

**IN THE GREENE COUNTY COURT OF COMMON PLEAS  
GREENE COUNTY, OHIO**

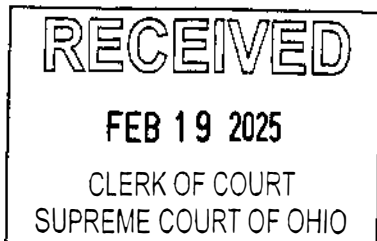
STATE OF OHIO, : CASE NO. 2024 CV 0971  
Plaintiff, :  
 :  
 : JUDGE ADOLFO TORNICHIO  
-vs- : MAGISTRATE MARGARET YOUNG  
 :  
**FINAL APPEALABLE** :  
**ORDER** :  
 :  
DAVID C. BOYLE, : **JUDGMENT ENTRY GRANTING**  
Defendant. : **DEFAULT JUDGMENT**

This matter is before the Court on Plaintiff State of Ohio's January 24, 2025 Motion for Default Judgment. Defendant David C. Boyle did not file a response.

**FACTUAL AND PROCEDURAL BACKGROUND**

On August 8, 2013, Defendant was convicted, in Greene County Court of Common Pleas Case No. 2013 CR 0042 of six (6) counts of Rape in violation of R.C. 2907.02(A)(1)(b), felonies of the first degree, for which he is serving a total sentence of forty (40) years at the Ohio Department of Rehabilitation and Correction (ODRC). Defendant's conviction and sentence were affirmed by the Second District Court of Appeals in *State v. Boyle*, 2014-Ohio-1271 (2d Dist.). Following his conviction, Defendant filed countless motions, requests, demands, and petitions, and other miscellaneous documents in Case No. 2013 CR 0042, as well as ten (10) appeals in the in the Second District Court of Appeals, three (3) appeals in the Supreme Court of Ohio, and one (1) civil case in the Greene County Court of Common Pleas.

Plaintiff filed a Complaint to have Defendant declared a vexatious litigator, pursuant to R.C. 2323.52, on December 10, 2024. Defendant was served with said Complaint on December 17, 2024 but failed to file an answer or to otherwise defend the action as provided in the Civil



CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL  
FILED February 11, 2025  
CERTIFIED THIS 14 DAY OF Feb, 2025  
Marjorie M. Shenkle  
DEPUTY CLERK OF COURTS, GREENE COUNTY, OHIO

Rules. (Plaintiff's Exhibit E). Plaintiff filed a Motion for Default Judgment on January 24, 2025. Defendant did not file a response.

### **LAW AND ANALYSIS**

#### *Default Judgment*

Civ.R. 12(A)(1) requires a party to file an answer within twenty-eight (28) days after service of the summons and complaint. Civ.R. 55 governs default judgments and provides as follows:

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules, the party entitled to a judgment by default shall apply in writing or orally to the court therefore; but no judgment by default shall be entered against a minor or an incompetent person unless represented in the action by a guardian or other such representative who has appeared therein.

A trial court may grant a motion for default judgment in an action to declare an individual a vexatious litigator where that individual fails to file an answer within twenty-eight (28) days after service of the summons and complaint and fails to otherwise defend the action as provided by the Civil Rules. See *Cooke v. Bowen*, 2013-Ohio-4771 (4th Dist.); *Ottawa Cty. Prosecuting Atty. v. Tingler*, 2023-Ohio-2793 (6th Dist.).

Plaintiff filed a Complaint to have Defendant declared a vexatious litigator, pursuant to R.C. 2323.52, on December 10, 2024. Defendant was served with said Complaint on December 17, 2024 but failed to file an answer or to otherwise defend the action as provided in the Civil Rules. (Plaintiff's Exhibit E). He has, therefore, failed to answer Plaintiff's Complaint as required by Civ.R. 12(A)(1).

#### *Vexatious Litigators*

Pursuant to R.C. 2323.52(A)(3), "vexatious litigator" means "any person who has habitually, persistently, and without reasonable grounds engaged in vexatious conduct in a civil

action or actions, whether in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court, whether the person or another person instituted the civil action or actions, and whether the vexatious conduct was against the same party or against different parties in the civil action or actions.”

Vexatious conduct is defined as “conduct of a party in a civil action” that “obviously serves merely to harass or maliciously injure another party to the civil action[,]” “is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law[,]” or “is imposed solely for delay.” R.C. 2323.52(A)(2).

“A person, the office of the attorney general, or a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation who has defended against habitual and persistent vexatious conduct in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court may commence a civil action in a court of common pleas with jurisdiction over the person who allegedly engaged in the habitual and persistent vexatious conduct to have that person declared a vexatious litigator.” R.C. 2323.52(B).

