ORIGINAL

IN THE SUPREME COURT OF OHIO

IN RE SAMANTHA JOHNS
PRO SE
75 Woods Drive Apt. 1
West Milton, Ohio 45383
(937)751-9893

Relator/Petitioner,

v.

THE HONORABLE MARY L. WISEMAN
MONTGOMERY COUNTY
COMMON PLEAS COURT
41 N. Perry Street
Dayton, Ohio 45402

WARD BARRENTINE
KARINA KOROSTYSHEVSKY
HEATHER JANS
MATTHEW T. CRAWFORD
ASSISTANT PORSECUTING ATTORNEYS
Dayton-Montgomery County Courts Bldg.
P.O. Box 972, 301 W. Third Street
Dayton, Ohio 45422
(937)225-5757

ALYSIA A. GOSS
LAW OF PUBLIC DEFENDER
117 S. Main Street, Suite 400
Dayton, Ohio 45422
(937)225-4652

BOBBY JOE COX
ATTORNEY AT LAW
130 W. Second Street Suite 800
Dayton, Ohio 45402
(937)228-1975

RICHARD BUTCH BARNES
ATTORNEY AT LAW
41 E. Main Street

J. ALLEN WILMES
ATTORNEY AT LAW
7821 N. Dixie Drive

Supreme Court No. 15-0447

EMERGENCY
MOTION TO STAY OF EXECUTION
OF JUDGMENT

MOTION FOR EXPEDITED
CONSIDERATION OF
ALTERNATIVE WRIT
WRIT OF PROHIBITION OR
OTHER APPROPRATE RELIEF

FILED
APR 08 2015
CLERK OF COURT
SUPREME COURT OF OHIO

Enon, Ohio 45323
(937)340-2226

Dayton, Ohio 45414
(937)278-0652

Respondents,

EMERGENCY MOTION TO STAY OF EXECUTION OF JUDGMENT

MOTION FOR EXPEDITED CONSIDERATION OF ALTERNATIVE WRIT, WRIT OF PROHIBITION OR OTHER APPROPRATE RELIEF

Now comes Samantha Johns (Harrison) relator/petitioner in this Emergency Motion to Stay of Execution of Judgment from the Honorable Mary L. Wiseman, Judge of the Montgomery County Common Pleas Court, Criminal Division. In Case No. 2014 CR 00138. This relator/petitioner also seeks a Motion for Expedited Consideration of Alternative Writ, Writ of Prohibition or Other Appropriate Relief filed with this Court on March 17, 2015, Case No. 15-0447.

This relator/petitioner had an unequivocal doubt she would not receive a fair trial that was spelled out in her original petition. Now that her trial is over there is *NO* indisputably, *NO* doubt that she did not receive a fair trial. Moreover, this Court should apply the "Clearly Erroneous Standard" in judging a trial court's treatment of factual issues. A judgment becomes reversible if the factual issues are reviewed in a clearly erroneous manner.

This lower court had full intentions of sending this relator/petitioner to jail and stated such on March 5, 2015 at the final pre-trial hearing. This court stated she can and will impose a jail sentence because the prosecutor plans to prove this case involves violence and/or drugs. The court also pulled case law and quoted to this relator/petitioner that the Supreme Court has ruled that my attorney has full rights to pick my defense as he sees fit, whether that meant not

calling any witnesses or presenting any evidence on my behalf, and that there was nothing I could do about it. Case law State v. Conway 2006, Oh. 791, p 149-154. The Judge stated that "Defendants have no constitutional right to determine strategy, and decisions about viable defenses are ""within the exclusive province of defense counsel to make after consultation with his client."" (152) This case has no correlation to my case because Conway did not demonstrate that the trial counsel's failure to introduce the surveillance tape or call Britnee Stallings as a witness was unreasonable trial strategy. However, in this case Conway's counsel had some strategy for this defendant. Unlike my counsel, had *NO* strategy and refused to call one of the 14 witnesses I gave him, or present one piece of evidence to the jury on my behalf. By my attorneys own letters that I provided to this Court he had no intention of calling any of my witnesses or presenting any of my evidence at trial. He did not call anyone of my 14 witnesses, nor did this lower court allow any of my evidence in trial for the jury to hear or see. This judge was very inappropriate to quote this case to me, because it was a "Clearly and Erroneous Standard" in judging a trial court's treatment of factual issues. This all came from my attorney telling this judge about the 2 witnesses I wanted to call to the stand, that are employed by the Montgomery County Sheriff's Office. I waited in the courtroom for nearly 40 minutes while my attorney and the prosecutor were in chambers with the judge for this final pre-trial. A couple of times my attorney would come out and even ask me if I plan on keeping him as my attorney because he does not plan on calling my witnesses or presenting my evidence, (I have this on recording if this Court would like to hear it). I told him I would keep him for now because I am uncertain of the jury selection, and how that is done. The two Sheriff's Deputy's, I want to call were very vital to my case, because the State was trying to prove that Mr. Stringfellow still

resided at my residence during the time in question. However, I have very sexually explicit text messages from both Deputy's while they were on duty, sending me very inappropriate text messages. The two Deputy's relentlessly tried to pursue me, by sending these inappropriate sexually explicit text messages. Also, by way of phone and even stopping by my residence at very inappropriate times of the night while myself and my three little boys were trying to sleep. They would even stop when they were on duty at MCSO. Also they would try very unwanted sexual advances against me, but I was very intimidated by them, because they kept telling me if something would happen to me or my boys they could protect me. I didn't know exactly what they meant by this, because both of them would say things at different times but very similar in meaning. They hinted around because Mr. Stringfellow is a Police Officer as well, but they are better because they are Deputies. They hated him and "could get away with kicking his ass if needed". I had asked them several times to stop sending such texts, with no avail. One of these deputies went as far as one evening while my boys were playing in the family room to coax me into my attached garage and expose himself and grab my hand and try and force me to touch his penis. When I tried to go back into the house while fighting him to let go of me, he said "you don't want to cause a commotion and let your boys see something they don't need to see". I was very scared for me and my boys, but I managed to get away from him and get back into the house. He also said that I need him around because now that I was living alone with just the boys, who knows what could happen at night living in such a big house with no man around. Both of these Deputy's had full knowledge that Mr. Stringfellow was not living at my residence any longer. Especially with their many unannounced visits at all hours of the night or day. My attorney said because this would cause too much embarrassment to the MCSO and to these

Deputy's that he refused to call them. Then in a letter my attorney wrote to me he stated that these text messages from these Deputies were nothing but "Sexual Role Play". It took me a very long time to overcome this nightmare of being sexually assaulted by this Deputy and I explained to him they were very inappropriate text messages. But his reaction is exactly why I have not gone public with this until now.

As far as my other witnesses, I wanted called he just simply said he didn't think any of them could help, but not one of my witnesses received one phone call nor a letter from this attorney. When I tried to explain to him what each one of my witnesses were going to testify to, he would cut me off and not even listen to what I was trying to tell him. (This Court has the recording of the meeting) I am the one that even had to have the initiative to bring him a witnesses list because he never asked for one.

However, the State said because Mr. Stringfellow's payroll check was directly deposited into my account, that is the proof they had that he lived with me. The State also was allowed to provide financial records for 6 months or so prior to the dates even in question. These records proved that Mr. Stringfellow's, payroll check was deposited by way of paper check into my bank. However, at the very month that the State says I received unreported income was the exact month his check was being direct deposited into my account. If I was present in the court room, I was going to ask Mr. Stringfellow why this was, because we no longer seen each other on a daily basis and he didn't want the house bills to be late because he was trying to build up his credit to refinance the house to get a lower interest rate.

