

SUPREME COURT OF OHIO

Case # 22-0511

1 ~ Lotus: justice as  
2 Executor, Settlor, Trustor, etc.,  
3 of for "MONICA & JUSTICE", etc.,  
4 Relators

6 ✓

8 STATE OF OHIO, etc.,  
9 Respondent(s)

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11 RELATORS JOINT REPLY BRIEF  
12 TO RESPONDENTS STATE OF OHIO,  
13 ET AL., MERIT BRIEFS

15 ~ Lotus: justice  
16 Counsel of Record for the rs  
17 "MONICA & JUSTICE", etc.,  
18 @ 2460 Jackson Ave  
19 Columbus, Ohio 43223  
20 USA (43223)

FILED  
SEP 27 2022  
CLERK OF COURT  
SUPREME COURT OF OHIO

21 Executor, Settlor, Trustor, Fiduciary,  
22 Plenipotentiary, Beneficiary, Creditor,  
23 etc., of, for "MONICA & JUSTICE", etc.,  
24 in propria persona, Sui jure et al.

RELATORS JOINT REPLY  
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5 FRANKLIN COUNTY OHIO  
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11 COMMON PLEAS COURT

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# SUPREME COURT OF OHIO

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1	~ r-lotus: justice as	case # 22-0811
2	Executa, settlor, Trustee, et al.,	
3	of, for. "MONIKA G JUSTICE", et al.	* On appeal From Originating
4	Relators	Case # 20-02-03470 with
5		COMMON PLEAS 'COURT'
6	v	FRANKLIN COUNTY OHIO
7		* From a decision in # 22-10
8	STATE OF OHIO	53 with 10 <sup>th</sup> APPELLATE
9	Respondent(s)	'COURT' FRANKLIN COUNTY OHIO

## RELATORS JOINT REPLY BRIEF TO RESPONDENTS STATE OF OHIO, ETAL., MERIT BRIEFS

In this cause, agents for the Prosecuting Attorney's Office  
 FRANKLIN COUNTY OHIO did file two replies to the 'Merit  
 Brief of Relators', one Merit brief of Respondent for  
 Appellees STATE OF OHIO which included the Bureau of  
 Criminal Investigation (BCI) Division of Attorney General's  
 Office STATE OF OHIO, et al., in the originating 10<sup>th</sup> appellate  
 court case & another merit brief of Respondent for Appellees  
 ~ david: young and ~ maria: Farbacher which included their  
 seats, settl, seas of 'state' COMMON PLEAS COURT FRANKLIN  
 COUNTY OHIO & FRANKLIN COUNTY PROSECUTOR'S OFFICE, 1/20

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1 respectively, in the originating 10<sup>th</sup> appellate 'court' case.

2 wherein the latter was filed last on September 15, 2022  
3 and as such pursuant to S.Ct. Prac. R 16.04 (1)(3) the Relators  
4 are submitting one joint reply brief and any supplements  
5 with any index of records by October 6, 2022.

6 Both appellee briefs assert the same three basic  
7 arguments in re of jurisdiction:

- 8 • One, being Relators Failed to demonstrate the existence of a  
9 Final appealable order or a writ over which the 10<sup>th</sup>  
10 had jurisdiction and thus were proper to dismiss the cause.  
11 • Two, being the 'supreme court' lacks jurisdiction over  
12 additional claims.  
13 • And three, being the Relators are not entitled to the  
14 requested Writ.

15 In the merit brief of Respondent for Appellees STATE OF  
16 OHIO<sup>et al.</sup>, their counsel made no arguments in reference to  
17 the actions of BCI discussed in the "MERIT BRIEF  
18 OF RELATORS" page "27/32" line 9 to "28/32" line 5 which  
19 violated Brady Rule class materials pursuant to *Kyles v.*  
20 *Whitley*, 514 U.S. 419, 442 n. 134, 445-451 (1995), relying  
21 purely upon the three jurisdictional arguments made seeking  
22 adjudication in their Favor. As such, the Relators  
23 assertions are accepted as Facts by tacit promission,  
24 silence is consent (*Tacita quaedam habentur pro* 2/20

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1 expressis). Wherein by equitable estoppel in pais said  
2 appellee have additionally walived the right to plead  
3 or prove important facts in the contra nunc pro tunc.

4 In the merit brief of Respondent for Appellees David:  
5 Young, et al., & Marla: Farbacher, et al., their counsel made  
6 references to both the 'probate order' & the Defences  
7 "demurrer" in their arguments in re of jurisdiction, to  
8 which the Relators will treat separately with emphasis  
9 after addressing the appellees assertions, arguments in  
10 re of jurisdiction.

11 The historical presentment of this cause on appeal with  
12 this 'court' started with the Relators' initiation of an  
13 'original action' with the 10<sup>th</sup> appellate 'court' of FRANKLIN  
14 COUNTY on January 20, 2022, title "PETITION FOR  
15 DISCHARGE FOR WANT OF JURISDICTION, JUDICIAL  
16 MISCONDUCT, AND ABUSE OF DISCRETION, OBSTRUCTIONS  
17 TO JUSTICE, PROSECUTORIAL MISCONDUCT & PERJURY &  
18 BRADY RULE VIOLATIONS EFFECTED PRE-TRIAL BY  
19 RESPONDENTS". Wherein the plea of "demurrer", the  
20 "medical records", the 'probate order', the 'probate order'  
21 being referenced as a "warrant", the continued use of the,  
22 an expunged 'probate order' in violation of ORC 5122.01  
23 (R) (4), 'Judicial Rule [Criminal Rule] 12' allowing the  
24 'abolishing' of the legislative right of "demurrer", the 3/20

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1 improper use of the 'probate order' as though it were  
2 a warrant in compliance with the 4<sup>th</sup> Amendment without  
3 exigency, the violations to Brady Rule, et al., by BCF,  
4 and the specific acts of obstruction & perjury were  
5 briefly broached, to provide a basic framework of the  
6 'civil action' brought against the appellees as Respondents.  
7 No where in the body of the initiating 'petition for  
8 discharge for want of jurisdiction did the Defence refer  
9 the cause as an appeal, only on the title page borders.

10 On January 26, 2022, the 'stater', et al., counsel filed  
11 a 'MOTION TO DISMISS APPEAL' arguing purely that the  
12 subject matter of the petition was not a matter, matters  
13 appealable as Final orders, citing only Ohio Constitution  
14 Article IV, Section 3(B)(2), though omitting "(B)(2)", as  
15 the 'court' of appeals jurisdiction. Citing ORC 5'2505.02 for  
16 the definitions of "Final orders" (ORC 2505.02(B)), "substantial  
17 right", "special proceedings", & "provisional remedy". Again  
18 affirming that because pursuant to ORC 2505.02(B), the subject  
19 matter of the action was not both Final and appealable, the  
20 10<sup>th</sup> appellate court did not have jurisdiction to entertain the  
21 case.

22 On February 7, 2022, the Relators filed a "RELATORS  
23 REPLY TO RESPONDENTS MOTION TO DISMISS", affirming  
24 that though the petition could have been perceived as an 4/20

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1 appeal, because it held no written Final under the clerk  
2 was directed to docket the case as an independent, original  
3 action. Relators did also reaffirm the basic facts & acts  
4 by the Respondents which substantiated the claims &  
5 arguments for discharge of the lower court action, inclusive  
6 of the Final judgment from administrative 'judge' David:  
7 Young which sentenced "Monica Justice" to one year in a  
8 mental institution, aliened substantial rights, violated Federal  
9 & 'state' Law/law & denied the right to a speedy trial.

10 On February 15, 2022, Counsel For Respondents entered  
11 another "MOTION TO DISMISS APPEAL" arguing the same  
12 basic points as the First Supporting dismissal, this time  
13 however, they at least affirmed the jurisdiction of the 10th  
14 appellate court extended to "any cause on review as...  
15 necessary" though additionally arguing that "[t]here is  
16 no legal basis for appellate review at this stage of  
17 Defendant's criminal case" (See February 15, 2022, "MOTION  
18 TO DISMISS APPEAL", page 5 of 13, III Legal Argument).

19 In this particular pleading counsel for the Respondents  
20 argues "Governmental Immunity" from libel & tortious actions,  
21 finally arguing the court lacked jurisdiction stating the  
22 Relators were seeking to use the appellate courts' power  
23 improperly, "seek[ing] advisory opinions on pretrial issues  
24 addressed by Judge Young" (See February 15, 2022, "MOTION 5/20

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1 TO DISMISS APPEAL", page 10 of 13, 2nd Full paragraph.)  
2 In contra Relators brought forth a "RELATORS  
3 MEMORANDUM CONTRA TO RESPONDENTS 2/14/22 "MOTION TO  
4 DISMISS APPEAL"" a firming said act was brought to  
5 the 'court' was laid, docketed under the "original superceder,  
6 supervising jurisdiction over the 'courts' of common pleas with the  
7 grant to take cognizance over "any cause on review as...  
8 necessary to its complete determination (Ohio Constitution Article  
9 IV, Section 3(B)(1)(a)-(f)) arguing & doing: young affected,  
10 effected acts in violation of the law against the dignity  
11 and peace of the county (Ohio Constitution Article 3, Sections 10  
12 & 12, and Article 4, Section 18).

13 Relators again affirmed the basic facts & acts by the  
14 Respondents which substantiated the claims & arguments for the  
15 discharge of the lower 'court' action which promoted a false  
16 narrative, unsubstantiated by facts, by a series of transactions  
17 or occurrences which withheld exculpatory, Brady Rule classes,  
18 of materials, evidence that was favorable to the Defense and  
19 would have potentially altered the events of, there, the last  
20 nineteen months. wherein by such violations of Brady Rule,  
21 et al, by the Respondents assertions of incompetency and the  
22 criminal cause of action itself with an indictment not  
23 supported by a lawful warrant for arrest or entry of  
24 any kind, were promoted & promulgated & perpetuated to 6/20

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1 the Favor of the Prosecution ending in a Final judgment  
2 of 'incompetency to stand trial' & a commitment to  
3 a mental hospital for a sentence of one year term.

4 Wherein Relators also argued contra to the Respondents  
5 assertions of immunity as advised: young effected  
6 orders, a final judgment without first taking  
7 cognizance of a "demurrer" which challenged both  
8 jurisdiction & the sufficiency of the indictment, thereby acting  
9 extra judicially *coram non iudice* & *Moreless v Waco*, 502  
10 US 9 (1991) 3. As such, Relators are owed compensation.

