

IN THE OHIO SUPREME COURT  
CASE NO. 2022-1101

ETHAN J.M. CASANOVA

Petitioner/Appellant,  
v.

MATT LUTZ, et al.

On Appeal from the Fifth District  
Court of Appeals as a Matter of Right  
Court of Appeals Case No. CT2022-0051

Respondents/Appellees.

**APPELLANT'S REPLY BRIEF**  
**ORAL EXPEDITED HEARING REQUESTED**

Brian W. Benbow (#0071404)  
Benbow Law Offices LLC  
Attorney for Petitioner/Appellant  
265 Sunrise Center Drive  
Zanesville, OH 43701  
Phone: (740) 453-6475  
Fax: (740) 297-8724  
Email: [bwb1974@yahoo.com](mailto:bwb1974@yahoo.com)

Mark Zanghi (#0077664)  
Assistant Muskingum County Prosecutor  
Attorney for Respondents/Appellee  
27 N. 5<sup>th</sup> Street  
Zanesville, Ohio 43701

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## II. TABLE OF AUTHORITIES

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### **III. STATEMENT OF THE FACTS/STATEMENT OF THE CASE**

Appellant agrees that this Court may take judicial notice of a docket that is publicly available over the internet. As such, the Trial Court accepted Appellant's Guilty Plea on December 19, 2022 to the attached Judgment Entry (Exhibit 1) as follows:

- 1) Two Counts of Aggravated Menacing (M1);
- 2) One Count of Carrying a Concealed Weapon (F4);
- 3) One Count of Obstructing Official Business (F5).

The State agreed to dismiss the Weapon Under Disability (F3) and the Aggravated Tresspass Count (M1) along with the firearm specification at sentencing.

The Trial Court maintained the modified \$250,000.00 bond after it accepted Appellant's guilty plea. Appellant remains incarcerated in the Muskingum County Jail on \$250,000.00 bail as was set by The Fifth District Court of Appeals upon a finding that the \$500,000.00 bail was unconstitutionally excessive. Appellant has been in jail awaiting adjudication of his Case for over 210 days.

On June 1, 2022 Appellant was observed by Patrolman Keck, walking on South Main Street heading towards the West Main and State Street intersection with a gun in his waistband. Patrolman Keck ordered Appellant to stop. Appellant heard yelling but did not realize that it was an officer. He believed it was someone threatening him. Appellant responded by pulling the gun out of his waistband and pointing it to the ground and waving his left hand in the air flipping the officer off. Appellant continued walking towards Brighton Blvd. where he saw two officers tell him to stop and get on the ground. Upon realizing that the men yelling were police officers, Appellant immediately tossed his gun out in front of him and laid down on the sidewalk. Patrolman Keck stated in his

Report that “He was placed in handcuffs with no issue.”

Appellant submits that there is no evidence to support the argument that he needed to be “subdued.” Appellant immediately surrendered to the Police once he was able to determine their presence. Appellant did not “brandish” the weapon pursuant to the Report submitted by Appellee.

Appellee does not dispute the following:

- 1) Appellant gave a full statement to the Police where he accepted responsibility and claimed to have acted in self-defense, a burden that lies upon the State to disprove.
- 2) Appellant offered to cooperate with the Muskingum County Prosecutor on an unsolved twenty-year old murder, but the Prosecutor declined the offer even mocking it in his reply.
- 3) Appellant had a right to be present in a public parking lot.
- 4) Appellant did not attempt to use the weapon at all.
- 5) Appellant is a Father to a local woman and is now expecting his third child.
- 6) Appellant has no significant criminal record.
- 7) Appellant has no felony criminal record.
- 8) Appellant is not a flight risk.
- 9) Appellant has lived in Muskingum County all of his life.
- 10) Appellant has strong ties to the community including a grandfather who has been a lifelong resident and a real estate owner.
- 11) Appellant is indigent and has no means to raise even close to a \$250,000 bond.
- 12) Appellant’s Mother is employed by a local attorney, Stacey James.

13) There is no history of flight or failure to appear at court hearings.

14) Appellant has strong ties to the community.

15) Appellant has strong local family ties;

16) Appellant has no financial resources. He is currently unemployed.

By contrast, attached is the Indictment of Charles A. Workman, Jr. (Exhibit 2), Muskingum County Common Pleas Court, Criminal Division, Case No. CR2022-0626, an Indictment that brought a far worse form of firearm offenses than what is contained in the charges in this Case. In Workman, the Trial Court initially set bail at \$100,000.00; the Trial Court later lowered bail to \$5,000.00, a stark difference to the bail set forth in this Case.

