

IN THE SUPREMECOURT OF THE STATE OF OHIO

Wilfred L. Anderson	:	Original Action in Procedendo
Relator,	:	
vs.	:	
Mary Eileen Kilbane,	:	
Administrative Judge	:	<u>COMPLAINT</u>
8th District Court of Appeals	:	
1 W Lakeside Ave #202	:	
Cleveland, OH 44113	:	
Respondent.	:	

COMPLAINT FOR A WRIT OF PROCEDENDO

WILFRED L. ANDERSON, Pro Se
7230 Kinsman Road #213
Cleveland, OH 44104-4151
216-245-8744
wilfredanderson@adelphia.net

Relator, Pro Se

Mary Eileen Kilbane, Administrative Judge
8th District Court of Appeals
1 W Lakeside Ave #202
Cleveland, OH 44113

Respondent

IN THE SUPREMECOURT OF THE STATE OF OHIO

Wilfred L. Anderson	:	Original Action in Procedendo
Relator,	:	
vs.	:	
JUDGE FRANK D. CELEBREEZE, JR.	:	
8th District Court of Appeals	:	<u>COMPLAINT</u>
1 W Lakeside Ave #202	:	
Cleveland, OH 44113	:	
Respondent.	:	

COMPLAINT FOR A WRIT OF PROCEDENDO

- 1.) Relator, Wilfred L. Anderson, ("Relator"), is an adult citizen of Ohio residing in Cuyahoga County. Relator files this action pursuant to Article IV, Section 2 of the Ohio Constitution and R.C. 2731.02, 2731.03 et seq.
- 2.) Respondent, Mary Eileen Kilbane, Administrative Judge ("Respondent"), is a duly elected, qualified, and active judge for the Eight District Court of Appeals.
- 3.) In March 2015 Relator was designated a vexatious litigator.
- 4.) On March 1, 2019, Respondent rejected a Writ of Prohibition because the Relator is a vexatious litigator. (Exhibit "A")
- 5.) "We find that Wilfred L. Anderson has failed to seek leave to file a complaint for a writ of prohibition and establish that the requested original is not an abuse of process or that there exists reasonable grounds for the original action as required by R.C. 2323.52(F)(2). Complaint for writ of prohibition is dismissed at Wilfred L. Anderson's costs."

- 6.) The target of the Writ of Prohibition is a hearing scheduled for March 8, 2019 that is a criminal proceeding to determine if Relator is guilty of criminal indirect contempt of court.
- 7.) As such, any designation under the vexatious litigator legislation does not apply to criminal cases, or any action that grows out of such criminal cases.
- 8.) Any infringement upon a defendant's civil right to defend oneself against a criminal charge is a violation of the Constitution of the State of Ohio, and certainly not an intention of ORC 2323.52.
- 9.) In addition, it is apparent, from the criminal nature of the underlying hearing in question, that the Relator did not initiate the sequence that came to the rejection of the Writ of Prohibition, even though the Writ is technically an original action.
- 10.) The Writ of Prohibition is attached as Exhibit "B".

CONCLUSION

- 11.) This implementation of an interpretation of a law that is not precisely written is a violation of the constitutional right of this criminal defendant to a reasonable and rigorous defense.
- 12.) WHEREFORE, Relator prays that this Honorable Court will grant the Writ of *Procedendo*, and Mary Eileen Kilbane, Administrative Judge, and/or the Eight District Appeals Court to consider the Writ of Prohibition in question.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Wilfred L. Anderson', is written over a horizontal line.

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PRAECIPE

To the Clerk:

Please issue summons on respondent:

Mary Eileen Kilbane, Administrative Judge
8th District Court of Appeals
1 W Lakeside Ave #202
Cleveland, OH 44113

A handwritten signature in dark ink, appearing to read 'Wilfred L. Anderson', written over a horizontal line.

WILFRED L. ANDERSON, Pro Se
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wilfredanderson@adelphia.net

AFFIDAVIT OF VERITY

(Wilfred L. Anderson)
)SS:
(Mary Eileen Kilbane, Administrative Judge)

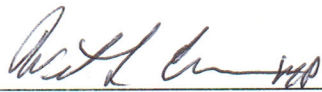
I, Wilfred Anderson hereby attest that the following statements are true and correct to the best of my knowledge, and after being first duly cautioned and sworn to my oath say that I am aware of the penalties for perjury and that any false statements made will subject me to such penalties for perjury.

1.) This affidavit is attached to a **COMPLAINT FOR A WRIT OF PROCEDENDO** submitted in the above captioned case in the Supreme Court of Ohio.

