

IN THE SUPREME COURT OF OHIO

STATE OF OHIO EX REL.
ROBERT W. RUSSELL
Prison No. 453-744
P.O. Box 540
St. Clairsville, Ohio 43950

Relator

v.

HENRY COUNTY COURT OF COMMON PLEAS
660 N. Perry St. Suite 302
Napoleon, Ohio 43545

and

JUDGE JOHN S. COLLIER
Henry County Court of Common Pleas
660 N. Perry St. #301
Napoleon, Ohio 43545

Respondents

Supreme Court Case No. _____

ORIGINAL ACTION

20-0282

VERIFIED COMPLAINT FOR

WRIT OF PROHIBITION

w/ EXHIBITS ATTACHED:

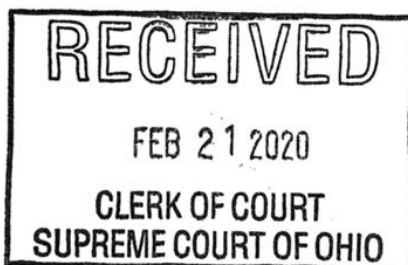
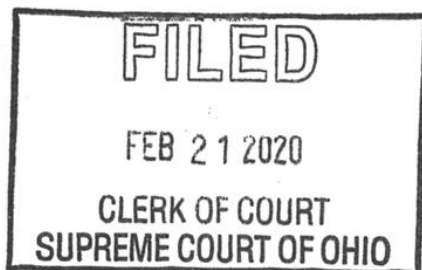
- * Aff. of Prior Civil filings pursuant to O.R.C. 2969.25(A)
- * Aff. of Verification
- * Inst. Legal Pass copies
- * Face of Legal Envelope from Henry County Commons Pleas court
- * May 17, 2019 Letter from Henry County Court for arraignment
- * Inst. Government Doc. Kite to BeCI Investigator in-re of Henry County wanting to refuse proceedings
- * Judgment entry from Judge John Collier in-re of hearing
- * June 11, 2019 Henry court setting an hearing for case

COMPLAINT FOR WRIT OF PROHIBITION

Respectfully Submitted



Robert W. Russell #453-744
P.O. Box 540
St. Clairsville, Ohio 43950



Relator-Russell (hereinafter Mr.Russell) pro-se hereby alleges the following and states;

PARTIES:

- 1.) Robert Russell states the averments in this complaint are verified by the affidavit of Robert Russell, at which is attached and submitted with this complaint and incorporated by reference herein.
- 2.) Mr.Russell is an individual currently incarcerated in Belmont Correctional Institution, in St. Clairsville Ohio, he remains there solely because of State of Ohio v. Robert Russell, Guyahoga County Case No.432508.
- 3.) Respondent Henry County Court of Common Pleas is the Court charged with handling felony cases/matters, arising out of Henry County. It is the court attempting to exercise authority, subject matter jurisdiction and jurisdiction over a case that do not involve Mr.Russell, where the court lacks subject matter jurisdiction, lacks authority and lacks jurisdiction over Mr.Russell, inter alia.
- 4.) Respondent Judge John S. Collier, was elected Judge with Henry County Court of Common Pleas, who lacked authority, lacked subject-matter jurisdiction and Jurisdiction. He is named as a party to this case in his official capacity as the judge presiding Mr.Russell and case, so Mr.Russell can prove that he is attempting to exercise power that was not authorized by law, lacked subject-matter jurisdiction and jurisdiction and to address non-jurisdiction acts performed by Judge John S. Collier.

JURISDICTION:

- 5.) This court has jurisdiction over this matter pursuant to Article IV Section 2(B)(1)(b)(d) and (e) of the Ohio Constitution.

FACTUAL BASIS FOR CLAIMS/COUNTS

- 6.) On April 24, 2019 an indictment was issued, that Mr. Russell became aware of from a friend who read Mr. Russell's name in a newspaper article along with another lady by the name of Amy Nichols.
- 7.) On June 24, 2019, Mr. Russell went to the prison packageroom to pick up legal mail from Henry County Common Pleas Court from Deb Daman-Assignment Commissioner, dated May 17, 2019, stating, Ex.'s 1, 2a, 3
- "You are hereby notified that the above-captioned case (19CR0063) has been assigned for arraignment on June 10, 2019 13:15pm"
- 8.) A video arraignment was set up on June 10, 2019 by video conference at Blemont Correctional Institution (Be.CI). Christopher Dreyer was appointed by Judge John S. Collier as Mr. Russell's counsel. Mr. Russell went to the video arraignment as a result of the prison pass being issued and that a inmate must honor the pass or he will receive a rule violation conduct report. Mr. Russell informed Judge Collier that he do not have personnal jurisdiction, jurisdiction nor the authority over him, to proceed to arraign and prosecute him as he has never been to Henry County nor committed any crimes. Mr. Russel fired the court appointed attorney who was working as an agent of the prosecution and was particpating in the conspiracy to violate the law and Mr. Russell's U.S. Constitutional rights inter alia.
- 9.) Mr. Russell then wrote a kite to Be.C.I. investigator stating the following; see Ex. 4
- "Greatings, I spoke to Ms. Jenkins on 6-14-2019 as a follow up to my earlier discussion. She suggested I speak directly with you as the matter has a degree of complexity. I had received legal mail on 6-4-2019 (see enclosed) pertaining to Henry County Ohio.

