

**IN THE SUPREME COURT OF OHIO 2015**

R. Lotus Justice:

	:	
Relator,	:	
	:	Case No. 215-0303
vs.	:	
	:	
Franklin County Court of Common Pleas,	:	Original Action in <i>escheat</i>
Franklin County Municipal Court, and	:	
Franklin County Sheriff.	:	
Respondents.	:	

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MOTION TO DISMISS RESPONDENT FRANKLIN COUNTY COURT OF COMMON PLEAS, FRANKLIN COUNTY MUNICIPAL COURT, AND FRANKLIN COUNTY SHERIFF

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r-lotus:justice  
c/o P.O Box 82251  
Columbus, OH  
Relator, Pro Se

RON O'BRIEN (0017245)  
PROSECUTING ATTORNEY  
FRANKLIN COUNTY, OHIO

Monica G. Justice  
#W091619  
Ohio Reformatory For Women  
1479 Collins Ave  
Marysville, OH 43040

/s/ Jeffrey C. Rogers  
Jeffrey C. Rogers (0069399)  
Assistant Prosecuting Attorney  
373 South High Street, 13<sup>th</sup> Floor  
Columbus, Ohio 43215  
Phone: (614) 525-3520  
Fax: (614) 525-6012  
Counsel of Record Franklin County Court of  
Common Pleas, Franklin County Municipal  
Court, and Franklin County Sheriff.

Now comes Respondents Franklin County Court of Common Pleas, Franklin County Municipal Court, and Franklin County Sheriff, by and through undersigned counsel and pursuant to Ohio R. Civ. P. 12(B)(6) and respectfully move this Court to dismiss the complaint that was filed by r-lotus:justice (aka Monica G. Justice) (Relator) on February 20, 2015. The reasons for this motion are set forth more fully in the following memorandum in support.

**Respectfully submitted,**

**RON O'BRIEN  
PROSECUTING ATTORNEY  
FRANKLIN COUNTY, OHIO**

/s/ Jeffrey C. Rogers  
Jeffrey C. Rogers (0069399)  
Assistant Prosecuting Attorney  
373 South High Street, 13<sup>th</sup> Floor  
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**I. STATEMENT OF FACTS**

r-lotus justice, the named Relator, is an alias or alternate name for Monica G. Justice, currently prisoner #W091619 at The Ohio Reformatory For Women until a schedule release date of January 10, 2016. This is made clear in Relator's Exhibit #1, page 4/69, where she states:

I, ~r.-lotus: justice, affirm, convey, and attest that I am the living, real flesh and blood, aWo(Man) of The Land and **not** a Fiction of Law, not a civilly dead entity nor the unlawfully created fraudulent instrument of commerce, the PERSONS, MONICA LYNNE TINDALL, et al., MONICA GREER JUSTICE, et al., R LOTUS JUSTICE, et al., or any derivative thereof, that was unlawfully created without my consent by Fictio (see *Black's Law Dictionary* 4<sup>th</sup> Edition, West Publishing 1968) and fraud from the living, real flesh and blood Wo(Man) of The Land, whose living flesh has been fraudulently and lawfully declared dead, beyond the sea (see *Black's Law Dictionary* 4<sup>th</sup> Edition, West Publishing 1968) to affect and effect unlawful escheat.

**II. LAW AND ARGUMENT**

Relator is currently incarcerated for a 12 month sentence after being found guilty of assaulting a police officer. Therefore, her pleading is subject to R.C. § 2969.25 and Relator has failed to comply with R.C. § 2969.25. This honorable Court has held on multiple occasions that the requirements of R.C. § 2969.25 are mandatory and that any failure to comply with these requirements merits dismissal of an inmate's claims. See, e.g., *State ex rel. White v. Bechtel* (2003), 99 Ohio St.3d 11, 2003 Ohio 2262. The Court has also held that strict

compliance is required and that substantial compliance with the statute's requirements will not suffice. *State ex rel. Manns v. Henson* (2008), 119 Ohio St.3d 348, 349, 2008 Ohio 4478.

R.C. § 2969.25(A) required Relator to file "an affidavit that contains a description of each civil action or appeal of a civil action that the inmate has filed in the previous five years in any state or federal court." The affidavit must contain a brief description of the nature of the civil action, the case name and number, the court in which the civil action was brought, and the name of each party to the civil action. It must also include the case's outcome including whether it was dismissed as frivolous or malicious and whether the court made an award against the inmate or the inmate's counsel for frivolous conduct.

Relator has presented no such affidavit and yet has at a minimum, the following cases pending: The United States District Court Southern Division Ohio Eastern District Columbus case #2:14-cv-343; and also in The United States District Court Southern Division Ohio Eastern District Columbus 1:14-cv-01631-KBJ

In addition Relator has failed to comply with Civil Procedures Rule 8, General rules of pleading. Civ.R. 8 says in part:

**(A) Claims for relief.** A pleading that sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or third-party claim, shall contain (1) a short and plain statement of the claim showing that the party is entitled to relief, and (2) a demand for judgment for the relief to which the party claims to be entitled.

In this case Relator has done neither. She has provided a 16 page rambling diatribe of mostly gibberish. Wading through the brief it appears to be using some theory of "unlawful escheat" to put forth a habeas claim concerning her present incarceration but this is unclear. There is just no "short plain statement of the claim showing the party is entitled to relief" nor any clear

explanation as why she might be entitled to relief under her vague theory.

It is interesting to note that Relator does not seem to recognize the authority of this Court to take any action in this matter. On page 8 of her complaint she states:

“THE SUPREME COURT OF OHIO, a corporation operating as a purported court of law using a name of similar form & implied function as the Court of Law defined & delineated in the Ohio Constitution” She then follows up with “Wherefore I, The Lotus, do invoke the court of law, the Supreme Court of the territory as was established by The Bankruptcy of 1898”

### **III. Conclusion**

For the above stated reasons, Respondents move this Court for an order dismissing the complaint that was filed by r-lotus: justice on February 20, 2015.

**Respectfully submitted,**

**RON O'BRIEN  
PROSECUTING ATTORNEY  
FRANKLIN COUNTY, OHIO**

/s/ Jeffrey C. Rogers  
Jeffrey C. Rogers (0069399)  
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Columbus, OH 43215-6318  
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### **CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing *Motion To Dismiss* was uploaded to the clerk's electronic filing system for service and also forwarded by regular U.S. mail, postage prepaid, this \_\_\_16\_\_\_ day of \_\_\_March\_\_\_, 2015 to:

r-lotus:justice  
c/o P.O Box 82251  
Columbus, OH

Relator, *pro se*

And

Monica G. Justice  
#W091619  
Ohio Reformatory For Women  
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*/s/ Jeffrey C. Rogers*  
Jeffrey C. Rogers (0069399)