2.) Wilfred Anderson does hereby attest to the accuracy of each statement and document submitted in this Writ of Procedendo.

4.) Relator is now filing this complaint for a Writ of Procedendo to the Supreme Court of Ohio.

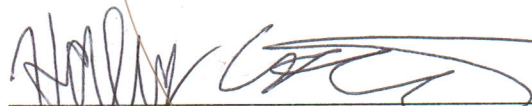
Further Affiant Sayeth Naught.



Wilfred L. Anderson

Sworn to the above and subscribed before me, a duly commissioned Notary Public, this 4th day of March, 2019.





NOTARY PUBLIC

Court of Appeals of Ohio, Eighth District

County of Cuyahoga
Nailah K. Byrd, Clerk of Courts

WILFRED ANDERSON

Relator

COA NO.
108244

ORIGINAL ACTION

-VS-

JUDGE PETER CORRIGAN

Respondent

MOTION NO. 526063

Date 03/01/19

Journal Entry

Wilfred L. Anderson was declared a vexatious litigator, on March 6, 2015, in Anderson v. C.M.H.A., Cuyahoga County C.P. No. CV-14-820828. The declaration of Wilfred L. Anderson as a vexatious litigator remains in full force and effect. Wilfred L. Anderson seeks to commence and prosecute a complaint for a writ of prohibition.

R.C. 2323.52(F)(2) provides in pertinent part that: "[a] person who is subject to an order entered pursuant to division (D)(1) of this section and who seeks to institute or continue any legal proceedings in a court of appeals or to make an application, other than an application for leave to proceed under division (F)(2) of this section, in any legal proceedings in a court of appeals shall file an application for leave to proceed in the court of appeals in which the legal proceedings would be instituted or are pending. The court of appeals shall not grant a person found to be a vexatious litigator leave for the institution or continuance of, or the making of an application in, legal proceedings in the court of appeals unless the court of appeals is satisfied that the proceedings or application are not an abuse of process of the court and that there are reasonable grounds for the proceedings or application."

We find that Wilfred L. Anderson has failed to seek leave to file a complaint for a writ of prohibition and establish that the requested original is not an abuse of process or that there exists reasonable grounds for the original action as required by R.C. 2323.52(F)(2). Complaint for writ of prohibition is dismissed at Wilfred L. Anderson's costs.

Judge Eileen T. Gallagher, Concurs **FILED AND JOURNALIZED**
~~PER APP.R. 22(G)~~

Mary Eileen Kilbane
Mary Eileen Kilbane
Administrative Judge

MAR 01 2019

CUYAHOGA COUNTY CLERK
OF THE COURT OF APPEALS
By *[Signature]* Deputy

CA19108244

107663759



Exhibit "A"

Exhibit "B"

Court of Appeals of Ohio
Eighth Appellate District

WILFRED L. ANDERSON, Pro Se
7230 Kinsman Road #213
Cleveland, OH 44104-4151

Relator

vs.

Judge Peter Corrigan
Cuyahoga Court Common Pleas

Respondent

Complaint

CA 19 108244

Re:
Cuyahoga County Common Pleas
CV-14-820828
and
8th District Appeals Court
CA-17-106239

Writ of Prohibition

1. *State, ex rel. La Boiteaux Co., v. Court* (1980), 61 Ohio St. 2d 60, 61 -- "Three conditions must exist to support the issuance of a writ of prohibition: (1) The court or officer against whom it is sought must be about to exercise judicial or quasi-judicial power, (2) the exercise of such power must be clearly unauthorized by law, and (3) it must appear that the refusal of the writ would result in injury for which there is no adequate remedy in the ordinary course of law." Also see *State, ex rel. Northern Ohio Telephone Co., v. Winter* (1970), 23 Ohio St. 2d 6, 8.

2. On January 12, 2017 this Honorable 8th District Appeals Court in JOURNAL ENTRY

AND OPINION No. 103732 reversed a judgment by Judge Peter Corrigan that had sent

the Appellant Anderson to jail, sentenced to 50 days but served 7 days before bond could be arranged.

3. Now Judge Corrigan has scheduled the same type indirect criminal contempt hearing for exactly the same type of unsupported criminal contempt charge, which is exactly the

Electronically Filed 02/26/2019 17:01 / / CA 19 108244 / Confirmation Nbr. 1636602 / CLGAJ

Judge:

CA 19 108244

CA19108244



107612074

Exhibit "B"

same legally unsupported contempt concept the was used in the first hearing, that was found to be an "abuse of discretion", and not supported by law.

