

ORIGINAL

IN THE SUPREME COURT OF OHIO

State of Ohio ex rel.  
James Blankenship #725-292  
London Correctional Inst.  
1580 W. State Route 56  
P.O. Box 69  
London, Ohio 43140

Relator,

Case No.

18-0314

v.

**Original Action In Mandamus**

Warden Norman Robinson, et al.,  
London Correctional Inst.  
1580 W. State Route 56  
P.O. Box 69  
London, Ohio 43140,

Respondent's.

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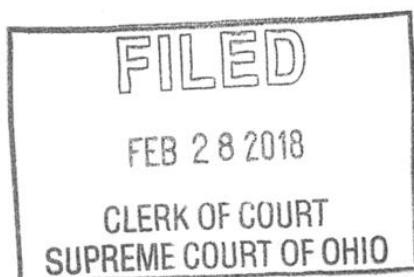
**COMPLAINT FOR WRIT OF MANDAMUS**

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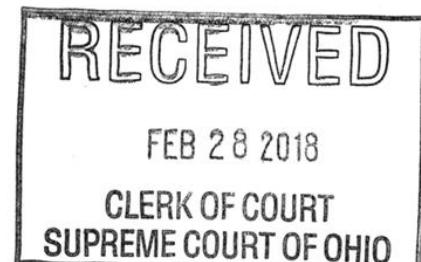
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P.O. Box 69  
London, Ohio 43140.

**COUNSEL FOR RELATOR PRO SE.**

Michael Dewine  
Attorney General of the State of Ohio  
150 E. Gay Street  
Columbus, Ohio 43215.



**COUNSEL FOR RESPONDENT'S.**



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**COMPLAINT FOR WRIT OF MANDAMUS**

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1. Relator is a citizen of the State of Ohio and an Inmate who is incarcerated at the London Correctional Institution.
2. He was involved in the Animal Apprenticeship Program at London Correctional Inst.
3. The Animal Apprenticeship Program is an educational program ran under the Ohio Department of Rehabilitation and Corrections, (hereinafter O.D.R.C.).
4. O.D.R.C. Policy 57-EDU-07, (IV), defines each persons role involved in the animal apprenticeship program which are as follows:

Appearance-An inmate who has been selected and placed under an Apprenticeship Program agreement with the Local Apprenticeship Advisory Committee and in accordance with Ohio State Apprenticeship Council for training in one of the skilled crafts covered by the Multi-Craft Apprenticeship Committee agreement.

5. Apprenticeship Agreement-A written agreement between the Local Apprenticeship Advisory Committee and the Inmate indentured as an appearance.
6. Apprenticeship Coordinator-Under the Direction of the Appropriate Deputy Warden (C. Kinker), the Assistant Principal, (Dorris Anadah), or School Administrator, (Kimberly Chapman), shall serve as the apprenticeship coordinator and be responsible for the oversight and coordination of the program at the facility.
7. Apprenticeship Supervisor-**The staff person**, (Unit Manager Sharon Carter and Corrections Counselor Brian Preston), **who is knowledgeable in the craft, shall supervise the duties preformed by the Appearance in the work process schedule for that trade. The Appearance Supervisor will be approved by the Local Appearance ship Advisory Committee.**
8. Local Apprenticeship Advisory Committee-(LAAC)-A committee that serves in an advisory role for that program at each institution offering Apprenticeship. This Committee shall consist of the appreciate Deputy Warden, (C. Kinker), Apprenticeship Coordinator, (Dorris Anyadah), Principal, (Kimberly Chapman), and Apprenticeship Supervisor, (Unit Manager Sharon Carter, or Corrections Counselor, Brian Preston).
9. There is no Local Apprenticeship Advisory Committee at London Correctional Institution.
10. Warden Robinson, Deputy Warden Kinker, Principal Chapman, Assistant Principal Anyadah, Unit Manager Carter and Correctional Counsel Preston allow Inmate Douglas Tobias and Inmate Rod Vanloan to run the Apprenticeship Program and serve in an authoritative figure over other inmates in the program. The U.S. Supreme Court holds that prisons should never place inmates in a position of authority over other inmates. *Rhodes v. Chapman*, 52 U.S. 337; 101 S. Ct. 2392. Moreover, O.D.R.C. Policy 31-SEM-02 (Standards of Employee Conduct) explicitly prohibits staff from fraternizing with inmates, and showing inmates preferential