Initially, the mail was misdirected to L.C.I. Lancaster and arrived here on (6-4-19)(see appended) They had set a arraignment hearing on 6-10-19 and wanted to pick me up at Belmont to attend. That trip is 260 miles, one way and I'm 80yr (12-8-39) and in no medical condition to sustain such a trip. * I attended the 6-10-19 hearing via video and pointed out to Judge Collier, that they had no jurisdiction over me as I have never been in Henry County and wasn't involved in any crimes, I had assisted, in my capacity (Rudy F. Relve 614-682) as law clerk to recover almost \$300,000 stolen by his P.O.A. Amy Nichels while at HCF and Lancaster. This inbooglio is centered around those issues. The Henry County Officials are attempting to fabricate a jurisdictional claim by hauling me to their county on or before 6-27-19. I suspect they will try to extract me on 6-20-19, illegally. The 6-10-19 video was to accept a plea via video arraignment--The Judge walked-off the bench without discussion. The "Arraignment" so that he can order my return in Henry County, which gives them personal jurisdiction--a creative but grossly illegal process. *Please grant me a audience ASAP!! I refuse to go, it's a farce...(see Ex.4)

- 10.) Mr. Russell, then received a judgment entry from Henry County Common pleas court from Judge John S. Collier, stating he appeared by video arraignment at Be.C.I., that he was not represented by counsel that he served him with a copy of the two count indictment and ordering that the cause be assigned for arraignment on June 27, 2019 at 10:30am (see Ex.'s 1, 2b, 5)
- 11.) Mr. Russell was sent another letter dated June 11, 2019 from Henry county common pleas court, Deb Daman assignment Commissioner stating, (see Ex. 6)

"You are hereby notified that the above captioned case has been assigned for arraignment on June 27, 2019 10:30am."

- 12.) On or about June 19,2019, a private company-Correctional Center of Northwestern Ohio (CC&O) was sent by the prosecutors office and or Sherriffs office without a warrant, a letter to convey and abstract Mr.Russell unlawfully to Stryker Williams County Ohio to face charges in a indictment for Henry County. CC & O was allegedly in the area picking up Federal prisoners,transferring detainees, so Mr.Russell was also taken to Cloumbus Ohio the U.S. Federal Court on Marconi Road, then he was driven to stryker to await court. This was an intimidation tactic conspired by those officers of the court in Henry county inter alios. Mr.Russell hired Allan LehenBauer to represent him.
- 13.) Mr.Russell went to a hearing unrepresented by counsel, where his lawyer was not allegedly aware of the hearing, which was a tactic of bullpen therapy, to coerce and induce a guilty plea from Mr.Russell. Mr.Russell informed the Judge on or about June 28,2019 that he filed a Writ of Prohibition. He went on to inform the judge in these recorded proceedings that the Judge should be receiving a copy of the writ. He also informed the judge that the court do not have personal jurisdiction nor jurisdiction and that he (the Judge) should suspend the arbitrary proceedings. Mr.Russell's journal docket sheet do not have a record of this meeting taking place.
- 14.) Mr.Russell was forced to two more unlawful court proceedings, "but" was made to sit outside the courtroom, shackled with chains from wrist,waist and ankle in a reception room. He was never allowed to enter the court proceedings. His lawyer would meet and converse with the judge at which his lawyer was trying to counsel him to suspend his writ of prohibition, after

the lawyer came from one of these meetings. Mr. Russell asked his lawyer, why would he do that and what would be the quid pro quo or the benefit in doing that.

- 15.) In order for a writ of prohibition to be issued, petitioner must prove that (1) the lower court is about to exercise judicial authority; (2) the exercise of authority is not authorized by law and (3) the petitioner has no other adequate remedy in the ordinary course of law if a writ of prohibition is denied.

State ex rel. Keenan v. Calabrese, (1994) 69 Ohio St. 3d 176 178, 631 N.E.2d 119. A writ of prohibition, regarding the unauthorized exercise of judicial power will only be granted where the judicial officer's lack of subject matter jurisdiction is patent and unambiguous. Ohio Dept. of Adm. Serv. Office of Collective bargaining v. State Emp. Relations Bd., (1990) 54 Ohio St.3d 48, 562 N.E.2d 125, State ex rel. Daniels v. Harris, 2008 WL 5197131, 1 (Ohio App. 5 Dist.)

- 16.) Personal jurisdiction refers to the power that a court has to make a decision regarding the party being sued in a case. Before a court can exercise power over a party. The U.S. Constitution requires that the party has certain minimum contacts with the forum in which the court sits. International Shoe v. Washington, 326 U.S. 310 (1945)

- 17.) The court simply does not have personal jurisdiction, subject-matter jurisdiction nor the authority to act in the instant matter as the relator has never set foot in Henry County, beside with being unlawfully conveyed to the court in the above date and times listed above. The Court must obtain personal jurisdiction as set forth

in the due process clauses in the United States Constitution. The Due process clauses in the United States Constitution prohibit courts from exercising personal jurisdiction over a defendant unless the defendant has proper notice of the court's proceedings. To meet this rule, courts require plaintiff's to arrange for defendants to be served with a court summons pursuant to Crim.R.4 and Crim. R.9 along with a copy of the plaintiff's complaint and or indictment inter alia.

- 18.) The United States Constitution prohibits courts from exercising personal jurisdiction over a defendant unless the defendant has proper notice of the proceedings. To meet this rule the courts require plaintiffs to arrange for defendants to be served with a court summons and a copy of the plaintiffs' complaint.
- 19.) Typically for a court to have personal jurisdiction over a defendant, the plaintiff needs to serve the defendant in the state in which the court sits and the defendant needs to voluntarily appear in court. The Due process clauses in the United states Constitution porhibit courts from exercising personal jurisdiction over a defendant unless the defendant has proper notice of the court's proceedings. To meet this rule courts require plaintiffs' to arrange for defendants to be served with a court summons and a copy of the plaintiffs' complaint. These papers are collectively called process.
- 20.) Typically, it is not enough to simply mail process to the defendant. The summons and complaint must either be given directly to defendants or left with a suitable person, or a warrant must be attached with the indictment served by an officer of the court or clerk inter alia, pursuant to Crim.R.9 and Crim.R.4.

