

In the  
Supreme Court of Ohio

ORIGINAL

State Ex., Rel. Amanda Wilson Iler  
121 E. Sixth Street.  
Seaman Ohio 45679

Relator

VS.

Judge Brett M. Spencer  
110 West Main Street  
West Union Ohio 45693

&

Michael Farahay  
1200 Mineral Springs Rd.  
Peebles Ohio 45660

&

Judges of the Fourth Court of Appeals  
14 South Paint Street.  
Chillicothe Ohio 45601

Respondents.

**Case No. 2015-0146**

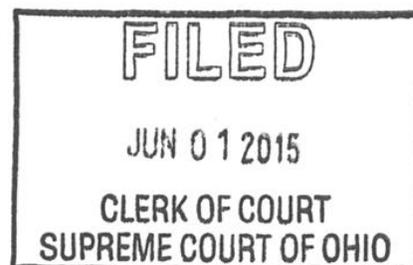
Original Actions for Writs  
of Habeas, Mandamus &  
Prohibition

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RELATOR'S MOTION FOR RECONSIDERATION

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\*accompanied with certificate of service\*



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was issued  
by regular u.s. mail to the following:

C. David Kelley

110 West Main St.

West Union Ohio 45693

\*Counsel to Respondent Judge Brett Spencer\*

David Grimes

108 E. Mulberry St.

West Union Ohio 45693

\*Counsel to Respondent, Michael Farahay\*

Judges of the Fourth District Court of Appeals

14 South Paint Street

Chillicothe, Ohio 45601

\*Respondent(s)\*

My signature certifies the document(s) were issued, as indicated above

this 1st day of June, 2015.



Amanda Wilson Iler, Pro Se Relator

\*Original Action(s), Case No. 2015-0146\*

6/01/2015  
Reconsideration

Motion & Chart

**Relator's Motion for Reconsideration pursuant to S.Ct.Prac.R. 18.02 (B)(3)**

Relator respectfully moves this court to provide relief by having it reconsider it's earlier entry, 05/20/2015, granting dismissal in favor of Respondent's Motion(s) to Dismiss pursuant to Civ. R. 12 (B)(6) as well as it's denying Relator's motion to strike the Respondents Motions to Dismiss. Additionally, Relator seeks to have the court reconsider its order issued 05/22/2015 as it is relative and pertinent to the entire case.

Relator has attached a memorandum in support of all these requests.

  
6/01/2015

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Amanda Wilson Iler, Relator

121 E. Sixth St.

Seaman Ohio 45679

937779-6637

Case No. 2015-0146 Ohio Supreme Court Original Action(s)

**RELATOR'S MEMORANDUM IN SUPPORT OF MOTION TO RECONSIDERATION**

Based on the general test used to decide a motion for reconsiderations, *Matthews v. Matthews*, 5 Ohio App.3d 140, 143, 450 N.E.2d 278 (10th Dist.1982), Relator's first and foremost issue raised is one that has not yet been considered as this is the first time it was specifically claimed in this action. O'Donnell, J. dissenting and Kennedy, J concurring in *State v. Gilbert. Slip Opinion No. 2014-Ohio-4562*:

He eloquently describes and defines two distinct concepts, the difference between a court's jurisdiction and its inherent powers. In *Hale v. State*, 55 Ohio St. 210, 213, 45 N.E. 199 (1896), he recollects and further cites:

"The difference between the jurisdiction of courts and their inherent powers is too important to be overlooked. In constitutional governments their jurisdiction is conferred by the provisions of the constitutions and of statutes enacted in the exercise of legislative authority. That, however, is *not* true with respect to such powers as are necessary to the orderly and efficient exercise of jurisdiction. Such powers, from both their nature and their ancient exercise, must be regarded as inherent. They do not depend upon express constitutional grant, nor in any sense upon the legislative will."

In summary, this court has found it has inherent power to vacate a term of judgment \* \* \* which is voidable for fraud or collusion, *Van DeRyt v. Van DeRyt*, 6 Ohio St.2d 31, 36, 215 N.E.2d 698 (1966).