On the first day of trial on March 16, 2015, there was the Jury Selection. The court in all purposes is supposed to form a jury pool by selecting names at random from lists of citizens who live within the area over which the court presides. A court official draws numbers to determine which member of the pool will be first considered for jury in a particular case. However, in my case this selection is highly questionable. All but a few of jurors were closely related to a police officer, by way of; husband, dad, son, brother or brother-in-law. And the prosecutor even asked the jurors who filled out the jury card that he knew they all were related to a Police Officer or knew one by how they filled their card out. And of the ones that were not related to a police officer, either worked directly with the Montgomery County Sheriff's office and even one worked previously for *this* prosecutors office as a prosecutor. One of the jurors worked for Montgomery County Children Services, and worked directly with the caseworkers that took part in my civil case with my children. One even worked as a Paramedic/firefighter with one of the prosecutors' witnesses, Mr. Stringfellow, the one that is directly related to this case as the one that supposedly lived with me. But the judge didn't see a problem with that, and overruled my challenge for cause. When we went into the judge's chambers to pick the jury my attorney asked me if there was anyone I didn't want because he said "I didn't bother writing anything down on any of them, and if you have a problem with it, take it up in your appeal". Out of the jury seated, 2 of them work directly with Montgomery County Sheriff's office. One was a City Councilman that worked with the MCSO as well.

During the jury questioning the prosecutor told the jury that my case involves violence and drugs. I told my attorney to object to this because there is *NO* such thing. And the State certainly has not provided *ANY* such evidence in the discovery process of this, or that they plan

on trying to prove this. However, this judge already stated this on March 5, 2015, that she had knowledge of this, but refused to elaborate during the hearing. My attorney objected during the trial however, the judge overruled it and stated "the prosecutor plans on proving that this case involves drugs and violence with the evidence in this case". What I would like to know is how she has this information but me, the defendant has no knowledge of this. And since the prosecutor refused to provide us with a Bill of Particulars, nothing was said then either. Also they stated there was misuse of student loans and IRS returns, but none of these items were provided in discovery. The Constitution guarantees a criminal defendant the right to a jury trial, understood preeminently as the right to a fair trial by an impartial jury. Stating this case involves drugs and violence and misuse of student loans and IRS returns then producing NOTHING like that is made dishonest and misleading statements during jury selection, engaged in conduct demonstrating bias and prejudgment. The prosecutor also asked one of the jurors that was in fact seated for the jury, what his opinion was about my case and if he thought he could find me guilty of theft by fraud in this case. My attorney objected to this, however the judge overruled his objection. This juror said that the state has to have good evidence to get this far, so he was confident he could find me guilty of the charges. He also asked them if they would feel sympathy for me in anyway because I have a service dog. Everyone said they didn't have a problem with my dog.

The prosecutor also while questioning one of the potential jurors found out that he worked for Montgomery County Children Services. The prosecutor told the jury that my children were removed in a civil case with Children Services. He asked this juror if he worked with my caseworker's and named all of them. The juror said yes, he does. The jury was tainted and bias

with this information by this omission and by this court allowing the volumes of information from my civil case by way of documentation. Like the same police report for this criminal case is the exact police report in my civil case. My minor children's illegal and coerced interrogation by this detective Keller was also in there. However, every time I tried to present evidence on my behalf or witnesses on my behalf, I was told that it had to do with my civil case and the judge said she was not going to allow anything in from my civil case, whether it proved my innocence in this case or not.

Premature discussions are likely to be unfavorable to a defendant, incline jurors who expressed opinions prematurely to adhere to those opinions, impair the value of collective decision-making, lack the context of the court's legal instructions, prejudice a defendant who may not have had the opportunity to present evidence, and benefit the prosecution by reducing the burden of proof. This was not only premature discussions of my case but the audacity of the prosecutor asking a juror to make his opinion before hearing one piece of evidence, let alone this judge overruling an objection on this is "Clearly and Erroneous Standard", not to mention just absurd.

United States v. Navarro-Garcia, 926 F.2d 818, 821 (9th Cir. 1991); see also Bayramoglu v. Estelle, 806 F.2d 880, 887 (9th Cir. 1986) (stating that the equivalent of asking whether it can be concluded beyond a reasonable doubt that extra-judicial information did not contribute to verdict).

Resko, 3 F.3d at 689-90.

United States v. Sotelo, 97 F.3d 782,796 (5th Cir. 1996). "This circuit has afforded trial courts broader discretion in dealing with intrinsic influences due to jury misconduct than it has afforded in cases of extrinsic influences . . . because it would hamper the judge's discretion." Id. See also Resko, 3 F.3d at 690 (stating that "there is a clear doctrinal distinction between evidence of improper intra-jury communications and extra-jury influences").

However, when my attorney Mr. Wilmes, was questioning the jury the things coming out of this attorney's mouth were completely and utterly inconceivable. I thought the prosecutor was being inappropriate. On both of these attorney's, these are merely the things I could write down, unfortunately there are many more unbelievable illegal acts committed by these two and this court.

Mr. Wilmes, started his questioning out by asking anyone to raise their hand if they are afraid of dogs, in particular my dog. No one raised their hand. He said well, just to let you know I am afraid of that dog, he is too big, that is why you will see me all the way down on the other side of that table, nowhere near the defendant or that dog. He asked them "Would anyone feel sorry for me, or give me any special consideration because she has seizures. In fact that is why she has the dog". No one raised their hand. This was very inappropriate to tell the jury my disability, I have the right to not make that public information. As well as telling them he is afraid of my dog. Those are his issues, not to be shared with the jury.

Under Title III of the ADA, a place of public accommodation cannot require a person with a service animal to produce documentation, such as medical documentation or proof that the animal has been certified, trained or licensed as a service animal. It also cannot inquire about

the nature or extent of a person's disability, although it may make two inquiries to determine whether an animal qualifies as a service animal:

- Is the animal required because of a disability?
- What work or task has the animal been trained to perform?

Gunner (AKA My Service Dog) is a Seizure Alert/Response/Assist Dog

Also Diabetic Alert

1. Alert – Before the seizure.
2. Response – During the seizure.
3. Assist – After the seizure.
4. Before my sugar drops to an unsafe level.
5. During the time my sugar is rising to an unsafe level.
6. After my sugar is at an unsafe elevated level.

I want this Court to know that it is extremely detrimental to myself and my service dog when we have to be separated. He has a job to do that he has been trained to do and he takes his job very seriously. Dogs do not have the ability to "turn it off" when they are not with their companion. When I was forced to be in the Mental Institution, I actually almost lost my service dog. He got gravely ill because he refused to eat, and literally paced the floors 24/7 and tried to get out of every window and door in the house to get out to come find me. He almost did not recover, so he is the other reason I am asking for this emergency motion to stay. We have an incredible bond, the statistics say there are only about 2% of dogs in the world that can do what

he does. On the two occasions that this court has forced me to be without him, and deprived me of my right to freedom, I have had seizure's. Gunner, my service dog can stop most of my (Petit Mal) seizures. This type of seizure is a very uncommon seizure that begins suddenly and occurs without warning signs. However, with Gunner he will detect them 20 to 30 minutes in advance, he has never failed to alert me to a seizure. Giving me warning to get to a safe place and with some of my more serious (Grand Mal seizures) he has kept me from going into them altogether. He has literally saved my life on many occasions, he is truly irreplaceable. Every time I have been placed into custody I have had a seizure, because stress is one of my triggers for my seizures. If this judge has her way and puts me in jail, I will lose him this time, because he has kidney damage from the last time we were seperated. You might think that he can just be given to someone else, but it simply doesn't work that way. He is a German Shepard and they are one owner dogs, especially as bonded as the two of us are. I can't express to you what an incredible dog he is. Also, on one occasion, I was actually assaulted in the Montgomery County Jail while I was postictal (trying to recover) from a seizure from a guard. I explained the incident in the original filing. I still have nightmares about this incident. My glasses are still broken due to this assault.

