

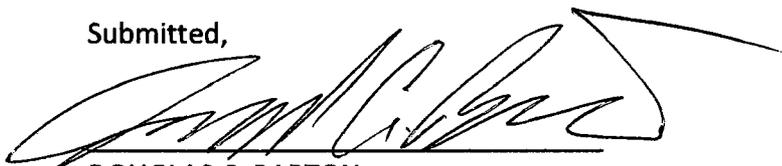
SUPREME COURT OF OHIO

THE STATE OF OHIO ex rel.	:	
DOUGLAS C. BARTON	:	
Relator, Pro Se	:	Supreme Court Case No:
437 Warwick Place	:	
Fairborn, OH 45324	:	2014-2241
Relators,	:	
vs.	:	
KEESHA A. BARTON	:	Case No. 2013-DR-0207
and	:	Court of Appeals No. 2014-CA-0046
TIMOTHY CAMPBELL	:	
(Personal & Professional Capacity)	:	Case No. 2013-DV-0193
and	:	Court of Appeals No. 2014-CA-0021
STEPHEN HURLEY	:	
(Personal & Professional Capacity)	:	
and	:	
Greene County Domestic Relations Court,	:	
et. al.	:	
and	:	
Charles Slicer	:	MEMORANDUM OF SUPPORT
and	:	VOLUME 2 OF 2
David McNamee	:	
and	:	
Ohio 2nd District Court of Appeals	:	
Respondents,	:	

MEMORANDUM OF SUPPORT VOLUME 2 OF 2

The purpose of this page is to act as a coversheet for filing purposes. The following document is full file-stamped copy of Supporting Document for Demand of Determination of Void Judgement filed at trial court level. This document is additional Memorandum of Support for Motion for Relief of Judgment.

Submitted,

A handwritten signature in black ink, appearing to read 'Douglas C. Barton', written over a horizontal line.

DOUGLAS C. BARTON,
APPELLANT, PRO SE
437 WARWICK PLACE
FAIRBORN, OH 45324
513-508-7515

FILED

2015 SEP 10 PM 3:29

TERRA A. MAZER, CLERK
COMMON PLEAS COURT
GREENE COUNTY OHIO

IN THE COURT OF COMMON PLEAS COURT
OF GREENE COUNTY OHIO
DOMESTIC RELATIONS DIVISION

DOUGLAS C. BARTON	:	Case No: 2013-DR-0207
Plaintiff, Pro Per	:	Case No: 2013-DV-0193
v.	:	Case No: 2013-DV-0196
KEESHA A. BARTON	:	Supporting Document for
Defendant	:	DEMAND FOR DETERMINATION

SUPPORTING DOCUMENT (2014-CA-0046 APPELLANT BRIEF) FOR

MOTION OF RELIEF OF JUDGMENT

Purpose of this page is to act as a coversheet for the file/stamped copy of Appellant Brief which is referenced multiple times in **DEMAND FOR DETERMINATION OF VOID JUDGMENT, DEMAND FOR JURY TRIAL, AND OTHER MOTION(S)**

Submitted,



DOUGLAS C. BARTON,
Plaintiff, Pro Per
437 WARWICK PLACE
FAIRBORN, OH 45324
513-508-7515

APPROVED FOR FILING
COMPLIANCE OFFICE

IN THE COURT OF APPEALS
SECOND APPELLATE DISTRICT OF OHIO
GREENE COUNTY OHIO

DOUGLAS C. BARTON : TRIAL NO: 2013-DR-0207
Plaintiff- Appellant, Pro Se : APPEAL NO: 2014-CA-0046
v. :
KEESHA A. BARTON : **PLAINTIFF-APPELLANT'S BRIEF**
Defendant-Appellee :

FILED
2014 DEC 15 AM 10:48
CC 7
APPEALS
GREENE COUNTY
CLERK OF COURTS

BRIEF OF PLAINTIFF-APPELLANT
DOUGLAS C. BARTON
ORAL ARGUMENT REQUESTED

"[A] pro se petitioner's pleadings should be liberally construed to do substantial justice."

United States v. Garth, 188 F.3d 99, 108 (3d Cir. 1999).



DOUGLAS C. BARTON,
Plaintiff- Appellant, Pro Se
437 WARWICK PLACE
FAIRBORN, OH 45324
513-508-7515

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App. A: September 12th, 2014 Judgment Entry of the Trial Court

SPECIFIC CASES RELATED TO APPEAL 2014-CA-0046

The following chart should indicate to this Court the status of the individuals as related to these cases. (In chronological order).

TRIAL CASE NUMBER	APPEAL CASE NUMBER	PLAINTIFF	DEFENDANT
CRB1301210		STATE OF OHIO	KEESHA A. BARTON
2013-DR-0207	2014-CA-0046	DOUGLAS C. BARTON	KEESHA A. BARTON
2013-DV-0193	2014-CA-0021	KEESHA A. BARTON	DOUGLAS C. BARTON
2013-DV-0196		DOUGLAS C. BARTON	KEESHA A. BARTON
3:14-CV-0001		DOUGLAS C. BARTON	HURLEY, et. al.

TABLE OF AUTHORITIES

AUTHORITIES

United States Constitution

Ohio Constitution

Ohio Revised Code

CASES

United States District Court-Southern District of Ohio-Western Division 3:14 CV 001

Barton vs Hurley, et. al.

Crabtree v. Dinsmoor, (10th App. Dist., Franklin, 12/31/2013)

Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974)

Malley v. Briggs, 475 U.S. 335, 341 (1986)

Blakemore v. Blakemore (1983), 5 Ohio St.3d 217, 219, 5 OBR 481, 482, 450 N.E.2d
1140, 1142

Gross v. Gross, 83-564, 11 Ohio St. 3d 99 (1984)

Vanderbilt v. Vanderbilt, 2013-Ohio-1222

Various others see Section on relevant Case Law citations

CODE SECTIONS

Title 42 United States Code, §1983, §1985, §1986.

Ohio Revised Code (ORC)

3105.171

3113.31

2311.04 Trial of issues.

OTHER AUTHORITIES

United States Constitution

Ohio Constitution-

Article 1, §1

Article 1, §4

Article 1, §5

Article 1, §10a

Article 1, §16

ASSIGNMENT OF ERRORS

- 1) Appellant's judgment against him was unconstitutional. The trial court erred by referencing unconstitutionally vague statutes.
- 2) Appellant's judgment against him was unconstitutional. The trial court erred by violating the Appellant's constitutional rights (1st, 2nd, 4th, 5th, 7th, 8th, 13th, 14th Amendment).
- 3) Appellant's judgment against him was unconstitutional. The trial court erred by violating the Appellant's constitutional rights of seizure of property. This is seizure by proxy.
- 4) Appellant's judgment against him for Contempt of Court was a direct violation of Due Process. The trial court erred when they failed to hold a timely hearing regarding the mutual restraining orders.
- 5) Appellant's judgment against him was outside the trial court's jurisdiction. The trial court lost jurisdiction when they committed civil rights violations and refused to remedy violations.
- 6) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by operating a "kangaroo court" (predetermined decision).
- 7) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by operating as an "enterprise" for extortion.
- 8) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by acting as an "enterprise" forcing Plaintiff-Appellant to retain Attorney #2.

- 9)** Appellant's judgment against him was abuse of discretion, abuse of power, corruption, and incompetence. The trial court erred by acting as an "enterprise" forcing a deposition on Plaintiff-Appellant.
- 10)** Appellant's failure to receive effective counsel (Attorney #2). Attorney #2 failed to properly represent the Appellant's position the deposition was harassment as defined by Rules of Civil Procedure and file motions to that effect.
- 11)** Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by acting as an "enterprise" forcing further extortion upon appeal requiring advance payment of Transcripts.
- 12)** Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by facilitating and encouraging a "breach of contract" by the Defendant-Appellee.
- 13)** Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by applying the wrong standard of law as applicable to the ante-nuptial agreement.
- 14)** Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by standard of evidence in regards to the antenuptial agreement, the responsibility lies with the party disputing.
- 15)** Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by facilitating and encouraging "spoliation of evidence" by the Defendant-Appellee.

- 16)** Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by facilitating and encouraging "spoliation of evidence" by Charles Slicer (Attorney) and David McNamee (Attorney).
- 17)** Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by conducting themselves in an obvious manner of favoritism for the Defendant-Appellee.
- 18)** Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by using proceedings as retaliation for filing Federal Lawsuit (for defense of Civil Rights) by Appellant.
- 19)** Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by facilitating and encouraging perjury by the Defendant-Appellee and lies by Charles Slicer, Dalma Grandjean, and Bryon Penick (Defendant-Appellee's attorneys) failing to correct the behavior when brought to the trial courts attention.
- 20)** Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by awarding spousal support based on Defendant-Appellee not receiving a promotion which was the sole personal responsibility of the Defendant-Appellee.
- 21)** Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by awarding property that was separate property prior to the marriage and also not in accordance with the antenuptial agreement.

- 22)** Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by not allowing any evidence to be presented related to additional items listed on Plaintiff's exhibit #12 (Damage Claims). The trial court erred when it failed to properly consider all relevant items related to spreadsheet, only responding to pages 1 & 2 when the entire document was 18 pages, with additional supporting evidence.
- 23)** Appellant's judgment against him was outside the trial court's jurisdiction. The trial court erred by awarding spousal support based on Defendant-Appellee not receiving a promotion which was a consequence imposed by the United States Air Force (DOD) for her personal behavior and actions.
- 24)** Appellant's failure to receive effective counsel (Attorney #2). Attorney #2 failed to properly present Appellant's position that the Defendant-Appellee was committing perjury (failing to tell the WHOLE truth) in regards to being denied a promotion.
- 25)** Appellant's judgment against him for spousal support and contempt of court was outside the trial court's jurisdiction. The trial court erred when it based a decision on ignorance of Department of Defense (DOD) rights and privileges of DOD Dependents spouses for actions taken solely within and on Federal Property.
- 26)** Appellant's judgment against him for spousal support and contempt of court was outside the trial court's jurisdiction. The trial court erred when it based a decision on ignorance of Department of Defense (DOD) rights and privileges of DOD Reserve Military Component members for actions taken solely within and on Federal Property.

- 27)** Appellant's judgment against him for spousal support and contempt of court was outside the trial court's jurisdiction. The trial court erred when it based a decision on ignorance of Department of Defense (DOD) rights and privileges of DOD Active Duty Military Component members for actions taken solely within and on Federal Property.
- 28)** Appellant's judgment against him for the income tax returns was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by not assigning the equitable division of debt/income regarding the income tax returns.
- 29)** Appellant's failure to receive effective counsel (Attorney #2). Attorney #2 failed to properly present Appellant's burden and the Appellee's advantage regarding income taxes.
- 30)** Appellant's judgment against him for Award of Attorney's Fees abuse of discretion, abuse of power, corruption and ignorance. The trial court erred by refusing address the objections to paying the attorney's fees of a criminal and to further enrich the Defendant-Appellee's attorneys.
- 31)** Appellant's judgment against him for Award of Attorney's Fees abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by refusing to acknowledge the Defendant-Appellee was SOLELY responsible for hiring so many attorney's. Directly related to this is the trial courts refusing to allow evidence (of proposed settlement agreements) that ***DIRECTLY REFUTES*** (emphasis added) the trial courts assertions of the Plaintiff-Appellant delaying the proceedings and demonstrates ignorance of the facts.

32) Appellant's judgment against him for Attorney's Fees was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by refusing to allow the Appellant to enter evidence that directly contradicts the resulting basis of the order.

33) Appellant's judgment against him for contempt of court was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred when it allowed the Defendant-Appellee to present evidence that clearly demonstrated direct criminal contempt of Violation of Civil Protection Order as committed by the Defendant-Appellee.

34) Appellant's judgment against him for Contempt of Court was a direct violation of Due Process. The trial court erred when they held contempt hearings without the benefit of Due Process.

35) Appellant's failure to receive a Jury Trial as prescribed by the 7th Amendment of US Constitution, further violating the Appellant's civil rights. The trial court erred when they refused trial by jury.

36) Appellant's failure to receive effective counsel (Attorney #1). The appellant's attorney #1 failed to plead the ante-nuptial agreement.

37) Appellant's failure to receive effective counsel (Attorney #2). The appellant's attorney #2 failed to subpoena the antenuptial agreement (in its entirety) from the Defendant-Appellee.

38) Appellant's failure to receive effective counsel (Attorney #2). The appellant's attorney #2 failed to subpoena the antenuptial agreement (in its entirety) from the Defendant-Appellee's attorney who held original agreement.