“Fraud connotes perjury, falsification, concealment, misrepresentation.” *Knauer v. United States*, 328 U.S. 654, 657, 66 S.Ct. 1304, 90 L.Ed. 1500 (1946). With that and additionally ‘Fraud upon the court’ is an elusive concept. \* \* \* It is generally agreed that ‘ \* \* \* [a]ny fraud connected with the presentation of a case to a court is a fraud upon the court, in a broad sense.’ 11 *Wright & Miller, Federal Practice and Procedure* (1973) 253, Section 2870.

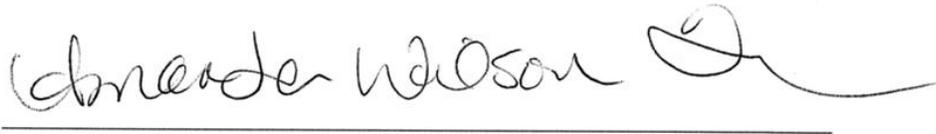
Though the case they dissented ( *State v Gilbert*) pertains to a criminal case, in any context, it is well established and agreed that fraud perpetrated on any court, tampers the administration of justice and subverted the integrity of the judicial process as a whole. See *Coulson v. Coulson*, 5 Ohio St.3d 12, 15, 488 N.E.2d 809 (1983)

He goes on further to mention, how the court recognized in *Van DeRyt* that “a court draws the power to vacate from the reason for its existence—to render justice; for where fraud or collusion is practiced on a court, the court ceases to function as a court and its judgment becomes an official stamp lent to the subversive intentions of the abusing parties. To protect its integrity, a court has inherent power to crush the fruits of fraud and collusion.”

Based on the inherent power to crush the fruits of fraud and collusion, Relator prays this court consider the sworn testimony in the underlying case(s) and the most recent conflicting statements made by those same parties to render a decision on the merits and provide an adequate remedy for child, M.F., and Relator, whose lives have been abruptly disrupted and at the hands to which they have absolutely no control over.

Hopefully, to simplify reference to the record(s), Relator (obviously not an attorney) attached a listing of Volumes and it includes the filing date and where to locate specific documents (transcripts, entries, reports, etc).

Directly in the action for Mandamus, Relator wishes to have this court now consider Exhibit B in 3/23/2015 filing, fourth page back is actual copy of written request of audio C,D of hearings and it was file stamped 03/20/2014 and hand delivered/filed by Relator, to which was specifically requested and cited pursuant to ORC 143.49 (B) and as was the request to remedy a GAL that lied under oath, the request for audio CD was ignored also and to date has never been offered.



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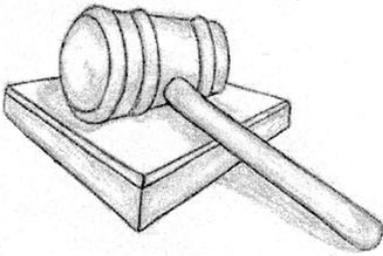
Amanda Wilson Iler, Relator

121 E. Sixth St.

Seaman Ohio 45679

Ph: 937-779-6637

06/01/2015 Reconsideration



May 19, 2015 filing, exhibit identification and locations.