Mr. Wilmes told the jury that they will hear the testimony from a bunch of Caseworkers, Social workers, and a lot of people in this case. But he told me the state only had 3 witnesses that were going to testify. Even though the state changed its witness list to add more people from my civil case. The morning of the trial, but of course it was dated for a different date. So why did he tell the jury Caseworkers, and Social workers? This was to refresh the juror's memory of

my civil case and the previous omissions made by the state about my civil case. To make them think there was much more to this case, just like the state did.

Mr. Wilmes asked them how many would think that it would be odd if this defendant was not guilty, that she would take the stand and testify to answer to the charges? All but two jurors raised their hands. Mr. Wilmes said "I would *consider* it would be a little odd, if she didn't take the stand". I have asserted my 5th amendment right to not incriminate myself throughout this entire case. Just that morning in the judge's chambers Mr. Wilmes harassed me again on this subject along with him trying to get me to take the plea agreement. Both of which he is not allowed to do once I have made my stance. Let alone advice the jury that they should consider it *ODD* that I was not going to testify. When my attorney is supposed to advise them *NOT* to hold it against me if I don't testify.

Mr. Wilmes asked the jury if anyone thought these charges could be erroneous. No one, raised their hand. He said, or do you think to get to this point they have to have something pretty serious or we wouldn't be here. All but two juror's raised their hand.

After this Mr. Wilmes went on for another ten minutes, however, I could not write down any more information. I was so completely and utterly in shock, I could not do anything. At this point it was so obvious, not matter what happened I was *NOT* going to get a fair trial. I really stared to worry what this court was going to do to me because she already said she was going to put me in jail. When in my original filing, I explained that I have never even received a speeding ticket and I have never been in trouble. In fact until my civil case, I was an active Police Officer and EMT. I am not guilty of this case nor of my civil case.

When we went back to select the jury the judge asked us if there were any more issues that needed to be brought up. I made a motion to dismiss based on the speedy trial, because the state only had one year to investigate theft by fraud, and it was clear by the evidence of my civil case that this case was long past that one year.

2901.13 Statute of limitations for criminal offenses.

(A)

(1) Except as provided in division (A)(2) or (3) of this section or as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:

(B)

(1) Except as otherwise provided in division (B)(2) of this section, if the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by the aggrieved person's legal representative who is not a party to the offense.

This Motion was denied, the judge said she had never heard of this before, and it probably didn't pertain to this case.

I said what about the speedy trial based on subject matter.

"Abuse of discretion does not necessarily imply a willful abuse, or intentional wrong. In a legal sense, discretion is abused whenever, in its exercise, a court exceeds the bounds of reason -- all the circumstances before it being considered." Sharon v. Sharon, 75 Cal. 1 (Cal. 1888)

Subject matter jurisdiction. Questions of subject matter jurisdiction are reviewed de novo. Pillow v. Bechtel Const., Inc., 201 F. 3d 1348, 1351 (11th Cir. 2000).

Determination that a case is not ripe. Reviewed de novo. Tamiami Partners, Ltd. V. Miccosukee Tribe, 177 F.3d 1212, 1224 (11th Cir. 2001)

State v. Young (1981), 2 Ohio App. 3d 155 -- Headnote: "The state bears the burden of proving that the time when the crime was committed comes within the appropriate statute of limitations. A five-month investigatory period will not be validated as a reasonable period of time necessary for 'discovery of the offense' of welfare fraud for purposes of the one-year saving provision of R.C. 2901.12(B)" Department had been slow in processing information leading to filing of charges and unless this period could be excluded, time had run.

She said overruled, but said you can take it up on your appeal. Thus with her own admission that I will ultimately be found guilty and that I will need to appeal.

I made a motion to have all the bank records thrown out because they were obtained illegally. Detective Keller did not have probable cause to obtain these records and were only doing so because the GAL in my civil case wanted them. My attorney and Mr. Stringfellow's attorney both told us this information. The bank records fall under the "Exclusionary Rule" and the "Fruit of the Poisonous Tree Doctrine". The "Tree" is the evidence that the police illegally seize in the first place; the "Fruit" is the second-generation product of the illegally seized evidence. Both

tree and fruit are inadmissible at trial. This judge said my bank records would fall under the "Plain View Rule". The prosecutor said because the bank records are public information. I would hope this Court has personal knowledge that this is simply, just *NOT* true in any way shape or form. I am not sure what laws this court or the prosecutor in my case are using, thus the reason, I am asking this Court to apply the "Clearly Erroneous Standard" in judging a trial court's treatment of factual issues.

I made a motion to dismiss the case because the states records were not complete from Montgomery County Job and Family Services. The state only had one, 3 page application and no other documentation, I had to fill out to qualify for all three services, cash, medical, and food assistance. The prosecutor said that is all MCJFS gave him, so if I had other paperwork he didn't know about it. I presented the letter that my doctor faxed to the MCJFS, which MCJFS requires if you cannot work outside the home, while receiving cash assistance. Because MCJFS finds you employment while you are receiving these benefits, they also monitor your employment and make sure you go to work or your benefits stop. In my case it was because of my sons' illnesses I could not work outside of the home. Also, Mr. Stringfellow's affidavit that was sent to MCJFS, proving that in fact, I *DID* report I *was* receiving income from Mr. Stingfellow and that Mr. Stringfellow was paying all of the house bills. The prosecutors' reaction to those documents was "Cute, just cute! It doesn't matter!" The state was also aware that Mr. Stringfellow provided (primary) medical coverage for all 3 of my boys, and that MCJFS provided (secondary) medical coverage by way of Care Source. That proves I reported medical coverage from Mr. Stringfellow. The prosecutor failed to provide any documentation from MCJFS that this was the case as well.

The judge overruled all of my motions.

The state called there first witness, a Case Manager from Montgomery County Job and Family Services.

I asked my attorney to establish with the case manager from MCJFS during her testimony what is the application process and what proof of documents someone needs to qualify, and how often you would have to qualify and if these documents were time sensitive. How much income you can have and still qualify for benefits. He refused and stated if I didn't like it, I can fire him. The reason this information was vital to the jury was "cash benefits" and "food stamps" and "medical Benefits" all have separate guidelines and different paper work to be filled out to qualify along with different levels of income you can have. Cash assistants has a renewal of every 6 months, with additional paperwork to be filled out. However, the state did not produce any of this paperwork, for either of the 6 months in question. To qualify for food stamps the application is for one year, however, if you report *NO* income like the state is alleging, I didn't do, you must fill out the application every 6 months. However, the state didn't produce that either. For food stamps a person with a household of 4, can make up to almost 2,500.00 a month and still qualify with food stamps. The worker *DID* testify that I report that Mr. Stringfellow *DID* in fact pay for the house payment and the house bills. I asked my attorney to ask her if the amount of the house payment and other bills where documented. That time he told me to "shut up or else"! I am certain if the jury would have been allowed to hear this and obtain all of the records from MCJFS, the outcome would most certainly have been different.

The States second witness was a records keeper from Chase Bank. The witness verified my bank records and verified that the bank account was in my name only. However, in the police report Detective Keller, reported that this bank account was in both names, myself and Mr. Stringellow's name.