- 39)** Appellant's failure to receive effective counsel (Attorney #2). The appellant's attorney #2 failed to submit as evidence and properly represent the Appellant's copies of ante-nuptial schedules.
- 40)** Appellant's judgment against him for Spousal Support and Award of Attorney's Fees was against the Rights of Victims of Crimes, in violation of Article 1, Section 10a, of the Ohio Constitution, the Trial Court erred when they granted the award by failing to provide the Appellant a victim of a crime (committed by the Appellee) fairness, dignity and respect.
- 41)** The trial court erred in general recordkeeping standards expected by the public good.
- 42)** The trial court erred in conducting multiple pre-trial conferences and "in camera" meetings with attorneys at the objection of the Plaintiff-Appellant. Further examples of "enterprise" operations by trial court.
- 43)** The trial court erred in rendering a judgment that goes against the conscious public good.
- 44)** Appellant's judgment against him was against the U.S.C. 42 §1983.
- 45)** Appellant's judgment against him was against the U.S.C. 42 §1985.
- 46)** Appellant's judgment against him was against the U.S.C. 42 §1986.
- 47)** Appellant's judgment against him was against the Ohio Rules of Professional Conduct (for Lawyer's) Rule 1.2 [9], [10]; Rule 3.4 (a), (b), (d), (e); Rule 3.5 (a) (1), (3); Rule 4.1 (a), (b).
- 48)** Appellant's judgment against him was against the Ohio Code of Judicial Conduct- Cannon 1 lack of integrity, impartiality and appearance of impropriety. Rule 1.1 the Trial

Court did not comply with the law. Rule 1.2 [5]; Cannon 2 Rule 2.2, Rule 2.3 (A), (C); Rule 2.5 (A), (B); Rule 2.6 (A); Rule 2.9 (A4),(A6) (D); Rule 2.12 (A), (B);

49) Appellant's judgment against him was fraud upon the court.

ISSUES PRESENTED FOR REVIEW

There are so many errors committed by the trial court and officers of the court, if they were anything other than a government agency they would likely be found guilty by a jury for their criminal acts (corruption, extortion, etc). It is very possible there are errors I have not identified. I filed for divorce just after 1 year of marriage, she started the abuse at four and half weeks into the marriage and continued until her arrest (see CRB1301210), and continues today by proxy through the corrupt trial court.

- 1) Appellant's judgment against him was unconstitutional. The trial court erred by referencing unconstitutionally vague statues. ***Was judgment unconstitutional on basis of vague statues?***
- 2) Appellant's judgment against him was unconstitutional. The trial court erred by violating the Appellant's constitutional rights (1st, 2nd, 4th, 5th, 7th, 8th, 13th, 14th Amendment). ***Was judgment and trial court actions unconstitutional violation(s) of Appellant's civil rights?***
- 3) Appellant's judgment against him was unconstitutional. The trial court erred by violating the Appellant's constitutional rights of seizure of property. This is seizure by proxy. ***Was***

judgment and trial court actions unconstitutional violation(s) of Appellant's civil rights?

- 4) Appellant's judgment against him for Contempt of Court was a direct violation of Due Process. The trial court erred when they failed to hold a timely hearing regarding the mutual restraining orders. ***Was judgment and trial court actions unconstitutional violation(s) of Appellant's civil rights?***
- 5) Appellant's judgment against him was outside the trial court's jurisdiction. The trial court lost jurisdiction when they committed civil rights violations and refused to remedy violations. ***Was judgment and trial court actions unconstitutional violation(s) of Appellant's civil rights?***
- 6) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by operating a "kangaroo court" (predetermined decision). ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court for a pre-determined decision?***
- 7) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by operating as an "enterprise" for extortion. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court for operating a criminal enterprise (as defined by the RICO Statues) for extortion?***
- 8) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by acting as an "enterprise" forcing Plaintiff-Appellant to retain Attorney #2. ***Was this abuse of discretion, abuse of power,***

corruption and incompetence by the trial court for operating a criminal enterprise (as defined by the RICO Statues) for extortion?

9) Appellant's judgment against him was abuse of discretion, abuse of power, corruption, and incompetence. The trial court erred by acting as an "enterprise" forcing a deposition on Plaintiff-Appellant. ***Was this abuse of discretion, abuse of power,***

corruption and incompetence by the trial court for operating a criminal enterprise (as defined by the RICO Statues) for extortion?

10) Appellant's failure to receive effective counsel (Attorney #2). Attorney #2 failed to properly represent the Appellant's position the deposition was harassment as defined by Rules of Civil Procedure and file motions to that effect. ***Was this failure to receive effective counsel per RoCP Rule 30 (D) "upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party", RoCP 32 (D) 2 " As to disqualification of officer.", RoCP Rule 26 (C) "Protective orders" and RoCP Rule 26 (B) 4 (a) whether the discovery sought is unreasonably cumulative or duplicative; & (c) whether the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought;?***

11) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by acting as an "enterprise" forcing further extortion upon appeal requiring advance payment of Transcripts. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court for operating a criminal enterprise (as defined by the RICO Statues) for extortion?***

Additionally if the purpose is reducing the States expenses, why is the payment made to an individual and not the state?

12) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by facilitating and encouraging a "breach of contract" by the Defendant-Appellee. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court for ignoring a valid contract and placing the burden of proof on the Plaintiff, when supporting case law says the burden of proof is on the Defendant?***

13) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by applying the wrong standard of law as applicable to the antenuptial agreement. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court failure to uphold a valid contract the very purpose of which was to define the rights and responsibilities of the parties of contract? Was judgment and trial court actions unconstitutional violation(s) of Appellant's civil rights?***

14) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by standard of evidence in regards to the antenuptial agreement, the responsibility lies with the party disputing. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court for ignoring a valid contract and placing the burden of proof on the Plaintiff, when supporting case law says the burden of proof is on the Defendant?***

15) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by facilitating and encouraging "spoliation of evidence" by the Defendant-Appellee. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court by allowing the Defendant to withhold evidence?***

16) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by facilitating and encouraging "spoliation of evidence" by Charles Slicer (Attorney) and David McNamee (Attorney). ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court by allowing the Defendant attorney(s) to withhold evidence? Was this a violation Ohio Rules of Professional Conduct?***

17) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by conducting themselves in an obvious manner of favoritism for the Defendant-Appellee. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court to blatantly demonstrate the appearance of impropriety? Was this a violation Ohio Rules of Judicial Conduct?***

18) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by using proceedings as retaliation for filing Federal Lawsuit (for defense of Civil Rights) by Appellant. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court to blatantly retaliate and further civil rights violations? Was this a violation Ohio Rules of Judicial Conduct?***

- 19) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by facilitating and encouraging perjury by the Defendant-Appellee and lies by Charles Slicer, Dalma Grandjean, and Bryon Penick (Defendant-Appellee's attorneys) failing to correct the behavior when brought to the trial courts attention. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court to blatantly retaliate and further civil rights violations? Was this a violation Ohio Rules of Judicial Conduct? Was this a violation Ohio Rules of Professional Conduct?***
- 20) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by awarding spousal support based on Defendant-Appellee not receiving a promotion which was the sole personal responsibility of the Defendant-Appellee. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court to award spousal support on the basis that the Defendant suffered harm due to her own actions?***
- 21) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by awarding property that was separate property prior to the marriage and also not in accordance with the antenuptial agreement. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court?***
- 22) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by not allowing any evidence to be presented related to additional items listed on Plaintiff's exhibit #12 (Damage Claims). The trial

court erred when it failed to properly consider all relevant items related to spreadsheet, only responding to pages 1 & 2 when the entire document was 18 pages, with additional supporting evidence. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court?***

23) Appellant's judgment against him was outside the trial court's jurisdiction. The trial court erred by awarding spousal support based on Defendant-Appellee not receiving a promotion which was a consequence imposed by the United States Air Force (DOD) for her personal behavior and actions. ***Was this outside trial court's jurisdiction to award spousal support on the basis that the Defendant suffered harm due to her own actions and actions solely within the Uniform Code of Military Justice? Was this incompetence by the trial court for failing to recognize the standards of conduct expected by Active Duty Military Members?***

24) Appellant's failure to receive effective counsel (Attorney #2). Attorney #2 failed to properly present Appellant's position that the Defendant-Appellee was committing perjury (failing to tell the WHOLE truth) in regards to being denied a promotion. ***Was this failure to receive effective counsel due to counsel to properly cross-examine and present evidence that exposed the Defendant-Appellee's perjury?***

25) Appellant's judgment against him for spousal support and contempt of court was outside the trial court's jurisdiction. The trial court erred when it based a decision on ignorance of Department of Defense (DOD) rights and privileges of DOD Dependents spouses for actions taken solely within and on Federal Property. ***Was this outside trial***

court's jurisdiction to award spousal support and attorney's fees for actions within the Appellant's legal rights on Federal Property and as a DOD Spouse?

26) Appellant's judgment against him for spousal support and contempt of court was outside the trial court's jurisdiction. The trial court erred when it based a decision on ignorance of Department of Defense (DOD) rights and privileges of DOD Reserve Military Component members for actions taken solely within and on Federal Property.

Was this outside trial court's jurisdiction to award spousal support and attorney's fees for actions within the Appellant's legal rights on Federal Property and as a DOD USAF Reserve Military Member?

27) Appellant's judgment against him for spousal support and contempt of court was outside the trial court's jurisdiction. The trial court erred when it based a decision on ignorance of Department of Defense (DOD) rights and privileges of DOD Active Duty Military Component members for actions taken solely within and on Federal Property.

Was this outside trial court's jurisdiction to award spousal support and attorney's fees for actions within the Appellant's legal rights on Federal Property and as a DOD USAF Reserve Military Member?

28) Appellant's judgment against him for the income tax returns was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by not assigning the equitable division of debt/income regarding the income tax returns. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court for failure to address the joint debts and accounts receivables?***

- 29) Appellant's failure to receive effective counsel (Attorney #2). Attorney #2 failed to properly present Appellant's burden and the Appellee's advantage regarding income taxes. ***Was this failure to receive effective counsel who did not present the negative impact of tax consequences to the Appellant-Plaintiff?***
- 30) Appellant's judgment against him for Award of Attorney's Fees abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by refusing address the objections to paying the attorney's fees of a criminal and to further enrich the Defendant-Appellee's attorneys. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court by awarding attorney's fees for the criminal defense of the Appellee-Defendant? Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court for operating a criminal enterprise (as defined by the RICO Statutes) for extortion? Was judgment and trial court actions unconstitutional violation(s) of Appellant's civil rights?***
- 31) Appellant's judgment against him for Award of Attorney's Fees abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by refusing to acknowledge the Defendant-Appellee was SOLELY responsible for hiring so many attorney's. Directly related to this is the trial courts refusing to allow evidence (of proposed settlement agreements) that ***DIRECTLY REFUTES*** (emphasis added) the trial courts assertions of the Plaintiff-Appellant delaying the proceedings and demonstrates ignorance of the facts. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court for presentation of evidence that directly contradicted the Appellee-Defendant's claims?***

32) Appellant's judgment against him for Attorney's Fees was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by refusing to allow the Appellant to enter evidence that directly contradicts the resulting basis of the order.

Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court for presentation of evidence that directly contradicted the Appellee-Defendant's claims?

33) Appellant's judgment against him for contempt of court was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred when it allowed the Defendant-Appellee to present evidence that clearly demonstrated direct criminal contempt of Violation of Civil Protection Order as committed by the Defendant-

Appellee. ***Was this abuse of discretion, abuse of power, corruption and incompetence by the trial court for failure to follow their own orders?***

34) Appellant's judgment against him for Contempt of Court was a direct violation of Due Process. The trial court erred when they held contempt hearings without the benefit of Due Process. ***Was judgment and trial court actions unconstitutional violation(s) of***

Appellant's civil rights?

35) Appellant's failure to receive a Jury Trial as prescribed by the 7th Amendment of US Constitution, further violating the Appellant's civil rights. The trial court erred when they refused trial by jury. ***Was judgment and trial court actions unconstitutional violation(s)***

of Appellant's civil rights?

36) Appellant's failure to receive effective counsel (Attorney #1). The appellant's attorney #1 failed to plead the ante-nuptial agreement. ***Was this failure to receive effective***

counsel who failed to plead the ante-nuptial agreement (with knowledge of) on initial filing?

37) Appellant's failure to receive effective counsel (Attorney #2). The appellant's attorney #2 failed to subpoena the ante-nuptial agreement (in its entirety) from the Defendant-Appellee. ***Was this failure to receive effective counsel who failed to conduct discovery properly (with knowledge of whom to subpoena and what)?***

38) Appellant's failure to receive effective counsel (Attorney #2). The appellant's attorney #2 failed to subpoena the ante-nuptial agreement (in its entirety) from the Defendant-Appellee's attorney who held original agreement. ***Was this failure to receive effective counsel who failed to conduct discovery properly (with knowledge of whom to subpoena and what)?***

39) Appellant's failure to receive effective counsel (Attorney #2). The appellant's attorney #2 failed to submit as evidence and properly represent the Appellant's copies of ante-nuptial schedules. ***Was this failure to receive effective counsel who failed to properly characterize the documents to the trial court?***

40) Appellant's judgment against him for Spousal Support and Award of Attorney's Fees was against the Rights of Victims of Crimes, in violation of Article 1, Section 10a, of the Ohio Constitution, the Trial Court erred when they granted the award by failing to provide the Appellant a victim of a crime (committed by the Appellee) fairness, dignity and respect. ***Was judgment and trial court actions unconstitutional violation(s) of Appellant's civil rights?***

41) The trial court erred in general recordkeeping standards expected by the public good.

Was judgment and trial court actions unconstitutional violation(s) of Appellant's civil rights?

42) The trial court erred in conducting multiple pre-trial conferences and "in camera"

meetings with attorneys at the objection of the Plaintiff-Appellant. Further examples of

"enterprise" operations by trial court. ***Was this abuse of discretion, abuse of power,***

corruption and incompetence by the trial court for operating a criminal enterprise (as

defined by the RICO Statues) for extortion? Was judgment and trial court actions

unconstitutional violation(s) of Appellant's civil rights?

