

ORIGINAL

IN THE SUPREME COURT FOR THE STATE OF OHIO

IN RE: SAMANTHA JOHNS (HARRISON)
Relator

Case No. 15-447

vs.

J. ALLEN WILMES
Attorney/Respondent

RESPONSE OF J. ALLEN
WILMES TO PETITION OF
RELATOR

Comes now Attorney J. Allen Wilmes, and for his response to Relator's petition for writ of prohibition filed herein on or about March 17, 2015 and received by undersigned counsel on or about March 21, 2015.

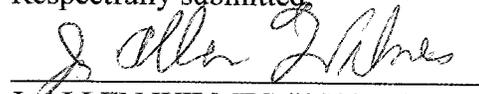
BACKGROUND OF CASE

Relator (hereinafter "Johns") was charged with theft by deception, *id est*, "Welfare Fraud" in Montgomery County Case No. 12-CR-138. In November, 2014, Johns having been in disagreements with three prior attorneys herein, the trial court personally called undersigned counsel and asked him to consider *servicing* as "stand-by counsel" who was disgruntled and wished to proceed *pro se*. Undersigned counsel met Johns at a scheduling conference on December 2, 2014 when trial dates were set. Relator, however, desired active representation.

Many weeks went past without contact. It was very difficult trying to meet with and assist in said defense but, having accepted this assignment as an officer of the Court, I did my best.

Attached please find letters of communication to Johns attached as Exhibits A through F. Also, please note my filings in this case, e.g. motions in limine and for bill of particulars. Likewise, this Court is exhorted to view a transcript of said trial proceeding and to confer with trial judge (Mary Wiseman) to evaluate whether this Defendant, even in her absence, received a fair trial and diligent representation.

Respectfully submitted,



J. ALLEN WILMES #0012093
Attorney for Defendant
7821 North Dixie Drive
Dayton, Ohio 45414
(937) 278-0652

RECEIVED
APR 07 2015
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
APR 10 2015
CLERK OF COURT
SUPREME COURT OF OHIO

"Exhibit A"

**J. ALLEN WILMES
ATTORNEY AT LAW
7821 NORTH DIXIE DRIVE
DAYTON, OHIO 45414-4694**

(937) 278-0652

November 25, 2014

Ms.Samantha Harrison

In re: State vs. Harrison

Dear Ms. Harrison:

As you know, I have been appointed as your fourth attorney in the above matter. I would be happy to meet with you to discuss facts and strategies for defending you in this matter; if you will call and schedule an appointment to mee with me at my office.

Thank you for your cooperation in this matter.

Sincerely,

J.Allen Wilmes
Attorney at Law

"Exhibit B"

**J. ALLEN WILMES
ATTORNEY AT LAW
7821 NORTH DIXIE DRIVE
DAYTON, OH 45414-4694**

(937) 278-0652

January 10, 2015

Ms. Samantha Harrison
PO Box 13
Brookeville, OH 45309

In re: State vs. Harrison
Case No. 2014-CR-138

Dear Ms. Harrison:

I cannot locate your other address (in West Milton) so hope that you receive this as I have not heard from you since the last court appearance.

Enclosed please find copies of recent pleadings (bill of information and motion in limine) of which I have filed on your case. I would like to discuss these documents as well as strategies of defense with you at your earliest convenience.

Thank you for your attention in this matter.

Sincerely,

J. Allen Wilmes
Attorney at Law

"Exhibit C"

**J. ALLEN WILMES
ATTORNEY AT LAW
7821 NORTH DIXIE DRIVE
DAYTON, OHIO 45414**

(937) 278-0652

February 7, 2015

SAMANTHA HARRISON
PO BOX 13
BROOKVILLE OH 45309

In re: State vs. Harrison

Dear Ms. Harrison:

This note is to advise you that since you failed to appear at your scheduling conference of February 5, 2015 at 4:00pm., Judge Wiseman has issued a warrant for your arrest and revoked your bond. Please call me promptly to discuss whether I should try to set up another hearing to ask Judge Wiseman to withdraw the warrant for your arrest.

As you know, I have not seen or heard from you since the last time you appeared in Court. As you also know your pretrial remains set for March 5, 2015 at 4:00 p.m. As you also know your trial remains set for March 16, 2015 at 9:00 a.m. I would very much like to meet with to discuss the evidence we are facing and how we might prepare for your upcoming trial.

As you know further, I have taken the liberty of filing a motion for bill of particulars and in limine in trying to exclude some evidence.

Thank you for your anticipated cooperation.

Sincerely,

J. Allen Wilmes
Attorney at Law

"Exhibit D"

**J. ALLEN WILMES
ATTORNEY AT LAW
7821 NORTH DIXIE DRIVE
DAYTON, OHIO 45414**

(937) 278-0652

February 23, 2015

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

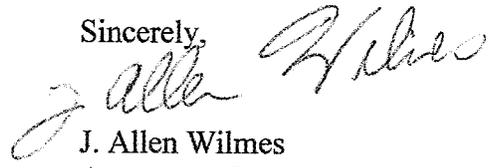
In re: State vs. Harrison
14CR138

Dear Samantha:

Enclosed please find the bill of particulars recently filed by the State. As you can see, this is the means to further define the evidence that you are facing at your trial of March 16, 2014 at 9:00 a.m.