- 21.) Service may usually be performed by any adult who is not a party to the case. Plaintiffs may hire a professional process servers to serve defendant.
- 22.) In the instant matter the relator is incarcerated and the relator has never received service to perfect notice pursuant to Crim.R.4 Crim.R.9. The Relator does not challenge the fact that the Common Pleas Courts have jurisdiction of all crimes and offenses. However, the Relator does challenge that if jurisdiction is not properly invoked in the first instance, the court is wholly, patently and unambiguously without jurisdiction.
- 23.) O.R.C. 2935.09 is clear and unambiguous;
"In all cases...in order to cause the arrest or prosecution of a person charged with committing an offense in this state, a peace officer or private citizen having knowledge of the facts shall file with the judge or clerk of courts of record or with a magistrate, an affidavit charging the offense committed or shall file such an affidavit with the prosecuting attorney... for the purpose of having a complaint filed by such prosecuting attorney or other authorized attorney."
- 24.) The issue here is not one of a court having jurisdiction of the subject matter and person erroneously exercising jurisdiction, but it is a failure to invoke subject matter jurisdiction in the first instance.
- 25.) It is well settled that the jurisdiction of a court lies dormant until exercised, it must be invoked in some manner and the action commenced in the regular course of judicial procedure. 21 Am. Jur.2d(1981) 603, criminal law, Section 351.
- 26.) In Ohio, the statute that provides for criminal prosecution is O.R.C. 2935.09 and it clearly state IN ALL CASES not provided for the Sections O.R.C. 2935.02 thru 2935.08 inclusive, in order to cause the arrest or prosecution in this state, a peace officer

or a private citizen, having knowledge of the facts, "SHALL" FILE with the judge or clerk of court of record, or with a magistrate and affidavit charge the offense committed or "SHALL" FILE such an affidavit with the prosecuting attorney or attorney charged by law with prosecution of offenses in court or before magistrate, for the purpose of having a complaint filed by such prosecuting or other authorized attorney. (Emphasis added)

27.) "...when a statute contains the word "SHALL", IT WILL BE construed as mandatory. When a statute is mandatory, non-compliance will render the proceedings to which it relates illegal and void..!"

Fraternal Order of Police v. City of Cleveland, (2001), 749 N.E.840

28.) O.R.C.2935.09 clearly states IN ALLCASES an affidavit and complaint must be filed to commence prosecution if the State of Ohio and the use of the word "SHALL" makes this provision mandatory and the only exception are O.R.C. 2935.02 to 2935.08. None of which provide any reference to substituting an indictment for affidavit and complaint. Therefore, there is no statute that allows the indictment to be the initial charging instrument in a criminal prosecution, it is but a step in the process.

29.) "The Ohio Constitution confers no jurisdiction whatever on the Court of Common Pleas, either in civil or criminal cases. It is made capable of receiving jurisdiction in all such cases, but can exercise none. Until confirmed by law." Stevens v. State, (1854)

3 Ohio St. 453 (Emphasis added)

"The Ohio Constitution creates judicial power but does not prescribe any jurisdiction in criminal matters. There can be no judicial power without jurisdiction. No criminal jurisdiction being conferred on the common pleas court by the constitution, it can

exercise none until conferred by statute." Constitution Article, Section 1 & 4. "Judicial power in criminal cases must be exercised strictly in accord with statutes, without regard to common law. In Ohio, common law crimes and procedures have been abrogated taking away all judicial power existing by common law, not specifically provided for by statute." Ex-parte Stienmetz, 172 N.E. 2d 623

- 30.) Affidavits were required to be filed against Mr. Russell for the purposes of having a Complaint filed by the Henry County Prosecutor against Mr. Russell. These acts must be done to make the execution of the power consistent with the law. However, no affidavits were filed by a person having first-hand knowledge against Mr. Russell, nor were there ever any complaints filed by the Henry County Prosecutor against Mr. Russell. Moreover, this action was brought against an unregistered nonexistent fictitious entity which lacked authority, lacked subject-matter jurisdiction, jurisdiction, lacked the capacity to have a judgment entered against it. Mr. Russell was never made a party herein. Alternatively, the instant action was never commenced and is void ab initio.
- 31.) This failure of commencement cannot be waived because a waiver would violate public policy underlying the statutory deprivation of capacity to sue. This omission by the Henry County Prosecutor was dereliction of his duty, thereby extinguishing any claim of being a public official or representative of the Plaintiff and additionally acting without due process of law in violation of the Fifth and sixth amendment to the Constitution that is applied upon the State by the Fourteenth Amendment. The power delegated by a statute can be exercised in no other mode than that pointed out by a statute. The mode is an ingredient essential to the power,

constituting, indeed a condition on which the power depends.

Nothing is to be presumed which does not appear in the record.

- 32.) No Complaint was ever filed by Henry County Prosecutor against Mr. Russell to have commenced any proceedings in this cause. There were a wanting of what was necessary to vest jurisdiction by clearly established law.
- 33.) Mr Russell does not challenge the Court's general delegation of authority of jurisdiction by the Constitution and Statues of Ohio to hear criminal cases in general. The Henry County Court of Common Pleas is a court of record. However, as reflected on the face and evidence upon the record, the specific jurisdiction of the court to hear this instant case was never invoked in the first instance due to indispensable prerequisites that did not exist. Moreover, no record, or transcription in the Henry Municipal Court was ever acquired to have transferred jurisdiction to Common Pleas Court to continue forward with any proceedings. The trial court and Judge John S. Collier, patently and unambiguously without authority, subject matter jurisdiction and jurisdiction in the case because the court and judge have failed to invoke its subject matter jurisdiction in the first instance as shown herein and evidenced upon the record.
- 34.) Fraud committed in the procurment of jurisdiction, Fredman Brothers Furniture v. Dept of Revenue, 109 ILL.2d 2020,486 N.E.2d893 (1985)
An attack upon a judgment for fraud in its procurment is regarded, not as collateral attack, but as a direct attack, which is permitted not withstanding the judgment questioned may appear on its face regualr and valid for only in rare instances would the judgment itself

disclose the fraud upon the parties or upon the court. Lewis v. Reed, 157 N.E. 897, at 900

- 35.) "Obviously a judgment, though final on the merits. has no binding force and is subject to attack if it is wholly void for lack of jurisdiction of the subject matter or person and perhaps for excess of jurisdiction or where it is obtained by extrinsic fraud." (7 Witkin, Cal. Oricedure, spurs, Judgment, Section 286, Pg.828)
- 36.) Fraud upon the court. In re Village of Willowbrook, 37 Ill.3d 393 (1962). Fraud upon the court has been defined as any conduct calculated to deceive, whether it may be by direct falsehood or by innuendo, by speech or solence, by word of mouth, by look, or by gesture, fraud includes the suppression of the truth, as well as the presentation of the information. In re Witt.(1991),645 Ill 2d 380, 583 N.E.2d 526, 531, Coulson v. Coulson,(1983) 5, Ohio St.3d 12, 448 N.E.2d 809 A decision produced by fraud upon the court is not in essence a decision at all and never becomes final. Kenner v C.I.R.,(1968) 387 F.2d 689
- 37.) The record in the above captioned matters was void ab initio as there was no charging instrument that would lead the court to a probable cause determination based upon the necessary and essential facts required to issue any legal process.
- 38.) The record in this case proves that the Henry County Prosecutor used a sham legal process to bring charges against the Appellant in violation of O.R.C. 2921.51. O.R.C. 2935.09 states that ALL prosecutions for offenses are commenced upon probable cause affidavit with the necessary and essential facts to lead a prosecutor to file a criminal complaint and invoke the court's

jurisdiction of the subject matter pursuant to sworn duty to do so. The statute does not leave any ambiguity as to whether this applies to misdemeanors or felonies. It clearly applies to both as it is mandatory for ALL CASES. (Emphasis added)