43) The trial court erred in rendering a judgment that goes against the conscious public

good. ***Was judgment and trial court actions against public policies?***

44) Appellant's judgment against him was against the U.S.C. 42 §1983. ***Was judgment and***

trial court actions unconstitutional violation(s) of Appellant's civil rights? Was this a

violation of 42 U.S.C §1983?

45) Appellant's judgment against him was against the U.S.C. 42 §1985. ***Was judgment and***

trial court actions unconstitutional violation(s) of Appellant's civil rights? Was this a

violation of 42 U.S.C §1985?

46) Appellant's judgment against him was against the U.S.C. 42 §1986. ***Was judgment and***

trial court actions unconstitutional violation(s) of Appellant's civil rights? Was this a

violation of 42 U.S.C §1986?

47) Appellant's judgment against him was against the Ohio Rules of Professional Conduct

(for Lawyer's) Rule 1.2 [9], [10]; Rule 3.4 (a), (b), (d), (e); Rule 3.5 (a) (1), (3); Rule 4.1 (a),

(b). ***Was this a violation of the Ohio Rules of Civil Procedures?***

48) Appellant's judgment against him was against the Ohio Code of Judicial Conduct-

Cannon 1 lack of integrity, impartiality and appearance of impropriety. Rule 1.1 the Trial

Court did not comply with the law. Rule 1.2 [5]; Cannon 2 Rule 2.2, Rule 2.3 (A), (C); Rule

2.5 (A), (B); Rule 2.6 (A); Rule 2.9 (A4),(A6) (D); Rule 2.12 (A), (B);. ***Was this a violation of***

the Ohio Code of Judicial Conduct?

49) Appellant's judgment against him was fraud upon the court.

STATEMENT OF THE CASE

Douglas C. Barton brought this action for divorce against Keesha A. Barton in Greene County Domestic Relations Court, Greene County Ohio for domestic violence and divorce. There have been multiple conferences, hearings, and trial. The Appellant timely filed his notice of appeal on 10/10/14.

STATEMENT OF THE FACTS

On June 26th, 2013 at approximately 2:00 pm., the Defendant-Appellee Keesha A. Barton was arrested for Domestic Violence by the Fairborn Police Department. On 6/27/13 a DVTPO was issued against Defendant-Appellee and protecting the Plaintiff-Appellant. On August 16th, 2013 the Plaintiff-Appellant filed for divorce case no. 2013-DR-0207. On Nov 17th, 2013 during a pre-trial conference for divorce case no. 2013-DR-0207, the Defendant-Appellee's attorney Mr. Penick offered full settlement (to my attorney #1) and quick resolution of Divorce in exchange for allowing the Defendant-Appellee to plead to a lesser charge in Fairborn Municipal Court case # CRB 1301210. The reasoning was this way she would be allowed to continue her active duty military service. On 11/26/13 while at Fairborn Municipal Court, in my discussions with the Victim's Advocate (Kim last name unknown), I agreed with her and the prosecutor's request to reduce the charge to Disorderly Conduct. As part of that plea deal with the prosecutor's office, they assured me that the Defendant-Appellee would **"take no further action"**. They informed me that my protection order against her would be terminated and that the following day I

would have to seek a new one at Greene Co. DRC. On 11/27/13 when I arrived at the Greene Co. DRC, they refused to take my case and instructed me to return on 11/2/13. Unbeknownst to me was the pending claim of 2013-DV-0193, I was served with the Protection Order on 11/29/13 furthering the Defendant-Appellee's domestic violence against me, specifically because my son from a previous marriage died on Thanksgiving Day 2011 causing further trauma. On 11/2/13 I made me complaint for DVTPPO at Greene Co. DRC and granted a protection order 2013-DV-0196. The full hearing for 2013-DV-0193 was scheduled for 12/4/13 at 9:00 am, I presented myself to the court at approximately 8:30am, and was informed by Sherri Hall that a continuance had been granted. I immediately complained of civil rights violations, bias, prejudice, and blatant discrimination. I informed Ms. Hall of the plea deal that had been reached on 11/26/13 in Fairborn Municipal Court. I was ignored, my civil rights were ignored. On 1/2/14 I filed a Federal Lawsuit 3:14CV001 for injunctive relief. The defendants of 3:14CV001, admitted to the factual allegations of civil rights violations, however claimed judicial immunity. The Greene Co DRC continued to violate my civil rights even after being made aware of them and acknowledging they had done so. They took no actions to correct it. In fact they granted additional continuances to the Appellee, the full hearing was held on 4/14/14. I was not allowed to present the prior police reports as evidence, which documented a prior to her arrest a pattern of behavior that was very aggressive. These police reports also documented her statements to the officers (which I overheard) "he has to pay". I was not allowed to present evidence that the Appellee had been previously arrested for Domestic Violence with her first husband. The Trial Court did not address my prior civil rights complaints. I repeatedly asked for a Jury Trial, I was informed that this was just a Civil matter and not entitled to one. The Trial

Court did not account for the Appellee's mental health condition (Borderline Personality Disorder). On 6/6/14 the hearing held was due to address the Motion for Attorneys fees, however this was continued due the witness for the Defendant-Appellee was David McNamee. Which leads to the spoliation of evidence and the conspiracy of civil rights violations of the Defendant-Appellee, Charles Slicer, and David McNamee. The copy of the antenuptial agreement that had been filed by the Plaintiff-Appellant clearly shows the Defendant-Appellee's initials of each page of the document. Two of three originals were in her possession (reference my Affidavit filed with this Court), the third was in the possession of David McNamee. The Defendant-Appellee readily admitted in Fairborn Municipal Small Claims Court the existence of the antenuptial agreement. She also admitted to signing and to being represented by counsel in regards to the ante-nuptial agreement in GCDRC. The ante-nuptial agreement has a summary of the financial disclosure. The antenuptial agreement filed with the trial court was discovered through the Defendant-Appellee. However she removed the schedules in an attempt to prevent enforcement of the agreement. When I contacted David McNamee he refused to turn over a copy to me, instead saying have your attorney contact me and I will give you a copy. My attorney #2 contacted him for the copy, but did not subpoena the document, instead relied on "professional courtesy". David McNamee of course did not make any effort to produce the documents requested. I provided my unsigned copies of the schedules to attorney #2, who did not represent them to the trial court as such. The Defendant-Appellee never claimed (to best of my knowledge) that the ante-nuptial agreement was executed under duress, fraud, or failure to provide full disclosure. The burden of proof was the Defendant-Appellee's, if the antenuptial agreement was not to be honored. The trial court

failed to apply the law, there is a valid antenuptial agreement, and if it was to be challenged the burden of proof was on the Defendant-Appellee. Additionally there is very specific criteria for challenging a antenuptial agreement; fraud, duress, failure to disclose. From my extensive research there has not been a single successful challenge on the basis of "I just didn't like it" or the trial court found it "unconscionable". Those examples where the trial court found it the antenuptial agreement "unconscionable" were *overturned* on appeal in every instance. The judgment clearly states "indicates that all requirements for a valid and enforceable prenuptial agreement were probably met,". The standard of proof is also very different in a criminal case versus a civil case. Crimes must generally be proved "beyond a reasonable doubt", whereas civil cases are proved by a lower standards of proof such as "the preponderance of the evidence" (which essentially means that it was more likely than not that something occurred in a certain way). To any reasonable person the trial courts own words demonstrate that a preponderance of the evidence was met. The trial court finding it "unconscionable" is irrelevant, the trial court was not a party to the agreement. One of the main purposes of an antenuptial agreement is to dictate to a "court" what the parties are responsible for and to whom. The trial court failure to uphold the terms and conditions of the ante-nuptial agreement is a civil rights violation of the 5th and 14th Amendments, (due process) "the right to make private decisions without government intrusion". One of my personal reasons for desiring a antenuptial agreement is based on the first hand experience of the corruption and civil rights violations of Ohio Domestic Relations Courts. A phrase that adequately describes the currently situation is "***the first time, shame on me; the second time, shame on you***". The sharing of this experience is very relevant to what has happened here. During that experience the trial court (Highland County) violated

my civil rights on numerous occasions, however I did not take action to defend them due to the fact the trial court held the awarding of custody (using the children as pawns). Any personal transgressions against me were outweighed by the actual welfare of my children. The fact remains the magistrate's corruption eventually played a part in my son's death. The Defendant-Appellee also played a part in my son's death, unbeknownst to me at the time of the marriage. His toxicology report indicated a prescription drug that only the Defendant-Appellee had a prescription. Which she admitted to having after the marital argument started, in fact she brought that particular matter to my attention. The other facts I only learned after the marriage (by the Defendant-Appellee's admission to me); Defendant-Appellee attempted suicide approximately 5 years prior to the marriage, the Defendant-Appellee was interviewed by the USAF Office of Special Investigations regarding the suicide of a subordinate. By the Defendant-Appellee's own admission (after the marriage) to me she has been diagnosed with Borderline Personality Disorder. The traits of which I have personally observed or been subjected too by the Defendant-Appellee: *Alienation, Always and Never Statements, Anger, Baiting, Blaming, Bullying, Catastrophizing, Chaos Manufacture, Circular conversations, Cognitive Dissonance, Denial, Dependency, Depression, Dissociation, Domestic Theft, Emotional Blackmail, Engulfment, False Accusations, Fear of Abandonment, Gaslighting, Harassment, Hoovering, Hysteria, Impulsiveness, Invalidation, Lack of Object Constancy, Moments of Clarity, Mood Swings, Neglect, Normalizing, No-Win Scenarios, Panic Attacks, Passive-Aggressive Behavior, Projection, Proxy Recruitment, Push-Pull, Raging Violence and Impulsive Aggression, Sabotage, Shaming, Splitting, Though Policing, Threats, Triggering, and Tunnel Vision.* The abuse by the Defendant-Appellee started four and half weeks after the marriage. I really had no choice but to

try and escape for my own safety. Then to be subjected to the abuses of the trial court by proxy and in their own right. There is no “accepting” the trial courts judgment, there is no “paying your way” out. The trial court is conducting extortion under the guise of the “color of law” for their and officers of the courts benefit. I know this court is going to ignore the key elements of misconduct of the trial court and officers of the court, on the premise of protecting your profession. Please understand that my comments and assignments of errors are not Contempt for the “law” or a “court”.

ARGUMENT AND LAW

ASSIGNMENT OF ERROR

1) Appellant's judgment against him was unconstitutional. The trial court erred by referencing unconstitutionally vague statutes.

Ohio's alimony scheme is unconstitutionally vague, giving no notice to citizens contemplating marriage or divorce what fate may befall them in a divorce proceeding. The Legislature, by failing among other things even to identify the purpose or aim of alimony, has delegated basic policy decisions to the judiciary without any meaningful guidance. The ability to marry, to end a marriage, and to remarry are fundamental rights. No State law may interfere with or burden these rights unless the law is necessary to promote a compelling state interest and is the most narrowly drawn means of achieving that interest. Ohio's statutory scheme concerning alimony burdens the right to end a marriage and to remarry. Ohio subjects its citizens to the unfettered discretion of the judiciary to impose awards of periodic alimony, the amount of which is subject to the limitless discretion of the court, and may be increased at any future time after the parties are divorced if the payer's income or wealth increases, or the court's perception of the recipient's "need" increases. Ohio has no compelling interest in this process, as evidenced by the facts that there is no statutory right to alimony, that most divorce judgments do not include alimony, and that, when the divorcing parties agree to forego alimony, the court is powerless to impose it. Alimony is unrelated to the need to provide for minor children of divorce, a need addressed by Ohio's statutes governing child support awards and the division of marital property between divorcing spouses. Alimony is an historical anachronism, a remnant from an earlier legal era when the rights of women vis-à-vis their

husbands, and in society in general, were radically different than they are today. A citizen's decisions concerning marriage, divorce, and remarriage are essential to fundamental liberty. They are at the core of personal privacy and integrity. They are often at the core of other decisions involving child bearing and child rearing. The decision to end a marriage and perhaps to remarry are among the most intimate and personal choices a person may make in a lifetime, and are central to personal dignity and autonomy. Ohio maintains a state monopoly over marital status, over both marriage and the end of a marriage. Citizens wanting to be recognized as married in Ohio must marry in a way that satisfies Ohio's statutory scheme. As discussed below, because Ohio law establishes matrimonial courts as roving inquisitorial bodies with essentially limitless powers of inquiry, coercion, and punishment, divorce actions are complex, protracted, invasive, and, because of the counsel fees required, very expensive. Divorce rates in the United States have been climbing steadily since at least 1860. Between 1880 and 1890, the rate of divorce in the nation increased 70%, and then reached new heights in the 1920's. A significant number, and perhaps a majority, of marriages in Ohio and in the United States now end in divorce. In 2011, 39,306¹ (58.1% divorce rate) judgments granting a divorce were entered in Ohio. Approximately one million couples divorce each year in the United States. One-fifth of all adults in the United States have been divorced at least once. The number of marriages that end each year in divorce is larger than the number that end in death. Although Ohio requires that every person applying for a marriage license must meet certain age and status requirements concerning marriage, the statutes governing alimony are not among those the text of which must be given to applicants. There is no right to alimony in connection with any

¹ Ohio Department of Health- Marriage and Divorce Statistics (2011).