11 On February 22, 2022, a third "MOTION TO DISMISS"  
12 was plead by counsel of Respondents which agreed  
13 with the two previous 'motions to dismiss' arguments,  
14 further asserting: the Relators had "no standing to assert  
15 any claims against BCI" (See February 22, 2022, "MOTION  
16 TO DISMISS", page 2, last sentence of first partial  
17 paragraph); the Relators could not support their claims  
18 by a set of facts entitling them relief; the claims of the  
19 Relators were not within the subject matter jurisdiction  
20 of the court; and finally, very succinctly, after  
21 summarizing the BCI agents acts which violated Brady/Kyles/  
22 Youngblood Rules, ~~that~~ these "alleged actions are  
23 within the context of the behavior of other Respondents"  
24 (See February 22, 2022, "MOTION TO DISMISS", page 3 7/20

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1 paragraph 3 to page 4, end of the continuing paragraph  
2 From page 3), and as such has no clear right to the  
3 relief sought under the law.

4 wherein on March 10, 2022, Relative responded  
5 contra to the third, February 22, 2022, 'motion to dismiss'  
6 affirming that as a BCI agent initiated the criminal  
7 cause of action with case # 2020-CR-A 010576 with  
8 FRANKLIN COUNTY MUNICIPAL COURT, now laying as the  
9 subject matter of this cause, as the original Plaintiffs  
10 in this criminal cause of action, both STATE OF OHIO  
11 and BCI are most definitely real parties of interest  
12 as Respondents. Whereas as BCI: performed the  
13 initial seizure of all case material evidence; has processed  
14 all material evidence, & has produced all the supportive  
15 evidence as reports, interviews, the 'Presenter Summary', etc.;  
16 having performed the purported "investigation" of the "underlying  
17 proceedings", criminal case # 20-CR-03470 with COMMON  
18 PLEAS COURT FRANKLIN COUNTY OHIO; still possessing what  
19 Relators deemed exculpatory evidence yet to be disclosed,  
20 produced by BCI; having effected the secret "warrant"  
21 which sealed, obstructed the "medical records" from Defense;  
22 et al.; BCI is not just a real party of interest generally,  
23 but with emphasis is a key party of interest in said  
24 criminal case in general, having participated in a 8/20

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1 Series of transactions or occurrences and/or the same  
2 transaction or occurrences subject to questions of law  
3 or Fact common to all the defendants/ Respondents  
4 actions, action.

5 wherein as the relief sought was made plain by the  
6 title of the initial pleading of the original action,  
7 claim, a "discharge for want of jurisdiction" and  
8 NOT a 'writ of mandamus', and the Facts support  
9 a nonsuit and seventeen months of collusive acts  
10 by Respondents under cover non justice, said  
11 discharge is mandated & owed to Relators.

12 wherein despite all of the Facts & Law/law affirmed  
13 in written arguments, inclusive of the cause of action  
14 being brought to the 'court' of appellate jurisdiction  
15 pursuant to Article IV Section 3 (B)(1)(F), the 'court'  
16 erred and stated in its dismissal that the initial  
17 pleading 'petitioning for discharge for want of jurisdiction'  
18 was "not sufficient to state a claim for any of the five  
19 writs over which this court has original jurisdiction,  
20 nor does it constitute a valid notice of appeal under App.  
21 R. 3", which prima facie omitted the original jurisdiction  
22 of the courts of appeals in which the cause was brought,  
23 though not docketed, annotated by the clerk, though  
24 directed to be docketed verbally and in written 9/20

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1 argument of Article IV Section 3(B)(1)(F), "Ei]n any cause  
2 on review as may be necessary to its complete  
3 determination."

4 Where in in light of said appellate court dismissal of  
5 said cause of action on June 30, 2022, Relators brought  
6 the cause to this court in an appeal by right pursuant  
7 to S. Ct. Prac. R. 6., laying a "MERIT BRIEF OF RELATORS",  
8 a "NOTICE OF JUDGMENT" enjoining case # 22-840 with this  
9 court to this case, and a "SUPPLEMENT TO BRIEF" upon the  
10 Bar/BAR on August 22, 2022. The two "Merit brief of  
11 Respondent ~~xxx~~" this "Joint Reply Brief" addresses were  
12 presented accordingly.

13  
14 IN RE OF THE ARGUMENTS

15 MADE BY RESPONDENTS AVERRING

16 LACK OF JURISDICTION OF APPEAL

17 As the pleadings which lay with the 10<sup>th</sup> appellate court  
18 do repeatedly prove, and aver, assert, the Relators were not  
19 appealing a final order, but were initiating an original  
20 cause of action pursuant to Article IV Section 3(B)(1)(F),  
21 asking it to review a series of transactions of occurrences  
22 which culminated in the withholding of exculpatory, Brady  
23 Rule' classes of materials & evidence that was favorable to  
24 the Defense and would have potentially altered the events 10/20

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1 of the period between the invocation of the "demurrer"  
2 (See Appendix I, attached as if fully rewritten herein)  
3 on August 13, 2020, and when the purported 'defendant'  
4 was declared competent to stand trial on

5 Wherein during that period administrative judge 'relayed':  
6 young affected, effected multiple orders, decisions that affected,  
7 effected collateral estoppel: in failing to take cognizance of  
8 the "demurrer"; in attempting to oppress in-lotus:justice  
9 into 'mental health evaluations' despite repeated 5<sup>th</sup> Amendment  
10 invocations by Defense for the purposes of assisting the  
11 'state' in the cultivation of evidence against her, a  
12 violation of the 'principles of life' pursuant to the 4<sup>th</sup> and  
13 5<sup>th</sup> Amendment { Mapp v Ohio, 367 U.S. 643 (1961) }; in the  
14 preventing of in-lotus:justice from 'making a record' in the  
15 'notion process' under the presumption of incompetency (See  
16 Supplement A, page 3, lines 19-22, attached as if fully  
17 rewritten herein) even before 'incompetency' was purportedly  
18 'proven' and a Final judgement which affected, effected  
19 Substantial Rights was issued by "Entry Finding the Defendant  
20 Not Competent to Stand Trial and Ordering Treatment" on  
21 April 19, 2021 (See August 22, 2022, "MCRIT BRIEF OF  
22 RELATORS", Appendix I) resulting in a sentence of a one  
23 year term in a mental hospital; et al.

24 Wherefore because a final judgement was affected, 11/20

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1 effected during this period in which the "demurrer" was  
2 left adjudicated, "David: young effected a bench trial  
3 coram non iudice in which Respondents BCI and agents(s)  
4 for the withheld Brady/Kyles/Youngblood Rule banned  
5 evidence { Brady v Maryland, 373 U.S. 83 (1963); Kyles v  
6 Whitley, 514 U.S. 419 (1995); Youngblood v West Virginia,  
7 547 U.S. 867, 126 S.Ct. 2188 (2006) respectively }. Wherein during  
8 that period "lotus: justice was held to libelous presumptions  
9 of mental illness and incompetency founded upon an  
10 unsubstantiated 'probate order' that was expunged (CRC  
11 5122.01(R)(4)) shortly after its issuance and unsupported  
12 by probable cause with, by clear and convincing evidence  
13 the obstructed, withheld 'medical records' held contra to the  
14 associated 'probate order' affidavit. As such, said withheld,  
15 obstructed exculpatory evidence affected, effected the results,  
16 events that culminated in a 'bench trial' in which a one  
17 year sentence was issued and False assertions, presumptions  
18 against the purported 'defendant' were perpetuated to the  
19 benefit of the 'States' case, criminal case #20-CR-03470  
20 with common PLEAS COURT FRANKLIN COUNTY OHIO.

21 Still, the Defense had to wait for an original action  
22 to ripen, and wait for "David: young to bring an end  
23 to his 'coram non iudice' "demurrer" in suspension period"  
24 before bringing claims against the real parties of 12/20

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1 interest for acts both exempt from the 'Finality rule'  
2 pursuant to the "collateral order doctrine" [United States v  
3 Hickey, 2004 US App. LEXIS 28038], which did alien  
4 Substantial Rights in violation of Due Process and the  
5 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 14<sup>th</sup> Amendments, et al., in a bench trial  
6 cause of action that was brought to its completion,  
7 through those seeking to attain its legal, lawful  
8 ramifications would call it interlocutory and 'pre-trial'  
9 to the pending criminal case cited herein.

10 As such, when the Relators brought the original,  
11 independent action to the 10<sup>th</sup> 'appellate court' seeking remedy  
12 and relief as to the discharge of the lower 'court' pending  
13 'criminal' cause of action for the violations of Due Process and  
14 the aliening of Substantial Rights, in what is by Facts of  
15 Law/law a non-suit, already affected, effected 'pre-trial',  
16 pursuant to the constitutional grant of Ohio Constitution Article  
17 IV Section 3(B)(1)(E); the 10<sup>th</sup> 'appellate court' was the  
18 appropriate original jurisdictional court with the subject matter  
19 cognizance over the claims made by the Relators.

20 When that original jurisdictional 'court' Failed to take  
21 cognizance of the cause or the claim(s) held therein governed  
22 by the "collateral order doctrine", an error on its part  
23 pursuant to its assertions of lack of jurisdiction pursuant  
24 to its original jurisdiction being limited to the five 13/20

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1 writs listed in Article IV Section 3(B)(1)(a-e) and omitting  
2 its original jurisdiction pursuant to Article IV Section 3(B)(1)(f),  
3 and the Relators brought the case on appeal to this court  
4 in its appellate jurisdiction concerning a case originating in  
5 the court of appeals, the 10<sup>th</sup> appellate court; said court  
6 under its appellate jurisdiction in an 'appeal by right' pursuant  
7 to S.Ct. Proc R. 5.01(f)(3) was, is the appropriate court  
8 with subject matter over the claims initiated by original,  
9 independent action in the 10<sup>th</sup> appellate court.