#### **IV. ARGUMENT**

##### **A. ASSIGNMENT OF ERROR NUMBER ONE**

**THE APPELLATE COURT COMMITTED PREJUDICIAL ERROR WHEN IT ONLY REDUCED APPELLANT'S BAIL TO \$250,000.00 WHILE FINDING THAT THE \$500,000.00 BOND WAS EXCESSIVE. GIVEN APPELLANT'S INDIGENT STATUS, THE COURT'S REDUCTION OF BAIL TO \$250,000.00 WAS AN ERROR OF LAW. THE COURT'S REDUCTION IN BAIL WAS NO RELIEF WHATSOEVER TO APPELLANT AND REPRESENTED A PYRRHIC VICTORY IN THAT \$250,000.00 BAIL TO APPELLANT IS EQUIVALENT TO NO BAIL AT ALL.**

**THE APPELLATE COURT COMMITTED PREJUDICIAL ERROR BY NOT FINDING THAT THE TRIAL COURT VIOLATED CRIM.R. 46(H) BY NOT PROVIDING APPELLANT WITH A BAIL HEARING WITHIN THE TIMEFRAMES OF THIS RULE.**

Appellant agrees that a court may take judicial notice of a docket that is publicly available via the internet, which is why Appellant cited to his guilty plea and the Workman Bail. This Court must not permit the disparate treatment afforded Appellant in contrast to the way another defendant was treated by way of bail. This comparison in

itself proves the Unconstitutional nature of the current \$250,000.00 bail.

At issue is whether this appeal has been deemed moot due to the passage of time. Appellant, in response, submits that this issue is capable of repetition, yet evading review and presents an issue of great public importance. Appellant submits that given the 90 day timeline in which an incarcerated defendant charged with a felony must be tried, bail is an issue that will never reach this Court in time for a defendant to receive a ruling before he is subject to being put on trial. R.C. §2945.71(C)(2)(E).

The Tenth District Court of Appeals in *T&R Props. v. Wimberly*, 2020-Ohio-4279, P10, held as follows:

One exception to the mootness doctrine arises when the issues raised in an appeal are "capable of repetition, yet evading review." *State ex rel. Plain Dealer Publishing Co. v. Barnes*, 38 Ohio St.3d 165, 166, 527 N.E.2d 807 (1988), quoting *Southern Pacific Terminal Co. v. Interstate Commerce Com.*, 219 U.S. 498, 515, 31 S.Ct. 279, 55 L.Ed. 310 (1911). The Ohio Supreme Court has declared this exception applies in exceptional circumstances, when two factors are present: '(1) the challenged action is too short in its duration to be fully litigated before its cessation or expiration, and (2) there is a reasonable expectation that the same complaining party will be subject to the same action again.' *State ex rel. Calvary v. Upper Arlington*, 89 Ohio St.3d 229, 231, 2000-Ohio-142, 729 N.E.2d 1182 (2000).

This Court, however, must proceed forward to issuing a decision on the issues raised herein. Appellant's challenge to his bail cannot be fully litigated to this Court in a scant 90 days. These issues will continue to clog Ohio Courts until this Court resolves them.

At further issue is the recent Amendment to the Ohio Constitution, which effectively overruled Crim.R. 46(H) leaving very little legislative guidance to proper bail in Ohio. This issue is a case of first impression before this Court: What is the bail standard in Ohio given the recent passage of the Joint Resolution 2.

As amended, Section Nine, Article I, of the Ohio Constitution states as follows:

All persons shall be bailable by sufficient sureties, except for a person who is charged with a capital offense where the proof is evident or the presumption great, and except for a person who is charged with a felony where the proof is evident or the presumption great and where the person poses a substantial risk of serious physical harm to any person or to the community. Where a person is charged with any offense for which the person may be incarcerated, the court may determine at any time the type, amount, and conditions of bail. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted. When determining the amount of bail, the court shall consider public safety, including the seriousness of the offense, and a person's criminal record, the likelihood a person will return to court, and any other factor the general assembly may prescribe. The general assembly shall fix by law standards to determine whether a person who is charged with a felony where the proof is evident or the presumption great poses a substantial risk of serious physical harm to any person or to the community.