Ohio divorce. On information and belief, most Ohio divorce judgments do not provide for alimony. Matrimonial trial courts in Ohio have unfettered and effectively unguided discretion in awarding alimony – including deciding whether to award it at all, how much to award, whether there should be a durational limit on such payment, and what that limit should be. The statute expressly requires the court in setting alimony to consider what “is appropriate and reasonable” of the divorce. This permits and perhaps requires the court to use alimony to punish a spouse whom the court perceives to be at fault. Ohio statutory law does not, however, state what weight, if any, the court is to give to each factor, and definitive case law holds that the court is free to assign to each factor whatever weight the court deems appropriate in any individual case (which weight may vary from case to case). Definitive Ohio case law also advises trial courts that they need not state in their written decisions what weight they gave any factor, or even what consideration they gave to any factor. Definitive Ohio case law also holds that trial courts may in their discretion, consider factors other than those identified in the statute. Indeed, under the existing statutory scheme, no other ruling is possible because the Legislature has offered no guidance as to how, when, or why alimony should be awarded or “calculated.” For these reasons, meaningful judicial review of trial court awards of alimony is impossible. No Ohio statute states any reason why any divorced spouse should pay or receive alimony, or what goal the awarding court should aim for in granting and calculating an alimony award. Ever since the advent of no-fault divorce, it has been widely acknowledged among family law scholars that traditional alimony schemes such as Ohio’s had lost any remaining trace of intellectual or doctrinal legitimacy or coherence. While commentators have differed in their suggested

solutions to this development, no learned observer maintains that schemes such as Ohio's are defensible as matters of logic or policy. One observer described the problem as follows:

The advent of no-fault divorce and the demise of the state-imposed marriage contract significantly undermined [the] traditional rationales for alimony. Because divorce no longer required a showing of fault or breach, a damage remedy seemed inappropriate. Similarly, because marital obligations were no longer officially gender-based, an alimony remedy premised on the husband's support obligation and available only to the wife seemed both anachronistic and discriminatory. Moreover, while the fault-based divorce system emphasized the importance of preserving the marital unit, the no-fault system focused on effectuating the desire of one or both spouses to end their marriage. Without a societally imposed duty to continue the marriage, justifying financial obligations that survived divorce became problematic. Divorce reform thus left alimony in somewhat of a theoretical vacuum.²

Various rationales for alimony can be surmised, but each of them would require a different amount of alimony in any given case. If, for example, the awarding judge should aim simply to prevent the receiving spouse from becoming a dependent of the State, that would require a different award than if the judge should instead aspire to roughly equalize the post-divorce incomes of the two parties. A different award would be required if the goal of alimony is to enable the receiving party to live in a manner equal to that enjoyed during the marriage. A third and different amount might be appropriate if the purpose of alimony is to punish behavior like adultery or spousal abuse. A still different award would be called for if the purpose of

² J. Singer, "Alimony and Efficiency: The Gendered Costs and Benefits of the Economic Justification for Alimony", 82 Geo. L.J. 2423, 2424-25 (1993-94) (Emphasis added).

alimony were to compensate one spouse for financial or other contributions made to enable the paying spouse to obtain a college or professional degree. And yet a different award would be proper if the purpose is to provide a transitional period during which the receiving spouse seeks to rejoin the workforce after the divorce and ultimately becomes employed. Because Ohio does not state the purpose of alimony, it is impossible to know, even generally, if any award is warranted in any specific case, and, if so, what the terms of the award (size and duration) should be. Not every State's laws are this meaningless. The alimony statute of Rhode Island, for example, states that "alimony is designed to provide support for a reasonable length of time to enable the recipient to become financially independent and self-sufficient." R.I. Gen. Law § 15-5-16(c)(2). While this language also vests enormous discretion in the hands of the trial judge, it at least provides a target towards which the court should aim. The statutes of Massachusetts and Texas place durational limits on alimony awards tied to the length of the marriage. In Arizona, Colorado, Illinois, Kentucky, Minnesota, Missouri, Montana and Washington, the court is not empowered to award alimony at all unless it finds that one spouse (a) lacks property to provide for reasonable needs; and (b) is (i) unable to support himself or herself through employment; or (ii) a custodial parent unable to seek employment outside the home. Ohio does not force either spouse to seek alimony, and, if neither spouse seeks it, the court cannot award it, even if the court might otherwise conclude that one spouse "needs" it, or that the parties' incomes will be greatly disparate following the divorce, or that one spouse may be reduced to pauper status. Because no statute informs the trial court of its purpose in awarding alimony, meaningful appellate review of an alimony award is impossible.

No One Can Guess What an Alimony Award Will Be

On information and belief, Ohio maintains no records concerning, and it is impossible to know (a) how many awards of alimony are in effect today or at any time; (b) what percentage of divorce judgments include alimony awards; (c) what percentage of alimony awards do and do not have durational limits; or (d) what is the average or median length of those alimony awards that do have durational limits. It is impossible for any married person in Ohio to know, even within a reasonable range, what financial penalties will be imposed upon him in a divorce judgment. As one scholar has written:

When a trial judge is told . . . that fourteen unweighted factors . . . should be considered, this is tantamount to unlimited discretion. Under this type of statute, litigants have no way to predict which factors will carry the day or what overall goals the judge will be striving to achieve. A list of factors with no indication of relative weight and no over-arching guideline other than the vague admonition to be fair is virtually the same as providing no factors.³

Other professional bodies have voiced similar criticisms. In 2006, the Family Law Section of the Ohio State Bar Association issued a formal report in which it concluded as follows: [B]ecause of the wide discretion granted to courts on this subject [alimony], there is an enormous disparity among judges and magistrates in the application of [the statute] to cases involving similar facts throughout all 88 counties. Consequently, it is very difficult for trial attorneys to give their clients predictable and reliable advice on this subject, or to negotiate fair settlements (Emphasis added).

³ Mary Ann Glendon, "Fixed Rules and Discretion in Contemporary Family Law and Succession Law," 60 Tulane Law Review 1165, 1195-96 (1986) (Emphasis added)

In 2001, the American Law Institute issued its “Principles of the Law of Family Dissolution,” in which it stressed the two fundamental and critical flaws in the policy and logic underlying alimony schemes such as Ohio’s:

There is first the failure to provide any satisfactory explanation for placing the obligation to support needy individuals on their former spouses rather than on their parents, their children, their friends, or society in general. The absence of any explanation for requiring an individual to meet the needs of a former spouse leads inevitably to the second problem, the law’s historic inability to provide any consistent principle for determining when, and to what extent, a former spouse is “in need.” We cannot choose among the many possible definitions of need if we do not know the reason for imposing the obligation to meet it. Some judicial opinions find the alimony claimant in “need” only if unable to provide for her basic necessities, others if the claimant is unable to support himself at a moderate middle-class level, and still others whenever the claimant is unable to sustain the living standard enjoyed during the marriage even if it was lavish. (Emphasis added).

In no other area of law is the judiciary cast adrift and empowered to force the transfer a private citizen’s assets with no stated goal against which to measure the appropriateness of the award. For example, in a breach of contract action, the court is to require a responsible defendant to pay to the victim a sum of money sufficient to put him in as good a position as he

would have been had the breach not occurred. But the court is not free to award any more than that, even if the plaintiff “needs” it and even if it would be “desirable” and “feasible.” In a personal injury action, the court is to award the victim a sum of money sufficient to compensate the victim for his lost earning power and his pain and suffering. Even when a court is awarding punitive damages, whose purpose is to punish and deter, the fourteenth amendment to the Constitution of the United States places limits on the amount of such damages, which generally must not be more than 10 times the amount of the victim’s actual damages. These sorts of rules make possible meaningful appellate review of damages awards for excessiveness, and prevent trial judges from simply inventing random, freakish awards based on absolutely unfettered discretion. Notwithstanding the change in statutory language, Ohio courts rarely if ever award alimony to husbands. Only 3% of alimony recipients nationwide are men. In 1920, only 9% of married American women were in the labor force. In 1971, the Supreme Court of the United States held for the first time that the Equal Protection Clause of the 14th Amendment applied to distinctions based on sex. In 1976, that Court ruled for the first time that such distinctions were subject to a heightened standard of judicial scrutiny. In both Ohio and the United States today, women constitute approximately half of the labor force. Approximately 60% of all American women are in the labor force or are looking for work.

Appellate Review of Alimony Awards

A divorcing spouse ordered to pay alimony may appeal the order to Ohio’s intermediate level appellate court, but as a practical matter there is no purpose in doing so. The appellate court reviews orders awarding alimony under an abuse of discretion standard, engaging in

“every reasonable presumption in favor of correctness” of the award. While that standard can and does provide for meaningful, if deferential, appellate review in some circumstances, its effect here is to make appellate review a charade. An alimony award will not be reversed unless the appellate court concludes that the lower court “could not reasonably conclude as it did, based on the facts presented.” Because trial courts are not instructed which factors to weigh most heavily, and are given permission to give any weight, including no weight, to any factor, and to consider factors not expressly listed in the statute, it is impossible to imagine any scenario in which a trial court “could not reasonably conclude” that a given award was appropriate. For example, in two cases with identical facts, one judge might assign little or no weight to the defendant’s adultery, while giving great weight to plaintiff’s high income. Another judge might decide that those two factors should be weighted in the opposite manner. They could then enter wildly different alimony awards on identical facts. Yet no appellate court could reverse. Indeed, because trial courts are not required to explain what weight they assigned to any factor, it would be impossible to know why the two judges came to disparate conclusions, making appellate review inconceivable. If either the paying or receiving spouse appeals, the paying spouse may be ordered to pay the receiving spouse’s attorneys’ fees -- in advance -- in connection with the appeal, no matter who prevails on appeal.

Ohio Imprisons Persons Who Fail to Pay Alimony

If a person ordered to pay alimony fails to do so, and the court determines he has the ability to do so, the court may find him in contempt, may impose monetary penalties, and may have him arrested and imprisoned. The remedy of imprisonment is available whether or not the alimony recipient is employed, and whether or not the payer’s default has created any risk that

the recipient might become dependent on the State. In no area of law other than family relations does Ohio give a civil litigant the ability to use penal remedies to enforce a money judgment. The party in arrears may be held in contempt even if he lacks the ready cash to make the overdue payments. If the defaulting party has the practical ability to borrow enough money to pay the arrears, and has failed to do so, the court may find that his non-payment was willful and he may be imprisoned. In no other area of law may a court increase the amount of civil money judgment (a) years after it is entered, or (b) based on facts that occurred post-judgment. Ohio courts are, moreover, empowered by statute to make their initial alimony orders non-modifiable. This statutory power exists and is employed to prevent divorced husbands from seeking to reduce or terminate their alimony obligations even if, for example, (a) their former spouse remarries, or (b) the alimony payer becomes unemployed, ill, or retired.

On information and belief, in practice, only wives are ever awarded attorneys' fees. They are awarded to wives even in pre-trial proceedings before the court has heard evidence, and are also awarded in post-judgment proceedings, when the spouses no longer have any legal or equitable interest in each other's property. In no other area of law does Ohio permit a court to require a civil litigant to pay for his adversary's legal fees, in advance, before any right to substantive relief has been established. In no other area of law does Connecticut permit a court to order a prevailing party to pay the attorneys' fees of the losing litigant. In part as a result of Ohio's statutes burdening a citizen's fundamental liberty interest in ending a marriage, significant numbers of citizens simply avoid marriage entirely. Nationwide, only 51% of adults are now married, as opposed to 72% in 1960. In Ohio, there were 98,076 marriages celebrated

in 1990⁴, but only 67,606⁵ in 2011. By avoiding marriage, citizens escape from the provisions of Ohio law that place them and their assets and income under the permanent and limitless authority of Ohio's judiciary. If Ohio residents cohabit and then separate, but never marry, Connecticut does not grant the judiciary the power to award either party any portion of the other's future earnings. If parties cohabit and pool resources before marrying, and then divorcing, the time they lived together before marrying is not included when the court calculates the "length of the marriage" in setting alimony. If a wife abandons her husband, but does not divorce him, the husband's prior obligation to provide "reasonable support" to his wife ends. But if the husband chooses to divorce his absent wife, the court is free to award her alimony. In recent decades, Ohio has acknowledged its lack of interest in the intimate affairs or marital status of its residents by repealing or modifying a variety of its laws. Ohio courts are not required to award alimony to a destitute spouse, particularly if the marriage was short, or the destitute spouse was, in the opinion of the court, the cause of the divorce. Ohio courts are not empowered to award alimony to a destitute spouse who does not request it, or who waived it in a pre-nuptial agreement. Ohio has no compelling interest in forcing people to remain married, in preventing them from becoming ineligible to remarry, in punishing them financially for divorcing, in burdening their wish to divorce, or generally in equalizing the affluence of its citizens. Ohio has no compelling interest in burdening married persons who wish to end their marriages by imposing financial penalties for the exercise of that right, or in using the fact of a divorce as an occasion to exercise jurisdiction of indefinite duration over all income and property acquired by either spouse after the divorce. Ohio has no compelling interest in

⁴ Ohio Department of Health- Marriage and Divorce Statistics (1990).