treatment. Also see Turner v. ODRC, (10<sup>th</sup> Dist.), 2001-Ohio-221, 2001 Ohio App. LEXIS 2166. In that case, Deputy Warden Turner was fired for fraternizing with certain inmates and showing them preferential treatment.

11. Moreover, routinely, Staff and Inmates on a whim, make up rules for certain inmates to follow, and failure to comply to those new rules could result in disciplinary action.
12. The law has been clear since 1864, and that is only a Warden, or the Director of prisons can make up rules and regulations for the operations of prisons. See Office Of The Attorney General Of The State Of Ohio, 1864, AG LEXIS 18, also see R.C. 5120.01 and R.C. 5120.38. At London Correctional Inst. Warden's Assistant, Deputy Warden's, Major, Captain's, Lieutenant's, Unit Manager Administrator, Unit Manager's, Case Manager's, Correctional Counselor's, Correctional Officer's, or Inmates **DO NOT HAVE THE AUTHORITY TO MAKE UP ANY RULES FOR INMATES TO FOLLOW.** (emphasis added). Likewise, all rules MUST be properly promulgated as defined in R.C. 119.03, also see O.D.R.C. Policy 56-DSC-01, VI, (B),(2).
13. At London Correctional Institution, a new rule is simply placed onto a Unit Bulletin Board and the staff THINK that is the proper procedure to promulgate a new rule. This type of promulgation is explicitly prohibited more than forty years ago. Tylor v. Perini, 413 F. Supp. 189, 235, (N.D. Ohio 1976).

#### STATED CLAIMS FOR RELIEF

13. Warden Norman Robinson and his subordinates stated herein, are in charge of London Correctional Instigation.
14. Ohio Revised Code 2941.22(C) requires that the Warden and all of his subordinates follow all laws, institutional rules and policies. Also see State v. Skeen, (5<sup>th</sup> Dist.), 2007-Ohio-6515, 2007 Ohio App. LEXIS 5692.

15. Warden Norman Robinson and his subordinates negligently on a daily basis, fails to observe a number of lawful and reasonable regulations for the management of the detention facility.
16. An agency must conform to its procedures that it has adopted, because inmates have the right to expect prison officials to follow agency policies and regulations. See Rhodes v. Chapman, 52 U.S. 337; 101 S. Ct. 2392 and Caldwell v. Miller, 790 F.2d 609-610.

**RELIEF REQUESTED**

17. Warden Norman Robinson and his subordinates are public officials and R.C. 2921.44(C)(3) mandates that they follow all reasonable regulations of the detention facility. Likewise, mandamus is the proper vehicle to compel a public official to complete an act in which he is legally obligated to do. State of Ohio ex rel., Dehler, v. Kelly, (11<sup>th</sup> Dist.), 2009-Ohio-2534, 2009 Ohio App. LEXIS 2144, affirmed by this Court in 2009 Ohio 5259, 2009 Ohio LEXIS 2821. Relator would pray that this Honorable Court issue an order, ordering Warden Norman Robinson and his subordinates at the London Correctional Institution to adhere to all lawful and reasonable regulations for the management of the detention facility.

Respectfully Submitted,

  
James Blankenship  
Relator in Pro Se.

