 187 Ohio App.3d 426.

<sup>49</sup>Stratman v. Studd (1989), 29 Ohio St.3d 95.

<sup>50</sup>R.C. 1901.263 (Municipal Court); 1905.38 (Mayor's Court); 1907.251 (County Court); 1925.151 (Small Claims Division of Municipal or County Court), 2101.163 (Probate Court); 2151.542 (Juvenile Court); 2303.23 (Court of Common Pleas); R.C. 2947.23 (C).

<sup>51</sup>The following R.C. sections (2907.35, 4510.11, 4510.12, 4510.16, 4510.21, and 4511.20-23) provide for a maximum of 500 hours of community work service of the offense is charged as a "first offense" with no prior convictions set out in the citation or charging document. For these offenses, a jail sentence may not be directly imposed, but to enforce the community service assignment, the defendant may be charged with indirect criminal contempt of court in accordance with R.C. 2703.02 et. seq. for failure to complete community service. This is a separate charge, however, and the defendant would be entitled to counsel, and appointed counsel, if indigent.

<sup>52</sup>Although the statute does not set out a rate of credit

The Standard of the Supreme Court in Ohio would be to look the following into consideration in the best interest of the public interest of the State of Ohio. The Standard of the Supreme Court in Ohio would be to look the following into consideration in the best interest of the public interest of the State of Ohio. The Standard of the Supreme Court in Ohio would be to look the following into consideration in the best interest of the public interest of the State of Ohio.



# ACLU Report Exposes Debtors' Prison Practices in Ohio

Investigation into Eleven Ohio Counties finds that Seven are Illegally Jailing People for Inability to Pay Fines

April 4, 2013

FOR IMMEDIATE RELEASE

CONTACT: (212) 649-2666; [media@aclu.org](mailto:media@aclu.org)

CLEVELAND – The U.S. Constitution and Ohio state law prohibit courts from jailing people for being too poor to pay their legal fines, but in several Ohio counties, local courts are doing it anyway. The ACLU of Ohio today released *The Outskirts of Hope*, a report that chronicles a nearly yearlong investigation into Ohio's debtors' prisons and tells the stories of six Ohioans whose lives have been damaged by debtors' prison practices.

"Being poor is not a crime in this country," said Rachel Goodman, Staff Attorney at the ACLU Racial Justice Program.

"Incarcerating people who cannot afford to pay fines is both unconstitutional and cruel—it takes a tremendous toll on precisely those families already struggling the most."

The law requires that courts hold hearings to determine defendants' financial status before jailing them for failure to pay fines, and defendants must be provided with lawyers for these hearings. If a defendant cannot pay, the court must explore options other than jail.

"Supreme Court precedent and Ohio law make clear that local courts and jails should not function as debtors' prisons," said Carl Takei, Staff Attorney at the ACLU National Prison Project. "Yet many mayors' courts and some municipal courts jail people without making any attempt whatsoever to determine whether they can afford to pay their fines."

Beyond the questions of legality, debtors' prison practices make no financial sense since courts routinely spend more to jail defendants than they would recover in fines.

"Not only are these courts violating the law, they are actually losing money doing it," said ACLU Director of Communications and Public Policy Mike Brickner. "In every case we profiled for *The Outskirts of Hope*, the county spent more money than it collected to incarcerate people for failure to pay fines. In many cases, it spent more than the defendant owed in the first place."

"These practices are legally prohibited, morally questionable, and financially unsound. Nevertheless, they appear to be alive and well in Ohio," added Brickner. "It's like something out of a Charles Dickens novel."

In conjunction with the release of *The Outskirts of Hope*, the ACLU has sent letters to seven Ohio courts, calling for an immediate end to these illegal debtors' prison practices. In response to a letter sent by the ACLU, the Chief Justice of the Supreme Court of Ohio expressed appreciation for the investigation and indicated interest in meeting to discuss the issue.

Published on American Civil Liberties Union (<https://www.aclu.org>)

Source URL: <https://www.aclu.org/criminal-law-reform/aclu-report-exposes-debtors-prison-practices-ohio>



Brian P. Fahey D.O.  
Ann M. McLann D.O.  
Yvonne Lin M.D.  
Christopher M. Vincent D.O.

Neurologic Specialists Inc.

165 North Murray Hill Road, Columbus, Ohio 43228  
7811 Filnt Road, Suite C, Columbus, Ohio 43235  
4995 Bradenton Avenue, Suite 100, Dublin, Ohio 43017

614 • 870 • 3669  
614 • 870 • 3449

EX  
G

April 2, 2014

Winfred Stoltzfus, M.D.  
2231 Timber Trail  
Bellefontaine, Ohio 43311

937-592-5285

RE: Clair Miller  
DOB: 08/23/1939

Dear Dr. Stoltzfus:

Clair Miller was seen for a neurologic consultation on April 2, 2014. The full history, exam, etc., are readily available upon request.

Impression: Mr. Miller has a history of cognitive impairment. This has been progressive over years. This tempo is highly suggestive of one of the dementias. From our encounter, today, I suspect it is at least moderate in severity.