10 As this cause of action was never argued nor presented  
11 as a 'petition for writ of mandamus' in either court and  
12 said designations were, are an error by the Clerk of the 10<sup>th</sup>  
13 appellate court, and, all arguments in contra on such false  
14 merits are moot. The Relators have always presented their claims  
15 to the proper jurisdiction in compliance with the judicial appellate  
16 process afforded to them, and as such are owed both remedy and  
17 relief either by this court taking cognizance or by this  
18 court directing the 10<sup>th</sup> appellate court to take cognizance as  
19 was affirmed in the Relators August 22, 2022, "MERTT BRIEF OF  
20 RELATORS; Proposition of Law #1. wherein this court could take  
21 cognizance of the Relators claims itself, in consideration of the  
22 constitutionally significance points of Law presented by them  
23 pursuant to Article IV Section 5(B) in re of the "abolishment"  
24 of the "demurrer", a legislative grant conveyed to the people 11/20

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1 of this territory Ohio, by judiciary 'rule' of practice  
2 pursuant to its appellate jurisdictional grant under  
3 Ohio Constitution Article IV Section 2(B)(2)(a)(i), 2(B)(2)  
4 (a)(iii), or with emphasis Section 2(B)(2)(d) concerning  
5 how administrative 'judge' David Young did errantly  
6 treat the Defenses "demurrer" by leaving it lay for  
7 seventeen months and operating coram non iudice for that  
8 period, thus affecting, effecting a collateral estoppel, et al.

9  
10 IN RE OF FACTS SUPPORTING  
11 RELATORS PROPOSITIONS OF LAW BROUGHT  
12 FORTH BY MERIT BRIEF AND, OR IN  
13 CONTRA TO RESPONDENTS STATE OF  
14 OHIO ARGUMENTS BROUGHT FORTH  
15 IN THEIR MERIT BRIEFS

16  
17 The Relators will not restate the facts of the cause, case  
18 any more than is necessary to argue for, in support the  
19 Relators' 'Propositions of Law' brought forth in their  
20 'Merit Brief' and, or in contra to Respondents arguments  
21 brought forth in their 'Merit Briefs'. wherein as already  
22 affirmed, the Respondents arguments for dismissal rely  
23 solely on arguments against <sup>the</sup> jurisdiction of this 'court'  
24 and, or for the proper dismissal of the appellate 15/20

NOT FOR COMMENT USE

RELATORS JOINT REPLY  
BRIEF

1 Case for lack of jurisdiction by the 10<sup>th</sup> appellate 'court'.

2 The Relators discerned no specific arguments brought in

3 contra to the claims the Relators made against the Respondents

4 as living flesh and blood women.

5 As such, per the facts established by the Relators Merit

6 Brief administrative 'judge' David Young did ignore a

7 "denumer" for seventeen months, and during that period

8 did affect, effect multiple opinions, orders & a final

9 judgement that alienated substantial right, privileges and

10 immunities in a 'bench trial'. An agent for BCI acquired

11 exculpatory evidence, secretly sealed exculpatory evidence and

12 then failed to disclose said exculpatory evidence relative

13 to the proceedings of that period at bench. Prosecutor

14 Maria Farbacher made statements on the record as to

15 having presented exculpatory evidence; material evidence

16 to the Defense she had not thought Brady/Kyles/Youngblood

17 Rules did require her to, emphasizing that such evidence that

18 was provided was proffered in comity & amity not Discovery

19 Rules, as Discovery has never been invoked by Defense and

20 thus Brady Rules, et al., prevail. Therefore she affected, effected

21 fraud upon the 'court', misled the 'court' with statements in piggy,

22 & withheld evidence exculpatory to the proceedings of that

23 period at bench which in doing so did bring favor to the

24 Prosecution & perpetuate a bias against the Defense and 16/20

NOT FOR COMMERCIAL USE

RELATORS JOINT REPLY  
BRIEF

1 purported 'defendant' "MONIZA A JUSTICE".

2 In re of "demurrers", wherein a "demurrer" is  
3 a method of raising an objection to the sufficiency  
4 in law to something ( 27 Am J2d Eq. §5229, 41 Am J  
5 1st Pl. §204). In this case the August 13, 2020, "demurrer"  
6 (See Appendix 1) raised objection to the indictment  
7 challenging the validity of it based upon the use of  
8 a probate order as a warrant justifying forcible  
9 entry into a family home sans exigency and the  
10 construct of the statutes upon which the indictment was  
11 founded. wherein barring the production of a 4th Amendment  
12 compliant "warrant for arrest" the acts of the Relator  
13 in lotus: justice on July 21, 2020, do not constitute  
14 a breach of statute, If true and the acts of Relator  
15 in lotus: justice do not constitute a breach of statute though  
16 the basic facts as established are true, the states' criminal  
17 case is null & the state is not entitled to their, its  
18 claims against the purported 'defendant', "MONIZA A JUSTICE".

19 The August 13, 2020, "demurrer" also raised objection  
20 to the jurisdiction of the 'court', asserting it was  
21 without subject matter jurisdiction, nor personal jurisdiction  
22 in the cause upon the bar (BAC in Equity, and thus was li  
23 want of jurisdiction over either the purported 'defendant',  
24 the THING "MONIZA A JUSTICE" and/or its lawful Executor 17/20

NOT FOR COMMERCIAL USE

RELATORS JOINT REPLY  
BRIEF

1 Relator, Settlor, Trustor, American National Heir by Lineal  
2 Consanguinity as LOTUS, et al, et al - Lotus: Justice, by "Title by  
3 Occupancy" wherein the prosecution of the case was in  
4 contravention to both the Substantial Rights of et al - Lotus:  
5 Justice (4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> Amendments) [ See: United States v Hickey ],  
6 a real Flesh and blood woman standing in propria personam,  
7 and the 14<sup>th</sup> Amendment civil privileges & immunities of the  
8 purported 'defendant', a THING, "MONITA G JUSTICE:"

9 wherein the "demurrer" to the indictment and the jurisdiction  
10 of the 'court' was averred before the bench trial 'that'  
11 aliened Substantial Rights or the 'criminal trial' yet to be  
12 had as the 1<sup>st</sup> (first) act of et al - Lotus: Justice as Counsel for  
13 Defense (6<sup>th</sup> Amendment) [ Faretta v California, 422 U.S. 806 ]  
14 [ it is of time to "demurrer" See Connors v. United States, 158 U.S.  
15 408 (1895) ]. wherein by administrative judge 'declared' young  
16 refusing to adjudicate the "demurrer" at that time, and  
17 leaving it lay for seventeen months, when incompetency had  
18 yet to be proven by Facts of Law/law, the Substantial Rights  
19 of et al - Lotus: Justice & the privileges and immunities of  
20 "MONITA G JUSTICE" were prejudiced by his refusal to  
21 require a more specific statement of the particulars made  
22 in which the offenses charged was committed & the alleged  
23 Facts were never proven to be in violation of the statute  
24 [ Smith v United States, 83 F2d. 631 (1936); Rosen v United 18/20

NOT FOR COMMERCIAL USE



RELATORS JOINT REPLY  
BRIEF

1 161 US 29 (1896); et al.]

2 Wherein as criminal charges against the purported 'defendant'  
3 stem from actions <sup>taken</sup> after 'State' agents wielded the 'probate order'  
4 as a "warrant" and entered the Family home without  
5 exigency (See Appendix 2 & 3, attached as if fully rewritten herein)  
6 its validity & sufficiency is mandated to give the issuing  
7 'court' and or any other 'court' seeking to affirm its validity,  
8 sufficiency jurisdiction.

9 Despite the fact that the instrument used was a 'probate  
10 order' which purports a judgment, conclusion of a 'court' process on  
11 motion or proceeding (37 Am J1st Motions 523), the State still affirms  
12 it to be a "warrant" (See Appendix 4, attached as if fully rewritten  
13 herein, emphasis page 2). Wherein Black's Law defines a "warrant" as  
14 being a writ authorizing someone to do an act as directed by law, its  
15 such a "warrant" is 'a term of art' describing a document that is based  
16 upon probable cause & supported by some facts by oath of affirmation.

17 Being expunged by the issuing 'court' the 'probate order' must  
18 fail to comply with the "warrant" requirements somehow. Prima  
19 Fascia said 'probate order' "affidavit" (See Appendix 5, attached as  
20 if fully rewritten herein) fails under the 4<sup>th</sup> Amendment requirements  
21 having been executed without oath of affirmation. It fails to assert  
22 it is a warrant upon its face, averring in the alternative (See Appendix  
23 5, emphasis page 5 of 6). The 'medical records' withheld by the  
24 'respondents, though available to the issuing 'court', proved the 12/20

NOT FOR COMMENT USE

RELATORS JOINT REPLY  
BRIEF

NOT FOR COMMENT USE

1 Facts alleged in the 'affidavit' were insufficient to establish  
2 probable cause & thus fails to establish the issuing courts jurisdiction  
3 { In Re Mental Illness of Boggs, 50 Ohio St 3d 217 (1999); State  
4 v Middlem, 2021-Ohio 3498; et al }. Hearsay from unnamed  
5 persons whose identity & signature under oath of affirmation is  
6 withheld is included in said 'affidavit', invalidating it ( In Re P.H.  
7 1997, Ohio App. LEXIS 3018 }. Clearly it was expunge as it was  
8 deemed insufficient to establish probable cause & thus the issuing court  
9 jurisdictional powers fail. Wherein as a "warrant" the 'probate  
10 order' is invalid, thus affirming the 'State' agents entry on  
11 July 21, 2020, unconstitutional and the indictment void. Where the  
12 Defense asserts this is why the Respondents withheld the 'medical records'  
13 as they would prima facie defeat probable cause which the whole  
14 of the States case is hinged upon.

15 And lastly any there are no new arguments brought forth  
16 in the Relators Merit Brief other than references to Article IV Section  
17 5(B) (See page 3, line 19 to page 4, line 6 of this pleading). wherein  
18 it was brought forth to place onus on this 'courts' whose promul-  
19 gated rules allowed relaxing to perpetrate a non suit coram  
20 non iudice by their Criminal Rule 12 abolishing "demurrers".

21 Wherein a "demurrer" is a right pursuant to Due Process, and  
22 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> & the 14<sup>th</sup> Amendment. The Relators Propositions of  
23 Law are supported by Facts. This 'court' has jurisdiction and a  
24 mandate to provide remedy and relief to the Relators. 20/20

RELATORS JOINT REPLY  
BRIEF

I affirm, convey, and attest under penalty of perjury by the laws of the "United States", without the "United States" (28 USC 5 (746 (1))), that the statements made herein are known to be true to me with the Creator as my witness (SE JOHN 5:31-32).