“Vexatious conduct is not limited to proceedings before the trial court.” *State v. West*, 2022-Ohio-2060, ¶ 17 (2d Dist.), citing *Roo v. Sain*, 2005-Ohio-2436, ¶ 13 (10th Dist.). The term ‘conduct’ includes ‘the filing of a civil action, the assertion of a claim, defense, or other position in connection with a civil action, the filing of a pleading, motion, or other paper in a civil action, including, but not limited to, a motion or paper filed for discovery purposes, or the taking of any other action in connection with a civil action.’” *West* at ¶ 17, quoting R.C. 2323.52(A)(1); R.C. 2323.51(A)(1)(a). “Conduct in a criminal action can also result in a vexatious litigator designation when said conduct is ‘civil in nature.’” *West* at ¶ 18, quoting *Ferrero v. Staats*, 2018-Ohio-3235, ¶ 11-13 (5th Dist.) (“pleadings of a civil nature, although filed in a criminal case, may for[m] the

predicate for a vexatious litigator finding”). “[A] post-conviction proceeding is a civil action even though it arises from a criminal conviction.” *West* at ¶ 19.

Over the past ten (10) years, Defendant filed countless motions, requests, demands, and petitions, and other miscellaneous documents in Case No. 2013 CR 0042, as well as ten (10) appeals in the in the Second District Court of Appeals, three (3) appeals in the Supreme Court of Ohio, and one (1) civil case in the Greene County Court of Common Pleas. Within the underlying criminal case, many of Defendant’s filings have been construed as petitions for post-conviction relief, and are therefore civil in nature. Many of his filings in the Second District Court of Appeals have been, in turn, appeals from the trial court’s denials of filings it has construed as petitions for post-conviction relief. For example, on January 27, 2022, Defendant filed a “Request to Subpoena Specific Records” asking the trial court to view evidence that “DID NOT support an alleged Criminal Act/s shown in an unsupported Indictment.” (Plaintiff’s Exhibit A-12). The trial court construed the Motion as a petition for post-conviction relief, a request for public records pursuant to R.C. 149.43, a request for grand jury transcripts, and a request for court records pursuant to Sup.R. 44. “To the extent that the trial court considered Boyle’s motion a petition for postconviction relief, a request for grand jury transcripts, and a request for public records, the motion was denied.” *State v. Boyle*, 2023-Ohio-3390, ¶ 4 (2d Dist.). “To the extent that Boyle’s motion sought court records, the trial court did not deny the motion but instructed Boyle to request the records from the Greene County Clerk of Courts and to remit payment to the clerk for the cost of copying the records.” *Id.* Defendant filed a notice of appeal in 2022 CA 0019. The Second District Court of Appeals affirmed the trial court’s judgment. (Plaintiff’s Exhibit B-4).

Moreover, all of Defendant’s filings – whether in the underlying criminal case, the Second District, or the Supreme Court of Ohio – have centered upon the same allegations and arguments

– insufficient evidence, defects in the indictment, *Miranda* and speedy trial violations, ineffective assistance of counsel, errors in sentencing, etc. (Plaintiff’s Exhibits A-1 through A-18; B-1 through B-8; B-17; B-18; C-1, C-3, C-5). All of Defendant’s arguments have been rejected; none of his attempts have been successful. (Plaintiff’s Exhibits B-9 through B-16; C-2; C-4; C-6).

The Court therefore finds that Defendant has engaged in vexatious conduct, as provided in R.C. 2323.52(A)(2), in that he has engaged in conduct that obviously serves merely to harass or maliciously injure another party, is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law, or is imposed solely for delay. As he has habitually, persistently, and without reasonable grounds engaged in vexatious conduct, he is a vexatious litigator as provided in R.C. 2323.52(A)(3).

### **CONCLUSION**

WHEREFORE, the Court hereby grants Plaintiff’s Motion for Default Judgment and enters judgment against Defendant as follows:

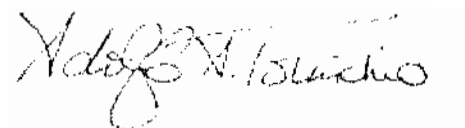
1. Defendant is a vexatious litigator as defined in R.C. 2323.52(A)(3).
2. Defendant is prohibited from doing any of the following without first obtaining leave of this Court to proceed:
  - a. Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court;
  - b. Continuing any legal proceedings that Defendant had instituted in any of the courts specified in division (D)(1)(a) of R.C. 2323.52 prior to the entry of this Order;
  - c. Making any application, other than an application for leave to proceed under division (F)(1) of R.C. 2323.52, in any legal proceedings instituted by

Defendant or another person in any of the courts specified in division (D)(1)(a) of R.C. 2323.52;

3. Defendant is prohibited from instituting legal proceedings in a court of appeals, continuing any legal proceedings that Defendant had instituted in a court of appeals prior to entry of the order, or making any application, other than the application for leave to proceed allowed by division (F)(2) of R.C. 2323.52, in any legal proceedings instituted by Defendant or another person in a court of appeals without first obtaining leave of the court of appeals to proceed pursuant to division (F)(2) of R.C. 2323.52.

**The Greene County Clerk of Court's Office shall send a copy of this Judgment Entry to the Supreme Court of Ohio for publication.**

IT IS SO ORDERED.



Judge Adolfo A. Tornichio

Submitted by:  
DAVID D. HAYES  
PROSECUTING ATTORNEY  
GREENE COUNTY, OHIO

/s/ Megan Hammond

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CC: Megan Hammond, Greene County Prosecutor's Office

David C. Boyle  
Supreme Court of Ohio