\*continuation to 03/23/2015 volumes filed

Vol. III from 05/19/2015 filing

- A) Grade Card from 3<sup>RD</sup> nine weeks of M.F. (grades at time 04/11/13 Motion was filed) accompanied w/ Teacher affidavit re: M.F. 6<sup>th</sup> grade teacher/staff response to claims she was 'failing'
- B) Facsimile transmission recpt; grade card that was sent to law office of Tyler Cantrell (GAL), prior to hearing date-see date/time info  
12/27/13 Inquiry re: procedure for filing complaint of Ad litem  
03/20/14 Inquiry re: procedure for filing complaint of Ad litem  
05/02/14 Inquiry re: procedure for filing complaint of Ad litem w/ interrogatories and misc attachments that were gave to Tyler Cantrell prior to hearing(s).
- C) "Text" images from 11/5/2013 hearing (Tr. 11/05/13, p 60-64)
- D) Aug 2008 fax of Mr. Farahay's counsel, re: "academic" claims
- E) Civil Protection Order (CPO)
- F) Entry 06/26/2014 Overruling of objections by Judge Brett Spencer
- G) Adams Co Court Rules (online) partial print off of rules
- H) Highland Co. G.A.L report dated Jan 09, 2015
- I) Highland Co Transcripts of April 20, 2015 hearing
- J) Highland Co Misc Entries, orders, motions, etc.

Vol. IV also from 05/19/2015 filing

- K) Adams Co hearing on 11/03/2013 (transcribed)
- L) Verizon Phone Records dated Jun 05-Jul. 04, 2013 of Matt Iler's cell number 937-515-3903

- M) Shupert ad litem report and the courts approving it despite the obvious lack of verifying contacts, etc.
- N) Text images to consider based on the ones used to allege how a name of a contact on a print are not the “best evidence”

The following chart illustrates the inconsistent statements made by Mr. Farahay & Mr. Iler

<p>Motion dated 04/11/2013 alleging “drastically failing” and oddly the grades cited all throughout the first hearing by witnesses for defendant, do not match anything from that school year.</p> <p>(ex, Trans 11/03, p 17 lines 19-10)</p> <p><i>*Motion is in Vol I, Exhibit B*</i></p>	<p>See actual copy of report card of 3<sup>rd</sup> nine weeks which is the actual grades at time the frivolous 04/11/2013 Motion was filed.</p> <p><i>*Report Card is in Vol. III, Exhibit A*</i></p>
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<p>Transcript of 11/5, p.6 (Vol. II 03/23/15 filing)</p> <p>Farahay testifies and implies in 2008 his being forced to file for ‘parental rights’ after becoming engaged and no longer allowed visitation w/ child, suggesting he had been deprived out of jealousy/spite of his new relationship. -----&gt;</p>	<p>Exh D in Vol III of 03/23/15 lies the Aug. 20, 2008 Fax from Cassity Law Office, counsel to Mr. Farahay, junk science claims of his education expertise basis for first filing, <b>not</b> a child deprivation of any type, his new girlfriend came w/ a litigation ploy, a school teacher ‘aunt’ to portray his educational ‘involvement’ w/ child while legally menacing through the courts.</p>
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(see\*Vol I, Exhibit A, p. 7, Entry dated 07/17/2008, of case journal in 03/23/15 filing\* and then Vol.III of 05/19/2015 exhibit D which is fax from his counsel in 2008 of his same false allegations about “grades” and “school” and behind it is Judgment Entry on his motion for declaring relationship ),and he has never named child as a party, either. His request was to declare child-parent relationship and is required to be done in form of a complaint subject to Civil Proc. Rules to properly invoke court but failed technically since it was a Motion, and commencing a civil action is through a verified complaint not a motion. See RC 3111.07. No personal jurisdiction, though not same as subject matter, is still required to render any judgment valid.