REF: APR 9/26/22

re-latus i justice

Executive, Settling Trustee, executor

of, for "MANELA G JUSTICE", et al,

the proper person, Subjects excel

1  
11  
11

Swear before me, to, or affirmed, and subscribed on this 26<sup>th</sup> day of September in 2022.  
My Commission expires March 24, 2027



Sybil L. Saxon  
SYBIL L. SAXON  
Notary Public, State of Ohio  
My Commission Expires 3-24-27

Sybil L. Saxon  
Notary Signature

September 26, 2022  
Date

NOT FOR COMMERCIAL USE

RELATORS JOINT REPLY  
BRIEF

1 CERTIFICATE OF SERVICE

2 Petitioner as Relator cannot provide, guarantee certificate  
3 of service due to the conditions of her imprisonment and  
4 as such, in the interest of justice, asks the clerk of court  
5 to serve the following with this pleading, whereon justice  
6 delayed is justice denied.

7 1 II  
8 1 M

SS / RO Jm APR 9/22/22  
as a LOTUS, et al.

9  
10 ~ g - Gary : Hyack, et al. &  
11 Prosecuting Attorney's Office  
12 FRANKLIN COUNTY OHIO  
13 373 South High St. 13<sup>th</sup> Fl.  
14 Columbus, OH 43215  
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FRANKLIN COUNTY COMMON PLEAS "COURT" COLUMBUS OHIO

1. STATE OF OHIO  
2.  
3. ✓  
4.  
5. MONICA G JUSTICE

# 20 CR 3470  
INITIATED JULY 21  
X05 2020

Appendix Exhibit I

6  
7 MEMORANDUM IN OPPOSITION

8  
9  
10 I am filing this document  
11 and Exhibits A and B in  
12 behalf of my defense  
13 against the charges  
14 set forth by Franklin  
15 County.

16  
17 R.L. Justice ARR  
18 as LOTUS, et al  
19 - I.  
20 H. by [Signature]

10/6

FRANKLIN COUNTY COMMON PLEAS "COURT" COLUMBUS OHIO

STATE OF OHIO, et al.

#20 CR 3470

Initiated July 21 4025 2020

v.

MONICA G JUSTICE, et al

DEMURRER

NOT FOR USE IN COMMERCIAL

Here comes r-lotus: justice, lawful Executor by title by occupancy ("Blackstones Commentaries OF THE LAW OF ENGLAND" - Rights of Persons) of the non-negotiable land patent ("Negotiable Instrument Law; 12 USC - Instruments of Negotiating) MONICA G JUSTICE, et al., Standing 'in propria personam' (28 "United States" Code Chapter 97, emphasizing 55/604-1606) "Saving" to Suits "a common law remedy when it is competent to give it (Judicial Act of 1789, Emphasizing Sections 9 & 16) Wherefore r-lotus: justice does DEMURRER to the charges <sup>excepting it</sup> held against MONICA G JUSTICE, et al., an instrument of Gestique, a gestique vir created under the 14th Amendment to the Post Reconstruction Constitution of the "United States" under reparatory trust laws; as well as to the presumptive jurisdiction of the "court" operating in a "Special Maritime jurisdiction" created by The Habana Acts of Cadell Hull, Title I, & Executive Order ~1940. I aver & assert the statements held herein to be true to me under penalty of perjury by the law

2 of 6

08/1/2

1B385 - 190

# DEMURRER

of the "United States", <sup>out</sup> ~~and~~ the "United States" (28 USC 1738(a)). Will God/dess as my Sacred Witness if by (2) two.

RPD <sup>Justice</sup> APR 8 / 11 VOLS 2020

1 FR  
EA

Creator, Relator, Settlor,  
Trustee, American National,  
Alloidal Heir by lined  
Consanguinity  
as LOTUS, et al.

This pleading/Plea shall be delivered this day to the FRANKLIN COUNTY COMMON PLEAS "COURT" COLUMBUS, OHIO by hand during the arraignment hearing, scheduled August 3 VOLS 2020.

RPD <sup>Justice</sup> APR  
as LOTUS, et al.

1 FR  
EA

3 of 6

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FRANKLIN COUNTY COMMON PLEAS  
"COURT", COLUMBUS, OHIO

NOT FOR USE IN COMMERCIAL

- 1 ~ Lotus Justice, et al.
- 2 MANICK G. JUSTICE, et al.
- 3 ATTENTION TO DETAIL, et al.
- 4 The Tax Trust, et al.
- 5 Relains
- 6
- 7 ✓
- 8
- 9 STATE OF OHIO, et al.
- 10 ~ Lori - M: track, et al.
- 11 ~ Marc: Wimmer, et al.  
FRANKLIN COUNTY MUNICIPAL  
"COURT", et al.
- 12
- 13 CITY OF COLUMBUS, et al.
- 14 ~ ~~Robert~~ Robert: dickens en, et al.
- 15 CITY OF COLUMBUS POLICE  
DEPARTMENT, et al.
- 16
- 17 ~ Marcus: pennell, et al.
- 18 ~ Gary: bourquin, et al.
- 19 ~ Kevin: Christie, et al.
- 20 ~ Derek: eden, et al.
- 21 FRANKLIN COUNTY SHERIFFS  
DEPARTMENT, et al.
- 22
- 23 ~ Meredith: Mehart, et al.
- 24 ~ Heather: J: Worthington, et al.
- 25 FRANKLIN COUNTY PROBATE  
"COURT", FRANKLIN  
COUNTY OHIO, et al.
- 26
- 27
- 28 Officers of yet unnamed agents of State  
Respondents

# 20 CR 3470  
Initiated July 21 2020

Exhibit  
Appendix

4 of 6



COUNTER CLAIM & CROSS CLAIM

COUNTER CLAIM & CROSS CLAIM

Here comes a s. lotus - justice, lawful Executive by title by Occupancy ("Black Stones Commentaries Of the Laws of England" - Rights of Persons) of the non-negotiable land Patent (28 USC 1748) ("Negotiable Instrument Laws"; 12 USC Instruments of Negotiation, et al) MONICA G JUSTICE, et al, Standing in propria personam (28 USC 97, Emphasizing §§ 1604-1605) Seeking remedy in Law/law (Judicial Act of 1789, Section 16).

Wherefore a lotus: justice does bring this COUNTERCLAIM & CROSSCLAIM charging said respondents with conspiracy against Substantial Rights (18 USC §§ 241 & 242), "domestic terrorism" (Patriot Act, et al), Treason & Sedition, and violation of the 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, et al Amendments to the Constitution of the "United States"/United States *Ellartin v Hunter*, The Lieber Code, Articles of War, et al.

Wherefore respondents did conspire in premeditated acts of RICO, et al. to enter the resident address located at 2762 Boulton Road, Columbus, Ohio 43202, with <sup>out</sup> proper "Warrant for Arrest" or cause in compliance with the "due process of law" and did attempt to murder a s-lotus justice with deadly force, causing permanent bodily injury to ~~the~~ the Relators.

I aver & assert the statement held herein to be true to me under penalty of perjury by the laws of the "United States" without the "United States" with Godless as my Sacred Witness

1/1/20 (28 USC 1737(a)) R E Dant ARE Execut. Relator, Settler, Trainee, America 8/11/2020 National, Alleged Heir by blood (descendant) of LOTUS Ob

NOT FOR USE IN COMMERCIAL

60%

FRANKLIN COUNTY COMMON PLEAS "COURT" COLUMBUS, OHIO

1 STATE OF OHIO, et al.  
2 Respondent

# 20 CR 3470

3 V

Initiated July 21 YOLS 2020

4  
5 MONICA G. JUSTICE, et al.  
6 Plaintiff

7 PETITION FOR DISCHARGE OF  
8 ALL CHARGES

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10 Her com. & lotus justice, personal executed by title by occupying  
11 ("Blackstones Commentaries of the Law of England" - Rights  
12 of Persons) of the non-negotiable land patent ("Negotiable  
13 Instrument Laws"; 12 USC - Instruments of Negotiation, et al)  
14 MONICA G. JUSTICE, et al. Standing "in propria personam"  
15 (28 USC Chapter 97, emphasizing 53/604-1406), demand  
16 the discharge of all charges against MONICA  
17 G. JUSTICE pending the production of a valid "Warrant  
18 for Arrest" which would authorize under "due process of  
19 law" the criminal incursion at 2762 Beulah Road,  
20 Columbus, Ohio 43211, and the facts of "domestic terrorism"  
21 (Patriot Act), Treason & Sedition, et al, said <sup>causal</sup> incursion  
22 did affect/effect against the Relator which did cause permanent  
23 bodily injury to the Relator.

24 I do & assert the statements held herein to be true  
25 to me under penalty of perjury by the laws of the "United  
26 States", with out the "United States" (28 USC (735(a)). With  
27 God/dess as my 2<sup>nd</sup> Witness. RE Justice Affr. Executer, Relator, Settlor  
28 7/13/20 s/l/p/s Treason, American National, Allied War by 5/6  
29 2020 Literal Conspicuous, as LOTUS, et al. p/ll/c

# Franklin County Municipal Court

Lori M. Tyack, Clerk of Court 375 S. HIGH ST., COLUMBUS, OHIO 43215

State of Ohio  
County of Franklin  
City of Columbus

v: Monica Justice  
DEFENDANT

2020 JUL 21 11:42  
FRANKLIN COUNTY  
MUNICIPAL COURT  
COLUMBUS, OHIO  
TIME STAMP

OTHER JURISDICTION

## COMPLAINT

Complainant, being duly sworn, states that the above named defendant, at Franklin County / Columbus, Ohio, on or about the 21<sup>st</sup> day of July, 2020 did: Knowingly cause serious physical harm to Marcus Penwell, To wit: Monica Justice did shoot victim with a firearm. victim is a law enforcement officer.

Appendix  
2

in violation of section 2903.11(A1)  City Code  Misdemeanor  O.R.C., a  Felony of the 1<sup>st</sup> degree.