- 39.) Clearly, "one who is indicted must first be accused." Burton v. Reshetylo, (1974), 38 Ohio St.2d 35, 309 N.E.2d 907, Id. at 911, "The return on indictment is but an incident in the progress of the prosecution." State v Morrow, 1 Ohio App. 95, 24 Ohio C.D. 140, 1913 WL 379. "The prosecution is commenced in the Common Pleas Court by the filing of the transcript from the magistrate court." Id. at 110
- 40.) "...In most jurisdictions, if not in all, a formal accusation or an accusation in a particular mode or form, is expressly required by constitutional, or statutory provisions or by both and these provisions must of course be followed." 31 Corpus Juris 559
- 41.) A prosecutor cannot simply grab facts from the air to present to a grand jury to obtain an indictment. He must have obtained the required knowledge through a complaint or affidavit that was either filed in a municipal court and bond the case over to the Court Common Pleas or through a complaint or affidavit filed directly with him a peace officer or private citizen. In either case, the prosecutor must then file his own complaint based upon the complaint filed by the peace officer or private citizen. Then the prosecutor's complaint must not only be filed in court, which in this case there is no record of such, but the prosecutor's complaint must state the source of his knowledge.

42.) O.R.C. 2937.02 and other revised codes and rules, prescribe the filing of a complaint as a prerequisite to the court's jurisdiction, before proceeding further. It is a well-established rule of construction that, in looking at the face of a statute to determine legislative intent, significance and effect should be given to every word, phrase, sentence and part thereof. State v. Wilson, (1997), 77 Ohio St.3d 334,336-37,673 N.E.2d 1347. Furthermore, it is a basic tenet of statutory construction that Ohio's "...General Assembly is not presumed to do vain or useless thing and that when language is inserted in a statute (or rule) it is inserted to accomplish some definite purpose." State ex rel. Cleveland Elec. Illum. Co. v. Euclid, (1959) 169 Ohio St.476,8 O.02d 480,482, 149 N.E.2d 756,759. Words used in a statute must be accorded their usual, normal or customary meaning. State ex rel. Hawkins v. Pickaway City Brd.of Elections.(1996),75 Ohio St. 3d 275,277,662 N.E.2d 17,19. see also O.R.C. 1.42

43.) Criminal Rule 12(A) mandates "Pleadings in criminal proceedings shall be the **complaint and the indictment...**" (Bold and underline emphasis added) The mandatory provisions in criminal rules cannot be disregarded by trial courts pursuant to well settled case law. In the above captioned matter, the judgment is "void ab initio", because jurisdiction was never attached to the case by not having a complaint filed by a person authorized to represent the Plaintiff, the State of Ohio. The Henry County Prosecutor acted in dereliction of his duty by such omissions, thereby having ceased being a public official to have pursued an alleged prosecution or subsequent proceedings in good faith. No charges were ever brought against Mr.Russell, nor were there any/all

warrants issued for the arrest of Mr. Russell, nor a summons sent with the indictment to appear in court, inter alia that would go through proper procedures of detaining/arresting/conveying Mr. Russell to face charges. "But", in fact Mr. Russell's body was unreasonably seized by deception, by a pleading containing the name of a fictitious party that does not even exist, thereby the record reflecting a fraud upon the court by the individual filing said pleadings with the clerk.

- 44.) The actors who perpetrated this fraud continue to enforce and restrain Mr. Russell when no documents, instruments, charges or judgments lawfully exist to substantiate any position for restraining Mr. Russell's liberty .
- 45.) This is not a limitation on a grand jury's ability to investigate crimes and indict defendants, it only sets forth a mandatory mode and form for the court's jurisdiction. The issue is not one of a court having jurisdiction of the subject-matter and person illegally exercising jurisdiction, but a failure to legally invoke subject-matter jurisdiction, jurisdiction or the authority to act.

"It is a rule of universal application that jurisdiction of a court lies dormant until exercised, it must be invoked in some manner and the action commenced in the regular course of judicial procedure." AM JUR2d(1981) 603, Crim. Law §351

***In most jurisdictions, if not in all, a formal accusation or an accusation in a particular mode or form is expressly required by constitutional or statutory provisions or by both and these provisions must of course be followed." 31 Corpus Juris 559

COUNT ONE (1)-WRIT OF PROHIBITION


- 46.) Mr. Russell incorporates by reference paragraphs 1-thru-45 as if completely rewritten herein and avers,
- 47.) Judge John S. Collier and Henry County Court of Common Pleas, patently and unambiguously lacked authority, lacked subject matter jurisdiction, and jurisdiction to act, to exercise judicial power over Mr. Russell as he has never committed any crime in Henry County nor never stepped a foot in Henry County except when he was illegally abstrated from Belmont Prison by C.C. & O, as a tactic to circumvent the law, instead of sending the Sherriff or a Sherriff deputy as the law directs. Thus as a proximate result Mr. Russell was never served with a copy of the indictment, there was no affidavit nor complaint inter alia on file in the case that initiates the process or that charges him with a crime.
- 48.) Judge John S. Collier and Henry County Court of Common Pleas is attempting to exercise power and judicial authority that is not authorized by law pursuant to Crim.R.4, Crim.R.9, O.R.C.2935.05, O.Const.Art. 1 Sec.10,16 and the U.S. Const. 5th,6th,13th and 14th amendment inter alia.
- 49.) Mr. Russell was sent back to Be.C.I. without ever being technically afforded a hearing, without resolution of this case but with threats that he will be back to face charges, thus the Henry County Court of Common Pleas and Judge John S. Collier inter alios are redefining there tactics to unlawfully prosecute Mr. Russell, to exercise judicial power, thus Mr. Russell do not have an adequate remedy at law to challenge the issues herein but to seek an extraordinary writ.