## **AFFIDAVIT OF JAMES BLANKENSHIP**

1. Now comes James Blankenship after being duly cautioned and sworn says and deposes:
2. On November 30<sup>th</sup>, 2017, Unit Manager Carter called me into her office and asserted that she received a kite from another inmate claiming that I was abusing the dog that I was responsible for.
3. At that time I conveyed to her that London Correctional Inst. has hundreds of cameras that track every inmates movement and requested that she show me the evidence of me abusing the dog on camera.
4. She refused and removed me from the work program assignment.
5. I filed a grievance claiming that I could not be removed from a work program assignment without first receiving a conduct report in accordance to Administrative Rule 5120-3-06(A).
6. I also filed a grievance that Deputy Warden, (C. Kinker), Apprenticeship Coordinator, (Dorris Anyadah), Principal, (Kimberly Chapman), and Apprenticeship Supervisor, (Unit Manager Sharon Carter, or Corrections Counselor, Brian Preston) were not doing their jobs as defined in Ohio Department of Rehabilitation and Corrections Policy 57-EDU-07. In my complaint I conveyed that they had Inmate Douglas Tobias and Inmate Rod Vanloan doing all of their work involving the animal apprenticeship program at London Correctional Inst.
7. I conveyed all of this to Warden Norman Robinson while he and Deputy Warden Kinker were making their weekly rounds within the institution. Warden Robinson directed me to Deputy Warden Kinker.
8. I also conveyed all this to Warden Norman Robinson in a complaint. Warden Robinson did not respond to the complaint.
9. Staff, ( other than Warden Norman Robinson ), and Inmates at London Correctional Institution on a whim, routinely make up rules for the institution and for inmates to follow without

properly promulgating the rules as defined in R.C. 119.03. The new rules are merely hung on the prison bulletin board stating when the new rule will come into effect which is usually less than thirty days from time the rule was created. Moreover, none of the new rules are properly translated to the Spanish Inmates, or any other Immigrant Inmate. AFFIANT SAYETH NAUGHT.



James Blankenship-Affiant.

**NOTARY PUBLIC**

Sworn to and subscribed to and before me in my presence a Notary Public for the State of Ohio on this 21<sup>st</sup> day of February 2018. My Commission expires on 9/11/19.



BRUCE L. BAKER  
NOTARY PUBLIC  
FOR THE  
STATE OF OHIO  
My Commission Expires  
September 11, 2019



Notary Public

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**AFFIDAVIT OF JAMES BLANKENSHIP AVERRING THAT HE FOLLOWED THE  
INSTITUTIONAL GRIEVANCE PROCEDURE IN PURSUANT TO R.C. 2969.26(A)**

STATE OF OHIO )  
COUNTY OF MADISON )

Now comes James Blankenship after being duly cautioned and sworn says and deposes:

1. A grievance was filed in the above captioned case on December 10th, 2017.
2. The Institutional Inspector issued his disposition of the grievance on December 20<sup>th</sup>, 1017.
3. A true copy of the grievance is attached hereto. FURTHER AFFIANT SAYETH NAUGHT.

21st DAY OF ~~REBIRTH~~, 2018.

James Blankenship-Affiant



BRUCE L. BAKER  
NOTARY PUBLIC  
FOR THE  
STATE OF OHIO  
My Commission Expires  
September 11, 2019

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**AFFIDAVIT OF JAMES BLANKENSHIP  
OF PREVIOUS CASES IN PURSUANT TO R.C. 2969.24(A)**

STATE OF OHIO )  
COUNTY OF MADISON )

Now comes James Blankenship after being duly cautioned and sworn says and deposes:

1. Relator has never filed a civil action in any state or federal court.
2. Therefore, I have never had a case dismissed on the grounds of frivolous, or maliciousness

## FURTHER AFFIANT SAYETH NAUGHT

21st day of February, 2018



James Blankenship-Affiant



BRUCE L. BAKER  
NOTARY PUBLIC  
FOR THE  
STATE OF OHIO  
My Commission Expires  
September 11, 2019

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