Complainant LARRY McCoy SIGNATURE LARRY McCoy PRINT FULL NAME 83 BADGE NUMBER  
1560 57th St 56, OHIO DCI ADDRESS OR AGENCY & ASSIGNMENT London CITY OH STATE 43140 ZIP CODE

Sworn to and subscribed before me, this 21<sup>st</sup> day of July, 2020

Lori M. Tyack  
Clerk of the Franklin County Municipal Court  
By [Signature]  
CLERK / DEPUTY CLERK / NOTARY PUBLIC / PEACE OFFICER

Notary Seal & Expiration Date

## ARREST WARRANT

To any law enforcement officer of the State of Ohio:  
You are hereby commanded to arrest the above named defendant and bring him/her before the Franklin County Municipal Court without unnecessary delay, to answer to the complaint hereon. WHEN APPLICABLE, IN ACCORDANCE TO CRIMINAL RULE #4, THE WARRANT HAS BEEN ISSUED BEFORE THE DEFENDANT HAS APPEARED AND THE BAIL PROVISION CRIMINAL RULE 46 SHALL APPLY. ARRAIGNMENT COURT IS HELD IN COURTROOM 4C AT 9:00 AM, MONDAY THROUGH FRIDAY.

Lori M. Tyack  
Clerk of the Franklin County Municipal Court

State # [Signature] Control # [Signature]  
By [Signature] DEPUTY DATE 7/21/20

Complaint Number **GB 112403** Issuing Officer L. McCoy Badge Number 83

Case No. 20/10576-1  SUMMONS  WARRANT  MISDEMEANOR CITATION

Charge: Felony Assault

Section Number 2903.11  City Code  O.R.C. Offense Date 7/21/20 Offense Time 8:04  PM

Offense Location 2762 Beulah Road Suspect Cruiser Dist. \_\_\_\_\_

Name Justice Monica  
LAST FIRST MIDDLE

Street 2762 Beulah Road

City Columbus State OH Zip 43211

SEX F RACE W HGT 5'07" WGT 160 HAIR Red EYES Blue

DOB 1/6/67 S.S.# 500-74-2752 DL / I.D.# PT4165830

SUMMONS: Read Notice #1 on reverse side.  
You MUST appear in courtroom 4C  or 15A  on the date and time indicated. I personally served the Defendant a copy of this Summons on \_\_\_\_\_ Signature \_\_\_\_\_

Type of SUMMONS Service Requested:  
 Personal  Certified Mail

CITATION: Read Notice #2 on reverse side.  
Court appearance is OPTIONAL. You must contest this citation by appearing in COURTROOM 4C  COURTROOM 15A  on the date and time indicated.

COURT DATE & TIME

\_\_\_\_ : \_\_\_\_ AM / PM  
MONTH DAY YEAR TIME

This is not an admission of guilt. AN ARREST WARRANT will be issued if you do not properly respond to this charge.

# Franklin County Municipal Court

Lori M. Tyack, Clerk of Court 375 S. HIGH ST., COLUMBUS, OHIO 43215  
 State of Ohio  
 County of Franklin  
 City of Columbus

20 JUL 21 11:42  
 FRANKLIN COUNTY  
 MUNICIPAL COURT  
 LORI M. TYACK  
 TIME STAMP

V: Monica Justice  
 DEFENDANT

OTHER JURISDICTION

## COMPLAINT

Complainant, being duly sworn, states that the above named defendant, at Franklin County / Columbus, Ohio, on or about the 21<sup>st</sup> day of July, 2020 did: Knowingly cause serious physical harm to Gary Bourquin. To wit: Monica Justice did shoot the victim with a Firearm. victim is a law enforcement officer.

Appendix  
 3

in violation of section 2903.11 A-1  City Code  Misdemeanor  
 O.R.C. , a  Felony of the 1<sup>st</sup> degree.  
 Complainant LARRY McCoy  
 SIGNATURE PRINT FULL NAME  
1560 55th 56, Ohio BCI ADDRESS OR AGENCY & ASSIGNMENT  
London CITY OH STATE 43140 ZIP CODE  
83 BADGE NUMBER

Sworn to and subscribed before me, this 21<sup>st</sup> day of July, 2020  
Lori M. Tyack  
 Clerk of the Franklin County Municipal Court

By [Signature]  
 CLERK / DEPUTY CLERK / NOTARY PUBLIC / PEACE OFFICER

Notary Seal & Expiration Date

Lori M. Tyack  
 Clerk of the Franklin County Municipal Court

State # \_\_\_\_\_ Cont # \_\_\_\_\_  
 By [Signature] 7/21/20  
 DEPUTY DATE

### ARREST WARRANT

To any law enforcement officer of the State of Ohio:  
 You are hereby commanded to arrest the above named defendant and bring him/her before the Franklin County Municipal Court without unnecessary delay, to answer to the complaint hereon. WHEN APPLICABLE, IN ACCORDANCE TO CRIMINAL RULE #4, THE WARRANT HAS BEEN ISSUED BEFORE THE DEFENDANT HAS APPEARED AND THE BAIL PROVISION CRIMINAL RULE 46 SHALL APPLY. ARRAIGNMENT COURT IS HELD IN COURTROOM 4C AT 9:00 AM., MONDAY THROUGH FRIDAY.

Complaint Number IB 112404 Issuing Officer L. McCoy Badge Number 83  
 Case No. 20/10576-2  SUMMONS  WARRANT  MISDEMEANOR CITATION  
 Charge: Felony Assault

Offense Number 2903.11 A1  City Code  O.R.C. Offense Date 7/21/20 Offense Time 8:04 AM/PM  
 Offense Location 2762 Beulah Road Suspect Justice Cruiser Dist. \_\_\_\_\_  
 Name Justice LAST Monica FIRST  
 Street 2762 Beulah Road MIDDLE \_\_\_\_\_  
 City Columbus State OH Zip 43211  
 Race W HGT 5'07" WGT 160 HAIR Red EYES Blue  
 DOB 1/16/67 S.S.# 500-74-2752 DL/I.D.# RT405830

### SUMMONS:

Read Notice #1 on reverse side.  
 You MUST appear in courtroom 4C  or 15A  on the date and time indicated. I personally served the Defendant a copy of this Summons on \_\_\_\_\_ Signature \_\_\_\_\_

Type of SUMMONS Service Requested:  
 Personal  Certified Mail

### CITATION:

Read Notice #2 on reverse side.  
 Court appearance is OPTIONAL. You must contest this citation by appearing in COURTROOM 4C  COURTROOM 15A  on the date and time indicated.

COURT DATE & TIME  
 MONTH DAY YEAR : AM/PM  
 X

This is not an admission of guilt. AN ARREST WARRANT will be issued if you do not properly respond to this charge

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

State of Ohio,

Appellant,

-vs-

Case No. 20CR3470

Monica G. Justice,

Appellee.

Recd  
REG APP  
9/15/22

Appendix  
4

**MOTION OF FRANKLIN COUNTY PROBATE COURT AND JUDGE MACKEY TO  
QUASH SUBPOENA FILED ON AUGUST 15, 2022**

The Franklin County Probate Court and Judge Mackey, non-party recipient of a subpoena for the production of materials, respectfully moves this Court pursuant to Crim R. 17(C) for an Order quashing the subpoena. The information requested by the subpoena is unreasonable.

For the reasons developed more fully in the attached Memorandum in Support, the aforementioned subpoena should be quashed.

Respectfully submitted,

**G. GARY TYACK 017524  
PROSECUTING ATTORNEY  
FRANKLIN COUNTY, OHIO**

/s/ Nickole K. Iula

Nickole K. Iula 0099895  
373 South High Street, 13<sup>th</sup> Floor  
Columbus, Ohio 43215  
Phone: (614) 525-3520  
Fax: (614) 525-6012  
niula@franklincountyohio.gov

*Counsel for the Franklin County Probate Court and  
Judge Jeffrey D. Mackey*

---

**MEMORANDUM IN SUPPORT**

---

Crim. R. 17(C) provides that a subpoena may be quashed or modified if compliance would be “unreasonable or oppressive.” In the case at bar, Defendant issued a subpoena asking that either Judge Mackey or the Franklin County Probate Court produce “the date in which case number M31874...was expunged [and a] copy of the ‘Magistrate’s Order of Dismissal and Expungement.’” See subpoena attached hereto as Exhibit A. This subpoena was filed on August 15, 2022. Defendant asked these records be made available “within 14 (fourteen) days of receipt of the subpoena.” This subpoena is unreasonable for two reasons. First, a subpoena is not the proper vehicle through which the Defendant in this matter should be conducting discovery. Second, it is impossible for either the Franklin County Probate Court or Judge Mackey to produce these records as they have been expunged.

This subpoena should be quashed because of its irregularity. As various agencies of Franklin County have already taught Defendant, Rule 16 requires Defendant to initiate discovery by issuing a demand. Crim.R. 16(A). The record is devoid of evidence that Defendant demanded discovery. Despite Defendant’s refusal<sup>1</sup> to engage in the discovery process, the Prosecutor’s Office disclosed the discovery. The record shows that initial disclosures were completed on April 5, 2021. Based on this and subsequent disclosures, Defendant is in possession of all relevant documents, video, and audio files. The Rules of Criminal Procedure and of this Court provide a mechanism by which Defendant may request additional information beyond that which has already been disclosed. Crim.R. 16(L). A subpoena is not the correct vehicle for this. In fact, the Supreme Court has held that a subpoena for documents “was not intended to provide an additional means of

---

<sup>1</sup> This refusal was stated on the record in previous hearings regarding the other Motions to Quash filed by the Prosecutor’s Office. It is also evidenced by the record in the above-captioned matter. Defendant never provided the prosecutor’s Office with a demand for discovery.

discovery.” *In re Subpoena Duces Tecum Served Upon Atty. Potts*, 100 Ohio St.3d 97, 2003-Ohio-5234, 796 N.E.2d 97, ¶12, quoting *Bowman Dairy Co. v. United States*, 341 U.S. 214, 220, 71 S.Ct. 675, 95 L.Ed. 879. It, therefore, should be quashed.

Furthermore, this subpoena requests information that is not a record maintained by the Franklin County Probate Court or Judge Mackey. As Defendant and this Court are aware, the referenced case has been expunged from the Probate Court’s records. Expunged means that no such record exists, since it is expunged. R.C. 5122.01 (R)(4). It would be unreasonable for this Court to expect either of these parties to produce documents which do not exist. Consequently, this matter should be quashed.

Moreover, Defendant cannot demonstrate “that the documents are evidentiary and relevant.” *In re Subpoena Duces Tecum Served Upon Atty. Potts*, 100 Ohio St.3d 97, 2003-Ohio-5234, 767 N.E.2d 707, paragraph one of the syllabus, quoting *U.S. v. Nixon*, 418 U.S. 683, 699-700, 94 S.Ct. 3090, 41 L.Ed.2d 1039 (1974). The existence (or nonexistence) of these records in the probate court’s files is irrelevant to any defense Defendant could raise in this trial. As this Court is aware, Defendant was charged with four counts of felonious assault and two counts of possessing a weapon while under disability. The date on which this unrelated probate matter was expunged is not relevant to any defense Defendant can raise. A copy of the magistrate’s order dismissing and expunging a probate matter is similarly irrelevant.