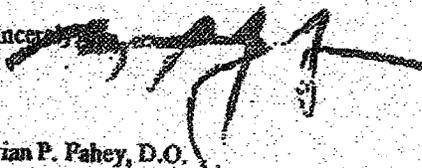
There have been some worries that medications were causing his cognitive impairment. Some of his medicines have been decreased, and he is being "brighter," but cognition has not improved overall. This tempo of decline over the years is not consistent with cognitive impairment due merely to medication side effects.

Plan: I contemplated laboratory test, MRI, EEG, etc. However, I doubt these are going to change treatment or provide anything meaningful - for the most part. It has been ten years since Mr. Miller has handled his finances. If he has had dementia for ten years, then I cannot imagine we are missing a thyroid abnormality, B12 deficiency, etc. By now, we would have known about these other systemic disorders.

Likewise, the possibility that MRI or neuroimaging is going to show normal pressure hydrocephalus or other treatable disorder is quite low - with the same argument as a laboratory test.

I do think it is wise to perform a mental status exam. That should give us more information on the type of dementia. At that point, we can also contemplate an acetylcholinesterase inhibitor or Namenda. The acetylcholinesterase inhibitors will have to be contemplated carefully, and we have to make sure that there is not an interaction with the current medication that he is taking.

I reviewed all the above with Mr. Miller and his guardian, Mr. Fansler. All questions were answered. Mr. Fansler agrees with the above strategy. Mental status exam will be in four weeks, and we will reassess at that point.

Sincerely,  


Brian P. Fahey, D.O.

BF/esc

cc: Mr. Steven R. Fansler  
P.O. Box 764,  
West Liberty, Ohio 43081

EX

C

**BELLEFONTAINE MUNICIPAL COURT**  
226 West Columbus Avenue  
Bellefontaine, Ohio 43311  
(937) 599-6127 \* Fax (937) 599-2488

**ANN E. BECK**  
Judge

**JILL C. CAUDILL**  
Clerk

April 14, 2014

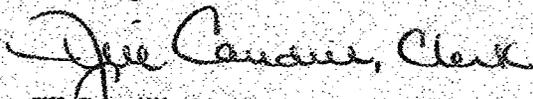
Ms. Rosanna L. Miller  
10469 Westfall Road  
Amanda, OH 43102

Dear Ms. Miller:

I am writing regarding your letter received in this court on March 27, 2014. Judge Beck does not have a judicial bond. Secondly, the number of remaining outstanding bench warrants issued since January 1, 2012 is 543; this would include all bench warrants, not only the ones issued for court costs. Lastly, Judge Beck requires all witnesses to take a sworn oath before testifying on the stand; there are no exceptions.

Your other requests have been forwarded to the City Law Director, Howard Traul, as Joseph Bader is not an employee of the Court.

Sincerely,

  
Jill Caudill, Clerk

Cc: Howard Traul, City Law Director  
Correspondence file

JILL CAUDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT

EX  
D

**Bellefontaine Municipal Court**  
226 West Columbus Ave.  
Bellefontaine, Ohio 43311  
Phone-(937)-599-6127 Fax-(937)-599-2488  
MAY 21 PM 2:59  
FILED

Ann Beck  
Judge

Jill Caudill  
Clerk

Sergeant Scott Marlow

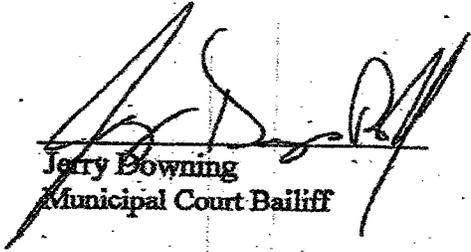
State Of Ohio  
City Of Bellefontaine

~~VS~~  
Rosanna E. Miller

Case #12CRB01533

S.S.N. ~~48-00000~~

Please remove the above listed case from your L.E.A.D.S. computer  
as the case has been satisfied this 21 day of May, 2014.

  
Jerry Downing  
Municipal Court Bailiff

I HEREBY CERTIFY THE FOREGOING TO  
BE A TRUE COPY OF THE ORIGINAL.  
JILL CAUDILL, Clerk  
BELLEFONTAINE MUNICIPAL COURT  
BY Jerry Downing  
DEPUTY

EX  
E

**BELLEFONTAINE MUNICIPAL COURT**  
226 West Columbus Avenue  
Bellefontaine, Ohio 43311  
(937) 599-6127 \* Fax (937) 599-2488

**ANN E. BECK**  
Judge

**JILL C. CAUDILL**  
Clerk

September 2, 2014

Ms. Rosanna L. Miller  
10469 Westfall Road  
Amanda, OH 43102

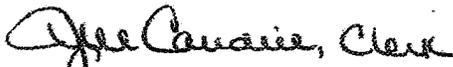
Dear Ms. Miller,

Please find enclosed copies of the oaths of office and the copies of filings you requested in your letter received by the court today. The court employees required to take oaths are Judge Beck, Brenda McMillen, Karia Stevens, Angie Shoe, Brianne Alig, Angie Birt, Mindy Mullins, Jeannie Wren, Dave Newland, Jerry Downing, Mick Lile, and myself.

Also, all of the above listed individuals, with the exception of Judge Beck, are bonded; they are covered by the Bellefontaine City's insurance policy which I already sent to you on June 11, 2014.

If you need anything further, please let me know.