As you know, we have a final pretrial conference set for March 5, 2014 at 4:00pm. It would be advisable for you to schedule an appointment to meet with me and to discuss defenses and trial strategies as soon as feasible.

Sincerely,



J. Allen Wilmes
Attorney at Law

"Exhibit E"

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

March 4, 2015

SAMANTHA HARRISON JOHNS
75 (1) WOODS DRIVE
WEST MILTON, OH 45383

In re: State vs. Harrison
Case No. 14-CR-138

Dear Ms. Johns:

Enclosed please find the list of prosecutorial witnesses which you will face next week. It is my understanding that the State will introduce statements that you have signed claiming no income. Then, they will produce proof that Marty Stringfellow's paycheck was deposited directly into your account. They may also introduce your credit card records to show that you were spending money from some source.

Since you decline to testify, after the Court overrules all of my motions to exclude evidence, I do not see any rebuttal or response to the State's charges. If convicted, you may not receive prison but would receive a felony on your record and have to submit to the rules of probation.

Even now, the prosecutor and the Court would consider you eligible for (ILC) Intervention In Lieu Of Conviction (and cancel the trial) if you admit to failing to report income. If you are willing to do this and be assessed for possible treatment or therapy you may obtain a dismissal of your case and no criminal record in this matter.

In my opinion, the option deserves your serious consideration since the evidence against you appears strong and your position that this evidence "violates your Constitutional rights" and must be suppressed or excluded is unlikely to be sustained by the Court.

Sincerely,

J. Allen Wilmes
Attorney at Law

"Exhibit #1"

**J. ALLEN WILMES
ATTORNEY AT LAW
7821 NORTH DIXIE DRIVE
DAYTON, OHIO 45414-4694**

(937) 278-0652

March 4, 2015

SAMANTHA HARRISON JOHNS
75 (1) WOODS DRIVE
WEST MILTON, OH 45383

In re: State vs. Harrison
Case No. 14-CR-138

Dear Samantha:

Having finally met with you yesterday and heard your demands for the prosecution of your defense, I have some concerns about your strategy and the wisdom thereof. I have no problem making motions to the Court for dismissal based upon the State's delay in filing your indictment after the grand jury voted and, also, based upon your dissatisfaction with the language in the bill of particulars. However, as I advised you, I am not optimistic of your chances for success on those motions.

You do have a right to remain silent but it may be a choice to be made after you hear what the State witnesses have to say about you and whether you have a response -- especially since you have no criminal record.

My biggest concern is the list of witnesses you want subpoenaed. None of them have been brought in for me to interview and I do not like to call witnesses blind as it frequently backfires. Further, calling multiple doctors to testify to things that you have told them about who lives with you is hearsay and inadmissible, and also rather disrespectful to their professional services and schedules. Finally, we have worked hard to define the charges against you so as to keep out evidence of your history with Children's Services of your parenting allegations of fraud raising charitable monies. Medical witnesses may open doors to allow these issues in.

Likewise, I strongly discourage you from trying to both use county deputies to show your husband's absence and simultaneously reporting them to the television stations for sex play and

texts with you while on duty. Text messages and photos do not prove your husband's absence.

If you do not think I am giving you wise or proper advise, be sure to notify the Court that you no longer desire my services. As you know, I am your fourth attorney in this case and you do have the right to pro se as you have done in other cases (juvenile court) when you did not care for your appointed attorney.

Sincerely,

J. Allen Wilmes
Attorney at Law

cc: Judge Mary Wiseman

IN THE SUPREME COURT FOR THE STATE OF OHIO

IN RE: SAMANTHA JOHNS (HARRISON)
Relator

Case No. 15-447

vs.

J. ALLEN WILMES
Attorney/Respondent

CERTIFICATE OF SERVICE

I hereby certify that the Response of J. Allen Wilmes to Petition of Relator has been served upon the following by ordinary mail on or before April 14, 2015:

JUDGE MARY WISEMAN
MONTGOMERY CO. COMMON PLEAS COURT
41 N PERRY ST
DAYTON OH 45402

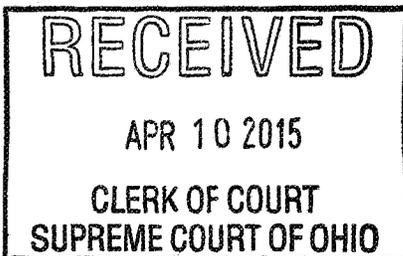
WARD BARRENTINE
ASSISTANT PROSECUTOR
301 W THIRD ST
DAYTON OH 45422

KARINA KOROSTYSHEVSKY
ASSISTANT PROSECUTOR
301 W THIRD ST
DAYTON OH 45422

HEATHER JANS
ASSISTANT PROSECUTOR
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DAYTON OH 45422

MATTHEW CRAWFORD
ASSISTANT PROSECUTOR
301 W THIRD ST
DAYTON OH 45422

ALYSIA GOSS
LAW OFFICE OF PUBLIC DEFENDER
117 S MAIN ST, STE 400
DAYTON OH 45422



RICHARD BUTCH BARNES
ATTORNEY AT LAW
41 E MAIN ST
ENON OH 45323

BOBBY JOE COX
ATTORNEY AT LAW
130 W SECOND ST, STE 800
DAYTON OH 45402

Respectfully submitted,



J. ALLEN WILMES #0012093
Attorney for Defendant
7821 North Dixie Drive
Dayton, Ohio 45414
(937) 278-0652