As amended, the Ohio Constitution leaves only the following factors to be considered: 1) public safety, including the seriousness of the offense, and a person's criminal record; 2) the likelihood a person will return to court, and 3) any other factor the general assembly may prescribe. Given that the Legislature has not acted, there remain only two factors applicable to bail in Ohio.

The Constitution still requires that “[a]ll persons shall be bailable by sufficient sureties” \*\*\* “excessive bail shall not be required.” Moreover, under the United States and Ohio Constitutions, “excessive bail shall not be required.” The purpose of bail is to secure the attendance of the accused at trial. Crim.R. 46(A); *Bland v. Holden*, 21 Ohio St.2d 238, 257 N.E.2d 397 (1970). In Ohio, the writ of *habeas corpus* protects the right to reasonable bail. *In re Petition of Gentry*, 7 Ohio App.3d 143, 7 Ohio B. 187, 454 N.E.2d 987 (1<sup>st</sup> Dist.1982). A person charged with the commission of a bailable offense cannot be required to furnish bail in an excessive or unreasonable amount. See *In re Lonardo*, 86 Ohio App. 289, 55 Ohio Law Abs. 369, 89 N.E.2d 502 (8<sup>th</sup> Dist.1949). Indeed, bail set at

an unreasonable amount violates the constitutional guarantees. See *Stack v. Boyle*, 342 U.S. 1, 72 S.Ct. 1, 96 L.Ed. 3 (1951).

In this Case, a \$250,000.00 bail is equivalent to no bond at all for a person in Appellant's financial situation, a fact Appellee never disputed.

**V. CONCLUSION**

Borrowing from the Chief Justice, "The purpose of bail is to provide the accused a means of leaving detention while awaiting resolution of a case," she said. "However, the concept of bail has been convoluted. It's looked at as a means to keep someone detained until the case disposed of. That's not the intent of bail." "To manufacture fear and continue a pattern of jailing the people who can least afford to be released doesn't protect society. It only assures that money determines the level of freedom and civil rights that one enjoys."

While Petitioner is grateful for his bond being lowered and understands that this Court carefully considered his Petition, Petitioner submits the following issues for reconsideration with great respect: 1) Petitioner is no better off with a \$250,000.00 bond than a \$500,000.00 bond. He cannot afford either bond amount, especially with no ten percent provision. 2) Petitioner did not abandon his issue with regard to the lack of a timely bond hearing. Petitioner moves that this Court address both issues be addressed via reconsideration. Petitioner moves this Court to lower his bond; and to declare a violation of Crim.R. 46(H).

Upon review herein, the following cannot be disputed:

- 1) Appellant has no resources to afford \$200,000 bail;
- 2) Appellant has defenses to the charges;

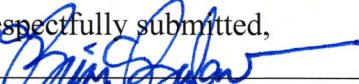
- 3) There is no history of flight or failure to appear at court hearings;
- 4) Appellant has strong ties to the community;
- 5) Appellant has strong local family ties;
- 6) Appellant has no financial resources.

Appellant requests a reasonable bond. This is a classic case of the stacking of charges, which is evident by the dismissal of the most serious charge, the F3 Weapon Under Disability, and the dismissal of the firearm specification.

A recognizance bond would be sufficient to secure Appellant's appearance at trial. A \$250,000 bond is simply punitive and out-of-line with other cases. There is no authority for a \$250,000 bond under the circumstances of this Case.

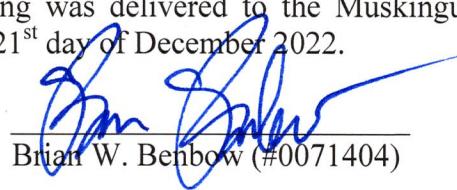
WHEREFORE, Appellant requests that this Court hold a hearing in a expedited manner to a reasonable bond. Appellant prays that this Court reverse the August 1, 2022 Decision of the Fifth District Court of Appeals and that this Court award the costs of this action, attorney's fees, declaratory relief, preliminary and permanent injunctive relief, a declaration that the Muskingum County Common Pleas Court employs a bail hearing system contrary to law and any other relief this Court deems necessary.