Sincerely,



Jill Caudill, Clerk

Cc: Correspondence File

EX  
F

JILL CAUDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT

IN BELLEFONTAINE MUNICIPAL,  
LOGAN COUNTY, OHIO

2014 JUN 18 PM 2:38

FILED

Rosanna L. Miller  
10469 Westfall Rd.  
Amanda, Ohio 43102

#12 CRB 1533

Plaintiff

vs.

ANN E. BECK, JUDGE et.al.  
BELLEFONTAINE CITY  
MUNICIPAL COURT  
226 W. COLUMBUS ST.  
BELLEFONTAINE, OH. 43311

COUNTERCLAIM  
FOR  
FALSIFICATION to  
INCRIMINATE

FINAL NOTICE

Defendant

Now comes Rosanna L. Miller, (Plaintiff), and submits this Counterclaim for Final Notice.

1. Plaintiff adheres to all facts in the counterclaim filed on May 21, 2014 that is attached after it was tampered, manipulated and removed from the record.
2. This Counterclaim currently remains un rebutted as truth in commerce.
3. The 10 days will be reapplied to this final notice for answer at which time this claim will become ripe for default.
4. The remedy in this counterclaim that *results from the false arrest* will apply as originally written.
5. Plaintiff is a Court of Record in common law and issues this Writ of Execution to enforce this judgment or decree.

Respectfully submitted,

  
Rosanna L. Miller

JILL CAUDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT

IN THE BELLEFONTAINE MUNICIPAL COURT

COUNTY OF LOGAN

2014 MAY 27 PM 2:42

STATE OF OHIO

FILED

STATE OF OHIO  
CITY OF BELLEFONTAINE

-vs-

CASE # 12CRB01533

**ROSANNA L. MILLER**

**JOURNAL ENTRY**

For reasons previously stated in this court's journal entry dated November 18, 2013, the filings received from defendant on May 21, 2014 are hereby **STRICKEN** from the court's record and **ORDERED** returned to defendant.



ANN E. BECK, JUDGE  
BELLEFONTAINE MUNICIPAL COURT

CC: Rosanna Miller  
Case file

Journal \_\_\_\_\_ Page \_\_\_\_\_

IN BELLEFONTAINE MUNICIPAL,  
LOGAN COUNTY, OHIO

JILL CAIDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT

2014 MAY 21 AM 11:06

FILED

Rosanna L. Miller  
10469 Westfall Rd.  
Amanda, Ohio 43102

Plaintiff

vs.

ANN E. BECK, JUDGE et.al.  
BELLEFONTAINE CITY  
MUNICIPAL COURT  
226 W. COLUMBUS ST.  
BELLEFONTAINE, OH. 43311

Defendant

#12 CRB 1533

COUNTERCLAIM  
FOR  
FALSIFICATION to  
INCRIMINATE

Now comes Rosanna L. Miller, (Plaintiff), and for her Counterclaim, states as follows: Affidavit is attached hereto.

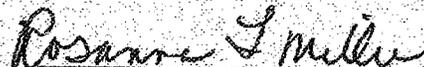
1. Plaintiff is an inhabitant of Ohio and reserves the right to amend this counterclaim.
2. Plaintiff stands in the Court of Record of Common Law.
3. All the original facts from the Counterclaim file stamped Sep. 27, 2013 by plaintiff stand as truth in commerce. The Default was filed with the County Recorder on Oct 22, 2013. It remains unpaid and is due. (EX A)
4. The Affidavit of Specific Negative Averment filed Nov. 18, 2013 has gone unanswered only to again confirm the harassment against Plaintiff is to remove her from her Father with criminal intent between the agents to continue to plunder her family's estate.
5. It was stated on May 13, 2014 at hearing, Judge Ann Beck (Defendant) has removed pleadings from case files. Courts of Record do not remove records. Pursuant to R.C. 2913.42, 2921.13, 3.07 and 18 U.S.C. 1001, 2071 it is criminal to remove and tamper with records.
6. This is confirmed by the Ohio Attorney General's Opinion 94-089 dated December 13, 1994 to Morgan County Prosecuting Attorney Richard Ross. *"It is one of the well recognized canons*

JILL CAUDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT  
2014 MAY 21 AM 11:00

*of statutory construction that when a statute directs a thing may be done by a specified means or in a particular manner it may not be done by other means or in a different manner." Page 6*

7. Defendant Beck issued a warrant for a civil action that is unconstitutional forfeiting jurisdiction and violating her oath. Pursuant to the Ohio Constitution/Art 1, Sec 15 states "NO IMPRISONMENT FOR DEBT" yet plaintiff was again arrested against her will and suffered unrepairable harm from these actions.
8. The Ohio Supreme Court instructed the courts against such practice. (EX B) The American Civil Liberties Union has written about unconstitutional Debtor's Prison. The Disciplinary Counsel has sanctioned against this behavior.
9. Steven Fansler admitted on April 28, 2014 in the probate hearing that he knowingly knew Clair could not handle his affairs or finances for the last 10 years. (EX C) This is in complete reversal to his many years of pleadings. Testimony Steven Fansler has given on behalf of Clair is null and void. The POA and REVOCATION included as exhibits with the first Counterclaim filed Sept 27, 2013 are fraud. When fraud is committed on the court without penalty, the court holds no jurisdiction. Fraud from the court cannot be accepted.
10. For these reasons there is no crime nor ever was, that plaintiff committed. The wrongdoing that has been committed to plaintiff and her father by the defendants cannot be made whole under Natural Law. The remedy she wishes is her father returned and the estate reimbursed what was stolen by times three.
11. For the wrongful incarceration, all attacks on plaintiff removed from record and restitution for any out of pocket expense. The amount of \$864 per day for the imprisonment that she did not have to suffer till it is paid in full, times three.
12. Plaintiff stands in a Court of Record and issues this Writ of Execution to force this judgment or decree in Common Law\*.