⁵ Ohio Department of Health- Marriage and Divorce Statistics (2011).

favoring married couples over unmarried couples, in favoring married persons over divorced persons, or in imposing burdens on a couple's desire to end the relationship that are not imposed on unmarried couples. Ohio's alimony scheme is not narrowly tailored to further the preservation of existing marriages (even if that were a compelling state interest). The spouse who seeks the divorce, whose conduct may be the cause of the breakdown of the marriage, may still be awarded alimony if she "needs" it, especially if the court decides it is "desirable" and "feasible" for her not to be employed. Ohio's alimony scheme is not even rationally related to any state interest in protecting or encouraging marriage. Rather, alimony schemes like Ohio's have had the opposite effect of discouraging citizens from marrying at all, whether or not they are in a committed relationship and whether or not they are raising children. The rate of births to women who are not married has increased dramatically, while the percentage of the population that is presently married or has ever been married has decreased significantly. Citizens now shun marriage rather than submit their fate to the permanent and boundless oversight of an untethered judiciary.

2) Appellant's judgment against him was unconstitutional. The trial court erred by violating the Appellant's constitutional rights (1st, 2nd, 4th, 5th, 6th, 7th, 8th, 13th, 14th Amendment).

The blatant disregard for Constitutional rights as conducted by the trial court is incomprehensible. These rights are guaranteed by the US Constitution, and are not open for discussion or "discretion" by a government office or court. These rights are very well documented and have repeatedly been upheld by other Courts.

The Trial Court violated my 1st Amendment rights by ignoring petitions to the government for redress of grievances (civil rights violations).

The Trial Court violated my 1st Amendment rights by imposing their religious beliefs upon me, ignoring the antenuptial “CONTRACT” agreement that defined the marriage.

The Trial Court violated my 2nd Amendment rights by infringing on my right to bear arms. By issuing a protection order that was not justified, and in fact is void due to the trial courts loss of jurisdiction for civil rights violations.

The Trial Court violated my 4th Amendment rights by seizure of property in awarding a clearly unconceivable judgment to any reasonable person. This directly violates my right to be secure in my person, home, papers, and effects.

The Trial Court violated my 5th Amendment rights by failing to give “due process of law” (substantive due process and procedural due process) seizure of property in direct contrast to a VALID CONTRACT between the parties.

The Trial Court violated my 6th Amendment rights by failing to give me a speedy and public trial by an impartial jury.

The Trial Court violated my 7th Amendment rights by failing to provide a Jury Trial, the twenty dollar threshold has clearly been met for a civil trial.

The Trial Court violated my 8th Amendment rights by issuing a judgment that was clearly a punishment for defending his civil rights. It is cruel and unusual to have the victim of a crime pay the criminal. It is cruel and unusual to have the family member of a wrongful death pay the party who holds a key responsibility to that wrongful death.

The Trial Court violated my 13th Amendment rights by creation of an order that established involuntary servitude and slavery to another against my will.

The Trial Court violated my 14th Amendment rights by depriving me of liberty and property without due process of law. The trial court violated my 14th Amendment rights by denying me equal protection of the laws.

3) Appellant's judgment against him was unconstitutional. The trial court erred by violating the Appellant's constitutional rights of seizure of property.

In this case the judgment for alimony and attorney's fees must be reversed because the Trial Court's judgment is against the 4th Amendment on government seizure of personal property. The resulting order requires the Appellant pay the Appellee (who committed criminal acts against the Appellant). The resulting effect is government seizure by proxy, while the trial court did not seize my property personally; it certainly impedes my right to be secure in my home and about my person. The trial courts judgment is clearly a punishment for standing up for his civil rights.

4) Appellant's judgment against him for Contempt of Court was a direct violation of Due Process. The trial court erred when they failed to hold a timely hearing regarding the mutual restraining orders.

The Trial Court violated my 5th and 14th Amendment rights by depriving me of liberty and property without due process of law. There was never a hearing on mutual restraining orders. The trial court went from issuing order, notice, to Contempt Hearing. There was no opportunity to be heard prior to Contempt Hearing. And based upon the actions of the trial court's continuous violations of civil rights and ignoring the facts, it was pre-determined finding of guilt. The time for a hearing on the matter is before any enforcement of the orders, in fact a

proper hearing may have rescinded the orders. A timely hearing would be within days or weeks. If the claim is the Contempt Hearing is hearing, that is clearly a lie, there was never any discussion of the validity of the initial orders. The presumption of guilt is established by filing of the motion. This in itself is another civil rights violation of equal justice.

5) Appellant’s judgment against him was outside the trial court’s jurisdiction. The trial court lost jurisdiction when they committed civil rights violations and refused to remedy violations which started with 2014-CA-0021 (2013-DV-0193) and continued through to 2014-CA-0046 (2013-DR-0207).

See other sections for the civil rights violations and case 2014-CA-0021 which details the specific civil rights violations and the ignoring the law (2014-CA-0021 Error #2).

Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974).

Note: By law, a judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person). When a Judge acts as a **trespasser of the law**, when a judge **does not follow the law**, the Judge loses subject-matter jurisdiction and the Judges’ orders are not voidable, but VOID, and of no legal force or effect. (emphasis added).

The U.S. Supreme Court stated that “when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his

individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States.”

6) Appellant’s judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by operating a “kangaroo court” (predetermined decision).

The legal definition of kangaroo court: Pejorative. Of an unfair court, in which justice cannot be obtained. Of which it is clearly substantiated that justice cannot be obtained in GCDRC. A court characterized by *dishonesty or incompetence*, both traits of aforementioned have been demonstrated by the trial court. Any tribunal in which judgment is rendered arbitrarily or unfairly.

7) Appellant’s judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by operating as an “enterprise” for extortion.

The trial court has control over and through repeated pattern of racketeering and extortion. The trial court order is forced extortion and coercion, any failure to pay the amount potentially results in further pain and suffering unless you pay your way out. The very design of the domestic relations structure and “system” is to extort as much money out of the parties as possible to the enrichment of the Judge’s, Magistrates, Court Staff, Attorney’s and related support staff. RICO stands for Racketeer Influenced and *Corrupt Organizations Act* (emphasis added), the GCDRC is very clearly corrupt and has no interest in fairness and justice.

8) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by acting as an "enterprise" forcing Plaintiff-Appellant to retain Attorney #2.

The trial court has control over and through repeated pattern of racketeering and extortion. The trial court forced the hiring of a second attorney, furthering the enrichment of the officers of the court.

9) Appellant's judgment against him was abuse of discretion, abuse of power, corruption, and incompetence. The trial court erred by acting as an "enterprise" forcing a deposition on Plaintiff-Appellant.

The trial court has control over and through repeated pattern of racketeering and extortion. The trial court allowed a useless deposition, furthering the enrichment of the officers of the court and support staff. Nothing new was "discovered" in the deposition, in fact the deposition was never certified. It was only harassment by the Defendant-Appellee's Attorney, further evidence of coercion. The only good thing about the deposition is now I have an audio recording of Mr. Slicer admitting his lie (as an officer of the court) to what the purpose of the deposition was.

10) Appellant's failure to receive effective counsel (Attorney #2). Attorney #2 failed to properly represent the Appellant's position the deposition was harassment as defined by Rules of Civil Procedure and file motions to that effect.

Attorney #2 failed to file motion to object per RoCP Rule 30 (D), RoCP Rule 26 (C), RoCP Rule 26 (B) 4 (a),(c). The Plaintiff-Appellant repeatedly requested to Attorney #2 to file the objections. When I asked what he was “discovering”, it was all duplicative, after 10 month they had plenty of opportunity to discovery, and that the examination was being conducted in bad faith and in such a manner to embarrass and oppress the Plaintiff-Appellant. Attorney #2 failed to failed to stop the examination when it was evidently clear it’s sole purpose was harassment.

11) Appellant’s judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by acting as an “enterprise” forcing further extortion upon appeal requiring advance payment of Transcripts.

The trial court has control over and through repeated pattern of racketeering and extortion. The trial court order is forced extortion and coercion, any failure to pay the amount potentially results in further pain and suffering unless you pay your way out. The very design of the domestic relations structure and “system” is to extort as much money out of the parties as possible to the enrichment of the Judge’s, Magistrates, Court Staff, Attorney’s and related support staff. RICO stands for Racketeer Influenced and *Corrupt* Organizations Act (emphasis added), the GCDRC is very clearly corrupt and has no interest in fairness and justice. If the purpose is to reduce the States expenses, why is the payment for transcripts made to an individual and not the State? Extortion is generally define extortion as the gaining of property or money by almost any kind of force, or threat of 1) violence, 2) property damage, 3) harm to reputation, or **4) unfavorable government action.** (emphasis added) While usually viewed as a

form of theft/larceny, extortion differs from robbery in that the threat in question does not pose an imminent physical danger to the victim.

12) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by facilitating and encouraging a "breach of contract" by the Defendant-Appellee.

The trial court perpetuated and substantiated the breach of contract as conducted by the Defendant-Appellee. A valid contract normally contains the following five basic elements- 1) Intention to create legal relations, 2) Offer, 3) Acceptance, 4) Consideration { *Something of value given by both parties to a contract that induces them to enter into the agreement to exchange mutual performances.* } 5) Capacity. The trial court's finding it was unconscionable is irrelevant and based on ignorance of the law. For the defense of unconscionability to apply, the contract has to have been unconscionable at the time it was made; later circumstances that make the contract extremely one-sided are irrelevant.

13) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by applying the wrong standard of law as applicable to the antenuptial agreement.

The trial court's finding it was unconscionable is irrelevant and based on ignorance of the law. For the defense of unconscionability to apply, the contract has to have been unconscionable ***at the time it was made***; later circumstances that make the contract extremely one-sided are irrelevant. The trial courts basis for ignoring the antenuptial agreement was that the financial disclosures statements were not presented and therefore it was unconscionable to

enforce such an agreement. The trial court directly erred and demonstrated incompetence of the law as applied in Ohio as follows: “From this context, the Ohio Supreme Court explained in *Gross* that the requirement of “full disclosure” is satisfied “either by the exhibiting of the attachment to the antenuptial agreement of a listing of the assets of the parties to the agreement, or ***alternatively a showing that there had been a full disclosure by other means***”⁶ (emphasis added). It was clearly demonstrated to the trial court that a summary of the financial disclosure was included within the body of the agreement, which to any reasonable person would satisfy the alternative method. It was also acknowledged by the testimony of the Defendant-Appellee that full disclosure was conducted, which to any reasonable person would satisfy the alternative means.

14) Appellant’s judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by standard of evidence in regards to the antenuptial agreement, the responsibility lies with the party disputing.

The trial court directly erred and demonstrated incompetence of the law as applied in Ohio as follows: “From this context, the Ohio Supreme Court explained in *Gross* that the requirement of “full disclosure” is satisfied “either by the exhibiting of the attachment to the antenuptial agreement of a listing of the assets of the parties to the agreement, or ***alternatively a showing that there had been a full disclosure by other means***”⁷ (emphasis added). It was clearly demonstrated to the trial court that a summary of the financial disclosure was included within the body of the agreement, which to any reasonable person would satisfy

⁶ *Gross v Gross*, 11 Ohio St.3d at 105, also see *Vanderbilt v. Vanderbilt*, 2013-Ohio-1222

⁷ *Gross v Gross*, 11 Ohio St.3d at 105, also see *Vanderbilt v. Vanderbilt*, 2013-Ohio-1222

the alternative method. It was also acknowledged by the testimony of the Defendant-Appellee that full disclosure was conducted, which to any reasonable person would satisfy the alternative means. The Ohio Supreme Court has held that such agreements are valid and enforceable if three basic conditions are met: 1) If they have been entered into freely without fraud, duress, coercion or overreaching; 2) If there was a full disclosure, or full knowledge, and understanding, of the nature, value and extent of the prospective spouse's property; and 3) If the terms do not promote or encourage divorce or profiteering by divorce.⁸ If the burden of proof (as related to full disclosure) is on the party seeking enforcement of the agreement, that was clearly met or exceeded. The actual financial schedules were withheld by the Defendant-Appellee that refused discovery of the items (spoliation of evidence). If the burden of proof (to set aside a antenuptial agreement) is on the party alleging the agreement unenforceable, all the evidence and testimony is contradictory to that conclusion by any reasonable person.

15) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by facilitating and encouraging "spoliation of evidence" by the Defendant-Appellee.

The actual financial schedules were withheld by the Defendant-Appellee that refused discovery of the items (spoliation of evidence). If the burden of proof (to set aside a antenuptial agreement) is on the party alleging the agreement unenforceable, all the evidence and testimony is contradictory to that conclusion. Due to the Defendant-Appellee arrest for Domestic Violence⁹ and subsequent protection order against her, I have not been in a position

⁸ *Gross v Gross*, 11 Ohio St.3d at 105

⁹ *State of Ohio v Keesha A. Barton*, CRB1301210

to retrieve my full copy of the antenuptial agreement. I instructed attorney #1 & #2 to subpoena the documents, with specific instructions on their last know location. I also instructed attorney #1 & #2 to subpoena the documents from David McNamee. The Defendant-Appellee, Charles Slicer, and David McNamee have conducted spoliation of evidence.

16) Appellant’s judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by facilitating and encouraging “spoliation of evidence” by Charles Slicer (Attorney) and David McNamee (Attorney).