The prosecutor was allowed to present bank records for months that were not even in question. This information confused the jury, and made it look like I had more income coming in, than I did. The state also presented my sons bank records, and told the jury that I was trying to get money from fundraising for the families "alleged" medical issues. This was also in the police report that was in this criminal case, although this had nothing to do with this case, and was more tainted evidence that was not proven to be factual information. Thus the reason it was vital to my defense that the letter from Dr. Bennett be presented to the jury to prove my son had "real medical issues". Because, I was not allowed to bring up anything from my civil case to dispute any of the states' evidence. However, the court allowed any evidence the state wanted to bring in from my civil case. So, I ask this Court, how is that giving me a fair trial when I can't adequately defend myself, through evidence or even having competent counsel? Even though this had nothing to do with my criminal case, and only biased the jury's opinion in this case. I had my attorney object to these records, but of course it was overruled. The judge did say she would allow this issue to be brought up on appeal.

While the witness from Chase Bank was on the stand, I heard one of the prosecutors and Detective Keller whispering and then giggling. I looked up to see what was going on and the both of them were looking over at one of the jurors that was slumped forward with her head hanging down to her chest. Juror number 10 was obviously sound asleep at 3:42 p.m.. I have

her name, however, I am not sure I should list her name in this filing, so if this Court needs it, I can provide her name. I advised my attorney that juror number 10 was asleep, he said "Don't worry about it, that's why there is 11 other jurors". At this time I began to watch the prosecutor and Detective Keller and even the judge look over at this women sleeping.

At 4:16 Detective Keller and prosecutor look at her and was giggling again, this time they caught the judges attention and she looked over as well and again at 4:26 p.m.

At 4:17 the judge looked at her and could see her sleeping, again at 4:22, again at 4:27, again at 4:29, again at 4:34. The reason I can be certain she was looking at the juror was because the information we all were looking at was on the opposite side of the room, away from the jury and looking up at the projection screen. The judge had to even turn her chair to look at the jury. During this whole time Mr. Wilmes was trying to clear his throat, cough and make as much noise that he could to try and wake her up. At 4:34 when the judge looked at this juror I could not take it any longer and told my attorney if he didn't say something, I was going to stand up and tell the judge this is just not acceptable any longer. Just as Mr. Wilmes stood up, the judge called juror number 10 by name to try and wake her up. This took more than 20 to 30 seconds to do and only after the juror next to her shook her arm. As this juror was trying to answer the judge, her words were very slurred as if she was under the influence of something. Being a trained Police Officer, I could tell something was not right with her speech or her body language and her demeanor. I looked at this juror at 4:37 and she was back asleep, just one minute after the judge had stopped talking to her. At 4:42, I told my attorney to do something. He stood up and told the judge that she was sleep again and asked for her to be dismissed. While the judge

was trying to explain that she would be excused and the alternate juror would be used, this juror still could not stay awake.

Testimony was done for the day and we were told to be back in court by 9:00 a.m. the following morning.

As I was exiting the Court House, 3 of the jurors were standing just outside the doorway. They were talking about juror number 10, juror number 9 said "Well she was drunk, but what do you expect when she drinks her lunch, did you see how many drinks she had while we were all at Cold Beer & Cheeseburgers"? The other two standing there shook their heads, yes. Then number 9 juror said "Did you think any of the others should have been drinking alcohol either? The other two jurors said "No". I had stopped to adjust Gunner's vest because it was falling to the side, they were talking so loud that, I can only conclude they were trying to let me know what had taken place at lunch. I would like to know what ***ANY*** of the jurors were doing drinking alcohol while on their lunch break. This is my life, my career that these people have been entrusted with to make the right decision. How was this going to happen when some of the jury were under the influence of alcohol? Knowing full well that this judge planned on sending me to jail if this jury found me guilty, I began to be very upset and cried all the way home and continued all through the night. Around 4:30 a.m., I woke up not being able to catch my breath, I used my rescue inhaler with no avail. I have asthma, I tried taking a breathing treatment with little or no relief. Over the next 4 hours I took 2 more breathing treatments, but nothing was helping. This was March 17, 2015, the second day of trial. I managed to drive myself to the court house, even though Gunner was trying to get me to stop driving and kept alerting me to pull over. I got up to the courtroom and Detective Keller was the only person in the room. I sat

down and he immediately came over because I was audibly wheezing, and he could tell I was have major problems trying to breathe. He asked me if I wanted him to go get the attorneys because they were all in a meeting with the judge in her chambers. I was having such a problem breathing it was taking all my energy to try and breathe, so I wrote on a piece of paper, yes. Detective Keller came back out and said they would be out in a few minutes, he then said he was just going to call for a medic because I looked like I was getting worse. My attorney came into the courtroom and sat next to me and said "if you go to the hospital the judge has already said, she will not postpone this trial, so I am advising you *NOT* to go"! I wrote on a piece of paper that I wanted to go to Kettering Hospital because that is where my Pulmonologist (lung doctor) goes. He leaned in close to my ear and said "fine do what you are going to do but when you end up in jail we will see if it was worth it"! When the Paramedics arrived in the courtroom, one of them listened to my breathing with a stethoscope, he told the other medic "Oh she is going, both sided are diminished and there's not much air exchange, let's go"! My attorney looked at me and I pointed to my note, on what hospital I wanted to be taken to. Mr. Wilmes told the Paramedic that I wanted to go to Kettering Hospital. The paramedic said "No way are we going that far with as bad as your lungs sound, we cannot pass a hospital when you could stop breathing any minute on us, we will be going to Miami Valley Hospital". We got in the ambulance and they put me on oxygen and gave me a breathing treatment immediately. I told them I was allergic to Albuterol, the medic said "well, I can't help it that is all we have and you have to have medicine in you now"! So this Paramedic thought that my condition was so bad, he was willing to give me a medication, I advised him that I was allergic too. We arrived at the hospital and the nurses came in the room and started hooking me up to heart monitors and

oxygen and started explaining to me that they would be doing a bunch of things to me to try and help me. I have been through this procedure many times over because I have had asthma most of my life. One of the nurses came in with a bunch of hand writing on the palm of her glove, the word Court caught my eye. She was typing on the computer, asking me questions about my medical history. Another nurse walked in and she had her read the note on her glove, the nurse said, okay gotcha. So I looked to see what was written on her glove. The note read, she was at court for theft and losing she is just faking. A few minutes later the doctor came in and told me she was going to get a throat X-ray. This was a little puzzling to me because I was having breathing problems, shouldn't it be a chest X-ray, I said to the doctor. She said no, I think it is in your throat. She removed all the monitors and oxygen from me. At this point the doctor had not listened to me with a stethoscope to hear how my lungs were sounding. In fact, this doctor never listened to my lungs the entire time I was there. I was taken over to X-ray and the technician said "what did you do to your throat"? I said, "Nothing". She said "it sounds like you are having an asthma attack, do you have asthma"? I said "yes". She said "then why are we not doing a chest X-ray"? I said "I don't know, I have never had a neck X-ray for an asthma attack". After getting back from X-ray it wasn't long and the doctor came back in to my room. This doctor looked at me and said "you need to go see your family doctor or a psychologist". I said, a psychologist, for what? She said "to get help with your anxiety or help because you are faking this". I said "whatever, give me my discharge papers so I can go see a real doctor"! This entire time I still had not been able to stop audibly wheezing. I called my Pulmonologist's office while waiting on my discharge paperwork, they could get me in when I left the hospital. While I was waiting on my papers, my attorney called me on my cell phone and said I was to return to the