4. This is the docket entry upon which the (rescheduled) March 8, 2019 hearing is based, from case CV-14-820828:

09/18/2017 N/A JE THE COURT LACKS JURISDICTION TO GRANT OR DENY DEFENDANT LUANN MITCHELL'S "EMERGENCY MOTION TO STAY ARRAIGNMENT PENDING HEARING FOR CONTEMPT BY PLAINTIFF ANDERSON" BECAUSE THE COURT OF APPEALS IN ITS JOURNAL ENTRY OF 9/13/17 HAS SPECIFICALLY STATED THAT NO SUBSTANTIVE ACTION CAN BE TAKEN BY THIS COURT UNTIL ANDERSON'S ABILITY TO APPEAL TO THE SUPREME COURT OF OHIO HAS BEEN EXHAUSTED. THE COURT OF APPEALS' DECISION DENIED ANDERSON'S LEAVE TO PROCEED AS A VEXATIOUS LITIGATOR AND FILE AN APPEAL. THEREFORE, ANDERSON'S FILING CAUSED THIS COURT TO LACK JURISDICTION TO HOLD THE HEARING SCHEDULED FOR OCTOBER 11, 2017 TO DECIDE WHETHER ANDERSON'S ACTIONS INITIATING THE CRIMINAL COMPLAINT TO INDICT MITCHELL IS A VIOLATION OF THE COURT'S MARCH 6, 2015 ORDER THAT PROHIBITS HIM FROM INSTITUTING ANY LEGAL PROCEEDINGS WITHOUT LEAVE OF THIS COURT. ONCE JURISDICTION IS RETURNED TO THIS COURT, A HEARING WILL BE HELD AND AT THE HEARING, **THIS COURT WILL DETERMINE WHETHER ANDERSON HAS INITIATED A LEGAL PROCEEDING IN THE CRIMINAL MATTER IN VIOLATION OF THIS COURT'S VEXATIOUS LITIGATOR DESIGNATION. NOTICE ISSUED**

5. That a judge would believe that a vexatious litigator cannot file a criminal complaint is absurd, or that the "COURT'S MARCH 6, 2015 ORDER ... PROHIBITS HIM FROM INSTITUTING **ANY** LEGAL PROCEEDINGS WITHOUT LEAVE OF THIS COURT. Even after the 8Th Appeals January 12, 2017 reversal explanation.
6. If Luann Mitchell actually shot Anderson with a gun, according to Judge Corrigan's logic, she would be practically immune from prosecution, because Anderson would be barred

from filing a criminal court complaint without his permission. Judge Corrigan even fails to realize that criminal cases in the United States are brought by the STATE, not individuals.

7. From the 8th District Appeals decision to reverse:

{¶21} While we do not condone Anderson's vexatious conduct, we question the reasonableness of the trial court's decision to impose a criminal penalty for Anderson's violation of the civil statute under the circumstances of this case. R.C. 2323.52 expressly provides for the remedy of dismissal to address Anderson's conduct in this case.

Furthermore, R.C. 2323.51 separately provides for monetary sanctions in the form of attorney fees awarded for frivolous conduct in a civil action. Accordingly, based on these other remedies available, we find that the trial court acted unreasonably in relying on its contempt powers to criminally punish Anderson as a means of first resort. We find no support in the law justifying the imposition of 50 days in jail and \$2,600 in fines for the conduct at issue.

8. There can be only one purpose for this hearing. That is premeditated abuse-of-discretion, to send the Relator Anderson to jail without legally sufficient reason, as was done previously, to be reversed after serving several days in jail and bail expense.

9. Several other relevant docket entries are attached.

10. In conclusion, Relator Anderson asks that the March 8 2019 hearing, and its similar type, be prohibited, now and in the future.

Respectfully submitted,



Wilfred L. Anderson, MD, Plaintiff, Pro Se
wilfredanderson@adelphia.net
(216)245-8744