Respectfully submitted,

  
Rosanna L. Miller

\* As distinguished from law created by the enactment of legislatures, the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs; and, in this sense, particularly the ancient unwritten law of England. [1 Kent, Comm. 492. Western Union Tel. Co. v. Call Pub. Co., 21 S.Ct. 561, 181 U.S. 92, 45 L.Ed. 765; Barry v. Port Jervis, 72 N.Y.S. 104, 64 App. Div. 268; U. S. v. Miller, D.C.Wash., 236 F. 798, 800.] [Black's Law 4th edition, 1891]

JILL CAUDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT

2014 MAY 21 AM 11:06

FILED

Affidavit of Rosanna Miller

Now comes Rosanna Miller and being first duly sworn according to law, hereby states from personal knowledge as follows:

1. Affiant is over the age of 18 and competent to state that all aforementioned facts listed above are true and correct.
2. Affiant is the daughter of and duly appointed by Clair and Ann to handle their affairs.
3. Affiant states under Natural Law she cannot be committing criminal trespassing at her parent's home.
4. Affiant states the repetitive damages by defendants have harmed affiant's attempts to secure safety for her father, justice for her mother's death and ethical accounting of the family's estate that the superior and plenary guardians have committed.

Affiant swears under penalty of perjury that to the best of her ability, this is a true Statement of Affidavit in Commerce so help me God. This affidavit is considered truth unless rebutted point by point, within 10 days of presentment.

Executed on this 21 day of May, in the Year of our Lord, 2014.

Rosanna L. Miller  
 Rosanna L. Miller, Affiant  
 10469 Westfall Rd.  
 Amanda, Ohio 43102  
 740-969-2468

STATE OF Ohio )  
 ) SS:  
 COUNTY OF Logan )

Subscribed and sworn before me this 21 day of May, 2014, by Rosanna L. Miller, proved to me on the basis of satisfactory evidence, to be the person who appeared before me.

Elaine Berry  
 Notary Public, State of Ohio  
 Exp. Date 2/7/2018

JILL CAUDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT  
MUNICIPAL  
2014 COURT OF COMMON PLEAS  
LOGAN COUNTY, OHIO  
FILED

JILL CAUDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT  
2013 OCT 22 PM 2:59  
FILED

Rosanna L. Miller  
Plaintiff

-vs-

BELLEFONTAINE MUNICIPAL COURT CORP. et al  
Defendant

BELLEFONTAINE POLICE DEPT. CORP. et al  
Defendant

STEVEN R. FANSLER OFFICER OF THE COURT  
Defendant

§  
§  
§  
§  
§  
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§

MOTION FOR ENTRY OF  
DEFAULT JUDGMENT

EX  
A

Plaintiff, Rosanna L. Miller, moves the clerk of court or office to enter a default against defendants listed above in accordance with the demand for relief on the grounds that said defendants have failed to defend pursuant to Ohio Rule of Civil Procedure 55(a). In support of this request plaintiff relies upon the record in this case and the affidavit submitted herein.

Dated this 22 day of October 2013.

*Rosanna L. Miller*  
Rosanna L. Miller, in Propria Persona

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing MOTION FOR ENTRY OF DEFAULT JUDGMENT and AFFIDAVIT IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT JUDGMENT has been served on 22 day of October, 2013 in person to the above listed defendants.

*Rosanna L. Miller*  
Rosanna L. Miller  
10469 Westfall Rd.  
Amanda, Ohio 43102

MUNICIPAL  
COURT OF COMMON PLEAS  
LOGAN COUNTY, OHIO

JILL CAUBILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT  
2014 MAY 21 AM 11:06

~~FILED~~

Rosanna L. Miller §  
Plaintiff §  
-vs- §  
BELLEFONTAINE MUNICIPAL COURT CORP. et al §  
Defendant §  
BELLEFONTAINE POLICE DEPT. CORP. et al §  
Defendant §  
STEVEN R. FANSLER OFFICER OF THE COURT §  
Defendant §

AFFIDAVIT IN SUPPORT OF  
MOTION FOR ENTRY OF  
DEFAULT JUDGMENT

I, Rosanna L. Miller, being duly sworn, states as follows:

1. I am the plaintiff in the above entitled action and I am familiar with the file, records and pleadings in this matter.
2. The complaint and claim was served upon the defendants on September 27, 2013.
3. Defendant Judge Ann Beck acquiesced to the complaint of facts file stamped October 1, 2013. (EX A)
4. Unrebutted facts stand as truth in commerce.
5. Plaintiff served second notice to defendants on October 8 for payment due on October 14, 2013 as written in original claim.
6. Plaintiff served third and final notice for payment on October 15, 2013. (EX B)
7. Defendants have failed to defend and pay damages due, therefore are now in default.
8. The claim of the plaintiff requests that the clerk of court enter default for:
  - (1) A public notice of apology posted in all local media for the defamation agents caused plaintiff.
  - (2) All charges will be removed or cancelled from all record keeping of any form as though they never existed.
  - (3) Agents will cease and desist their attacks on plaintiff and leave in peace.
  - (4) From the day agents falsely arrested Rosanna on September 26, 2011 up to October 15, 2013; agents will pay damages of one cent per second for a total of \$648,864.00. The amount of \$864.00 will be added per day till payment is made.