50.) Mr. Russell Seeks a writ of prohibition against Judge John S. Collier and Henry County Court of Common Pleas declaring their lack of authority, lack of subject matter jurisdiction and jurisdiction in case no.19-CR-0063, and over Mr. Russell to arraign, exercise judicial power as a result of there being no sworn complaint, no sworn affidavit swearing and accusing him of a crime, in addition Mr. Russell had never committed a crime in Henry County, nor has ever been to Henry County beside the only time he was forced and drove there by C.C. & O as a tactic to circumvent the law, pursuant to Crim.R.1, Crim.R.3, Crim.R.4 Crim.5, Crim.R.9, 2935.05, O.Const.Art.1 Sec.10,16, the U.S. Const. 5th,6th,13th and 14th amendment. Mr. Russell seeks this superior court to compel Judge John S. Collier and Henry County Court of Common Pleas to dismiss these charges with prejudice or any other relief that this court deems appropriate

PRAYER FOR RELIEF,

WHEREFORE, for the foregoing reasons herein and attached, Relator Mr. Russell prays this court grant writ of prohibition or alternative preceptory writ, ordering Respondents to dismiss the case with prejudice and for each of their subordinates to immediately cease using this sham legal process to obtain void unlawful indictments, and any other relief this court deems appropriate.

Respectfully Submitted



Robert Russell #453-744
P.O. Box 540
St. Clairsville, Ohio 43950

AFFIDAVIT OF PRIOR CIVIL ACTIONS
PURSUANT TO O.R.C. 2969.25 (A)

STATE OF OHIO)
) S. S. AFFIDAVIT OF ROBERT RUSSELL
COUNTY OF BELMONT)

I, Robert Russell, affiant herein, do hereby depose under oath that the following statements are true and accurate to the best of my knowledge under the laws and penalties of perjury in the State of Ohio and the United States, I state;

- 1.) I filed a civil action, which consisted of a Original Writ in Prohibition, against Judge John S. Collier, Kim Stouffer (Clerk) and Henry County Common Pleas Court, with the Supreme Court of of June 27, 2019 the Writ was dismissed.

FURTHER AFFIANT SAYETH NAUGHT


Robert Russell

Sworn to and subscribed before me in my presence this 6 day of February 2020


NOTARY PUBLIC



MICHELLE LYNN THEIL
Notary Public, State of Ohio
My Commission Expires Apr. 1 29. 2022

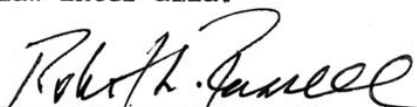
AFFIDAVIT OF VERIFICATION

STATE OF OHIO)
) S.S. AFFIDAVIT OF ROBERT RUSSELL
COUNTY OF BELMONT)

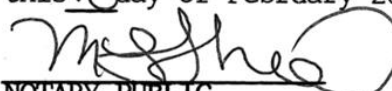
I, Robert Russell, affiant herein, do hereby depose under oath the following statements are true and accurate to the best of my knowledge and belief under the laws and penalties of perjury in the State of Ohio and the United States, I state and aver,

- 1.) That Every fact, issue presented herein this Original action,
- 2.) Writ of Prohibition are true and accurate, in this Writ of prohibition.
- 3.) I was never in Henry County prior to being forced to go there by
- 4.) the private company C.C. and O., on or about June of 2019. I never
- 5.) committed any crime in Henry County. I was forced to go to Henry
- 6.) County to face false charges. I was never served a complaint,
- 7.) affidavit inter alia from Henry County, I was never properly
- 8.) served with a copy of the indictment, technically I was never
- 9.) arraigned in Henry County Court of Common Pleas, by Judge
- 10.) John S. Collier. I was made to sit outside the courtroom in a
- 11.) reception room on two occasions. My Lawyer was not made aware
- 12.) of one of the court proceedings where I informed him that I
- 13.) filed a Writ of Prohibition and in the other court proceedings
- 14.) my lawyer just spoke to Judge John S. Collier, then after the meeting
- 15.) my lawyer attempted to counsel me to withdraw my writ of
- 16.) prohibition inter alia. I was then sent back to the prison with no
- 17.) reasons given to me. The Henry County Court Common pleas and Judge
- 18.) John S. Collier is attempting to exercise judicial power and
- 19.) judicial authority that is not authorized by law inter alia.

FURTHER AFFIANT SAYETH NAUGHT


Robert Russell

Sworn to and subscribed before me in my presence this 10 day of February 2020.


NOTARY PUBLIC



MICHELLE LYNN THEIL
Notary Public, State of Ohio
My Commission Expires

APR. 1 29. 2022

INSIDE PASS ONLY

BECI

EXHIBIT

1

Report Time: 01:35 PM

Pass Date: 10-JUN-19

Last Name: RUSSELL

Id: A453744

Lock: C/6/0100/A

Job: PORTER 5

Destination: ABldg/Unit Mgt (Rm 183): Court Hearing / Henry County

Issued By: ADMIN. BUILDING - UNIT MGT OFFICE

Issued By

Time

Dismissed By

Time

Inmate Signature

Time

INSIDE PASS ONLY

BECI

Report Time: 07:30 AM

Pass Date: 04-JUN-19

Last Name: RUSSELL

Id: A453744

Lock: C/6/0100/A

Job: PORTER 5

Destination: legal mail

Issued By: PACKAGE ROOM - PACKAGE ROOM

Issued By

Time

Dismissed By

Time

Inmate Signature

Time

INSIDE PASS ONLY

BECI

Report Time: 07:30 AM

Pass Date: 17-JUN-19

Last Name: RUSSELL

Id: A453744

Lock: C/6/0100/A

Job: PORTER 5

Destination: legal mail

Issued By: PACKAGE ROOM - PACKAGE ROOM

Issued By

Time

Dismissed By

Time

Inmate Signature

Time

EXHIBIT
2 B

HENRY COUNTY COURT OF COMMON PLEAS
COURTHOUSE
660 NORTH PERRY STREET, SUITE 301
NAPOLEON, OHIO 43545

453-744

4A100



U.S. POSTAGE PITNEY BOWES
ZIP 43545 \$ 000.50⁰
02 4W
0000343341 JUN 11 2019

EXHIBIT
2 A

HENRY COUNTY COURT OF COMMON PLEAS
COURTHOUSE
660 NORTH PERRY STREET, SUITE 301
NAPOLEON, OHIO 43545

RECD
6/11/19
L.A.