Defendant may attempt to refute this. Based on the record, Defendant may rely on her belief that that the expungement of this record invalidates the warrant police were executing in July 2020. As a result, the police were illegally on her property and she was within her rights to shoot at them. As the Prosecution demonstrated this in its Memo Contra filed on August 10, 2022, this defense is baseless. Therefore, this subpoena should be quashed.

Second, Defendant appears to either possess all or part of the record in M31874. This was included in Defendant's Supplement to Brief filed on August 22, 2022 in *State ex rel. Lotus Justice v. State of Ohio*, Supreme Court of Ohio Case no. 2022-0811. Defendant, then, has access to the relevant probate court records for her defense. The existence or nonexistence of this record within the probate court's files is irrelevant. As a result, this subpoena should be quashed.

Finally, this subpoena, as it relates to the Franklin County Probate Court, should be quashed. The courts have previously found that "a court is not sui juris." *State ex rel. Moore v. Franklin Cty. Court of Common Pleas*, 10<sup>th</sup> Dist. Franklin No. 13AP-61, 2013-Ohio-2457, ¶10; citing *Malone v. Court of Common Pleas*, 45 Ohio St.2d 245, 248 (1976). This Court, then, lacks the jurisdiction to ensure that the Franklin County Probate Court complies with this subpoena. As a result, the subpoena should be quashed.

#### **Conclusion**

For the foregoing reasons, the subpoena is unreasonable and must be quashed.

Respectfully submitted,

**G. GARY TYACK 017524  
PROSECUTING ATTORNEY  
FRANKLIN COUNTY, OHIO**

/s/ Nickole K. Iula

Nickole K. Iula 0099895  
373 South High Street, 13<sup>th</sup> Floor  
Columbus, Ohio 43215  
Phone: (614) 525-3520  
Fax: (614) 525-6012  
niula@franklincountyohio.gov

*Counsel for the Franklin County Probate Court and  
Judge Jeffrey D. Mackey*



**CERTIFICATE OF SERVICE**

This is to certify that on September 1, 2022 a copy of the foregoing was mailed by U.S. mail, postage prepaid, to MONICA G. JUSTICE, 2460 Jackson Pike, Columbus, Ohio 43223, *pro se*.

A copy of the foregoing was also electronically filed using the Court's electronic filing system on August 31, 2022. Notice of this filing will be sent to all counsel by operation of the Court's electronic system. Parties may access this filing through the Court's system.

*/s/ Nickole K. Iula*

Nickole K. Iula 0099895  
Assistant Prosecuting Attorney

Exhibit A

IN THE FRANKLIN COUNTY COURT OF COMMON PLEAS  
COLUMBUS, OHIO  
SUBPOENA IN A CRIMINAL CASE

Case No. 20-CR-03470 (Example: 11CR012345)  
Charge: Felony Assault  
The State of Ohio, Plaintiff, vs. "MONICA G JUSTICE", Defendant  
TO: Name Jeffrey - D. Mackey & PROBATE COURT FRANKLIN COUNTY OHIO, et al.  
Address 373 South High Street, 22nd Floor  
City Columbus State OH Zip 43215-6311

YOU ARE HEREBY COMMANDED TO:

ATTEND AND GIVE TESTIMONY AT A (TRIAL) (HEARING) (DEPOSITION) ON THE DATE, TIME AND AT THE LOCATION SPECIFIED BELOW.

~~PRODUCE~~ PRODUCE BOOKS, PAPERS, DOCUMENTS OR OTHER OBJECTS AS SPECIFIED ~~HEREIN~~ BY ~~THE~~ IN THE DATE, ~~AND~~, AND, ~~AT~~ THE LOCATION SPECIFIED BELOW.

DATE: Within 14 (fourteen) days of receipt of this subpoena  
LOCATION: Addressed to: N.O.P.E P.O. Box 710, St. Paris, Ohio 43072  
DESCRIPTION OF ITEMS TO BE PRODUCED: See attached "Subpoenaed Items Attachment" for subpoena demand  
One (1) page total

THE STATE OF OHIO

Franklin County, ss

TO  Attorney  Process Server  Sheriff of Franklin County, Ohio

GREETINGS:

YOU ARE HEREBY COMMANDED TO SERVE THE ABOVE NAMED PERSON IN ACCORDANCE WITH THE OHIO RULES OF CIVIL PROCEDURE.

Witness my hand and seal of said court MARYELLEN O'SHAUGHNESSY, CLERK OF COURT OF COMMON PLEAS

  


REQUESTING PARTY INFORMATION:

NAME: Lotus Justice Counsel for Defense  
(ATTORNEY FOR (PLAINTIFF) (DEFENDANT) (OTHER please specify) Trustee Felony)

ATTORNEY CODE: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

\*\*\*\*RETURN OF SERVICE\*\*\*\*

I received this subpoena on \_\_\_\_\_, and served the above party by \_\_\_\_\_ on \_\_\_\_\_.

I was unable to complete service for the following reason:  
\_\_\_\_\_

Signature of Serving Party

Check one  Deputy Sheriff  Attorney  Process Server  Deputy Clerk

SUBPOENAED ITEMS

ATTACHMENT FOR

Jeffrey-d: Mackey, et al. of  
PROBATE COURT FRANKLIN COUNTY  
OHIO, et al.

1 The following is a list of material documents to be produced  
2 by you & your agency in satisfaction of this subpoena as  
3 it pertains to case number 20-CR-03470 with COMMON  
4 PLEAS COURT FRANKLIN COUNTY OHIO.  
5

6 • The date in which case number M31874 with PROBATE  
7 "COURT" FRANKLIN COUNTY OHIO was expunged.

8 • A copy of the 'Magistrates Order of Dismissal and  
9 Expungement (Form ME-50.15) as filed in case number  
10 M31874 with PROBATE COURT FRANKLIN COUNTY OHIO as  
11 certified by said "court" clerk signature and seal.  
12

13 If said case number is determined to be a real tied  
14 record document, so state in writing; under clerk signature  
15 and seal.  
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NOT FOR  
COMMON PLEAS  
CLERK USE

Received 7/22/2020  
~~RECEIVED~~  
RJD APR

PROBATE COURT OF FRANKLIN COUNTY, OHIO  
ROBERT G. MONTGOMERY, JUDGE

IN THE MATTER OF Monica G. Justice  
CASE NO. M. \_\_\_\_\_

AFFIDAVIT OF MENTAL ILLNESS  
[R.C. 5122.111]

Exhibit  
Appendix  
5

The State of Ohio, Franklin County, s.s.

Meredith Rinehart, LPCC the undersigned, residing at 199 S. Central Avenue,  
Columbus, OH, 43223

\_\_\_\_\_ says that he/she has information to believe, or has actual knowledge that  
Monica G. Justice, a resident of Franklin County is mentally  
ill, and because of the person's illness: (Please specify specific category(ies) below with an X)

- Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;
- Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;
- Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community;
- Would benefit from treatment for mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person; or

**NOTE: An individual who meets only the criteria described in the box below is not subject to hospitalization.**

- Would benefit from treatment as manifested by evidence of behavior that indicates all of the following:
  - (a) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.
  - (b) The person has a history of lack of compliance with treatment for mental illness and one of the following applies:
    - (i) At least twice within the thirty-six months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance has been a significant factor in necessitating hospitalization in a hospital or receipt of services in a forensic or other mental health unit of a correctional facility, provided that the thirty-six-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the thirty-six-month period.
    - (ii) Within the forty-eight months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance resulted in one or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others, provided that the forty-eight-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the forty-eight-month period.

1 of 6



CASE NO. \_\_\_\_\_

- (c) The person, as a result of mental illness, is unlikely to voluntarily participate in necessary treatment.
- (d) In view of the person's treatment history and current behavior, the person is in need of treatment in order to prevent a relapse or deterioration that would be likely to result in substantial risk of serious harm to the person or others.

Meredith Rinehart, LPCC

further says that the facts supporting this belief are as follows:

(be specific with facts substantiating diagnosis)

Respondent has been assigned a provisional diagnosis of Unspecified Schizophrenia Spectrum and Other Psychotic Disorder. A lieutenant with the Mental Health and Addiction Services Section of CPD requested Netcare's Mobile Crisis Team's intervention with respondent on 7/15/2020. Respondent has an eviction pending and is refusing to leave her home. She claims she is a sovereign citizen and that the act of evicting her is treasonous. She has written numerous e-mails and notices, both to the court and to a detective with the Homeland Security section of CPD, all within the past few days. Respondent writes of several conspiracies happening within the United States government, and appears to believe there is a coup d'etat taking place against the American people. Her writings are hard to follow, appear grandiose and at points disorganized, and overall display agitation, paranoia, and delusional thought content. She writes that "OPEN WAR IN AMERICA is now a guaranteed event" and that she will "INVOKE Article IV Section 4 which mandate ALL WITH AN OATH AND DUTY to defend this Nation, County, the American People and our Republican form of government. I cannot say what will happen to all that come to perish in the coming days, weeks, years...but what i can say is I know where my spirit shall lay when my days end." Respondent also sent documents to the court "charging" the city with treason for attempting to evict her, and then tried to charge a court clerk with treason and "crimes upon the US Treasury" for not uploading the documents to the docket for her eviction case. Respondent displays impaired judgment and no insight into her mental health issues in all communications. Mobile Crisis staff did not meet with respondent, as she refuses to answer her door to police. She has a history of assaulting officers in the community, and a history of assaulting both a bailiff and a city prosecutor at a previous court hearing. Respondent needs to be placed on a probate order and taken directly to OSU ED in order to ensure the safety of others, prevent her from infringing on the rights of others, and to facilitate her psychiatric stabilization.

These facts being sufficient to indicate probable cause that the above person is a mentally ill person subject to court order.