EA  
A  
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JILL CAUDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT

JILL CAUDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT

IN THE BELLEFONTAINE MUNICIPAL COURT  
2014 MAY 27 AM 11:06  
LOGAN COUNTY, OHIO

FILED

2013 OCT -1 AM 10:59

STATE OF OHIO,  
Plaintiff

-VS-  
ROSANNA L. MILLER  
Defendant

CASE NO. 12 CRB 01533 A&B  
12 CRB 01534 A&B

FILED

JOURNAL ENTRY

This matter came before the Court on September 27, 2013, upon the Defendant, Rosanna L. Miller's, "COUNTERCLAIM For FALSIFICATION to INCRIMNATE: Upon review of the document, the Court finds that the document is, in part, a Notice of Appeal. These cases were concluded on December 30, 2012, when the Defendant was convicted at trial. The Defendant was present and repeatedly declined to participate. Therefore, it is the order of this Court that the Defendant's, "COUNTERCLAIM For FALSIFICATION to INCRIMNATE be transferred to the Third District Court of Appeals, along with a certified copy of the Order and Judgment Entries of Convictions in these cases for determination of whether this is an allowable appeal.

All other issues in the document fall outside the jurisdiction of this Court so will not be addressed.

All until further order of this Court.

  
\_\_\_\_\_  
Judge Ann E. Beck

Cc: Rosanna L. Miller  
Prosecutor Joseph Bader

JC28  
Pg 802

JILL CANDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT

IN THE MUNICIPAL COURT OF BELLEFONTAINE, OHIO

JILL CANDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT

EA  
D  
DV

~~2013 MAY 24 AM 11:05~~

~~FILED~~

2013 OCT 15 PM 3:28

Rosanna L. Miller  
Plaintiff

-vs-

BELLEFONTAINE MUNICIPAL COURT CORP. et al  
Defendant

BELLEFONTAINE POLICE DEPT. CORP. et al  
Defendant

STEVEN E. FANSLER OFFICER OF THE COURT  
Defendant

Case no 12 CR 01533  
12 CR 01534

**COUNTER CLAIM**  
**For**  
**FALSIFICATION to**  
**INCRIMINATE**  
**Third and Final Notice**

Now comes Rosanna L. Miller (Rosanna) a living flesh and blood child of God and counter claims against defendants (agents) of the corporation for deprivation of unalienable God endowed rights protected by the Constitution, while they acted under color of law and in their own capacity. The Counter Claim for Falsification to incriminate with Motion 60 (b) was originally filed September 27, 2013 and is referenced as if it was re-written herein and attached. Judge Ann Beck filed an answer on October 1, 2013 and acquiesced to the CounterClaim by failing to rebut the facts that were produced with evidence in exhibits, under penalty of perjury. Rosanna filed the second notice of settlement on October 8, 2013 for damages to be paid by October 14, 2013 as stated in the original Claim. This is the *third and final* notice that shall be settled immediately upon receipt of this notice.

WHEREFORE, the agents violated the laws and falsely convict Rosanna of baseless victimless crimes issuing a bill of pains and penalty that caused deprivation of rights under color of law and in their own capacity. This matter shall be settled now through the following stipulations and agreement to alleviate further litigation for criminal and civil action.

1. There will be a public notice of apology posted in all local media for the defamation agents

JILL CAUDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT

2014 MAY 21 AM 11:06

FILED

- caused to Rosanna.
2. All charges will be removed or cancelled from all record keeping of any form as though they never existed.
  3. Agents will cease and desist their attacks on Rosanna and leave in peace.
  4. From the day agents falsely arrested Rosanna on September 26, 2011 up to October 15, 2013; agents will pay damages of one cent per second for a total of \$648,864.00. This will compound at the rate of \$864.00 per day till payment is made.
  5. For the false conviction and everyday agents put constraints to dismantle and sever Rosanna's endowed rights with her father, as of September 12, 2012 up to October 15, 2013, agents will pay damages of one cent per second for a total of \$344,736.00. This will compound at the rate of \$864.00 per day till payment is made.
  6. The total of \$993,600 is due today on October 15, 2013. Rosanna will collect this payment at 3:00 pm on October 16, 2013.
  7. This settlement cannot be refused or denied, which was acquiesced to in the un rebutted answer to the facts of the Counter Claim from Judge Ann Beck.