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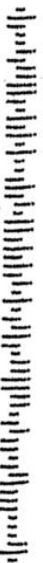


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HENRY COUNTY
COMMON PLEAS COURT

Court House
660 N. Perry St., Suite 301
Napoleon, OH 43545
Phone: (419) 592-5926

EXHIBIT

3

Case Number 19CR0063

Date: May 17, 2019

STATE OF OHIO

Plaintiff

vs

ROBERT RUSSELL

Defendant

TO:

ROBERT RUSSELL
C/O BELMONT CORRECTIONAL
68518 BANNOCK RD
CLAIRSVILLE OH 43950

You are hereby notified that the above-captioned case has been assigned for
ARRAIGNMENT on June 10, 2019 at 3:15 PM.


Deb Daman
Assignment Commissioner

GWEN HOWE-GEBERS
ROBERT RUSSELL

• Goethals, I spoke to Ms. Jenkins on 6.17.19, "I follow-up in my earlier discussion. She suggested I speak directly with you as the matter has a degree of complexity."

• I had received legal mail on 6.04.19 (see enclosed) pertaining to Henry County (Ohio). Initially, the mail was misdirected to KCI-Lancaster and arrived here on 6.04.19 (see Appendix). They had set a arraignment hearing on 6.10.19 and wanted to pick me up at Belmont to attend. That trip is 280 miles, one way and I'm 80 (12839) and in no medical condition to sustain such a trip!

• I attended the 6.18.19 hearing via video and pointed out to Judge Bolter, that they had no Jurisdiction over me as I have never been in Henry County and wasn't involved in any crimes, I had assisted in my capacity (Asky F Rebe 614.682) askau clerk to recover almost \$300,000 stolen by his POA Amy Nickels while at HCF and Lancaster. This imbroglio is centered around those issues.

The Henry County Affair!

• One attempting to fabricate a Jurisdictional Claim by bribing me to their County on or before 6.27.19. I suspect they will try to extract me on 6.20.19, illegally. The 6.10.19 video was to accept a plea with video arraignment — the Judge walked-off the bench without discussion the Arraignment" so that he can order my return in Henry County, which gives them Personal Jurisdiction — a creative but grossly illegal process.

• Please grant me a audience asap!! I REFUSE to go. it's a FARE, MY NEY.

COPY

FILED
HENRY COUNTY
COMMON PLEAS COURT

2019 JUN 11 P 12:19

JOHN S. COLLIER
CLERK OF COURTS

IN THE COMMON PLEAS COURT OF HENRY COUNTY, OHIO

STATE OF OHIO,

Plaintiff,

CASE NO. 19 CR 0063

vs.

JUDGMENT ENTRY

ROBERT RUSSELL,

**JOHN S. COLLIER,
JUDGE**

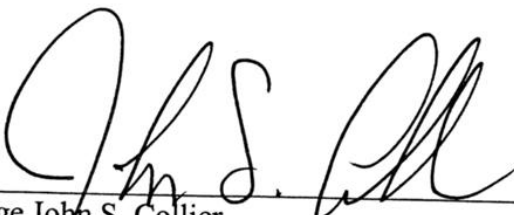
Defendant.

This cause came on to be heard the 10th day of June, 2019, and the defendant appeared by video arraignment system through the Correction Center of Northwest Ohio from Belmont Correctional Facility, without counsel.

The Court informed the defendant of his right to be represented by legal counsel in this cause and the defendant indicated he would be retaining counsel.

The Court does find that the defendant has been served with a copy of the Two Count Indictment. It is, therefore ORDERED that this cause be assigned for arraignment on June 27, 2019 at 10:30 o'clock a.m.

Approved by the Court. The Clerk is instructed to file this Entry and to enter the same upon the Journal of this Court.



Judge John S. Collier

cc: Gwen Howe-Gebbers, Henry County Prosecutor
Robert Russell

JOURNAL 164 PAGE 389

JOURNALIZED DATE 6-11-19

HENRY COUNTY
COMMON PLEAS COURT
Court House
660 N. Perry St., Suite 301
Napoleon, OH 43545
Phone: (419) 592-5926

EXHIBIT
6

Case Number 19CR0063

Date: June 11, 2019

STATE OF OHIO

Plaintiff

VS

ROBERT RUSSELL

Defendant

TO:

ROBERT RUSSELL
BELMONT CORRECTIONAL
PO BOX 540
ST CLAIRSVILLE OH 43950

You are hereby notified that the above-captioned case has been assigned for
ARRAIGNMENT on June 27, 2019 at 10:30 AM.



Deb Daman
Assignment Commissioner

GWEN HOWE-GEBERS
CHRIS DREYER
ROBERT RUSSELL

COPY

FILED
HENRY COUNTY
COMMON PLEAS COURT

2019 APR 24 P 1:28

KIM STOFFER
CLERK OF COURTS

INDICTMENT

CRIMINAL RULE 6, 7

**STATE OF OHIO
COURT OF COMMON PLEAS HENRY COUNTY**


THE JURORS OF THE GRAND JURY of the State of Ohio, within and for the body of the County aforesaid, on their oaths, in the name and by the authority of the State of Ohio, do find and present that:

Count 1: On or about the 1st day of January, 2018 continuing through the 4th day of April, 2018, at Henry County, the defendant, Robert Russell did conduct or attempt to conduct a transaction with the purpose to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of corrupt activity, to wit: theft, receiving stolen property, forgery, the amount of the corrupt activity being more than \$7500 but less than \$150,000 in violation of the Ohio Revised Code Title 15, Section 1315.55(A)(3) & 1315.99 and against the peace and dignity of the State of Ohio.