2086

*(Handwritten mark)*

CASE NO. \_\_\_\_\_

Name of patient's last physician or licensed clinical psychologist: \_\_\_\_\_

Address of patient's last physician or licensed clinical psychologist: \_\_\_\_\_

The name and address of respondent's legal guardian, spouse, and adult next of kin are:

Name	Kinship	Address
	Legal Guardian	
	Spouse	
	Adult Next of Kin	
	Adult Next of Kin	

The following constitutes additional information that may be necessary for the purpose of determining residence:

2762 Beulah Road  
Columbus, OH, 43211

07/16/2020

Date

*(Handwritten signature)*, LPCC

Affiant

Sworn to and subscribed before me a Notary Public or Deputy Clerk of the Probate Court on this 16th day of July, 20 20.



Emily Holley  
Notary Public, State of Ohio  
My Commission Expires 03-28-23

*(Handwritten signature)*, LISW  
Notary Public/Deputy Clerk

**WAIVER**

I, the undersigned affiant, hereby waive the issuing and service of Notice of Hearing on this Affidavit, and voluntarily enter my appearance herein.

07/16/2020

Date

*(Handwritten signature)*, LPCC

Affiant

**PROBATE COURT OF FRANKLIN COUNTY, OHIO**  
**ROBERT G. MONTGOMERY, JUDGE**

Received  
7/22/2020  
RJ/MP

IN THE MATTER OF \_\_\_\_\_  
Monica G. Justice

CASE NO. M 31 874

~~XXXXXXXXXX~~  
EO

**MAGISTRATE'S ORDER OF DETENTION**

To: Sheriff/Bailiff/Netcare/Hospital/ADAMH Board of Franklin County,

WHEREAS Meredith Rinehart, LPC - Netcare

employed at 199 South Central Avenue, Columbus, OH 43223, has filed a Affidavit alleging that  
Monica G. Justice

2762 Beulah Road, Columbus, OH 43211

currently at \_\_\_\_\_ is a mentally ill person

subject to Court order pursuant to Section 5122.11 of the Ohio Revised Code. There is probable cause to believe that  
Respondent is a mentally ill person subject to Court order.

You are therefore commanded to take into custody the said person forthwith and detain him/her at the Franklin County  
ADAMH Board with placement at Netcare and/or TVBH-CC and/or any other appropriate facility, then and there to abide  
this order. Failure to keep respondent confined may be contempt of court unless a clinician has appropriately  
discharged the respondent.

The Hospital is hereby ORDERED to give the Respondent's Court Appointed Attorney and Doctor access to the  
Respondent and his/her medical records.

HEREIN FAIL NOT, and of this writ make legal service and due return not later than the first business day after service is had  
In executing this order of detention, the person to whom this order is directed shall use every reasonable and appropriate  
effort to take this person into custody in the least conspicuous manner possible, using persuasion and a crisis intervention  
team, if necessary. Having failed to accomplish custody thereby, forcible entry is authorized by utilizing the least destructive  
method and custody may thereupon be had by the use of the least force necessary to accomplish the task.

This Order expires on August 5, 2020 per Am.sub.H.B. 197

IN THE TESTIMONY THEREOF, I hereto set my hand and affix the seal of said Probate Court of Franklin County, Ohio.

Date: July 16, 2020

Signature Page Attached

Magistrate

M9

4 of 6



**PROBATE COURT OF FRANKLIN COUNTY, OHIO**  
**ROBERT G. MONTGOMERY, JUDGE**

IN THE MATTER OF:

Monica G. Justice

Case No. MI- 31 874

ALLEGED TO BE MENTALLY ILL

**RIGHTS OF AN INVOLUNTARILY DETAINED PERSON**

You are in the custody of The Franklin County ADAMH Board, 447 East Broad St. Columbus, OH 43215 for examination by mental health professionals at: OSU Wexner Med. Ctr. - 410 W. 10th Ave., Columbus OH 43210

**This is not a criminal arrest.**

You have a RIGHT to:

1. MAKE immediately a REASONABLE NUMBER OF TELEPHONE CALLS or use other reasonable means to contact an attorney, a physician, a licensed clinical psychologist, or to contact some other person or persons to secure representation by counsel, or to obtain medical or psychological assistance, and be provided assistance in making calls if such assistance is needed and requested.
2. RETAIN COUNSEL and have independent expert evaluation of your mental condition and, if you are unable to afford an attorney, be represented by court-appointed counsel and have independent expert evaluation of your mental condition at public expense if you are unable to afford that evaluation.
3. HAVE a HEARING to determine whether or not you are a mentally ill person subject to hospitalization by court order.
4. REQUEST a VOLUNTARY ADMISSION to this facility, which if accepted, will expunge your court record. If you voluntarily admit yourself before or at your initial hearing, your court file will also be expunged. If at your initial hearing you are found not to be mentally ill, subject to hospitalization by court order, your court file will be expunged.





Franklin County Probate Court

**Date:** 07-16-2020  
**Case Title:** JUSTICE, MONICA G.  
**Case Number:** M031874  
**Type:** Magistrate's Order of Detention

Robert G. Montgomery, Judge

Heather J. Worthington, Magistrate

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IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO  
CRIMINAL DIVISION

- - -

STATE OF OHIO, : **\*\*COPY - DO NOT FILE\*\***  
 :  
Plaintiff, :  
 :  
vs. : Case No. 20-CR-03470  
 :  
MONICA GREER JUSTICE, :  
 :  
Defendant. :  
 :

Supplement  
1

- - -

TRANSCRIPT OF PROCEEDINGS

Before the Honorable David Young, Judge, on  
Monday, March 8, 2021.

- - -

APPEARANCES:

Mr. Cory Helffrich, Assistant Prosecuting Attorney,  
On behalf of the Plaintiff, State of Ohio  
Mr. Stephen Dehnart,  
Appointed standby counsel for the Defendant.

- - -

Monday Morning Session,

March 8, 2021,

---

Thereupon, at 9:13 a.m., the following proceedings were held in open court.

---

THE COURT: Next matter would be 20CR3470, State of Ohio versus Monica Justice.

Counsel, enter your appearances.

MR. HELFFRICH: Thank you, Your Honor. Cory Helffrich on behalf of the State.

THE COURT: Mr. Dehnart is here as standby counsel. Ms. Justice is not present in the courtroom today. She is currently being evaluated, competency evaluation at Twin Valley Behavioral Health -- Behavioral Health Care.

It's -- and we are waiting to get the 20-day evaluation back. And at that time we would, depending on what it says, we will proceed accordingly.

We have attempted to get Ms. Justice transported from the Franklin County Jail to Twin Valley. There's been a lot of complications between the sheriff's department and their evaluation and the ability of Twin Valley to

1 accept patients from the Franklin County -- from  
2 the Franklin County Jail given the COVID -- COVID  
3 situation. We are currently still on a rotating  
4 case schedule whereby the Court is operating every  
5 other week within court cases.

6 It's also come to the Court's attention  
7 that within the last month or so Ms. Justice was  
8 transported to the hospital as a result of  
9 injuries she received while in jail. And so we  
10 are just now waiting for the evaluation to come  
11 back and then we would proceed accordingly.

12 Let the record reflect that Ms. Justice  
13 during this entire time has refused to cooperate  
14 with the evaluation, which thereby caused us to  
15 order the forced evaluation as to her competency.  
16 And it's this Court's belief and understanding  
17 that we cannot proceed unless and until the  
18 competency -- competency evaluation is determined.  
19 And I know Ms. Justice has represented herself  
20 continually in this matter and she will not be  
21 able to make a record until we get an evaluation  
22 back. But I will provide her the opportunity to  
23 voice whatever concerns she has or has had or  
24 continues to have.

25 Is there anything further on behalf of

1 the State of Ohio?

2 PLAINTIFF COUNSEL: No, thank you.

3 THE COURT: Anything further on behalf of  
4 standby counsel?

5 MR. DEHNART: No, Your Honor. Thank you.

6 THE COURT: I will continue this matter.

7 Do we have a new date?

8 THE BAILIFF: March 25th would be the 20  
9 days.

10 THE COURT: And, also, let the record  
11 reflect that we begin bringing in jurors en masse  
12 on April 5th. And before -- recently the judges  
13 here in Franklin County had ordered if a defendant  
14 is in jail and hasn't waived their right -- or  
15 their speedy trial rights that we would provide a  
16 mechanism in order to get a special draw for them.  
17 But that only began -- I think last week was the  
18 very first week, and you need a 35-day -- need a  
19 35-day deadline prior to -- prior to bringing that  
20 jury in.

21 And so we'll put her in the week of  
22 March 25th?

23 THE BAILIFF: Uh-huh.

24 THE COURT: All right. Anything further  
25 on behalf of the State?

1 MR. HELFFERICH: No, thank you.

2 THE COURT: Anything further on behalf of  
3 the standby counsel?

4 MR. DEHNART: No, Your Honor. Thank you.

5 THE COURT: Okay. That will be all.

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7 Thereupon, at 9:17 a.m., the proceedings  
8 were concluded.

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings held in this matter on March 8, 2021, taken by me in machine shorthand and thereafter reduced to computerized transcription to the best of my ability.

**\*\*COPY - DO NOT FILE\*\***

Samantha M. Blair, RPR  
Assistant Official Court Reporter

- - -



Supplement  
2

## Ohio Revised Code

### Section 5122.01 Hospitalization of mentally ill definitions.

Effective: September 28, 2018

Legislation: House Bill 111 - 132nd General Assembly

As used in this chapter and Chapter 5119. of the Revised Code:

(A) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(B) "Mentally ill person subject to court order" means a mentally ill person who, because of the person's illness:

(1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;

(2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;

(3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community;

(4) Would benefit from treatment for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person;

(5)(a) Would benefit from treatment as manifested by evidence of behavior that indicates all of the following:





(i) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.

(ii) The person has a history of lack of compliance with treatment for mental illness and one of the following applies:

(I) At least twice within the thirty-six months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance has been a significant factor in necessitating hospitalization in a hospital or receipt of services in a forensic or other mental health unit of a correctional facility, provided that the thirty-six-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the thirty-six-month period.

(II) Within the forty-eight months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance resulted in one or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others, provided that the forty-eight-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the forty-eight-month period.

(iii) The person, as a result of the person's mental illness, is unlikely to voluntarily participate in necessary treatment.

(iv) In view of the person's treatment history and current behavior, the person is in need of treatment in order to prevent a relapse or deterioration that would be likely to result in substantial risk of serious harm to the person or others.

(b) An individual who meets only the criteria described in division (B)(5)(a) of this section is not subject to hospitalization.