The actual financial schedules were withheld by the Defendant-Appellee that refused discovery of the items (spoliation of evidence). If the burden of proof (to set aside a antenuptial agreement) is on the party alleging the agreement unenforceable, all the evidence and testimony is contradictory to that conclusion. Due to the Defendant-Appellee arrest for Domestic Violence¹⁰ and subsequent protection order against her, I have not been in a position to retrieve my full copy of the antenuptial agreement. I instructed attorney #1 & #2 to subpoena the documents, with specific instructions on their last know location. I also instructed attorney #1 & #2 to subpoena the documents from David McNamee. The Defendant-Appellee, Charles Slicer, and David McNamee have conducted spoliation of evidence. Specifically Rule 8.4 Misconduct items (a), (b), (c), (d), (e), (f) and (h), Rule 4.1 Truthfulness in Statements to Others (a) make a false statement of material fact or law to a third person, (b) fail to disclose a material fact when disclosure is necessary to avoid assisting an *illegal* or *fraudulent* act by a client.¹¹

¹⁰ State of Ohio v Keesha A. Barton, CRB1301210

¹¹ Ohio Professional Rules of Conduct, page 187 (June 1, 2014)

(emphasis added) Their generally absence of ethics and integrity are an affront to reasonable persons.

17) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by conducting themselves in an obvious manner of favoritism for the Defendant-Appellee.

The trial court directly erred and demonstrated incompetence on numerous occasions during the pendency of these actions. Starting with the direct civil rights violations, it was so blatantly obvious that the trial court had made a predetermined decision, and was only going through the act of concluding the action. The trial court was presented on several different occasions that the Defendant-Appellee had committed fraud and contempt of court (violation of protection orders). The Defendant-Appellee conducted motor vehicle title fraud¹² in regards to the KZ Toyhauler. The Defendant-Appellee produced fraudulent documents to the Greene County Clerk of Courts-Title Division, who subsequently prepared a new title encumbering the title with her name added (Before: Douglas C. Barton After: Douglas C. Barton & Keesha A. Barton). The Defendant-Appellee also procured registration plates for the vehicle with the fraudulent documents. The Defendant-Appellee and Attorney Slicer then produce the fraudulent document as evidence at trial. Once I was made aware of the fraud, I contacted the GCCoC-Title Division. I asked them to review and produce the documents used to make the title changes. Upon review of the single document produced, I further questioned them and requested documentation showing where I had signed or a power of attorney was used for my signature. There was no such document, the GCCoC-Title Division realizing their mistake

¹² As defined by ORC 2913

immediately canceled the fraudulent title and restored the previous title. The GCCoC-Title Division also assisted in explaining to the Deputy Registrar the mistake, thereby reinstating the previous registration plates. On a subsequent hearing, I presented these exact facts to the trial court who blatantly ignored the criminal acts (ORC 2913.02 Theft (A) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways: (1) Without the consent of the owner or person authorized to give consent; (2), (3) By deception;.... (B)(1) Whoever violates this section is guilty of theft (2) If the value of the property or services stolen is five thousand dollars or more and is less than one hundred thousand dollars, a violation of this section is grand theft, a felony of the fourth degree. What better demonstration of the trial courts abuse of discretion, abuse of power, corruption and incompetence than to totally ignore a FELONY and then reward the criminal further. To any reasonable person this is a violation of Cannon 1: A judge shall uphold and promote the *independence, integrity, and impartiality* of the judiciary, and shall avoid *impropriety* and the appearance of *impropriety*; Cannon 2: A judge shall perform the duties of the judicial office *impartially, competently, and diligently*.

18) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by using proceedings as retaliation for filing Federal Lawsuit (for defense of Civil Rights) by Appellant.

The trial court directly erred and demonstrated incompetence on numerous occasions during the pendency of these actions. The civil rights violations were brought to the trial courts attention, their direct failure to make even a modest attempt at correcting them clearly

demonstrates the dependant, unfair, and partial judiciary of the GCDRC. Their total lack of integrity, honesty, and ethics is truly unconscionable. They used the proceedings of 2013-DV-1093 and 2013-DR-0207 as retaliation for exposing their corruption. Further undermining any possible confidence in the system of justice.

The presence of malice and the intention to deprive a person of his civil rights is wholly incompatible with the judicial function. U.S. Supreme Court Reports, Pierson v. Ray, 386 U.S. 547 (1967).

For the purposes of review, it has been said that clear violations of law on reaching the result, such as acting without evidence when evidence is required, or ***making a decision contrary to all the evidence***, (emphasis added) are just as much jurisdictional error as is the failure to take proper steps to acquire jurisdiction at the beginning of the proceeding. Borgnis v. Falk Co., 133 N.W. 209

Abuse of discretion “connotes more than an error of law or judgment; it implies that the court's attitude is unreasonable, arbitrary or unconscionable.” Blakemore v. Blakemore (1983), 5 Ohio St.3d 217, 219, 5 OBR 481, 482, 450 N.E.2d 1140, 1142.

“The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice.” Davis v. Wechler, 263 U.S. 22, 24; Stomberg v. California, 283 U.S. 359; NAACP v. Alabama, 375 U.S. 449.

“The claim and exercise of a Constitutional right cannot be converted into a crime” ... “a denial of them would be a denial of due process of law”. *Simmons v. United States*, 390 U.S. 377 (1968)

19) Appellant’s judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by facilitating and encouraging perjury by the Defendant-Appellee and lies by Charles Slicer, Dalma Grandjean, and Bryon Penick (Defendant-Appellee’s attorneys) failing to correct the behavior when brought to the trial courts attention.

The trial court directly erred and demonstrated incompetence, abuse of power, abuse of discretion on numerous occasions during the pendency of these actions. When the misconduct of the attorneys was presented to the trial court they ignored it. Which further demonstrates the bias, prejudice, and malice towards Plaintiff-Appellant. It clearly demonstrates a lack of ethics and integrity on the part of the trial court.

20) Appellant’s judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by awarding spousal support based on Defendant-Appellee not receiving a promotion which was the sole personal responsibility of the Defendant-Appellee.

The Defendant-Appellee tried to claim she lost her promotion due to a Congressional Complaint and other complaints to her chain of command. When the fact is the USAF doesn’t promote who are convicted of crimes. The standard of conduct required of a military member is far above the average citizen. Additionally a military member is subject not only to the local

laws of the state and county where they live, they are also subject to the Uniform Military Code of Justice (UCMJ). The Defendant-Appellee alone decide her course of actions that led to her arrest and subsequent conviction. The USAF alone decided an appropriate course of action in denying a promotion to a higher grade with additional rights and responsibilities. I was not aware that the trial court suddenly had some all encompassing power to speak for the actions of USAF. The trial court order effectively reverses the Federal Authority (and independent of the trial court) of the Department of Defense-USAF. The trial court also sets the precedent that if you contact your publicly elected officials to report misconduct, you will be punished. The USAF did not testify as to why they denied her promotion. The trial court erred when it superseded the authority of a independent Federal entity.

21) Appellant’s judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by awarding property that was separate property prior to the marriage and also not in accordance with the antenuptial agreement.

The trial court has no discretion in this matter. Again this is another clear and convincing demonstration of the incompetence of the trial court. Ohio Revised Code 3105.171 (3)(b) “Marital Property” does not include any separate property. ORC 3105.171 (6)(a) (ii) Any real or personal property or interest in real or personal property that was acquired by one spouse prior to the date of the marriage;. ORC 3105.171 (6)(a)(v) Any real or personal property or interest in real or personal property that is excluded by a valid antenuptial agreement;. ORC 3105.171 (6)(a)(vi) “Compensation to a spouse for the spouse’s personal injury.....”. ORC 3105.171 (6)(b) The commingling of separate property with other property of any type does not destroy the

identity of the separate property as separate property, except when the separate property is not traceable.

22) Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by not allowing any evidence to be presented related to additional items listed on Plaintiff's exhibit #12 (Damage Claims). The trial court erred when it failed to properly consider all relevant items related to spreadsheet, only responding to pages 1 & 2 when the entire document was 18 pages, with additional supporting evidence.

This demonstrated a clear and convincing attitude of the trial court that the Plaintiff-Appellant was not equal before the law. Failing to give due consideration of evidence presented, then not allowed to present the supporting evidence. This is another failure by the trial court to provide due process. The trial court has no discretion in this matter. Again this is another demonstration of the *incompetence* of the trial court. Ohio Revised Code 3105.171 (3)(b) "Marital Property" does not include any separate property. ORC 3105.171 (6)(a) (ii) Any real or personal property or interest in real or personal property that was acquired by one spouse prior to the date of the marriage;. ORC 3105.171 (6)(a)(v) Any real or personal property or interest in real or personal property that is excluded by a valid antenuptial agreement;. ORC 3105.171 (6)(a)(vi) "Compensation to a spouse for the spouse's personal injury.....". ORC 3105.171 (6)(b) The commingling of separate property with other property of any type does not destroy the identity of the separate property as separate property, except when the separate property is not traceable.

23) Appellant's judgment against him was outside the trial court's jurisdiction. The trial court erred by awarding spousal support based on Defendant-Appellee not receiving a promotion

which was a consequence imposed by the United States Air Force (DOD) for her personal behavior and actions.

The Defendant-Appellee alone decide her course of actions that led to her arrest and subsequent conviction. The USAF alone decided an appropriate course of action in denying a promotion to a higher grade with additional rights and responsibilities. I was not aware that the trial court suddenly had some all encompassing power to speak for the actions of USAF. The trial court order effectively reverses the Federal Authority (and independent of the trial court) of the Department of Defense-USAF. The USAF did not testify as to why they denied her promotion. The trial court erred when it superseded the authority of a independent Federal entity.

24) Appellant's failure to receive effective counsel (Attorney #2). Attorney #2 failed to properly present Appellant's position that the Defendant-Appellee was committing perjury (failing to tell the WHOLE truth) in regards to being denied a promotion.

The Defendant-Appellee alone decide her course of actions that led to her arrest and subsequent conviction. The USAF alone decided an appropriate course of action in denying a promotion to a higher grade with additional rights and responsibilities. I was not aware that the trial court suddenly had some all encompassing power to speak for the actions of USAF. The trial court order effectively reverses the Federal Authority (and independent of the trial court) of the Department of Defense-USAF. The USAF did not testify as to why they denied her promotion. Attorney #2 failed to present these facts to the trial court, and identify her perjury of claiming denial of promotion was due to complaints. When in fact it was directed related to her arrest and conviction of domestic violence.

25) Appellant's judgment against him for spousal support and contempt of court was outside the trial court's jurisdiction. The trial court erred when it based a decision on ignorance of Department of Defense (DOD) rights and privileges of DOD Dependants spouses for actions taken solely within and on Federal Property.

The trial court demonstrated incompetence in regards to the DOD rights and privileges of DOD Dependant Spouse. The right to contact the military chain of command is a fundamental right of a military spouse. The trial court erred by asserting jurisdiction over matters and actions taken solely within and on Federal Property.

26) Appellant's judgment against him for spousal support and contempt of court was outside the trial court's jurisdiction. The trial court erred when it based a decision on ignorance of Department of Defense (DOD) rights and privileges of DOD Reserve Military Component members for actions taken solely within and on Federal Property.

The trial court demonstrated incompetence in regards to the DOD rights and privileges of DOD Reserve Military Component. The right to contact the military chain of command is a fundamental right of a military member. The trial court erred by asserting jurisdiction over matters and actions taken solely within and on Federal Property.

27) Appellant's judgment against him for spousal support and contempt of court was outside the trial court's jurisdiction. The trial court erred when it based a decision on ignorance of Department of Defense (DOD) rights and privileges of DOD Active Duty Military Component members for actions taken solely within and on Federal Property.

The trial court demonstrated incompetence in regards to the DOD rights and privileges of DOD Active Military Component. The right to contact the military chain of command is a

fundamental right of a military member. The trial court erred by asserting jurisdiction over matters and actions taken solely within and on Federal Property.

28) Appellant's judgment against him for the income tax returns was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by not assigning the equitable division of debt/income regarding the income tax returns.

The trial court erred by not considering actual evidence of the impact of income tax returns. No evidence was presented by either party. It was simply disregarded, the attitude of demur is unacceptable. To say well each party filed, point is moot. The trial court erred when it acted arbitrarily (without evidence) and unreasonably.

29) Appellant's failure to receive effective counsel (Attorney #2). Attorney #2 failed to properly present Appellant's burden and the Appellee's advantage regarding income taxes.

Attorney #2 failed to present the economic impact of the income taxes. The Defendant-Appellee's significant refund versus the Plaintiff-Appellant's significant payment of taxes. Attorney #2 was given specific instructions on what the impact was, and failed to represent the Plaintiff-Appellant's position.

30) Appellant's judgment against him for Award of Attorney's Fees abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by refusing address the objections to paying the attorney's fees of a criminal and to further enrich the Defendant-Appellee's attorneys.

The trial court demonstrated incompetence, abuse of discretion, abuse of power, corruption in awarding attorney's fees to Defendant-Appellee. The Defendant-Appellee was

arrested for domestic violence. The trial court erred in awarding attorney's fees to her for her criminal defense. The trial court's award is arbitrary and unreasonable. The trial court erred in abuse of discretion in assigning blame for trial delay on Plaintiff-Appellant, the delay was SOLELY the responsibility of the Defendant-Appellee and her carousel of attorney's. This case should have been over at the very first assigned date on Nov 17th 2013, at worst a second assigned date to finalize it.

