

IN THE SUPREME COURT OF OHIO

STATE EX REL. RICHARD, et al.,

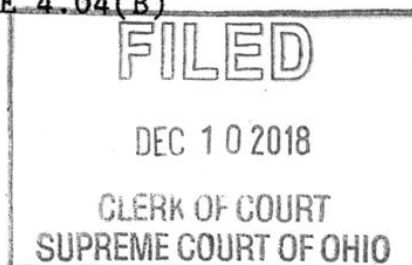
Relators-Appellant,

CASE NO. 18-1445

vs.

GARY C. MOHR, et al.,

Respondent-Appellee.

LETTER TO RECUSE CHIEF JUSTICE MAUREEN O'CONNOR,
PURSUANT TO SUP. CT. PRACT. RULE 4.04(B)Office of the Clerk
Supreme Court of Ohio
65 South Front Street, 8th Floor
Columbus, Ohio 43215

Dear Clerk:

This letter is submitted pursuant to Rule 4.04(B) of the Ohio Rules of Practice of the Supreme Court seeking to 'recuse' Chief Justice Maureen O'Connor from further participating in the above captioned cause, see Exh. 1: Affidavit of Donald Richard

Reasons for the instant request to 'recuse' are proffered in the twenty-five (25) statements comprised in the affidavit of inmate Donald Richard incorporated herein and made a part hereof.

Sincerely,


DENNIS CALO

Relator-Appellant, Pro se

CERTIFICATE OF SERVICE

A copy of the foregoing has been sent by ordinary U.S. Mail to Mike DeWine, Ohio Attorney General, 150 East Gay Street, Columbus, Ohio 43215 on this 30 day of November, 2018.


DENNIS CALO

Relator-Appellant, Pro se

AFFIDAVIT OF DONALD RICHARD

STATE OF OHIO }
 } SS:
RICHLAND COUNTY)

I, DONALD RICHARD, affiant, after being first duly sworn and cautioned as to the penalty for perjury hereby depose and states:

1. I am Affiant of the age of majority and of sound mind competent to testify to all of the factual statements below;
2. Affiant attests that Chief Justice Maureen O'Connor ignored the fact that 2013 Ohio LEXIS 928 did not mention the 'word' "GUIDELINES", but cases arguing 'GUIDELINES' were used to 'blur the distinction' between 'Guidelines' arguments and cases that do not argue the Guidelines identified in Layne v. OAPA, 2002 Ohio LEXIS 3054; but are based only on the mandatory factors found in the Pre-1/Nov/88 Ohio Administrated Code (OAC) as they existed between 1979 and 1988;
3. Ignores the 'true' reach of R.C. 2967.03's 'clemency discretion' in cases arguing only 'parole eligibility', R.C. 2967.13, when 'parole eligibility discretion' is governed solely under (OAC) Rule 5120:1-1-02(G) as its authorizing authority [R.C. 5120.01] existed prior to 1/Nov/88; see 1991 U.S. App. LEXIS 4822 HN7-8
4. Ignored the mandatory five (5) year limit at initial parole eligibility in (OAC) Rule 5120:1-1-10(B), as it existed prior to 1/Nov-88, as found in State ex rel. Blake v. Shoemaker, 1982 Ohio App. LEXIS 12491, 10th Dist. Precedent;
5. Ignores the mandatory 'entitlement to annual hearings' as illustrated in State ex rel. Blake v. Shoemaker, 1983 Ohio App. LEXIS 15594, as (OAC) Rule 5120:1-1-10(B), as it existed prior to 1/Nov/88 and applies to Affiant's trial court imposed sentence in 1987;
6. Ignores the ongoing and continuing authority of Inmates of Orient v. OSAPA, 1991 U.S. App. LEXIS 4822's, 'positive' controlling case law authority to this day and it includes, but is not limited to, defining (OAC) Rule 5120:1-1-07 as it existed prior to 1/Nov/88's nonmandatory version;
7. Ignores that 1991 U.S. App. LEXIS 4822 also found that: " * * * because Plaintiffs have served their minimum sentence, as required by law, they have paid their debt to society";
8. Ignores that Parole Board 'Official Conduct' cannot be used to deny 'Parole Eligibility' to any inmate under Muhammad v. Kinkela, 2000 Ohio App. LEXIS 6012; but allows it to run rampant violating prisoner right daily by 'stealthy encroachments'; 2016 Ohio LEXIS 3068