Count 2: On or about the 1st day of June, 2017 continuing through the 30th day of June, 2017, at Henry County, the defendant, Robert Russell did with purpose to deprive the owner, Rudy Relue, of property or services, to wit: Money from Rudy's account at Campbell's Federal Credit Union, did knowingly obtain or exert control over the said property or services by deception and/or without the consent of Rudy Relue or person authorized to give consent, the amount of money stolen being more than \$7500 but less than \$37,500, victim of the said offense is a member of a protected class, to wit: an elderly person, in violation of the Ohio Revised Code Title 29, Section 2913.02(A)(1)(3)(B)(3) and against the peace and dignity of the State of Ohio.

Prosecuting Attorney

DOB: 01/28/1939

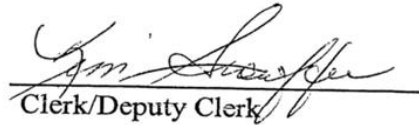
By: 
Prosecuting Attorney

The State of Ohio, Henry County.

I, the undersigned, Clerk of the Court of Common Pleas in and for said County, do hereby certify that the foregoing is a full, true and correct copy of the original indictment, with the endorsements, thereon, now on file in my office.

WITNESS my hand and the seal of said Court, at Henry County, Ohio this 24th
day of April 2019.

KIM STOUFFER, CLERK

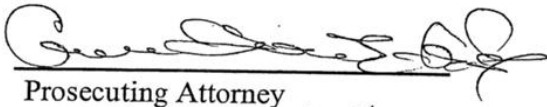

Clerk/Deputy Clerk

CASE NO. 19CR0003

COMMON PLEAS COURT, HENRY COUNTY, OHIO

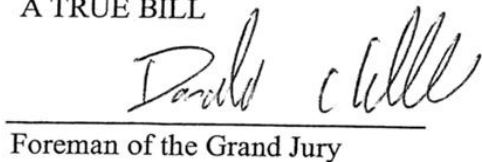
State of Ohio vs. Robert Russell

Indictment for **Count 1:** Money Laundering, in violation of ORC Section 1315.55(A)(3) & 1315.99, a felony of the third degree; **Count 2:** Theft, in violation of ORC Section 2913.02(A)(1)(3)(B)(3), a felony of the third degree.

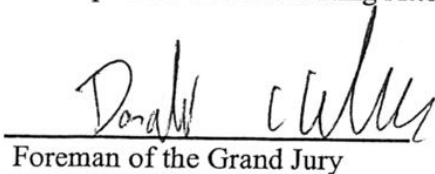

Prosecuting Attorney

A TRUE BILL

A TRUE BILL


Foreman of the Grand Jury

This Bill of Indictment found upon testimony sworn and sent before the Grand Jury at the request of the Prosecuting Attorney.


Foreman of the Grand Jury

Public Docket Information
STATE OF OHIO VS ROBERT RUSSELL

EXHIBIT
9 (1of3)

Case: 19CR0063

[Print](#)

Date Filed 04/24/19	Case Type Criminal	Judge JOHN S COLLIER	Balance Owed \$969.00
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Parties

Name	Type	Address	Attorney(s)	Date Of Birth
STATE OF OHIO	Plaintiff(s)		GWEN HOWE-GEBERS 660 N PERRY ST, SUITE 101 NAPOLEON, Ohio 43545	
ROBERT RUSSELL	Defendant(s)	C/O SOUTHEASTERN CORRECTIONAL INSTITUTION 5900 B.I.S. ROAD LANCASTER, Ohio 43130	ALAN LEHENBAUER THE MCQUADES CO LPA PO BOX 237 SWANTON, Ohio 43558	

Offenses

Arrest Date [NA]	Arresting Officer [NA]	Agency GRAND JURY
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Code	Description	Date	Finding	Finding Date	Degree
1315.55A3	Money Laundering				
2913.02A13B3	THEFT				F-4

Docket (Show All Entries | [Show Entries Paged](#))

Date	Text	Type
04/24/19	Defendant(s) : ROBERT RUSSELL, Offense Code: 1315.55A3 & 1315.99, Money Laundering F/3	
04/24/19	Defendant(s) : ROBERT RUSSELL, Offense Code: 2913.02A13B3, THEFT F/3	
04/24/19	TWO COUNT INDICTMENT FILED.	IND/FILED
04/24/19	RECORD OF GRAND JURY FILED. (IN VAULT)	REC GR JUR
04/24/19	PROSECUTING ATTORNEY'S REQUEST FOR ISSUANCE OF WARRANT ON INDICTMENT FILED	REQ FILED
04/24/19	WARRANT ON INDICTMENT FOR ROBERT RUSSELL FILED	
04/24/19	WARRANT TO ARREST ON INDICTMENT TOGETHER WITH COPY OF INDICTMENT ISSUED TO THE SHERIFF OF HENRY COUNTY OH.	WAR/IND/SH
04/24/19	WARRANT TO ARREST ON INDICTMENT RETURNED UNSERVED BY HENRY COUNTY SHERIFF, PERSON IS IN ODRC CUSTODY WE ARE NOT ABLE TO PERSONALLY SERVE WHILE IN THE INSTIUION, AND FILED. FAILURE OF SERVICE GIVEN TO GWEN HOWE-GEBERS	WAR/ID/RET
05/17/19	ARRAIGNMENT Scheduled For 06/10/2019 at 3:15PM,	
05/17/19	Hearing Notice for ARRAIGNMENT Scheduled For 6/10/2019 From:03:15 PM To:03:30 PM	