31) Appellant's judgment against him for Award of Attorney's Fees abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by refusing to acknowledge the Defendant-Appellee was SOLELY responsible for hiring so many attorney's. Directly related to this is the trial courts refusing to allow evidence (of proposed settlement agreements) that *DIRECTLY REFUTES* (emphasis added) the trial courts assertions of the Plaintiff-Appellant delaying the proceedings and demonstrates ignorance of the facts.

The trial court demonstrated incompetence, abuse of discretion, abuse of power, corruption in awarding attorney's fees to Defendant-Appellee. I directly asked that the proposed settlement agreements be presented, to demonstrate the Defendant-Appellee's false claims. The trial court erred in not allowing rebuttal evidence to directly contradict the claims. The proposed settlement agreements were presented in bad faith. The trial court demonstrated ignorance of the facts, the trial court erred in not allowing evidence that would clearly demonstrate the facts.

32) Appellant's judgment against him for Attorney's Fees was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by refusing to allow the Appellant to enter evidence that directly contradicts the resulting basis of the order.

The trial court demonstrated ignorance of the facts, the trial court erred in not allowing evidence that would clearly demonstrate the facts. This is clearly beyond abuse of discretion when a trial court acts in an arbitrary or unreasonable manner.

33) Appellant's judgment against him for contempt of court was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred when it allowed the Defendant-Appellee to present evidence that clearly demonstrated direct criminal contempt of Violation of Civil Protection Order as committed by the Defendant-Appellee.

The trial court demonstrated incompetence, abuse of discretion, abuse of power, corruption during the hearing on contempt. The Defendant-Appellee presented evidence (photograph) that clearly demonstrated her violation of civil protection order and stalking actions. This was brought to the trial court's attention, who ignored the misconduct of the Defendant-Appellee. Another example of being unequal before the law.

34) Appellant's judgment against him for Contempt of Court was a direct violation of Due Process. The trial court erred when they held contempt hearings without the benefit of Due Process.

The trial court demonstrated incompetence, abuse of discretion, abuse of power, corruption by holding a hearing for contempt without due process. The Plaintiff-Appellant was never given opportunity to question the mutual restraining orders. Very clear and direct violation of due process. Even when told it was a due process violation, the trial court ignored it. Displaying further incompetence.

35) Appellant's failure to receive a Jury Trial as prescribed by the 7th Amendment of US Constitution, further violating the Appellant's civil rights. The trial court erred when they refused trial by jury.

I repeatedly requested that Attorney #1 & #2 demand a jury. I was informed I had no right to a jury trial. I never waived any rights to a jury trial, and in fact believe a jury trial would have stopped the blatant corruption and deceit as conducted by the trial court.

"The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice." Davis v. Wechler, 263 U.S. 22, 24; Stomberg v. California, 283 U.S. 359; NAACP v. Alabama, 375 U.S. 449.

36) Appellant's failure to receive effective counsel (Attorney #1). The appellant's attorney #1 failed to plead the antenuptial agreement.

Attorney #1 failed to initially plead the antenuptial agreement. He was informed of the antenuptial agreement, and given instructions to subpoena copies from the Defendant-Appellee and attorney(s). I was not aware it had not been plead until Attorney #2 filed for leave of court to plead it. To be fair to Attorney #1, it was very easy to be confused as the Defendant-Appellee had several different attorneys over a period of days. Attorney #1 received two different settlement proposals from two different attorneys (for Defendant-Appellee) on the same day. Additionally the trial courts recordkeeping is atrocious, who can trust them? The very core of their integrity is suspect, due to their own actions.

37) Appellant's failure to receive effective counsel (Attorney #2). The appellant's attorney #2 failed to subpoena the antenuptial agreement (in its entirety) from the Defendant-Appellee.

Attorney #2 failed to follow detailed instructions to subpoena the copies of the antenuptial agreement from the Defendant-Appellee. He was given specific instructions to do so and failed to do so.

38) Appellant's failure to receive effective counsel (Attorney #2). The appellant's attorney #2 failed to subpoena the antenuptial agreement (in its entirety) from the Defendant-Appellee's attorney who held original agreement.

Attorney #2 failed to follow detailed instructions to subpoena the copies of the antenuptial agreement from the David McNamee. Instead relied on "professional" courtesy, of course they were never sent.

39) Appellant's failure to receive effective counsel (Attorney #2). The appellant's attorney #2 failed to submit as evidence and properly represent the Appellant's copies of antenuptial schedules.

Attorney #2 was provided copies of the schedules (no signature or initials) as evidence to present to the trial court. Attorney #2 failed to present the evidence and properly represent my position.

40) Appellant's judgment against him for Spousal Support and Award of Attorney's Fees was against the Rights of Victims of Crimes, in violation of Article 1, Section 10a, of the Ohio Constitution, the Trial Court erred when they granted the award by failing to provide the Appellant a victim of a crime (committed by the Appellee) fairness, dignity and respect.

In this case the judgment for Defendant-Appellee must be reversed because the trial court did not follow the Ohio Constitution Article 1, §10a Rights of Victims of Crime. The trial

courts actions in granting financial reimbursement for the Appellee goes against the entire ideal of being treated with fairness, dignity and respect for the victim of a crime. Which in this case, the crime was committed by the Defendant-Appellee (Fairborn Municipal Court case no. CRB 1301210.)

41) The trial court erred in general recordkeeping standards expected by the public good.

As this court has already identified the confusion created by the trial court (see Response to Per Curiam 10/27/14 – 2014-CA-0021). “The trial court improperly combined Case 2013-DV-0193 with 2013-DV-0196” or “The trial court failed to properly separate the Cases”. The trial court lost evidence. How can we trust that a transcript will be done properly? They didn’t get it right on those cases which at one point in time was combined with this case.

42) The trial court erred in conducting multiple pre-trial conferences and “in camera” meetings with attorneys at the objection of the Plaintiff-Appellant. Further examples of “enterprise” operations by trial court.

As can be seen on the docket, multiple hearings, multiple pre-trial conferences, and “in camera” meetings. I specifically objected to both Attorney #1 & #2 on the basis this was the trial courts means to keep information off the “record”. Which if we would have directly went into the courtroom during the FIRST meeting, the trial court would have known about the antenuptial then. But as I was informed by Attorney #2, the Judge wasn’t concerned that I had been lied too repeatedly. See Error #6 again, that describes it best. This is another example of the trial court operating as an enterprise, they are only concerned with their own agenda and enriching the “players” (Court Staff, Attorneys).

43) The trial court erred in rendering a judgment that goes against the conscious public good.

In this case the judgment for Defendant-Appellee must be reversed because the trial court did not follow the Ohio Constitution Article 1, §10a Rights of Victims of Crime. The trial courts actions in granting financial reimbursement for the Appellee goes against the entire ideal of being treated with fairness, dignity and respect for the victim of a crime. Which in this case, the crime was committed by the Defendant-Appellee (Fairborn Municipal Court case no. CRB 1301210.)

44) Appellant's judgment against him was against the U.S.C. 42 §1983.

In this case the judgment for Defendant-Appellee must be reversed because the Trial Court's judgment violated United States Code 42 §1983 against the Appellant under the color of law the Trial Court did violate the Appellant's civil rights on multiple occasions. In *Scheuer v. Rhodes*, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974) [However, since *Ex parte Young*, 209 U.S. 123 (1908), it has been settled that the Eleventh Amendment provides no shield for a state official confronted by a claim that he had deprived another of a federal right under the color of state law. *Ex parte Young* teaches that when a state officer acts under a state law in a manner violative of the Federal Constitution, he "comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." *Id.*, at 159-160.]. In *Malley v. Briggs*, 475 U.S. 335, 341 (1986) Qualified immunity exists fundamentally to protect state officials in the performance of their duties unless they are "plainly incompetent" or they "knowingly violate the law".

45) Appellant's judgment against him was against the U.S.C. 42 §1985.

In this case the judgment for Defendant-Appellee must be reversed because the Trial Court's judgment was a violation of United States Code 42 §1985 against the Appellant. The trial court conspired with the Appellee, Appellee's attorney(s) to deprive and interfere with the Appellant's civil rights.

46) Appellant's judgment against him was against the U.S.C. 42 §1986.

If ***two or more persons*** in any State or Territory conspire or go in disguise on the highway or on the premises of another, ***for the purpose of depriving, either directly or indirectly, any person*** or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; ***or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States***, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, ***against any one or more of the conspirators***. [emphasis added]

In this case the judgment for Defendant-Appellee must be reversed because the trial court's judgment was a violation of United States Code 42 §1986 against the Plaintiff-Appellant. The trial court had knowledge of the wrongful acts committed by the Appellee during my ex-parte hearing on 2 Dec 2013. The trial court had knowledge of the civil rights violations that began on 4 Dec 2013, when I notified Sheri Hall that denying me a hearing was against my civil rights and refused to take any action. The trial court had knowledge through Barton v Hurley, et al; of the civil rights violations, and in fact acknowledged the factual events. The trial court's power neglect and refusal to correct the wrongs, and in fact continued further injury by delaying ignoring is unconscionable. The trial court personal that had knowledge Judge Hurley, Magistrate Martin, Magistrate Combs, Sheri Hall, and Judge Campbell.

42 U.S.C. §1986

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and ***having power to prevent or aid in preventing the commission*** of the same, ***neglects or refuses so to do***, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefore, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no

action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

47) Appellant's judgment against him was against the Ohio Rules of Professional Conduct (for Lawyer's) Rule 1.2 [9], [10]; Rule 3.4 (a), (b), (d), (e); Rule 3.5 (a) (1), (3); Rule 4.1 (a), (b).

In this case the judgment for Defendant-Appellee must be reversed because Appellee's Attorney Mr. Penick assisted drafting documents (Motion for Continuance) that concealed the wrongdoing. The Appellee's Attorney Ms. Grandjean proposed a draft of her client's agreement to dismissal of the protection order, but only on the condition that I inform the USAF that I lied about her arrest (I refused, since this was clearly perjury). The Appellee's Attorney(s) influence over the trial court by using the known bias, prejudice and gender discrimination is unlawful, and unethical.

To further prove the unethical behavior of the Appellee's Attorney's, Mr. Slicer did file a Motion for Discovery (Deposition & documents) for the pending divorce case no. 2013-DR-0207, and I have a (which I overheard from the hallway) recording of him and the Appellee laughing. Mr. Slicer after laughing stated to the effect how much fun is this?, then proceed to say to the effect All I wanted was the paystubs and I had to go through all of this (deposition). The deposition and subsequent recording occurred on 5/30/14, I tried to address this in the hearing on 6/6/14, Judge Campbell ignored the Attorney misconduct. The deposition was not used during the divorce trial. It clearly illustrates the complete and total breakdown of ethics, and raises further questions of doubt as to the equal protection and rights under the law. This is a violation of Rule 3.4 (d), the Appellee's Attorney had all of the information necessary prior to the deposition, the request of the deposition was clearly just for harassment purposes. This

paragraph also supports the previous assignment of error on 42 U.S.C. §1985. The Appellee's Attorney Mr. Penick committed violations of Rule 4.1, failure to disclose the Appellee's wrongful conduct to the trial court.

48) Appellant's judgment against him was against the Ohio Code of Judicial Conduct- Canon 1 lack of integrity, impartiality and appearance of impropriety. Rule 1.1 the Trial Court did not comply with the law. Rule 1.2 [5]; Canon 2 Rule 2.2, Rule 2.3 (A), (C); Rule 2.5 (A), (B); Rule 2.6 (A); Rule 2.9 (A4),(A6) (D); Rule 2.12 (A), (B);

In this case the judgment for Defendant-Appellee must be reversed because the trial court's judgment was a violation of Judicial Rules of Conduct.

Canon 1: A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

The trial court has demonstrated dependence on the Appellee's Attorney's for direction, exhibited a complete lack of integrity, and exposed the partiality of the judiciary for females.

Rule 1.1 Compliance with the Law: A judge shall comply with the *law*.

The trial court did not comply with the law. ORC 3113.31(2)(a) states " that the respondent be granted a hearing within 7 or 10 days". The trial court did not comply with ORC 3105.171.

Rule 1.2 [5] Promoting Confidence in the Judiciary: [5] Actual improprieties include violations of law, court rules, or provisions of this code.

The trial court did not comply with the law. ORC 3113.31(2)(a) states " that the respondent be granted a hearing within 7 or 10 days". The trial court has not demonstrated

independence, integrity, and impartiality of the judiciary, and has not avoided the impropriety and the appearance of impropriety. The trial court did not address the Attorney misconduct.

Rule 2.2 Impartiality and Fairness: A judge shall uphold and apply the *law*, and shall perform all duties of judicial office fairly and impartially.

The trial court did not uphold and apply the *law*. The trial court erred when granting the permanent/temporary Civil Protection Order against Ohio Constitution Article 1, §10a Rights of Victims of Crime; in which victims of crimes are to be treated with fairness and dignity.

The trial court did not comply with the law. ORC 3113.31(2)(a) states “ that the respondent be granted a hearing within 7 or 10 days”.