9. Ignores that the 1998 version of (OAC) Rule 5120:1-1-10(B) does not apply to prisoners whose offenses were committed prior to 1/Nov/88; 13/Sep-93; and 1/Jul/96, because R.C. 5120.01 as it existed on 16/Mar-98 was used to endow it with authority and does not apply to Pre 7/1/96 offenders;
10. Ignores that State ex rel. Wallace v. Ghee, 1995 Ohio App. LEXIS 1833, found that: "the adult parole authority cannot ignore the mandatory provisions of the administrative code", as they existed prior to 1/Nov/88; 13/Sep/93 and 1/Jul/96;
11. Ignores the mass misrepresentation of R.C. 2967.03 'clemency discretion', as done in Wagner v. Gilligan, 609 F.2d 866 (where the 'false impression' was given that 'clemency' and 'parole eligibility' discretion in parole matters are the same when they're expressly distinct as illustrated in statement 3 above;
12. Ignores the deliberate 'fraud on the court' by the Magistrate Judge below who introduced Robinson v. Tambi, 2004 Ohio App. LEXIS 2498 as controlling authority when it is a 'Law of the Case' decision and 10th District case precedent in State ex rel. Blake v. Shoemaker 1983 Ohio App. LEXIS 15594 governs 'entitlement to annual parole hearings';
13. Ignores that R.C. 5120.01, as it existed prior to 1/Nov/88; between 1/Nov/88 and 13/Sep 93; between 13/Sep-93 and 1/Jul/96 and after 1/Jul/96 have distinct authority different between these dates as it existed between these dates and applies to the (OAC) parole releasing regulations; based on date of commission of the offense;
14. Ignores that Ohio's Parole Board operates criminally against its Pre-1/Jul/96 prisoners-citizen population, and their families, via a willful 'pattern of corrupt activities, and are committing 'theft in office' crimes with each individual taxpayers compensation paid [R.C. 2921.42] constituting 'racketeering influenced corrupt organization' activities and the commission of scores of felony and other offenses;
15. Ignores the ongoing daily violations of the United States and Ohio Constitutions by Ohio's badly flawed and judicially protected Parole Board, as recently found by two (former) Justices in 2016 Ohio LEXIS 3068;
16. Ignores her duty imposed by R.C. 3.23's 'Oath of Office';
17. Ignores the duty to protect the Constitutional Rights of Ohio Prisoner-Citizens against the stealthy encroachment by Ohio's Parole Board, the Judicial system, and the Office of the Ohio Public Defender's Office dating back more than two decades;
18. Ignores Ridenour v. Wilkins, 2007 Ohio App. LEXIS 5238's definition of R.C. 5120.021(A) and (C);
19. Ignores Woods v. ODRC, 2006 Ohio App. LEXIS 66's definition of R.C. 5120.021(A);

20. Ignored R.C. 2967.021, State v Cobb, 2005 Ohio App. LEXIS 458, as its authority 'anchors in place' Chapter 2967 of the Ohio Revised Code pre-1/Jul/96;
21. Ignores mass attorney misconduct of Alphonse Gerhardstein and attorneys of the Jones Day Lawfirm who was paid taxpayer compensation to create bogus case law authority in Allen v Collins, 2010 U S. Dist. LEXIS 89575 and 2013 U S. App. LEXIS 13539 designed exclusively to prevent pro se prisoners from any success in exposing Ohio's Parole Board for decades of corruption illustrated above and to shield the parole board from being held accountable for their criminal enterprising;
22. Ignored the criminal conduct of the Ohio Public Defender in Layne v OAPA, 2002 Ohio LEXIS 3054; Ankrom v. Hageman, 2005 Ohio App. LEXIS 1480; Hall v. Hall, Franklin C P No. 05CV5954, and other like cases by sabotaging 'parole eligibility' with malicious bogus arguments concerning Ohio's 1998 Parole GUIDELINES used by the parole board as a 'criminal tool';
23. Knowingly alerting (former) Justice Yvette McGee-Brown to find employment with the Jones, Day Law Firm 'an appearance of impropriety in and of itself because of their affiliations with mass judicial criminal conduct in these types of cases, to mask the crimes committed by Ohio's Parole Board and Department of Rehabilitation and Correction (ODRC) described in all statements above;
24. Ignored the pilfering and theft of thousands of dollars by attorney Norman Sirak in Michaels v. Ghee, 2007 U S. App. LEXIS 18973 where GUIDELINES were used as a 'criminal tool', R.C. 2923.24 to mask 'parole board' criminal conduct and swindled Ohio's prisoners' families out of hundreds of thousands of dollars; and shielded the parole board's discovery and apprehension for violations of 18 USC 2 41; 18 USC 242; 18 USC 3; 18 USC 1961; 42 USC 1983 and scores of other criminal and civil violations both federal and state;
25. Ignored the criminal acts of the Parole Board and most importantly the serious conduct of the Ohio Supreme Court in cases like the instant case, since the days when Maureen O'Connor was Lt. Governor after the 1993 prison uprising at (SOCF) when the parole board first ignored the limits of parole eligibility sentencing defined in Blake I and Blake II illustrated in statements 2 and 3 above;

FURTHER THE AFFIANT SAYETH NAUGHT.

Donald Richard
DONALD RICHARD

Monica Depulis
NOTARY PUBLIC



November 30, 2018

Dennis Calo
#A179-579
Richland Corr. Inst.
P.O. Box 8107
Mansfield, Ohio 44901

Office of the Clerk
Supreme Court of Ohio
65 South Front Street, 8th Floor
Columbus, Ohio 43215

Re: Request for filing Letter pursuant to Sup.Ct Prac.R 4 04(B)

Dear Clerk

Enclosed herewith you will find the original 'letter' with attached affidavit seeking to recuse Chief Justice Maureen O'Connor from further participation in the case styled State ex rel. Richard vs. Mohr, Sup. Ct. Case No. 18-1445.

You will also find enclosed an additional copy accompanied by a self-addressed-stamped-envelope (s.a.s.e.) Please file stamp the extra copy of 'letter to recuse' and return it to me in the (s.a.s.e.).

Thank you for your professional services and time in processing the enclosed material.

Sincerely,

Dennis Calo
DENNIS CALO

C: File