Rosanna L. Miller, *In Propria Persona*  
10469 Westfall Rd.  
Amanda, Oh. 43102  
740-969-2468

JILL CAUDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT

2014 MAY 21 AM 11:07

VERIFICATION OF ROSANNA L. MILLER

**FILED**

Personally appeared before me, the undersigned Notary Public duly authorized to administer oaths, Rosanna L. Miller, who after being duly sworn deposes and states that she is authorized to make this verification on behalf of herself and that the facts alleged in the foregoing VERIFIED COMPLAINT are true and correct based upon her personal knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters she believes them to be true.

I swear that the information entered above is true and correct as I know it, to the best of my knowledge, under the penalties of perjury.

Oct 15, 2013  
(date)

Rosanna L Miller  
Rosanna L. Miller

State of Ohio )  
County of Logan )  
JSS:

Subscribed and sworn before me this 15th day of October, 2013,  
by Rosanna L. Miller, proved to me on the basis of satisfactory evidence, to be the person who appeared before me.

Beth A. Christian  
Notary Public, State of Ohio

**BETH A. CHRISTIAN**  
Notary Public - State of Ohio  
My Commission Expires March 26, 2016

JILL CAUDILL, CLERK  
THE SUPREME COURT OF OHIO  
MUNICIPAL COURT

EX  
B

OFFICE OF JUDICIAL SERVICES

2014 MAY 21 AM 11:07

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Fines are separate from court costs. Court costs and fees are civil, not criminal, obligations and may be collected only by the methods provided for the collection of civil judgments.<sup>1</sup> Sole authority exists under R.C. 2947.14 for a court or magistrate to commit an offender to jail for nonpayment of fines in a criminal case. An offender **CANNOT** be held in contempt of court for refusal to pay fines.<sup>2</sup> Accordingly, unpaid fines and/or court costs may neither be a condition of probation, nor grounds for an extension or violation of probation.

- A person may be jailed for a willful refusal of nonpayment of a fine that he or she has the ability to pay.<sup>3</sup>
- Prior to committing an offender to jail for nonpayment of fines, an economic ability-to-pay hearing is required, but this requirement does not arise until the trial court decides to jail the offender for failure to pay fines.<sup>4</sup>
- Notice must be provided at a reasonable time prior to the hearing.<sup>5</sup>
- A person has a right to counsel (including a public defender or court-appointed attorney) for the hearing.<sup>6</sup>
- Any person jailed for failure to pay a fine shall receive credit upon the fine at the rate of fifty dollars per day or per fraction of a day.<sup>7</sup>
- The court shall inquire and make a determination of an offender's ability to pay a fine, which shall be supported by findings of fact set forth in a judgment entry that indicates the offender's ability to pay, as well as the income, assets, and debts, as presented by the offender.<sup>8</sup>
- A person cannot be ordered to serve additional days for failure to pay a fine if the maximum jail sentence was imposed and served.<sup>9</sup> Under R.C. 2947.14(E), no commitment pursuant to this section shall exceed six months.
- Trial court must impose court costs at time of sentencing.<sup>10</sup>
  - Stated at sentencing hearing
  - Written in sentencing order
- Trial court has a mandatory duty to inform a defendant at the time of sentencing that failure to pay court costs may result in imposition of community service.<sup>11</sup>
- Trial court retains jurisdiction to waive, suspend, or modify the payment of costs at the time of sentencing or any time thereafter.<sup>12</sup>
- A court may not order a person to appear or issue a warrant for unpaid court costs.<sup>13</sup>

Note: When both fines and court costs are owed, the court has the obligation to segregate and/or allocate the amounts when imposing jail time for nonpayment, so that the appropriate mechanisms can be utilized to collect each.<sup>14</sup>

Failing to follow the dictates of R.C. 2947.14 and using contempt as a sanction to collect fines can result in disciplinary violations.<sup>15</sup>

1. Contempt *may not* be used in lieu of R.C. 2947.14 to impose jail time to collect fines.<sup>15</sup>
2. Contempt *may not* be used to collect costs.<sup>16</sup>
3. If community service is in lieu of either fines or court costs, contempt *may not* be imposed for failure to perform.<sup>17</sup>

Contempt of court may be applied if a defendant fails to appear for a court-ordered hearing, including a hearing under R.C. 2947.14, but only after the defendant has been served with a separate citation for contempt of court, notice, and advised of the right to counsel (including appointed, if applicable) and jury trial. Contempt may not be used to create a jail sentence that does not exist with the underlying offense. Contempt for non-appearance cannot be used on a summary basis. If contempt is used for non-appearance at a payment hearing, then any imposition of jail time must be based upon the failure to appear, *not for the failure to pay fines.*

Unless the court enters in the record of the case a different method of assigning payments, the clerk shall assign the offender's payment in the following manner:

1. Court costs, until entirely paid, then;
2. State fines or costs, on a pro rata basis, until entirely paid, then;
3. Restitution, until entirely paid, then;
4. Fines, until entirely paid, then;
5. Reimbursements

J.M. CAUDILL, CLERK  
BELLEFONTAINE  
MUNICIPAL COURT

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- Permitted Methods of Collection:**
- Voluntary Payment<sup>19</sup>
  - Payment Plan<sup>20</sup>
  - Collection Agency<sup>21</sup>
  - Community Service<sup>22</sup>
  - Attachment of Prisoner Accounts<sup>23</sup>
  - Execution of Civil Judgment<sup>24</sup>
  - Registration Block<sup>25</sup>
  - Imposing Jail (see Enforcing Fines)
  - Driver's License Forfeiture<sup>26</sup>
  - Warrant Block<sup>27</sup>