Rule 2.3 Bias, Prejudice, and Harassment

For all the reasons mentioned previously taken collectively they demonstrate the Trial Court Magistrates and Judges have repeatedly performed their duties with bias and prejudice.

Rule 2.5 Competence, Diligence, and Cooperation

The Trial Court erred repeatedly in the judicial and administrative duties of the administration of this case.

Rule 2.6 Ensuring the Right to Be Heard

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to *law*.

The trial court did not comply with the law. ORC 3113.31(2)(a) states “ that the respondent be granted a hearing within 7 or 10 days”.

Rule 2.12 Supervisory Duties

The trial court judge did not require or enforce standards in a manner consistent with the judge's obligations under this code.

49) Appellant's judgment against him was fraud upon the court.

Appellant's judgment against him was abuse of discretion, abuse of power, corruption and incompetence. The trial court erred by rendering a judgment based on fraud. The Defendant-Appellee and Attorney Slicer presented evidence (June 6th, 2014) that the 2005 KZ Toyhauler (travel trailer) was jointly titled. They presented a title that showed both names (Douglas C. Barton & Keesha A. Barton), that had been issued during the pendency of these actions. The Defendant-Appellee committed fraud and contempt of court by obtaining the fraudulent title and subsequent vehicle registration. As an officer of the court Attorney Slicer conducted his part of the fraud by filing motions and affidavits that influenced the court, were based on fraud and contempt of court (violation of the mutual restraining order). During the July 9th & August 11th, 2014 hearing, the Plaintiff-Appellant presented evidence and testimony of the Defendant-Appellee's (and Attorney Slicer) fraud. The Defendant-Appellee conducted the fraud by obtaining a new title with both names encumbering the title. Previous to the Defendant-Appellee's actions the title was only in the Plaintiff-Appellant's name solely. When I was investigating how this could be done without my signature, the fraud was discovered. When I pointed this out to the Greene County Clerk of Courts-Title Division, they quickly agreed. The title division immediately canceled the fraudulent title, and re-issued the previous title. The title division then assisted in explaining the situation to the Deputy Registrar's office to have the previous registration re-instated. This is not simply about fraudulent documents, and

false statements. The use of the fraudulent documents were materially used to corrupt and influence the trial court. The judge did not perform his judicial function, when presented clear and convincing evidence of the fraud and contempt of court orders, ignored the fraudulent acts. His failure to act demonstrates his bias, prejudice and partiality to the Defendant-Appellee and other officers of the court.

In 1994, the U.S. Supreme Court held that "Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." *Liteky v. U.S.*, 114 S.Ct. 1147, 1162 (1994).

Further, the judge has a legal duty to disqualify himself even if there is no motion asking for his disqualification. The Seventh Circuit Court of Appeals further stated that "We think that this language [455(a)] imposes a duty on the judge to act sua sponte, even if no motion or affidavit is filed." *United States v. Balistreri*, 779 F.2d 1191 (7th Cir. 1985) (Section 455(a))

Judges do not have discretion not to disqualify themselves. By law, they are bound to follow the law. Should a judge not disqualify himself as required by law, then the judge has given another example of his "appearance of partiality" which, possibly, further disqualifies the judge. Should another judge not accept the disqualification of the judge, then the second judge has evidenced an "appearance of partiality" and has possibly disqualified himself/herself. None of the orders issued by any judge who has been disqualified by law would appear to be valid. It would appear that they are void as a matter of law, and are of no legal force or effect.

Should a judge not disqualify himself, then the judge is violation of the Due Process Clause of the U.S. Constitution. United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.").

Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge may have been engaged in the **Federal Crime of "interference with interstate commerce"**. (emphasis added) The judge has acted in the judge's personal capacity and not in the judge's judicial capacity. It has been said that this judge, acting in this manner, has no more lawful authority than someone's next-door neighbor (provided that he is not a judge). However some judges may not follow the law.

The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason, and may be **engaged in extortion** and the **interference with interstate commerce**.

Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts.

ADDITIONAL CASE LAW CITATIONS

(RELEVANT TO ALL ERRORS)

Constitution Supreme Clause Article IV, Clause 2 of the Constitution (This Constitution, and the Laws of the United States which shall be made in Pursuance thereof: shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.) Absolute immunity is contrary.

The presence of malice and the intention to deprive a person of his civil rights is wholly incompatible with the judicial function. U.S. Supreme Court Reports, Pierson v. Ray, 386 U.S. 547 (1967)

When a judge acts intentionally and knowingly to deprive a person of his constitutional rights he exercises no discretion or individual judgment; he acts no longer as a judge, but as a “minster” of his own prejudices. [386 U.S. 547, 568]

The Judge, by ignoring guidelines as set by law, did lose jurisdiction in the matter. His acts then became ultra vires or outside the powers of his jurisdiction.

“Jurisdiction, although once obtained, may be lost, and in such case proceedings cannot be validly continued beyond the point at which jurisdiction ceases”. Federal Trade Commission v. Raladam Co., 283 U.S. 643, 75 L.Ed 1324, 51 S.Ct. 587.

For the purposes of review, it has been said that clear violations of law on reaching the result, such as acting without evidence when evidence is required, or making a decision

contrary to all the evidence, are just as much jurisdictional error as is the failure to take proper steps to acquire jurisdiction at the beginning of the proceeding. *Borgnis v. Falk Co.*, 133 N.W.

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“No Sanction can be imposed absent proof of jurisdiction”. *Stanard v. Olesen*, 74 S.Ct. 768. “Once jurisdiction is challenged, it must be proved”. *Hagans v. Levine*, 415 U.S. 533, n.3.

Without jurisdiction, the acts or judgments of the court are void and open to collateral attack. *McLean v. Jephson*, 123 N.Y. 142, 25 N.E. 409.

When judges act when they do not have jurisdiction to act, or they enforce a void order (an order issued by a judge without jurisdiction), they become trespassers of the law, and are engaged in treason.

Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the Supreme Law of the Land. ***The judge is engaged in acts of treason.*** *Cooper v. Aaron*, 358 U.S. 1, 78 S.Ct 1401 (1958).

If a judge does not fully comply with the Constitution, then his orders are *void*, *In re Sawyer*, 124 U.S. 200 (1888), he is without jurisdiction, and he has engaged in an act or acts of treason.

Whenever a judge acts where he does not have jurisdiction to act, the judge is engaged in an act or acts of treason. *S. Will*, 449 U.S. 200, 216, 101 S.Ct 471, 66 L. Ed. 2d 392, 406 (1980); *Cohens v Virginia*, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257 (1821).

Definition of Due Process of Law

“The essential elements of due process of law are notice, an opportunity to be heard, and the right to defend in an orderly proceeding.” *Fiehe v. R.E. Householder Co.*, 125 So. 2, 7 (Fla. 1929).

“To dispense with notice before taking property is likened to obtaining judgment without the defendant having ever been summoned.” *Mayor of Baltimore vs. Scharf*, 54 Md. 499, 519 (1880).

“An orderly proceeding wherein a person is served with notice, actual or constructive, and has an opportunity to be heard and to enforce and protect his rights before a court having power to hear and determine the case. *Kazubowski v. Kazubowski*, 45 Ill.2d 405, 259, N.E.2d 282, 290.” *Black’s Law Dictionary*, 6th Edition, page 500.

“Aside from all else, ‘due process’ means fundamental fairness and substantial justice. *Vaughn v. State*, 3 Tenn.Crim.App. 54, 456 S.W.2d 879, 883.” *Black’s Law Dictionary*, 6th Edition, page 500.

Duncan v. Missouri, 152 U.S. 377, 382 (1894). Due process of law and the equal protection of the laws are secured if the laws operated on all alike, and do not subject the individual to an arbitrary exercise of the powers of government.”

Giozza v. Tiernan, 148 U.S. 657, 662 (1893), Citations Omitted. “Undoubtedly it (the Fourteenth Amendment) forbids any arbitrary deprivation of life, liberty or property, and secures equal protection to all under like circumstances in the enjoyment of their rights... It is enough that there is no discrimination in favor of one as against another of the same class. ...And due

process of law within the meaning of the [Fifth and Fourteenth] amendment is secured if the laws operate on all alike, and do not subject the individual to an arbitrary exercise of the powers of government.”

Truax v. Corrigan, 257 U.S. 312, 332. “Our whole system of law is predicated on the general fundamental principle of equality of application for the law. ‘All men are equal before the law,’ are all maxims showing the spirit in which legislatures, executives, and the courts are expected to make, execute and apply laws. But the framers and adopters of the (Fourteenth) Amendment were not content to depend ... upon the spirit of equality which might not be insisted on by local public opinion. They therefore embodied that spirit in a specific guaranty.”

“The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice.” *Davis v. Wechler*, 263 U.S. 22, 24; *Stomberg v. California*, 283 U.S. 359; *NAACP v. Alabama*, 375 U.S. 449.

Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828). Under Federal Law, which is applicable to all states, the U.S. Supreme Court stated that “if a court is without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to recovery sought, even prior to a reversal in opposition to them. They constitute no justification and all persons concerned in executing such judgments or sentences are considered, in law, as trespassers.”

Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974).

Note: By law, a judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person). When a Judge acts as a trespasser of the law, when a judge does not follow the law, the Judge loses subject-matter jurisdiction and the Judges' orders are not voidable, but VOID, and of no legal force or effect.

The U.S. Supreme Court stated that "when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States."

*Cannon v. Commission on Judicial Qualifications, (1975) 14 Cal 3d 678, 694. Acts in excess of judicial authority constitutes misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process.

*Gonzalez v. Commission on Judicial Performance, (1983) 33 Cal. 3d 359, 371, 374. Acts in excess of judicial authority constitutes misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process.

Butz v. Economou, 98 S. Ct. 2894 (1978): United States v. Lee, 106 U.S. at 220, 1 S. Ct at 261 (1882). "No man [or woman] in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it."

The Court in *Yates v. Village of Hoffman Estates, Illinois*, 209 F. Supp. 757 (N.D. Ill. 1962) held that “not every action by a judge is in the exercise of his judicial function. ... it is not a judicial function for a judge to commit an intentional tort even though the tort occurs in the courthouse. When a judge acts as a trespasser of the law, when a judge does not follow the law, the judge loses subject-matter jurisdiction and the judges’ orders are void, of no legal force or effect.”

Simmons v. United States, 390 U.S. 377 (1968) “The claim and exercise of a Constitution right cannot be converted into a crime” ... “a denial of them would be a denial of due process of law”.

Butz v. Economou 438 U.S. 478, 98 S.Ct 2894 (U.S.N.Y., 1978)

Case law HAS held that judges are accountable. See *Com. V. Ellis*, 429 Mass. 362, 371 (1999), where the Supreme Judicial Court of Massachusetts recognized that “Article 5 ... provides that officers of government are at all times accountable to [the people].

Power tends to corrupt and absolute power corrupts absolutely.

There is no worse heresy than that the office sanctifies the holder of it.

-The Right Honourable Lord Acton

CONCLUSION

For the foregoing reasons, the Plaintiff-Appellant prays that this Court reverse the trial court's decision order, enforce the terms of the antenuptial agreement, award items #16 & #17 (separate property prior to marriage) to Plaintiff-Appellant, award all items on page #2 & #3 of exhibit #12, void the spousal support order, award damage claims, void all contempt proceedings, and void award attorney's fees.

For the foregoing reasons, the Appellant prays that this Court in reversing the trial court's decision, order the Appellee to pay all attorney's fees, court costs, and any other fees this deems fair and reasonable as it relates to defense of claim.

For the foregoing reasons, the Appellant also prays that this Court order a Grand Jury investigation into the criminal misconduct and civil rights violations of the Appellee's attorney(s), the Trial Court judges, the Trial Court magistrates, the Trial Court staff, the Officers of the Court, and any others the Grand Jury may find during the course of their investigation.

I challenge you personally to come stand a post with me on Foreign soil in support and defense of the U.S. Constitution. Though I am entitled to these rights by birth as guaranteed by the U.S. Constitution, I have spent the majority of my adult life supporting and defending the U.S. Constitution, in that context I have "earned" those rights, not only for myself but for others.

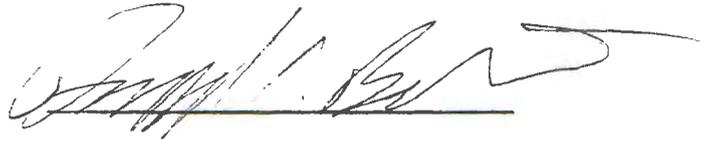


DOUGLAS C. BARTON

Appellant, Pro Se

AFFIDAVIT

I, DOUGLAS C. BARTON , swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.



DOUGLAS C. BARTON

Sworn before me and signed in my presence this day 15 of Dec , 2014 .



Cynthia L. Manning
Notary Public, State of Ohio
My Commission Expires 07-29-2017



Notary Public

My Commission Expires:

7-29-17

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Appellant Brief was served by regular mail upon Charles Slicer (Attorney for Keesha A. Barton) 111 W. First Street, Ste 518 Dayton, OH 45402 this 15th day of DEC 2014.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Relief of Judgment, Supporting Document #1 & #2 was served by first class mail via the US Postal Service on the 30th day of sep, 2015, upon the following:

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