Respectfully submitted,

  
\_\_\_\_\_  
Brian W. Benbow (#0071404)  
Benbow Law Offices LLC  
Attorney for Appellant  
265 Sunrise Center Drive  
Zanesville, OH 43701  
Phone: (740) 453-6475  
Fax: (740) 297-8724  
Email: [bwb1974@yahoo.com](mailto:bwb1974@yahoo.com)

## VI. CERTIFICATE OF SERVICE

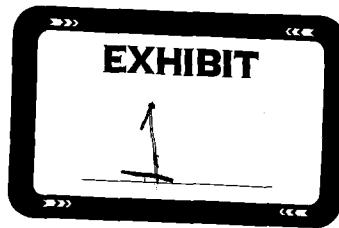
I hereby certify that a copy of the forgoing was delivered to the Muskingum County Prosecutor by fax to 740-455-7141 on this 21<sup>st</sup> day of December 2022.



Brian W. Benbow (#0071404)

## VII. APPENDIX

The Trial Court's December 19, 2022 Judgment Entry  
The Workman Indictment and Bond



FILED  
COMMON PLEAS COURT  
MUSKINGUM CO.OHIO

2022 DEC 19 AM 11:37

TERESA L. SOWERS  
CLERK

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

STATE OF OHIO

Plaintiff, : CASE NO. CR2022-0268  
vs :  
ETHAN J.M. CASANOVA : PLEA OF GUILTY  
Defendant. : Honorable: Judge Mark C. Fleegle

I withdraw my former not guilty plea and enter a plea of guilty to the following offenses:

Count or Specification	Offense/Specification	ORC Section	Level
Count 1.	Carrying a Concealed Weapon (Loaded)	2923.12(A)(2)	F/4
Count 2.	Obstructing Official Business (Risk of Harm), as amended	2921.31(A)	F/5
Counts 3,4.	Aggravated Menacing	2903.21(A)	M/1

*Maximum Penalty.* I understand that the maximum penalty for each offense is as follows:

Offense/or Specification	Stated Minimum		Possible Maximum	Mandatory Fine	Prison Time Mandatory	Prison must be Consecutive
	Prison Terms (Yrs/Mos)	Indefinite Term				
COUNT 1.	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months	N/A	N/A	\$0.00 up \$5,000.00	N/A	NO
COUNT 2.	6, 7, 8, 9, 10, 11, or 12 months	N/A	N/A	\$0.00 up \$2,500	N/A	NO
COUNTS 3,4.	Up to 6 months local incarceration	N/A	N/A	\$0.00 up \$1,000.00	N/A	N/A

Prison terms for multiple charges, even if consecutive sentences are not mandatory, may be imposed consecutively by the Court. Court costs, restitution and other financial sanctions including fines, day fines, and reimbursement for the cost of any sanctions may also be imposed.

When consecutive sentences are imposed when any felony offense is a qualifying offense under R.C. 2929.14(A), then the indefinite term will be calculated from the longest sentence of the most serious offense, regardless of whether the most serious offense is a qualifying offense under R.C. 2929.14(A) or not.

I understand that if I am now on felony probation, parole, under a community control sanction, or under post release control from prison, this plea may result in revocation proceedings and any new sentence could be imposed consecutively.

I understand that I am not eligible for Community Control if the Court is required by law to impose a mandatory prison sentence.

I further understand that if the Court is required by law to impose a mandatory prison sentence, I am not eligible for Judicial Release or any manner of early release from prison until I have served all mandatory time.

I have received "Notice of Non-Life Felony Indefinite Prison Term."

Initial \_\_\_\_\_

**Post Release Control.** In addition, a period of supervision by the Adult Parole Authority after release from prison is:

- Mandatory 5 years (Sex Offenses)
- Mandatory 2, up to 5 years (F/1)
- Mandatory 18 months, up to 3 years (F/2)
- Mandatory 1 year, up to 3 years (F/3 offense of violence)
- Optional up to 2 years

Initial \_\_\_\_\_

Initial \_\_\_\_\_

Initial \_\_\_\_\_

Initial \_\_\_\_\_

Initial E.C.

A violation of any post release control rule, or condition can result in a more restrictive sanction while I am under post release control, an increased duration of supervision or control, up to the maximum term and re-imprisonment even though I have served the entire stated prison term imposed upon me by this Court for all offenses.

If I violate conditions of supervision while under post release control, the Parole Board could return me to prison for up to nine months for each violation, for a total of  $\frac{1}{2}$  of my originally stated prison term. If the violation is a new felony, I could receive a mandatory consecutive prison term of the greater of one year or the time remaining on post release control, in addition to any other prison term imposed for the offense.