- Non-permitted Methods of Collection:**
- Contempt of Court<sup>28</sup>
  - Forfeiture of Confiscated Money<sup>29</sup>
  - Refusal to Accept Filings<sup>30</sup>
  - Violation or Extension of Probation<sup>31</sup>

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  - Refusal to Accept Filings<sup>30</sup>
  - Violation or Extension of Probation<sup>31</sup>

If at any time the court finds that an amount owing to the court is due and uncollectible, in whole or in part, the court may direct the clerk of the court to cancel all or part of the claim.<sup>32</sup> The court retains jurisdiction to waive, suspend, or modify the payment of the costs of prosecution, including any costs under R.C. 2947.231, at the time of sentencing or at any time thereafter.<sup>33</sup>

R.C. 2947.23 authorizes a court to convert court costs to community service when a defendant fails to pay court costs or comply with a payment plan to pay court costs.

- Notice must be given to the defendant and the prosecuting attorney
- An evidentiary hearing must be held
- Limit of forty hours per month

Defendant is entitled to credit at a specified hourly credit rate defined by 29 U.S.C.A. 206(a)(1).

Offense	Statutory Authority	Limitation
Minor Misdemeanor	R.C. 2929.27(D)	Maximum 30 hours
Second, Third, and Fourth Degree Misdemeanor	R.C. 2929.27(A)	Maximum 200 hours
First Degree Misdemeanor	R.C. 2929.27(A)	Maximum 500 hours
Unclassified Misdemeanor	Suspended License Offenses <sup>34</sup>	Maximum 500 hours
Felony	R.C. 2929.17 R.C. 2951.02 R.C. 2947.23	Maximum 500 hours
Satisfaction of Court Costs	R.C. 2947.23	Federal minimum hourly wage rate with maximum 40 hours per month; hearing required
Satisfaction of Fines <sup>35</sup>	R.C. 2929.26	Not specified; hearing not required

<sup>19</sup>Stratton v. Smith (1969), 29 Ohio St.2d 95.  
<sup>20</sup>Cleveland v. Anderson (1992), 61 Ohio App.3d 62.  
<sup>21</sup>State v. Ellis, 2d Dist., 2008 Ohio 2739.  
<sup>22</sup>State v. Portant (2005), 154 Ohio App.3d 631.  
<sup>23</sup>State v. Smith, 2d Dist., 2005 Ohio 1595.  
<sup>24</sup>R.C. 2947.14 (B).  
<sup>25</sup>R.C. 2947.14 (B).  
<sup>26</sup>Stratton v. Smith (1969), 29 Ohio St.2d 95.  
<sup>27</sup>Duke v. Jurek, 123 Ohio St.3d 76, 2010 Ohio 654.  
<sup>28</sup>R.C. 2947.23 (A)(1)(a)(i).  
<sup>29</sup>R.C. 2947.23 (C).  
<sup>30</sup>Stangorville v. Waterford (1980), 62 Ohio App.3d 522.  
<sup>31</sup>State v. Smith, 2d Dist., 2005 Ohio 1595.  
<sup>32</sup>Allmon v. Kelly (1982), 48 Ohio App.3d 133; Cleveland v. Anderson (1992), 61 Ohio App.3d 62.  
<sup>33</sup>State v. Lewis (2005), 163 Ohio App.3d 290.  
<sup>34</sup>See State v. Ellis, 2d Dist., 2008 Ohio 2719.

<sup>35</sup>Ohio State Bar Assn. v. Galbraith (2008), 119 Ohio St.3d 428.  
<sup>36</sup>R.C. 2929.26 (F).  
<sup>37</sup>R.C. 2929.28 (F)(3).  
<sup>38</sup>R.C. 2929.18 (F) Felony.  
<sup>39</sup>R.C. 2929.28 (F)(1) Misdemeanor.  
<sup>40</sup>R.C. 2929.28 (B).  
<sup>41</sup>R.C. 5136.135.  
<sup>42</sup>R.C. 2929.26 (F).  
<sup>43</sup>R.C. 1901.44 (B) Municipal Court; 1907.25 (B) County Court; 2947.09 (A) Common Pleas Court.  
<sup>44</sup>State v. Smith, 2d Dist., 2005 Ohio 1595.  
<sup>45</sup>State v. Smith, 2d Dist., 2002 Ohio 2534.  
<sup>46</sup>Stangorville v. Waterford (1980), 61 Ohio App.3d 511.  
<sup>47</sup>State v. Ellis, 2d Dist., 2008 Ohio 2719.  
<sup>48</sup>State v. Cudde, (2005) 183 Ohio App.3d 230.  
<sup>49</sup>In re Child Abuse, Care, Inc. v. Hospital Court Costs, Fees and Delinquencies (2010), 187 Ohio App.3d 426.  
<sup>50</sup>Stratton v. Smith (1969), 29 Ohio St.2d 95.  
<sup>51</sup>R.C. 1901.263 (Municipal Court); 1907.257 (County Court); 1925.131 (Small