court building at once. I told him that I haven't even gotten my discharge paperwork, how was I going to do that. He said "I called the hospital and they told me you left as soon as you got there and did not check in". I said "that is not true, hold on and I will get my nurse". I also told him that "I have an appointment with my Pulmonologist, as soon as I leave this hospital". I found my nurse and told her what my attorney said and asked her to tell him, I have not gotten my discharge paperwork yet. She took my cell phone and began to tell him I was there still under the doctor's care. He asked questions about my medical condition and she said she couldn't give him that right now, but if he could give her his number she could call him back. I said to her right then, that I do *NOT* give my permission to give out any of my medical information what so ever. The reason I know that my attorney asked for my confidential medical records is because this entire conversation was recorded on my cell phone. During the call you can hear just how bad my breathing and my wheezing was. This nurse agreed to call him back, obviously because I was standing right in front of her. I told her I want my discharge paperwork. While I was waiting on her to get my papers, I noticed a man going into my room. He walked back out when he realized I was not there. He stopped a nurse walking down the hallway, he said I am Dr. (I didn't quite hear his name) but he said he was from Psychology, and asked if she knew where I was, they both walked to the other nurse's station. I signed my discharge papers, and the nurse asked if she could take my vitals one more time, I said okay. By this time my breathing had gotten so bad that I was coughing uncontrollably, with a high pitch bark to it. The nurse took my blood pressure and it was very high and my pulse Ox, was very low (Pulse Oximetry, is a procedure used to measure the oxygen level, or saturation in the blood). The nurse said "I cannot let you go with vital like this"! I said, "Oh now you are worried

about it, but remember I am faking it! She said "not with vitals like these". I said "I signed my discharge papers, I am leaving before you people let something bad happen to me". I had to walk all the way back to the court house where my truck was parked from the hospital, if it wasn't for Gunner, I would have never made it. I collapsed a few times and he is the one that helped me get back to my feet, and pulled me to keep me going.

I got to my Pulmonologist's office and they took me straight back to a room. My doctor came in and listened to my lungs and said I was bad. I told him everything that happened to me at Miami Valley Hospital. He said "they are idiots and they like to give out that diagnosis, they do it all the time". He said "next time go to Kettering Hospital, and I can take care of you there". I told him "I asked to go there but Dayton medics said I was too bad to go that far". He said, "well, I would have probably agreed just listening to you now". He said "we are going to have to treat this very aggressively because you have waited too long to get this treated, so it is really bad. So I am giving you 2 shoots before you leave and a bunch of prescriptions and you need to be on breathing treatments every 4 hours". I asked, "what do I do about court", he asked, "when is it", I said "tomorrow", he said "No way, you are to sick right now, maybe Monday but we will have to play it by ear, to see how the medicine works". "You need bed rest, I want to see you back in 2 weeks and sooner if you get just the slightest bit worse, or the meds aren't working". My prescriptions are a new breathing machine, I had to pick up at an oxygen supply company. At the pharmacy; solution for my breathing machine (Xopenex), a rescue inhaler (Xopenex), a steroid (Prednisone), an antibiotic (Doxycycline), an antibiotic (Azithromycin), an antibiotic (Ciprofloxacin), an antibiotic (Cefuroxime Axetil). I have been a patient of this doctor for decades, I trust him as a Physician. He is one of the best Pulmonologists in our area, he has a

well-established practice and he is extremely respected. I would think 2 shoots, a steroid, and 4 antibiotics, and breathing treatments every 4 hours, would mean, I most certainly am not faking it. I almost forgot, and he was sending me for a chest X-ray.

During this time my attorney kept trying to call me and left voice mails on my phone. I listened to them before I left the doctor's office. I called him back and he said if I don't show up to court in the morning that my doctor has to sign a doctor's note saying I can't come to court and that the note must have his signature notarized and I must sign a medical release so the judge can pull all of my medical records from this doctor and all hospitals and any other doctor I have seen in the past, all of this needs to be faxed to the judge before the court closes today. He said this still may not stop the trail from taking place tomorrow, because the judge said she will *NOT* continue this trial for any reason. I had him on speaker phone so the nurses and the office manager could hear his demands. At that time the office manager took my phone and said there is *NO WAY* the doctor can leave his patients to go have this notarized, some of his patients wait months to get in to see him, that is being unrealistic. I will take down the fax number and we will fax a note to her but it can't be notarized. I will put everything in the note you need it to say but that is all we can do, the doctor does not want her in court tomorrow. I gave this office permission to speak to the judge and give her my diagnosis and treatment plan, however, I was not signing such a medical release. Basically this judge wants to be able to get any and all of my medical records. HIPAA Privacy Rules, give me the right as an individual to protect my medical records, and keep them private. This judge is not allowed to go on a fishing expedition into my medical history. When this judge locking me up into the mental intuition, I refused to sign all medical releases of information not giving anyone the right to view my

medical history. At that time I was being held against my will and for *NO* good reason as I explained this in my original filing.

Your Health Information Is Protected By Federal Law

Most of us believe that our medical and other health information is private and should be protected, and we want to know who has this information. The Privacy Rule, a Federal law, gives you rights over your health information and sets rules and limits on who can look at and receive your health information. The Privacy Rule applies to all forms of individuals' protected health information, whether electronic, written, or oral. The Security Rule is a Federal law that requires security for health information in electronic form.

Protected Health Information. The Privacy Rule protects all *"individually identifiable health information"* held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral. The Privacy Rule calls this information "protected health information (PHI)."

"Individually identifiable health information" is information, including demographic data, that relates to:

- the individual's past, present or future physical or mental health or condition,
- the provision of health care to the individual, or
- the past, present, or future payment for the provision of health care to the individual,

and that identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual. Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number).

The Privacy Rule excludes from protected health information employment records that a covered entity maintains in its capacity as an employer and education and certain other records subject to, or defined in, the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g.

On March 18, 2015, I really tried to get myself ready for court, despite what my doctor advised because with this judges past treatment of incarcerating me and threats to incarcerate me, I knew it could be bad. I started having a really bad nose bleed, I called my doctor's office and the nurse advised me that I really need to go to the hospital, because with everything going on with me, it could be life threating. I told her I will try and get the bleeding to stop and if it doesn't, I will call an ambulance. It took me 3 hours to get my nose to stop bleeding. My daughter kept trying to call my attorney to see if the trial was postponed so I did not miss the next court date. However, Mr. Wilmes secretary told her he was unavailable, but that he was in court waiting on the jury's decision because they went on with my trial. She also told her that the court did not know my whereabouts and that they had not heard from me so they went on with the trial.

On March 20, 2015, I still had not heard from my attorney, I left a couple of messages for him to call me. Around 1:00 p.m., I looked at the court docket on Montgomery County Pro System. I found the judge did go forward with the trial and the jury came back with a guilty verdict. The judge issued a warrant for my arrest and the bond is 150,000.00 with home detention. The

judge is going to revoke my current bond and the bail bondsman has to answer to the bond on May 7, 2015. Also the warrant was issued to my previous address, just like last time at Mr. Stringfellow's current address.

On March 21, 2015, I received a letter from my attorney at my residence. It read Dear Ms. Harrison: Over many objections and requests for a mistrial, the Court went forward and completed your trial today. The judge did not accept your doctor's letter as sufficient to stop the trail (especially since you did not execute a waiver of confidentiality). You have been convicted of felony theft. The Court would not set a sentencing date but issued a warrant for your arrest; instead, the Court not believing that you would be certain of appearing. Please call if you have any questions. Sincerely, J. Allen Wilmes Attorney at Law.