**Community Control.** If this Court is not required by law to impose a prison sanction, it may impose community control sanctions, or non-prison sanctions upon me. I understand that if I violate the terms or conditions of a community control sanction, the court may extend the time for which I am subject to this sanction up to a maximum of 5 years, impose a more restrictive sanction, or imprison me for up to the maximum stated terms allowed by the offenses as set out above.

I understand the nature of these charges and the possible defenses I might have. I am satisfied with my attorney's advice and competence. I am not under the influence of drugs or alcohol. No threats have been made to me. No promises have been made except as part of this plea agreement stated entirely as follows:

The Defendant acknowledges that the parties have engaged in plea negotiations and he accepts and agrees to be bound by the following agreement, which is the product of such negotiations.

Upon a plea of guilty to Counts One, Three and Four as contained in the indictment and Count Two as amended, the parties agree that the State will make no recommendation as to sentencing at the time of Defendant's plea herein. However, both the State and counsel for Defendant reserve the right to argue for the sentence they feel is appropriate at the time of sentencing. The Defendant agrees to forfeit the handgun seized in this matter. The State agrees to dismiss Counts Five and Six of the Indictment and the Firearm Specification attached to Count Two of the indictment at the time of sentencing.

Such joint recommendation is conditioned upon Defendant's compliance with all bond conditions, and Defendant's compliance with all laws pending sentencing on this matter. The parties stipulate the counts herein do not merge.

The Defendant further acknowledges that he understands any sentencing recommendation does not have to be followed by the Court.

I understand by pleading guilty I give up my right to a jury trial or court trial, where I could confront and have my attorney question witnesses against me, and where I could use the power of the Court to call witnesses to testify for me. I know at trial I would not have to take the witness stand and could not be forced to testify against myself and that no one could comment if I chose not to testify. I understand I waive my right to have the prosecutor prove my guilt beyond a reasonable doubt on every element of each charge.

By pleading guilty I admit committing the offense and will tell the Court the facts and circumstances of my guilt. I know the Judge may either sentence me today or refer my case for a pre-sentence report. I understand my right to appeal a maximum sentence; my other limited appellate rights and that any appeal must be filed within 30 days of my sentence. I understand the consequences of a conviction upon me if I am not a U.S. citizen. I enter this plea voluntarily.

Signed and dated: 12/19, 2022

Ethan Casanova

ETHAN J.M. CASANOVA

Signature of Defendant

BRIAN BENBOW

Attorney for Defendant

JOHN F. LITTLE

Asst. Prosecuting Attorney

IN THE MUSKINGUM COUNTY COMMON PLEAS COURT OF MUSKINGUM  
COUNTY, OHIO

FILED  
MUSKINGUM COUNTY  
MUSKINGUM CO. OHIO

2022 NOV 30 PM 12:56

WENDY L. SOWERS  
CLERK

The State of Ohio,      }      ss.  
County of  
Muskingum

Grand Jury Term  
11/30/2022 9:00:00 AM October  
Term

INDICTMENT

Case Number

CR2022-D-24

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

Defendant	Charles A. Workman, Jr.
Count One	Improperly Handling Firearms In A Motor Vehicle - F4 §2923.16(B), 2923.16(I)
Date of Offense	On or about June 24, 2022

Charles A. Workman, Jr. on or about June 24, 2022, at the county of Muskingum aforesaid, did knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle in violation of Ohio Revised Code §2923.16(B), 2923.16(I), **Improperly Handling Firearms In A Motor Vehicle**, a felony of the fourth degree.

The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.



<b>Defendant</b>	Charles A. Workman, Jr.
<b>Count Two</b>	<b>Having Weapons While Under Disability - F3</b> §2923.13(A)(2), 2923.13(B)
<b>Date of Offense</b>	On or about June 24, 2022

The grand jurors further find and present that:

Charles A. Workman, Jr. on or about June 24, 2022, at the county of Muskingum aforesaid, did knowingly acquire, have, carry, or use a firearm or dangerous ordnance and Charles A. Workman, Jr. Was previously convicted of a felony offense of violence, to wit: on or about April, 1971, in Muskingum County Court of Common Pleas, Muskingum County, Ohio, Charles A. Workman, Jr. was convicted of Aggravated Arson, in violation of R.C. 2909.02, in Case No. 9218 in violation of Ohio Revised Code §2923.13(A)(2), 2923.13(B), **Having Weapons While Under Disability**, a felony of the third degree.