Court).  
<sup>52</sup>R.C. 2929.25 (F)(2).  
<sup>53</sup>R.C. 2929.18 (F) Felony; R.C. 2929.28 (F)(1) Misdemeanor.  
<sup>54</sup>R.C. 2947.23.  
<sup>55</sup>R.C. 3178.133.  
<sup>56</sup>R.C. 2929.28 (D).  
<sup>57</sup>R.C. 1901.44 (B) Municipal Court; 1907.25 (B) County Court; 2947.09 (A) Common Pleas Court.  
<sup>58</sup>State v. Smith, 2d Dist., 2005 Ohio 1595.  
<sup>59</sup>State v. Smith, 2d Dist., 2002 Ohio 2534.  
<sup>60</sup>Stangorville v. Waterford (1980), 61 Ohio App.3d 511.  
<sup>61</sup>State v. Ellis, 2d Dist., 2008 Ohio 2719.  
<sup>62</sup>State v. Cudde, (2005) 183 Ohio App.3d 230.  
<sup>63</sup>In re Child Abuse, Care, Inc. v. Hospital Court Costs, Fees and Delinquencies (2010), 187 Ohio App.3d 426.  
<sup>64</sup>Stratton v. Smith (1969), 29 Ohio St.2d 95.  
<sup>65</sup>R.C. 1901.263 (Municipal Court); 1907.257 (County Court); 1925.131 (Small

Court).  
<sup>66</sup>Chief, Division of Municipal or County Court; 2101.163 (Probate Court); 2151.543 (Juvenile Court); 2301.23 (Court of Common Pleas).  
<sup>67</sup>R.C. 2947.23 (C).  
<sup>68</sup>The following R.C. sections (4307.35, 4310.21, 4316.12, 4316.16, 4316.21, and 4316.26) provide for a maximum of 500 hours of community work service if the offense is observed on a "first offense" with no prior convictions set out in the citation or charging document. For those offenses, a jail sentence may not be directly imposed, but an officer may be charged with indirect criminal contempt of court in accordance with R.C. 2705.62 et. seq. for failure to complete community service. This is a separate charge, however, and the defendant would be entitled to counsel, and appointed counsel, if indigent. Although the statute does not set out a rate of credit

of a fine when converted to community service, the court in State v. Glawick (1993), 61 Ohio App.3d 530 imposed the appropriate rate to be the daily rate for incarceration under R.C. 2947.14. The current rate is \$30.00 per day.

The Staff of the Supreme Court of Ohio would like to thank the following who contributed to the development of this bench card: Judge Patrick Carroll of the Lakewood Municipal Court, Judge John T. Roby III of the Delaware Municipal Court, Judge Beth W. Root of the Fairborn Municipal Court and Tim Young, the Ohio Public Defender.

Neurologic Specialists Inc.

Brian P. Fahay D.O.

Ann H. Nelson D.O.

Timothy M.D.

Christopher M. Viscusi M.D.

JILL CAUDILL, CLERK  
MUNICIPAL COURT

165 North Murray Hill Road, Columbus, Ohio 43229

7811 Flint Road, Suite C, Columbus, Ohio 43225

4995 Bradenton Avenue, Suite 100, Dublin, Ohio 43017

814-870-3669  
814-870-3449

MAY 21 AM 11:07

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EX

C

April 2, 2014

Winfred Stoltzins, M.D.  
2231 Timber Trail  
Bellefontaine, Ohio 43111

937-592-5285

RE: Clair Miller  
DOB: 08/23/1939

Dear Dr. Stoltzins:

Clair Miller was seen for a neurologic consultation on April 2, 2014. The full history, exam, etc., are readily available upon request.

Impression: Mr. Miller has a history of cognitive impairment. This has been progressive over years. This tempo is highly suggestive of one of the dementias. From our encounter today, I suspect it is at least moderate in severity.

There have been some worries that medications were causing his cognitive impairment. Some of his medicines have been decreased, and he is being "brighter," but cognition has not improved overall. This tempo of decline over the years is not consistent with cognitive impairment due mostly to medication side effects.

Plan: I contemplated laboratory test, MRI, EEG, etc. However, I doubt these are going to change treatment or provide anything meaningful - for the most part. It has been ten years since Mr. Miller has handled his finances. If he has had dementia for ten years, then I cannot imagine we are missing a thyroid abnormality, B12 deficiency, etc. By now, we would have known about these other systemic disorders.

Likewise, the possibility that MRI or neuroimaging is going to show normal pressure hydrocephalus or other treatable disorder is quite low - with the same argument as a laboratory test.

I do think it is wise to perform a mental status exam. That should give us more information on the type of dementia. At that point, we can also contemplate an acetylcholinesterase inhibitor or Namenda. The acetylcholinesterase inhibitors will have to be contemplated carefully, and we have to make sure that there is not an interaction with the current medication that he is taking.

I reviewed all the above with Mr. Miller and his guardian, Mr. Fausler. All questions were answered. Mr. Fausler agrees with the above strategy. Mental status exam will be in four weeks, and we will reassess at that point.



Brian P. Fahay, D.O.

BF/cco

cc: Mr. Steven R. Fausler  
P.O. Box 764

W-1017-1-12-11