The Verdict Entry, entered by Judge Mary Wiseman reads that: The Prosecuting Attorney Ward Barrentine and Karina Korostyshevsky, the Defendant, Samantha Harrison with Counsel Al Wimes appeard in open court and the case was heard by a duly empanelled and sworn jury. After all of the testimony, the arguments of counsel, and the jury delivered by the Court, were heard, the jury deliberated, in the charge of the Bailiff, and returned to open court with the following verdict: VERDICT, On March 18, 2015 the Jury being duly empanelled and sworn found the Defendant, Samantha Harrison, GUILTY of theft (By Deception) having a value of One Thousand Dollars ($1,000) or more as charged in the Indictment. FINDING: The Jury further found beyond a reasonable doubt that the value of the property to-wit: cash benefits and/or food assistance WAS One Thousand Dollars ($1,000) or more as charged in the Indictment. The jury was discharged from further consideration of this cause. However, it is not signed by this judge, nor is this true, because I was not present for this trial.

I was not present for the second day of trial, while Mr. Stringfellow testified. This was completely and absolutely vital that I be present for this witness to testify. This witness could explain my bank records and why certain monies where deposited into my account, like the fact that the house I was living in went through a bad storm and the roof had to be replaced with other damage, so the insurance check was deposited into my account so I could pay the roofers when they were done with the job. The state showed this money going into my account but failed to show where it was taken out of my account a short time later. This witness could also testify to the affidavit that he signed for the Montgomery County Job and Family Services. In fact, I did report income from him, in the same letter that MCJFS received verification that he did pay the house bills. Mr. Stringfellow could verify he paid the house payment and all the house bills as the Case Manager from MCJFS testified that this was the fact. The house payment alone was almost 1,500.00 a month. So this information would have been vital to the jury. Along with many more things he could have testified to. He also could have testified that he in fact had my bank card for weeks on end to this account.

I recently learned why my attorney was trying so hard to get me to fire him during the trial, and kept telling me if I didn't like it, I could fire him. I learned that if I would have fired him during the trial, I would not have been able to raise the issue of attorney misconduct on appeal.

I am having a hard time just analyzing the diverse kinds of misconduct by jurors the prosecutor, my attorney and this court. That impaired the integrity of this trial and this defendant's Constitutional Right to a fair trial by an impartial jury. I am at this Courts mercy to grant this Emergency Stay of Execution of Judgment as soon as possible. My health condition has not improved, in fact I am much worse than before because for the past week I have been coughing

up blood. I am also asking that this Court to Expedite Consideration of Alternative Writ, Writ of Prohibition or other Appropriate relief that was filed in the original action on March 17, 2015.

Respectfully Submitted,

Samantha Johns
Petitioner, Pro Se
75 Woods Drive Apt. 1
West Milton, Ohio 45383
(937)751-9893

STATE OF OHIO, COUNTY OF FAIRFIELD
SUBSCRIBED AND SWORN TO, BEFORE ME ON APRIL 8, 2015
BY SAMANTHA JOHNS.

JUSTIN WHITLEY - NOTARY PUBLIC
COMM. EXP: JULY 25, 2017
STATE OF OHIO

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Emergency Petition for Writ Of Prohibition and Motion for Stay of Proceedings has been served upon said Judge and Counsel of record listed below. By way of mail or by personal service. Filing with the United States Supreme Court of Ohio on this Wednesday April 8th day of 2015.

Samantha Johns
Petitioner, Pro Se
75 Woods Drive Apt.1
West Milton, Ohio
45383
(937)751-9893

THE HONORABLE MARY L. WISEMAN
MONTGOMERY COUNTY
COMMON PLEAS COURT
41 N. Perry Street
Dayton, Ohio 45402

WARD BARRENTINE
KARINA KOROSTYSHEVSKY
HEATHER JANS
MATTHEW T. CRAWFORD
ASSISTANT PORSECUTING ATTORNEYS
Dayton-Montgomery County Courts Bldg.
P.O. Box 972, 301 W. Third Street
Dayton, Ohio 45422
(937)225-5757

ALYSIA A. GOSS
LAW OF PUBLIC DEFENDER
117 S. Main Street, Suite 400
Dayton, Ohio 45422
(937)225-4652

BOBBY JOE COX
ATTORNEY AT LAW
130 W. Second Street Suite 800
Dayton, Ohio 45402
(937)228-1975

RICHARD BUTCH BARNES
ATTORNEY AT LAW
41 E. Main Street
Enon, Ohio 45323
(937)340-2226

J. ALLEN WILMES
ATTORNEY AT LAW
7821 N. Dixie Drive
Dayton, Ohio 45414
(937)278-0652

Respondents,

J. ALLEN WILMES
ATTORNEY AT LAW
7821 N. DIXIE DRIVE
DAYTON, OHIO 45414
(937)278-0652

March 18, 2015

SAMTHANA HARRISON-JOHNS
75(1) WOODS DR
WEST MILTON OH 45383

In re: State vs. Harrison

Dear Ms. Harrison:

Over many objections and requests for a mistrial, the Court went forward and completed your trial today. The judge did not accept your doctor's letter as sufficient to stop the trial (especially since you did not execute a waiver of confidentiality).

You have been convicted of felony theft. The Court would not set a sentencing date but issued a warrant for your arrest; instead, the Court not believing that you would be certain of appearing.

Please call if you have any questions.

Sincerely,

J. Allen Wilmes

J. Allen Wilmes
Attorney at Law

Montgomery County Common Pleas Court
General Division

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

CRIMINAL DIVISION

STATE OF OHIO,

Plaintiff,

-vs-

SAMANTHA HARRISON,

Defendant.

CASE NO. 2014 CR 00138

(JUDGE MARY WISEMAN)

VERDICT
THEFT (By Deception)

FINDING

We, the Jury, having found the Defendant, Samantha Harrison guilty of theft by deception, further find beyond a reasonable doubt that the value of the property to-wit: cash benefits and/or food assistance GUILTY/WAS * One Thousand Dollars ($1,000) or more as charged in the Indictment.

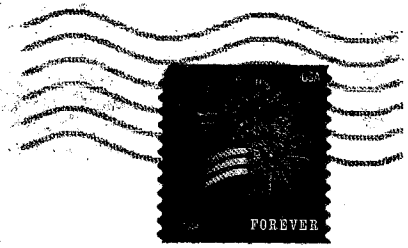
(*Insert in ink "WAS" or "WAS NOT")

1 [signature]
2 James C. McGhee
3 Amanda Snider
4 Kim Hentrick
5 [signature]
6 [signature]
7 [signature]
8 [signature]
9 Kelly Cesare
10 Amy M Wadham
11 [signature]
12 Ray [signature]

All Jurors Must Concur on Verdict
Sign in Ink

J. Allen Wilmes, Esq.
7821 North Dixie Drive
Dayton, OH 45414

COLUMBUS OH 431
19 MAR 2015 PM 5 L



SAMTHANA HARRISON-JOHNS
75(1) WOODS DR
WEST MILTON OH 45383
[redacted]

45383117599

ELECTRONICALLY FILED
COURT OF COMMON PLEAS
Wednesday, March 18, 2015 3:56:09 PM
CASE NUMBER: 2014 CR 00138 Docket ID: 19893846
GREGORY A BRUSH
CLERK OF COURTS MONTGOMERY COUNTY OHIO

Montgomery County Common Pleas Court
General Division

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

CRIMINAL DIVISION

STATE OF OHIO,

Plaintiff

-vs-

SAMANTHA HARRISON,

Defendant.

CASE NO. 2014 CR 00138

(JUDGE MARY WISEMAN)

VERDICT ENTRY

The Prosecuting Attorney Ward Barrentine and Karina Korostyshevsky, the Defendant, Samantha Harrison with Counsel Al Wilmes appeared in open court and the case was heard by a duly empanelled and sworn jury.