The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

<b>Defendant</b>	Charles A. Workman, Jr.
<b>Count Three</b>	<b>Having Weapons While Under Disability - F3</b> §2923.13(A)(4), 2923.13(B)
<b>Date of Offense</b>	On or about June 24, 2022

The grand jurors further find and present that:

Charles A. Workman, Jr. on or about June 24, 2022, at the county of Muskingum aforesaid, did knowingly acquire, have, carry, or use a firearm or dangerous ordnance and the person is drug dependent, in danger of drug dependence, or a chronic alcoholic in violation of Ohio Revised Code §2923.13(A)(4), 2923.13(B), **Having Weapons While Under Disability**, a felony of the third degree.

The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

<b>Defendant</b>	Charles A. Workman, Jr.
<b>Count Four</b>	<b>Carrying a Concealed Weapon - F4</b> §2923.12(A)(2), 2923.12(F)(1)
<b>Date of Offense</b>	On or about June 24, 2022

The grand jurors further find and present that:

Charles A. Workman, Jr. on or about June 24, 2022, at the county of Muskingum aforesaid, did knowingly carry or have concealed on his person or concealed ready at hand a handgun other than a dangerous ordnance in violation of Ohio Revised Code §2923.12(A)(2), 2923.12(F)(1), **Carrying a Concealed Weapon**, a felony of the fourth degree.

FURTHERMORE, the weapon involved was a firearm that was either loaded or for which the offender had ammunition ready at hand.

The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

<b>Defendant</b>	Charles A. Workman, Jr.
<b>Count Five</b>	<b>Carrying a Concealed Weapon - F4</b> §2923.12(A)(2), 2923.12(F)(1)
<b>Date of Offense</b>	On or about June 24, 2022

The grand jurors further find and present that:

Charles A. Workman, Jr. on or about June 24, 2022, at the county of Muskingum aforesaid, did knowingly carry or have concealed on his person or concealed ready at hand a handgun other than a dangerous ordnance in violation of Ohio Revised Code §2923.12(A)(2), 2923.12(F)(1), **Carrying a Concealed Weapon**, a felony of the fourth degree.

FURTHERMORE, Charles A. Workman, Jr. was previously convicted of or plead guilty to a violation of this section or any offense of violence, to wit: April 1971 in Muskingum County Court of Common Pleas, Muskingum County, of R.C. 2909.02, Aggravated Arson, in Case No. 9218.

The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

<b>Defendant</b>	Charles A. Workman, Jr.
<b>Count Six</b>	<b>Operating a Vehicle Under the Influence of Alcohol, a Drug of Abuse or a Combination of Them - OVI - M1</b> §4511.19(A)(1)(a), 4511.19(G)(1)(a)
<b>Date of Offense</b>	On or about June 24, 2022

The grand jurors further find and present that:

Charles A. Workman, Jr. on or about June 24, 2022, at the county of Muskingum aforesaid, did operate any vehicle, streetcar, or trackless trolley within this state, when at the time of the operation he was under the influence of alcohol, a drug of abuse, or a combination of them in violation of Ohio Revised Code §4511.19(A)(1)(a), 4511.19(G)(1)(a), **Operating a Vehicle Under the Influence of Alcohol, a Drug of Abuse or a Combination of Them - OVI**, a misdemeanor of the first degree.

The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

<b>Defendant</b>	Charles A. Workman, Jr.
<b>Count Seven</b>	<b>Operating a Vehicle While Under the Influence of a Listed Controlled Substance or a Listed Metabolite of a Controlled Substance - OVI - M1</b> §4511.19(A)(1)(j)(viii)(II), 4511.19(G)(1)(a)
<b>Date of Offense</b>	On or about June 24, 2022

The grand jurors further find and present that:

Charles A. Workman, Jr. on or about June 24, 2022, at the county of Muskingum aforesaid, did operate any vehicle, streetcar, or trackless trolley within this state, when at the time of the operation he had a concentration of marihuana metabolite in his urine of at least thirty-five nanograms of marihuana metabolite per milliliter of his urine or had a concentration of marihuana metabolite in his whole blood or blood serum or plasma of at least fifty nanograms of marihuana metabolite per milliliter of his whole blood or blood serum or plasma in violation of Ohio Revised Code §4511.19(A)(1)(j)(viii)(II), 4511.19(G)(1)(a), **Operating a Vehicle While Under the Influence of a Listed Controlled Substance or a Listed Metabolite of a Controlled Substance - OVI**, a misdemeanor of the first degree.