05/17/19	HEARING NOTICE FILED	HEARING
05/17/19	JUDGMENT ENTRY FILED. ORDER THAT THE DEFENDANT ROBERT RUSSELL BE RELEASED TO THE CUSTODY OF THE HENRY CO SHERIFF FOR TRANSPORTATION TO A COURT HEARING SCHEDULED FOR JUNE 10, 2019 @ 3:15 PM. COPY GIVEN TO GWEN HOWE GEBERS	JE FILED
05/17/19	Cost Bill Entry	
05/17/19	WARRANT FOR REMOVAL OF ROBERT RUSSELL FILED.	
05/17/19	WARRANT FOR REMOVAL WITH ATTACHED CERTIFIED COPY OF JUDGMENT ENTRY ISSUED TO THE SHERIFF OF HENRY COUNTY, OH.	WAR REMOVE
05/17/19	PROSECUTING ATTORNEY'S REQUEST FOR ISSUANCE OF INDICTMENT FILED	REQ FILED
05/17/19	SUMMONS ON INDICTMENT FOR ROBERT RUSSELL FILED	SUM/INDICT
05/17/19	SUMMONS ON INDICTMENT FOR ROBERT RUSSELL TOGETHER WITH COPY OF TWO COUNT INDICTMENT ISSUED TO THE SHERIFF OF HENRY COUNTY, OH.	SUM/INDICT
05/29/19	DEFENDANT'S DEMAND FOR DISCOVERY FILED.	
06/10/19	SUMMONS ON INDICTMENT FOR ROBERT RUSSELL - NOT SERVED BY HCSO - NEEDS TO BE SERVED BY OTHER COUNTY RETURNED AND FILED. NOTICE OF FAILURE OF SERVICE GIVEN TO GWEN HOWE-GEBERS	SUM IND
06/10/19	JUDGMENT ENTRY FILED. ORDER THAT THE DEFENDANT BE RELEASED TO THE CUSTODY OF THE HENRY CO SHERIFF FOR TRANSPORTATION TO A COURT HEARING ON THURSDAY, JUNE 27, 2019 @ 10:30 AM. COPY GIVEN TO GWEN HOWE GEBERS	JE FILED
06/10/19	Cost Bill Entry	
06/11/19	ARRAIGNMENT Scheduled For 06/27/2019 at 10:30AM,	
06/11/19	PROSECUTING ATTORNEY'S REQUEST FOR ISSUANCE OF SUMMONS ON INDICTMENT FILED	REQ FILED
06/11/19	SUMMONS ON INDICTMENT FILED	SUM/INDICT
06/11/19	SUMMONS ON INDICTMENT TOGETHER WITH COPY OF INDICTMENT ISSUED TO THE SHERIFF OF HENRY COUNTY, OH.	SUM/INDICT
06/11/19	JUDGMENT ENTRY FILED. THE DEFENDANT APPEARED VIA VIDEO ARRAIGNMENT AND INDICATED HE WOULD BE RETAINING COUNSEL. THE DEFENDANT HAS BEEN SERVED WITH A COPY OF THE TWO COUNT INDICTMENT AND THIS CAUSE HAS BEEN ASSIGNED FOR ARRAIGNMENT ON JUNE 27, 2019 AT 10:30 AM. COPY GIVEN TO GWEN HOWE GEBERS AND MAILED TO:ROBERT RUSSELL	JE FILED
06/11/19	Cost Bill Entry	
06/11/19	HEARING NOTICE FILED	HEARING
06/18/19	WARRANT FOR REMOVAL FOR ROBERT RUSSELL - NOT TRANSPORTED FROM ODRC BY SHERIFF RETURNED AND FILED.	WARR RET
06/24/19	WARRANT FOR REMOVAL RETURNED BY HCSO, TRANSPORTED DEFENDANT 6/24/19, AND FILED.	WARR RET
06/27/19	JUDGMENT ENTRY FILED. THE DEFENDANT APPEARED WITHOUT COUNSEL AND THE COURT FINDS THE DEFENDANT HAS BEEN SERVED WITH A COPY OF THE TWO COUNT INDICTMENT. IT IS ORDERED THAT THIS MATTER BE SET FOR ARRAIGNMENT ON JULY 3, 2019 AT 9:30 AM AT WHICH TIME THE DEFENDANT SHALL APPEAR WITH HIS RETAINED COUNSEL, THE BOND OF THE DEFENDANT BE ESTABLISHED IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000) NO TEN PERCENT (10%) ALLOWED CASH OR SURETY AND THE DEFENDANT PAY THE REPARATIONS ROTARY FUND. COPY GIVEN TO GWEN HOWE GEBERS AND MAILED TO: ROBERT RUSSELL	JE FILED
06/27/19	Cost Bill Entry	
06/28/19	SUMMONS ON INDICTMENT FOR ROBERT RUSSELL - SERVED PERSONALLY BY HCSO ON 6/27/19 AT COURT RETURNED AND FILED.	SUM IND
07/01/19	ENTRY OF APPEARANCE OF ALAN LEHENBAUER AS COUNSEL FOR THE DEFENDANT FILED.	
07/01/19	DEFENDANT'S DEMAND FOR DISCOVERY FILED.	

11/20/19	PRETRIAL Scheduled For 12/23/2019 at 9:00AM,	
11/20/19	Hearing Notice for PRETRIAL Scheduled For 12/23/2019 From:09:00 AM To:09:15 AM	
11/20/19	HEARING NOTICE FILED	HEARING
11/21/19	Cost Bill Entry	
12/20/19	Cost Bill Entry	
12/26/19	FINAL PRETRIAL Scheduled For 04/02/2020 at 9:00AM,	
12/26/19	Hearing Notice for FINAL PRETRIAL Scheduled For 4/2/2020 From:09:00 AM To:09:30 AM	
12/26/19	JURY TRIAL Scheduled For 04/23/2020 at 9:00AM,	
12/26/19	Hearing Notice for JURY TRIAL Scheduled For 4/23/2020 From:09:00 AM To:04:00 PM	
12/27/19	HEARING NOTICE FILED (FINAL PRE-TRIAL)	HEARING
12/27/19	HEARING NOTICE FILED (JURY TRIAL)	HEARING
12/27/19	JUDGMENT ENTRY FILED. IT IS ORDERED THAT ROBERT RUSSELL BE RELEASED TO THE CUSTODY OF THE HENRY COUNTY SHERIFF FOR A HEARING TO BE HELD ON APRIL 2, 2020 AT 9:00 AM. COPY GIVEN TO HENRY COUNTY SHERIFF'S DEPARTMENT AND BELMONT CORRECTIONAL.	JE FILED
12/27/19	Cost Bill Entry	
12/27/19	WARRANT FOR REMOVAL FOR ROBERT RUSSELL FILED	
12/27/19	WARRANT FOR REMOVAL WITH ATTACHED CERTIFIED COPY OF JUDGMENT ENTRY ISSUED TO THE SHERIFF OF HENRY COUNTY, OH.	WAR REMOVE