After all of the testimony, the arguments of counsel, and the jury charge delivered by the Court, were heard, the jury deliberated, in the charge of the Bailiff, and returned to open court with the following verdict:

VERDICT

On March 18, 2015 the Jury being duly empanelled and sworn found the Defendant, Samantha Harrison, GUILTY of Theft (By Deception) having a value of One Thousand Dollars ($1,000) or more as charged in the Indictment.

FINDING

The Jury further found beyond a reasonable doubt that the value of the property to-wit: cash benefits and/or food assistance WAS One Thousand Dollars ($1,000) or more as charged in the Indictment.

The jury was discharged from further consideration of this cause.

MARY WISEMAN, JUDGE

Revised 1/4/05

ELECTRONICALLY FILED
COURT OF COMMON PLEAS
Wednesday, March 18, 2015 3:53:31 PM
CASE NUMBER: 2014 CR 00138 Docket ID: 19893844
GREGORY A BRUSH
CLERK OF COURTS MONTGOMERY COUNTY OHIO

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

STATE OF OHIO,

Plaintiff(s),

-vs-

SAMANTHA HARRISON

Defendant(s).

CASE NO. 2014 CR 00138

JUDGE MARY WISEMAN

ENTRY AND ORDER ADJUDGING BAIL FORFEIT AND ISSUING ARREST WARRANT

This cause came on for hearing on the **18TH day of MARCH, 2015**, and the Defendant herein having failed to appear, it is ORDERED that Defendant's bail be and is hereby adjudged forfeit in its entirety and full amount, pursuant to Rule 46(I), Ohio Rules of Criminal Procedure, and to section 2937.35, Ohio Revised Code, and it is further ORDERED that a warrant issue for the arrest of the Defendant.

SO ORDERED:

JUDGE MARY WISEMAN

NOTICE TO DEFENDANT AND TO SURETY ON FORFEITED BAIL
CLERK OF COURT'S NOTICE

You, SAMANTHA HARRISON, as Defendant, and you, **VICKIE SHORT OF THOMAS E. SHORT AND SENECA INSURANCE COMPANY** as Surety for the Defendant in the above-styled cause are hereby notified that this cause came on for hearing on **18TH MARCH, 2015**; that the Defendant, having notice thereof, failed to appear; that bail was adjudged forfeit; and that a warrant for Defendant's arrest was issued, all because of the breach by Defendant of the terms of such bail.

You are required to show good cause, on or before the **07TH day of MAY, 2015**, at **9:30AM**, why judgment should not be entered against you for the full amount stated in the recognizance.

GREGORY A. BRUSH
CLERK OF COURTS

By: ***/s/ Gregory A. Brush***
Clerk of Courts

CC: Surety
Defendant
Defense Counsel
Prosecutor's Office
Court Services

rev 7/26/13

Redacted by Clerk of Court

ELECTRONICALLY FILED
COURT OF COMMON PLEAS
Wednesday, March 18, 2015 3:59:22 PM
CASE NUMBER: 2014 CR 00138 Docket ID: 19893849
GREGORY A BRUSH
CLERK OF COURTS MONTGOMERY COUNTY OHIO

Montgomery County Common Pleas Court
General Division

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

STATE OF OHIO,
Plaintiff(s),

-vs-

SAMANTHA HARRISON,
Defendant(s).

CASE NO. 2014 CR 00138

JUDGE MARY WISEMAN

ENTRY AND ORDER FOR CAPIAS AND SETTING BOND

On MARCH 18, 2015, this cause came on to be heard, and it appearing that the defendant has failed to make an appearance in this Court, after having been charged with the offense of **THEFT ($1000 BUT LESS THAN $7500)(BY DECEPTION)(F5)**.

THEREFORE, it is ORDERED that a CAPIAS be issued to the Sheriff of Montgomery County, Ohio, for the apprehension of the said defendant **FORTHWITH. BOND IS HEREBY SET AT $150,000 C/S + COR/EHDP**.

SO ORDERED,

JUDGE MARY WISEMAN

CAPIAS TO THE SHERIFF OF MONTGOMERY COUNTY, OHIO: GREETINGS:

We command you to take the above-named defendant in this or any adjoining county in which you shall find defendant and that you safely keep defendant so that you have said defendant before this Court forthwith to answer unto the State of Ohio, on the charge(s) shown above on which charges(s) said defendant was bound over to the said Court of Common Pleas, and have you then and there this writ, OR if defendant be found in any other than this or an adjoining county, to arrest and take defendant before a court of record therein having jurisdiction or this offense, to be dealt with according to law, and to do these things without unnecessary delay.

WITNESS, GREGORY A. BRUSH, Clerk of said Court, and the Seal thereof at Dayton, Ohio.

Gregory A. Brush,
Common Pleas Clerk of Courts
Montgomery County, Ohio

IDENTIFIERS
NAME(S): **Samantha Harrison** RACE: GENDER:
LAST KNOWN ADDRESS: **516 Caleb Dr, Brookville, Oh 45309**
SOCIAL SECURITY NO[redacted]E:
DOB: **09/12/1969** HEIGHT: WEIGHT: HAIR: EYES:
IDENTIFYING MARKS OR PHYSICAL INFORMATION:
EMPLOYER:
INVESTIGATORS/POLICE AGENCY:
EXTRADITIONS: (X) LEADS ( ) AS ( ) NW

cc: MCSO Warrant Section (3)
Prosecutor's Office
Caseflow Services

SJ

In The Court Of Common Pleas, Montgomery County Ohio
Criminal Division

STATE OF OHIO,
Plaintiff(s),

-vs-

SAMANTHA HARRISON,
Defendant(s)

CASE NO. 2014 CR 00138

JUDGE MARY WISEMAN

RETURN OF WARRANT/CAPIAS

I received a Warrant/Capias on _____ (date), and executed it on _____ (date), by serving it (arresting) defendant Samantha Harrison, and will return said Warrant/Capias to the issuing Court to have said defendant brought before the Court without unnecessary delay.

Further, I certify that the fees shown herein were incurred.

FEES:

Service and Return	**$** _____
Mileage	**$** _____
Other	**$** _____
Total	**$** _____

_____
Law Enforcement Officer

_____
Agency

_____
Date

General Divison
Montgomery County Common Pleas Court
41 N. Perry Street, Dayton, Ohio 45422

Type: Entry and Order: Capias

Case Number: 2014 CR 00138

Case Title: STATE OF OHIO vs SAMANTHA HARRISON

So Ordered

Mary Wiseman

Electronically signed by mwiseman on 2015-03-18 15:59:30 page 3 of 3

Redacted by Clerk of Court

ELECTRONICALLY FILED
COURT OF COMMON PLEAS
Wednesday, March 18, 2015 3:57:11 PM
CASE NUMBER: 2014 CR 00138 Docket ID: 19893865
GREGORY A BRUSH
CLERK OF COURTS MONTGOMERY COUNTY OHIO

DATE: 3/18/2015

MONTGOMERY COUNTY COMMON PLEAS COURT

STATE OF OHIO

Plaintiff,

-vs-

HARRISON, SAMANTHA

Defendant

CASE NO: 2014CR00138

Judge/Magistrate: WISEMAN, MARY

ENTRY
EXHIBIT/EVIDENCE RECEIPT

MONTGOMERY COUNTY
COMMON PLEAS COURT
MAR 18 2015
RECEIVED
EVIDENCE ROOM

Trial/Hearing Date: JT 3/16/15
Indictment/Complaint: (2913.02(A)(3)) THEFT ($1
Verdict/Judgement: GUILTY OVER $1,000
Sentence Date/Pending: N/A

BARRENTINE, WARD C
Trial Attorney for Plaintiff(s)
or Appeal Attorney

WILMES, J ALLEN
Trial Attorney for Defendant(s)
or Appeal Attorney

This is to certify that SANDRA DUNGAN, Court Reporter/Judicial Assistant/Court Technician/Magistrate's Staff for Judge/Magistrate WISEMAN, MARY, delivered to me the evidence in the within case. See attached.