\*11/5 transcripts in Vol. II of 03/23/2015\*

<p>11/5 p 7-8 when asked to describe his relationship w/ child, he defines it as “strained” and says child refuses to open up and talk about anything that’s bothering her</p>	<p>11/5 p 10 &amp; 20 his stating that child in agreement to allegations of abuse are questionable if she won’t even talk about school or things of a general nature yet confides to him about ‘abuse’,</p>
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<p>Motion 04/11 alleging child failing,  11/5 p 8 says child is “failing” in school  11/5 p 14 ‘right now’ she’s failing    Report card in Vol. III ex. ‘A’ show otherwise</p>	<p>12/3 p 5-30 testimony of teachers conflict “failing” (teachers at time of Motion being filed), he never offers testimony of any teachers that allegedly agreed to his claim of child “failing” status.    His own family member “teacher” didn’t proffer any of the emails she implied the childs teachers sent her where she testified using her position as a “Teacher” to appear “qualified” or least to strengthen the fathers case by her credentials. She tutors children but when confronted with a notarized statement from the same teachers (Letter is Exh A of 03/23/15 filing, Volume III) she seemed to have lost her ability to “read aloud” when asked to read it, her only reply was the questioning of who the author of that</p>
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	document was, she is a qualified tutor and cant decipher that much, info?
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11/5 p 10 says child answered “yes” when he directly inquired as to allegations of being exposed to fighting,  11/5, p 20 says child told him “she is seeing her mom get beat up”	G.A.L. report from Highland Co, p. 17-18 he states “the look on her face” is actually what “told” him something happened when he asked child about alleged abuse/exposure to DV, hardly the same story he told 11/5, p 10, p 20, etc  *Exh H is GAL report, Highland Co, in 05/19/2015 filing, Vol. III*
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11/5 p 17, asked if he had insurance on child, p 18 says “yes” to ins policy maintained	It is a health savings account and has never provided the card for medical expenses, ever. Actually, upon Relator’s paying them and use of it would meet Respondent’s deductible though he refuses to pay any portion even though legally obligated.
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	p 38, he admits he contacted provider and obtained copy of optical/eyeglass bill just 5
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<p>11/5 p 33 states he had “not received a bill from that either” when asked about his paying his portion of optical/eyeglass expense for child.</p>	<p>pages ago on p 33 he said he had not received it, p 40 declares Children’s Hosp bill has not been provided to him-but he is able and aware of how to get them per his obtaining optical bill (esp if they can portray plaintiff lied when they are ignoring the bills prior that have never been paid. Per his atty’s obvious method, unless there’s video footage of his recving a bill then keep lying and deny it).</p>
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<p>Though obviously “rehearsed” Matt Iler also states he had access to his child until he had a new relationship, see 11/5 p 71, lines 18-23, p 72 lines 1-9</p> <p>Literally echoing Farahays same implied claim</p>	<p>He certainly didn’t allege that in his own childs case in Highland Co, see Vol. I of 03/23/2015 filing, see exhibit “G” of transcripts where wasn’t concerned about domestic violence or alleging Relator returned to his address like he did in Adams Co 11/5 transcripts (besides did Relator sleep in-between he and his girlfriend)</p>
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<p>Magistrate's Decision, the attempt to corrupt the outcome with deceitful language regarding demeanor-or the attempt at being a character witness, it's evident he would have been ecstatic to announce that the child indicated DV exposure in camera but actually he states she wished to remain with mother and never once suggests she agreed to any exposure to DV. As extreme as the magistrate was with terminology of Relator, there should be some type of record of correcting or acknowledging Relator, there is nothing to support any misconduct or even implied misbehavior in the court hearings, surely he would have contempered or removed a party for being hostile/inappropriate but even the transcripts are silent as to what he is trying to imply.</p>	<p>Judge Brett Spencers entry 06/26/2014 p 7 he implies vaguely he is able to formulate DV exposure even though its obvious the magistrate would have shouted it to the rooftops if that was the case. Then upon tampering appeal notice to remove the ordering of in camera interview he posts it online under CA 994 to falsely portray nothing was amiss.</p> <p>*See exhibit "I" in 03/23/2015 filing* where he mailed a letter stating "personal reasons" don't allow its release despite it being requested and paid for, for appeal purposes, and timely : "ordered" as required for App. R. 9 etc</p>