08/11/2017 N/A JE ON AUGUST 10, 2017, A HEARING WAS CONDUCTED UPON THE COURT OF APPEALS' REMAND. PRESENT IN COURT: PLAINTIFF WILFRED ANDERSON AND HIS COUNSEL, CUYAHOGA COUNTY ASSISTANT PUBLIC DEFENDER JOHN MARTIN, AND DEFENDANT LUANN MITCHELL. IN ACCORDANCE WITH THE COURT OF APPEALS' DECISION, THIS COURT VACATES THE FINDING OF INDIRECT CRIMINAL CONTEMPT AND INSTEAD, PURSUANT TO R.C. 2323.52, IMPOSES AS A SANCTION THE DISMISSAL OF PLAINTIFF'S UNDERLYING CASE AGAINST DEFENDANT. ADDITIONALLY, THE COURT FINDS PROBABLE CAUSE TO CONCLUDE PLAINTIFF WILFRED ANDERSON IS IN CONTEMPT OF THE MARCH 6, 2015 COURT ORDER BASED UPON NEW ALLEGATIONS OF VEXATIOUS AND FRIVOLOUS CONDUCT AS SET FORTH IN DEFENDANT'S RE-SENTENCING BRIEF INSTANTER LISTED AS A, B, C, D AND E, PGS. 3-4, AND AS INCORPORATED INTO THIS ORDER. A COPY OF THE RE-SENTENCING BRIEF WAS DELIVERED IN PERSON TO PLAINTIFF'S COUNSEL AT THE HEARING AND SHALL SERVE AS WRITTEN NOTICE OF THE ALLEGATIONS TO BE HEARD. A CRIMINAL CONTEMPT HEARING IS SCHEDULED FOR SEPTEMBER 6, 2017 AT 3:00 P.M. IN COURTROOM 19-C ON ITEMS B, D, AND E. ITEMS A AND C INVOLVE ISSUES THAT MAY BE CLARIFIED BY THE SUPREME COURT OF OHIO IN STATE V. MITCHELL (CR15-601296, C/A 16-104314), WHICH JURISDICTIONAL APPEAL IS PENDING BEFORE THE SUPREME COURT IN CASE NO. 2017-0093. THEREFORE, ITEMS A AND C WILL BE ADJUDICATED SUBSEQUENT TO ACTION BY THE SUPREME COURT OF OHIO. FAILURE TO APPEAR COULD RESULT IN FURTHER CONTEMPT FILINGS AND PENALTIES PURSUANT TO COMMON LAW AND R.C. 2705.01 ET SEQ. HEARING SET FOR 09/06/2017 AT 03:00 PM. NOTICE ISSUED

Excerpt from Luann Mitchell's re-sentencing brief:

A. June 22, 2017 (Exhibit B)- filed a false police report against Mitchell in Richmond Heights, Ohio. Anderson personally spoke to a detective to induce him to file charges against Mitchell before a Cuyahoga Grand Jury due to Mitchell prevailing in obtaining a civil stalking protection order against him.

B. July 23, 2015 (Exhibit C)-filed a legal pleading in case no CV-15-844989 (Civil Stalking Protection Order case) without requesting to do so as required by the vexatious litigator statute.

C June 10, 2015 (Exhibit D)-Anderson files a perjury Complaint against Mitchell with Patrol Officer Arthur Brown, without permission to proceed to do so by this court, in report no. 2015-169371. Anderson's direct action lead to Mitchell being indicted for obtaining a Civil Stalking Protection Order (see Exhibit E and Exhibit F).

D. initiating several instances of written communications with Michelle Carter to encourage her to act in violation of the Civil Stalking Protection Order (Exhibit H and Exhibit I-redacted).

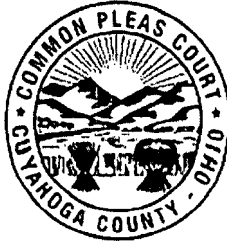
E. December 7, 2016 - Anderson appears in the Court of Appeals and knowingly harassed and caused harm to Mitchell while inducing the court to believe he had been victimized by Mitchell. This was a case concerning Mitchell and one in which Anderson had no legitimate or legal reason to be present. Furthermore, although the courtroom only contained Mitchell and one other person in attendance, other than lawyers, Anderson intentionally sat on the same bench with Mitchell, causing Mitchell to flee the courtroom in fear for her life.

Note: Exhibit G-Mitchell subsequently filed a police report concerning same, in Report #16-430108.

reason to be present. Furthermore, although the courtroom only contained Mitchell and one other person in attendance, other than lawyers, Anderson intentionally sat on the same bench with Mitchell, causing Mitchell to flee the courtroom in fear for her life.

Note: Exhibit G-Mitchell subsequently filed a police report concerning same, in Report #16-430108.

1/29/2019 N/A SC HEARING PREVIOUSLY SCHEDULED FOR 02/06/2019 AT 03:00
PM IS RESCHEDULED FOR 03/08/2019 AT 01:00 PM



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Appeals

New Case Electronically Filed:
February 26, 2019 17:01

Confirmation Nbr. 1636602

WILFRED ANDERSON

CA 19 108244

vs.

Judge:

JUDGE PETER CORRIGAN

Pages Filed: 5