Sandra R. Dungan
(Name), Court Reporter/Judicial Assistant/
Magistrate's Staff

Property Room Specialist

Deputy Clerk, if applicable

Deputy Sheriff, if applicable

Evidence Transfer Receipt for : 2014CR00138

March 18,2015 14:11

Transfer From: SANDRA DUNGAN

Transfer to: DUNGAN, SANDRA

New Location: /MCC/EVIDENCE/VAULT/SECTION OFFICE HOLD//SHELF 1-JUDICIAL ASSISTANTS OFFICE

ID#	Exhibit	Description
COURT'S EXHIBIT .		
598733	I	3-16-15 JURY TRIAL MONT. CO. DEPT. OF JOB AND FAMILY SERVICES PARTICIPATION ABILITY REQUEST FORM - PRIMARY CAREGIVER
598766	II	3-16-15 JURY TRIAL AFFIDAVIT SIGN BY MARTIN STRINGFELLOW ALSO MARKED AS DEFENSE EX. A
598767	III	3-16-15 JURY TRIAL LETTER FROM DR. WAGSHUL DATED 3-17-15
598768	IV	3-16-15 JURY TRIAL RETURN TO WORK/SCHOOL SLIP
598769	V	3-16-15 JURY TRIAL JURY INSTRUCTIONS
598770	VI	3-16-15 JURY TRIAL VERDICT FORMS
DEFENDANT HARRISON, SAMANTHA		
598771	B	3-16-15 JURY TRIAL AFFIDAVIT SIGNED BY MARTIN STRINGFELLOW
PLAINTIFF STATE OF OHIO		
598773	01	3-16-15 JURY TRIAL CHASE BANK ACCT #6509 SIGNATURE CARD FOR SAMUEL STRINGFELLOW
598774	02	3-16-15 JURY TRIAL CHASE BANK ACCT #5127 SIGNATURE CARD FOR SAMANTHA HARRISON
598775	03	3-16-15 JURY TRIAL CHASE BANK STATEMENT ACCT #[redacted]1-11
598776	04	3-16-15 JURY TRIAL CHASE BANK WITHDRAWAL FROM #6509 12-5-11
598778	05	3-16-15 JURY TRIAL CHASE BANK WITHDRAWAL FROM #6509 12-5-11
598779	06	3-16-15 JURY TRIAL CHASE BANK DEPOSIT INTO #5127 12-5-11
598780	07	3-16-15 JURY TRIAL CLAY TOWNSHIP PAYCHECK TO MARTIN STRINGFELLOW $1,141.36
598781	08	3-16-15 JURY TRIAL CHASE BANK DEPOSIT TO #5127 $1,141.36
598782	09	3-16-15 JURY TRIAL CLAY TOWNSHIP PAYCHECK TO MARTIN STRINFELLOW $1,141.36
598783	10	3-16-15 JURY TRIAL CHASE BANK STATEMENT #5127 12-14-11- 1-13-12
598784	11	3-16-15 JURY TRIAL CHASE BANK STATEMENT #5127 1-14-12- 2-13-12
598785	12	3-16-15 JURY TRIAL CHASE BANK STATEMENT #5127 2-14-12- 3-13-12
598786	13	3-16-15 JURY TRIAL CHASE BANK STATEMENT #5127 3-14-12- 4-12-12
598787	14	3-16-15 JURY TRIAL CHASE BANK STATEMENT #5127 4-13-12- 5-11-12
598788	15	3-16-15 JURY TRIAL CHASE BANK STATEMENT #5127 5-12-12- 6-13-12
598789	16	3-16-15 JURY TRIAL CHASE BANK STATEMENT #5127 6-14-12- 7-13-12
598790	17	3-16-15 JURY TRIAL CHASE BANK STATEMENT #5127 7-14-12- 8-13-12
598791	18	3-16-15 JURY TRIAL CHASE BANK STATEMENT #5127 8-14-12- 9-14-12
598792	19	3-16-15 JURY TRIAL CHASE BANK STATEMENT #5127 9-15-12- 10-12-12
598793	20	3-16-15 JURY TRIAL CHASE BANK STATEMENT #5127 8-12-11- 9-14-11
598794	21	3-16-15 JURY TRIAL CLAY TOWNSHIP PAYCHECK FOR MARTIN STRINGFELLOW 8-15-11 $1,049.49
598795	22	3-16-15 JURY TRIAL CHASE BANK DEPOSIT #[redacted]7-11 $1,049.49
598796	23	3-16-15 JURY TRIAL CLAY TOWNSHIP PAYCHECK MARTIN STRINGFELLOW 8-31-11 $1,049.49
598797	24	3-16-15 JURY TRIAL CHASE BANK STATEMENT #5127 9-15-11 - 10-14-11

Evidence Transfer Receipt for : 2014CR00138

March 18,2015 14:11

Transfer From: SANDRA DUNGAN

Transfer to: DUNGAN, SANDRA

New Location: /MCC/EVIDENCE/VAULT/SECTION OFFICE HOLD//SHELF 1-JUDICIAL ASSISTANTS OFFICE

ID#	Exhibit	Description
PLAINTIFF STATE OF OHIO		
598798	25	3-16-15 JURY TRIAL CLAY TOWNSHIP PAYCHECK MARTIN STRINGFELLOW 9-20-11 $1,049.49
598799	26	3-16-15 JURY TRIAL CHASE BANK DEPOSIT #[redacted]1-11 $1,049.49
598800	27	3-16-15 JURY TRIAL CLAY TOWNSHIP PAYCHECK MARTIN STRINGFELLOW $1049.49
598801	28	3-16-15 JURY TRIAL CHASE BANK DEPOSIT #[redacted]5-11 $1,049.49
598802	29	3-16-15 JURY TRIAL CHASE BANK STATEMENT #5127 10-15-11-11-14-11
598803	30	3-16-15 JURY TRIAL CLAY TOWNSHIP PAYCHECK MARTIN STRINGFELLOW 10-6-11 $1,141.36
598804	31	3-16-15 JURY TRIAL CHASE BANK DEPOSIT #[redacted]9-11 $1,141.36
598805	32	3-16-15 JURY TRIAL CLAY TOWNSHIP PAYCHECK MARTIN STRINGFELLOW 10-28-11 $1,049.49
598806	33	3-16-15 JURY TRIAL MONT. CO. JFS REQUEST FOR CASH, FOOD, AND MEDICAL ASSIST. 12-5-11
598807	34	3-16-15 JURY TRIAL ALTERNATE ADDRESS/DIRECT DEPOSIT INFORMATION OF ODJFS ACCT EFFECTIVE 1-9-12
598808	35	3-16-15 JURY TRIAL CASH ISSUANCE HISTORY, ODJFS ACCT SHOWING PAYMENT HISTORY
598809	36	3-16-15 JURY TRIAL FOOD STAMP ISSUANCE HISTORY, ODJFS SHOWING BENEFITS RECEIVED 12-12-11 - 10-1-12
598810	37	3-16-15 JURY TRIAL SUMMARY OF DEPOSITS INTO ACCT #5127 STRINGFELLOW PAYCHECKS, UNITED HEALTHCARE, BENEFITS, AND US TAX REFUNDS 11-30-11 - 10-1-12