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<p>12/3, p 1, lines 6-17 only the co-conspirator was asked if the GAL was needed for the 2<sup>nd</sup> part of the hearing. Not once was Relator or more importantly the child inquired, he would</p>	<p>12/3 p 1, line 16 through p 3, line 3, the 'skit' of retrieving exhibits that mysteriously made their way into the evidence room when the 11/5 transcripts validate none were "entered"</p>
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<p>be available if opposing counsel “needed” him but no one else? That same hearing Relator made very clear that she unsure and disgruntled as to why the GAL was absent for continuation-which would have been perfect time for the court to require his presence as it was going to be offered to the opposing counsel in the beg. of that same hearing-yet the court says nothing and portrays it was not an issue or right to anyone involved.</p> <p>(See filing 03/23/15, Vol <del>IV</del> Trans 12/3, p. <i>1</i> )  <i>EA. K</i></p> <p>No, they don’t “traffic” children to the highest bidder even if dangerous to the child, they find ways to distort the victims and put the violators on pedestals.</p>	<p>and despite her statement as to the labeling of exhibits-the court accepted them and Relator’s counsel was not afforded a chance to review them. If they truly are the exact copies of prior hearing then why not allow at least a quick glance before filing them. How did she ‘enter’ them into evidence but have a copy to show relator if her only record was just gave to court reporter?</p>
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<p>These “texts” offered to further claims of DV confessions, which were paper images, 11/5 p 61-65, specifically 65-66 she offers to show the contact and phone number of “Amanda” in her phone (in her hand at time) but never once offers to show those same original</p>	<p>11/5 p 77-78 the GAL Tyler Cantrell asks witness to show his phone to see the original texts which was done, but never had Chase from p 65-66 show her originals in her phone except her offer to show a contact and # associated with it, it’s as if everyone steered</p>
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<p>“texts” in her phone. To print them they had to have originated from her phone. Regardless she never did recite the phone #, she offered to retrieve it but never does...</p>	<p>clear from the rules of evidence hence the original that should have been how she printed such images.</p> <p>*Using an actual magnifying glass, on the 6<sup>th</sup> printed text from Adams Co 11/5 , (located 03/23/15 filing, as Exh C,,) it is very faint but it has an April date (could have only been 2013 April seeing as it was offered in Nov hearing, which was also 2013)*</p>
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<p>11/5, p 118 lines 13-14, “grade card I got from the school.....” he has never been to the school regarding GAL for M.F. and is why his report alleges the mother fails to have tutoring when she was enrolled at different intervals but he fails to ever name a teachers name or even submit any written documentation of his contacts to verify tasks performed (cant list what does not exist plus to specify a name would incriminate him if any names were inquired and then objected to his alleging they spoke w him) 11/5 p 98 lines</p>	<p>Shupert case (see exhibit M) of GAL’s motion for extraordinary fees and the “contacts’ blacked out to falsely imply contacts were made and then refer to transcripts that were redone outside of Adams County, Vol II of 3/23/15 and 1<sup>st</sup> page of those transcripts show no cross examining of another ‘absent’ GAL despite the obvious scandal of no actual names for contacts, yet thousands of dollars charged.</p> <p>2 different techniques but same outcome-ad litem collects \$\$\$ not earned but portrays they did by suggestions/implying but they</p>
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<p>1-8 GAL conveniently doesn't have his notes to reference and is absent for 12/5/2013</p>	<p>seemingly skip out right before the end and never have to verify any work/duties all the while a person is threatened w/ contempt if they don't pay the fees, etc</p>
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<p>Matt Iler tells the Highland Co he had spoke to Mr Farahay only few times (p 11 of GAL report in Vol III, Ex 'H') yet his phone records in Vol. IV, Ex 'L' and Vol. I Ex 'D' are to the complete contrary. Mr Farhay's phone numbers of 937-515-1539 (cell) and home 937-587-7153 are listed several times, despite both their testimony.</p>	<p>Examining Adams Co Rules, see ex 'G' IN Vol. III, the language of rule 24 (C) the language of fourteen days, interim-then reference the 03-18-14 Decision/Judgment Entry in Vol. I Ex ' H', the court literally wrote a sham order portraying a change in circumstance case but removed automatic stay in a covert sham CPO-and refused to correct such and actually expects to collect court fees knowing its illegal. Certainly, there was no subject matter jurisdiction for a CPO based on the 04/11 Motion that child was failing.</p>
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