(C)(1) "Patient" means, subject to division (C)(2) of this section, a person who is admitted either voluntarily or involuntarily to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or



incompetence to stand trial or under this chapter, who is under observation or receiving treatment in such place.

(2) "Patient" does not include a person admitted to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to patient, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(D) "Licensed physician" means a person licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of the person's official duties.

(E) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American medical association, the committee on post-graduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry, or who on July 1, 1989, has been recognized as a psychiatrist by the Ohio state medical association or the Ohio osteopathic association on the basis of formal training and five or more years of medical practice limited to psychiatry.

(F) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(G) "Public hospital" means a facility that is tax-supported and under the jurisdiction of the department of mental health and addiction services.

(H) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides community mental health services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code.

(I) "Licensed clinical psychologist" means a person who holds a current, valid psychologist license issued under section 4732.12 of the Revised Code, and in addition, meets the educational



AUTHENTICATED,  
OHIO LEGISLATIVE SERVICE  
COMMISSION  
DOCUMENT #232720

requirements set forth in division (B) of section 4732.10 of the Revised Code and has a minimum of two years' full-time professional experience, or the equivalent as determined by rule of the state board of psychology, at least one year of which shall be a predoctoral internship, in clinical psychological work in a public or private hospital or clinic or in private practice, diagnosing and treating problems of mental illness or intellectual disability under the supervision of a psychologist who is licensed or who holds a diploma issued by the American board of professional psychology, or whose qualifications are substantially similar to those required for licensure by the state board of psychology when the supervision has occurred prior to enactment of laws governing the practice of psychology.

(J) "Health officer" means any public health physician; public health nurse; or other person authorized or designated by a city or general health district or a board of alcohol, drug addiction, and mental health services to perform the duties of a health officer under this chapter.

(K) "Chief clinical officer" means the medical director of a hospital, community mental health services provider, or board of alcohol, drug addiction, and mental health services, or, if there is no medical director, the licensed physician responsible for the treatment provided by a hospital or community mental health services provider. The chief clinical officer may delegate to the attending physician responsible for a patient's care the duties imposed on the chief clinical officer by this chapter. In the case of a community mental health services provider, the chief clinical officer shall be designated by the governing body of the services provider and shall be a licensed physician or licensed clinical psychologist who supervises diagnostic and treatment services. A licensed physician or licensed clinical psychologist designated by the chief clinical officer may perform the duties and accept the responsibilities of the chief clinical officer in the chief clinical officer's absence.

(L) "Working day" or "court day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday.

(M) "Indigent" means unable without deprivation of satisfaction of basic needs to provide for the payment of an attorney and other necessary expenses of legal representation, including expert testimony.

(N) "Respondent" means the person whose detention, commitment, hospitalization, continued



hospitalization or commitment, or discharge is being sought in any proceeding under this chapter.

(O) "Ohio protection and advocacy system" has the same meaning as in section 5123.60 of the Revised Code.

(P) "Independent expert evaluation" means an evaluation conducted by a licensed clinical psychologist, psychiatrist, or licensed physician who has been selected by the respondent or the respondent's counsel and who consents to conducting the evaluation.

(Q) "Court" means the probate division of the court of common pleas.

(R) "Expunge" means:

(1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references;

(2) The reporting to the person of the nature and extent of any information about the person transmitted to any other person by the court;

(3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person;

(4) That all rights and privileges are restored, and that the person, the court, and any other person may properly reply that no such record exists, as to any matter expunged.

(S) "Residence" means a person's physical presence in a county with intent to remain there, except that:

(1) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, residence means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(2) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402



of the Revised Code, residence means the county where the criminal charges were filed.

When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(T) "Admission" to a hospital or other place means that a patient is accepted for and stays at least one night at the hospital or other place.

(U) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(V)(1) "Treatment plan" means a written statement of reasonable objectives and goals for an individual established by the treatment team, with specific criteria to evaluate progress towards achieving those objectives.

(2) The active participation of the patient in establishing the objectives and goals shall be documented. The treatment plan shall be based on patient needs and include services to be provided to the patient while the patient is hospitalized, after the patient is discharged, or in an outpatient setting. The treatment plan shall address services to be provided. In the establishment of the treatment plan, consideration should be given to the availability of services, which may include but are not limited to all of the following:

(a) Community psychiatric supportive treatment;

(b) Assertive community treatment;



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- (c) Medications;
  - (d) Individual or group therapy;
  - (e) Peer support services;
  - (f) Financial services;
  - (g) Housing or supervised living services;
  - (h) Alcohol or substance abuse treatment;
  - (i) Any other services prescribed to treat the patient's mental illness and to either assist the patient in living and functioning in the community or to help prevent a relapse or a deterioration of the patient's current condition.
- (3) If the person subject to the treatment plan has executed an advance directive for mental health treatment, the treatment team shall consider any directions included in such advance directive in developing the treatment plan.
- (W) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.
- (X) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.
- (Y) "Local correctional facility" has the same meaning as in section 2903.13 of the Revised Code.
- (Z) "Clinical nurse specialist" and "certified nurse practitioner" have the same meanings as in section 4723.01 of the Revised Code.

Supplement  
3

Constitutional Provisions

Ohio Constitution, Article IV, Section 2

(A) The Supreme Court shall, until otherwise provided by law, consist of seven judges, who shall be known as the chief justice and justices. In case of the absence or disability of the chief justice, the judge having the period of longest total service upon the court shall be the acting chief justice. If any member of the court shall be unable, by reason of illness, disability or disqualification, to hear, consider and decide a cause or causes, the chief justice or the acting chief justice may direct any judge of any court of appeals to sit with the judges of the supreme court in the place and stead of the absent judge. A majority of the Supreme Court shall be necessary to constitute a quorum or to render a judgment.

(B)(1) The Supreme Court shall have original jurisdiction in the following:

- (a) Quo warranto;
- (b) Mandamus;
- (c) Habeas corpus;
- (d) Prohibition;
- (e) Procedendo;
- (f) In any cause on review as may be necessary to its complete determination;
- g) Admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law.

2) The supreme court shall have appellate jurisdiction as follows:

- (a) In appeals from the courts of appeals as a matter of right in the following:
  - (i) Cases originating in the courts of appeals;
  - (ii) Cases in which the death penalty has been affirmed;
  - (iii) Cases involving questions arising under the constitution of the United States or of this state.
- (b) In appeals from the courts of appeals in cases of felony on leave first obtained,
- (c) In direct appeals from the courts of common pleas or other courts of record inferior to the court of appeals as a matter of right in cases in which the death penalty has been imposed;

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(d) Such revisory jurisdiction of the proceedings of administrative officers or agencies as may be conferred by law;

(e) In cases of public or great general interest, the supreme court may direct any court of appeals to certify its record to the supreme court, and may review and affirm, modify, or reverse the judgment of the court of appeals;

(f) The Supreme Court shall review and affirm, modify, or reverse the judgment in any case certified by any court of appeals pursuant to section 3(B)(4) of this article.

(3) No law shall be passed or rule made whereby any person shall be prevented from invoking the original jurisdiction of the supreme court.

(C) The decisions in all cases in the Supreme Court shall be reported, together with the reasons therefor.

#### Ohio Constitution, Article IV, Section 3

(A) The state shall be divided by law into compact appellate districts in each of which there shall be a court of appeals consisting of three judges. Laws may be passed increasing the number of judges in any district wherein the volume of business may require such additional judge or judges. In districts having additional judges, three judges shall participate in the hearing and disposition of each case. The court shall hold sessions in each county of the district as the necessity arises. The county commissioners of each county shall provide a proper and convenient place for the court of appeals to hold court.

(B)(1) The courts of appeals shall have original jurisdiction in the following:

(a) Quo warranto;

(b) Mandamus;

(c) Habeas corpus;

(d) Prohibition;

(e) Procedendo;

(f) In any cause on review as may be necessary to its complete determination.

(2) Courts of appeals shall have such jurisdiction as may be provided by law to review and affirm, modify, or reverse judgments or final orders of the courts of record inferior to the court of appeals within the district, except that courts of appeals shall not have jurisdiction to review on direct appeal a judgment that imposes a sentence of death. Courts of appeals shall have such appellate jurisdiction as may be provided by law to review and affirm, modify, or reverse final orders or actions of administrative officers or agencies.



(3) A majority of the judges hearing the cause shall be necessary to render a judgment. Judgments of the courts of appeals are final except as provided in section 2(B)(2) of this article. No judgment resulting from a trial by jury shall be reversed on the weight of the evidence except by the concurrence of all three judges hearing the cause.

(4) Whenever the judges of a court of appeals find that a judgment upon which they have agreed is in conflict with a judgment pronounced upon the same question by any other court of appeals of the state, the judges shall certify the record of the case to the supreme court for review and final determination.

(C) Laws may be passed providing for the reporting of cases in the courts of appeals.

#### Ohio Constitution, Article IV, Section 5

(A)(1) In addition to all other powers vested by this article in the supreme court, the supreme court shall have general superintendence over all courts in the state. Such general superintending power shall be exercised by the chief justice in accordance with rules promulgated by the Supreme Court.

(2) The Supreme Court shall appoint an administrative director who shall assist the chief justice and who shall serve at the pleasure of the court. The compensation and duties of the administrative director shall be determined by the court.

(3) The chief justice or acting chief justice, as necessity arises, shall assign any judge of a court of common pleas or a division thereof temporarily to sit or hold court on any other court of common pleas or division thereof or any court of appeals or shall assign any judge of a court of appeals temporarily to sit or hold court on any other court of appeals or any court of common pleas or division thereof and upon such assignment said judge shall serve in such assigned capacity until the termination of the assignment. Rules may be adopted to provide for the temporary assignment of judges to sit and hold court in any court established by law.

→ (B) The Supreme court shall prescribe rules governing practice and procedure in all courts of the state, which rules shall not abridge, enlarge, or modify any substantive right. Proposed rules shall be filed by the court, not later than the fifteenth day of January, with the clerk of each house of the General Assembly during a regular session thereof, and amendments to any such proposed rules may be so filed not later than the first day of May in that session. Such rules shall take effect on the following first day of July, unless prior to such day the General Assembly adopts a concurrent resolution of disapproval. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

Courts may adopt additional rules concerning local practice in their respective courts which are not inconsistent with the rules promulgated by the supreme court. The supreme court may make rules to require uniform record keeping for all courts of the state, and shall make rules governing the admission to the practice of law and discipline of persons so admitted.