The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

Each offense listed above is contrary to the form of the statute of the Ohio Revised Code in such case made and provided, and against the peace and dignity of the State of Ohio

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**RONALD L. WELCH  
MUSKINGUM COUNTY  
COUNTY PROSECUTOR**

A handwritten signature in black ink, appearing to read "RLW".

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Prosecutor or by his Assistant

## SUMMARY OF INDICTMENT

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

11/30/2022 9:00:00 AM October Term

**Charles A. Workman, Jr.**  
407 Pine Street  
Zanesville, OH 43701

DOB: 9/15/1953  
SSN: XXX-XX-0037

Indictment for:

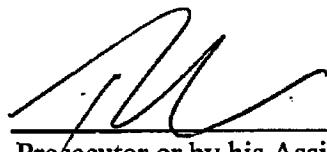
- Count 1: Improperly Handling Firearms In A Motor Vehicle, O.R.C. §2923.16(B), 2923.16(I), F4
- Count 2: Having Weapons While Under Disability, O.R.C. §2923.13(A)(2), 2923.13(B), F3
- Count 3: Having Weapons While Under Disability, O.R.C. §2923.13(A)(4), 2923.13(B), F3
- Count 4: Carrying a Concealed Weapon, O.R.C. §2923.12(A)(2), 2923.12(F)(1), F4
- Count 5: Carrying a Concealed Weapon, O.R.C. §2923.12(A)(2), 2923.12(F)(1), F4
- Count 6: Operating a Vehicle Under the Influence of Alcohol, a Drug of Abuse or a Combination of Them - OVI, O.R.C. §4511.19(A)(1)(a), 4511.19(G)(1)(a), M1
- Count 7: Operating a Vehicle While Under the Influence of a Listed Controlled Substance or a Listed Metabolite of a Controlled Substance - OVI, O.R.C. §4511.19(A)(1)(j)(viii)(II), 4511.19(G)(1)(a), M1

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A TRUE BILL

Steven Stratus Holdren

Foreperson of the Grand Jury



Prosecutor or by his Assistant

**The State of Ohio, Muskingum 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 Muskingum County, Ohio on this 30 day of December, 2022.

Christie Poore

Clerk

By: Deputy Clerk

**EACH PERSON NAMED IN THE FOREGOING INDICTMENT IS HEREBY ORDERED to personally appear at 11:00 AM on the 7th day of December 2022, before the Honorable , Judge of the Court of Common Pleas at the Court House in Zanesville, Ohio; and that FAILURE TO APPEAR WILL RESULT IN A WARRANT FOR ARREST, FORFEITURE OF BOND, IF ANY, OR ADDITIONAL CRIMINAL CHARGES FOR FAILURE TO APPEAR UNDER REVISED CODE 2937.99.**

IN THE MUSKINGUM COUNTY COMMON PLEAS COURT OF MUSKINGUM  
COUNTY, OHIO

COMMON PLEAS COURT  
MUSKINGUM CO. OHIO

State of Ohio,

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

2022 NOV 30 PM 12: 56

Plaintiff

WENDY L. SOWER  
CLERK

VS.

Charles A. Workman, Jr,

**PERSONAL IDENTIFIERS**

Defendant.

Pursuant to the Rules of Superintendence for the Courts of Ohio, Rule 45(D)(1): "When submitting a case document to a court or filing a case document with the clerk of court, a party to a judicial action or proceeding shall omit personal identifiers from the document."

Pursuant to the Rules of Superintendence for the Courts of Ohio, Rule 44(H): "Personal identifiers" means social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; and a juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as 'CV' for 'child victim.'

The following information is considered to be the confidential "personal identifiers" in this case, which will then be omitted from other documents filed in this case.

**NAME OF PARTY**

Charles A. Workman, Jr.

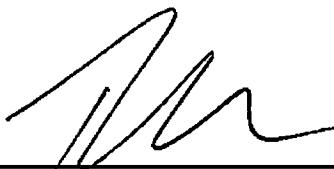
**PERSONAL IDENTIFIER INFORMATION**

[REDACTED]

**AGENCY INCIDENT NO.**

Ohio State Highway Patrol Incident No. 22 052013 0760

Ronald L. Welch  
Muskingum County Prosecuting Attorney

  
\_\_\_\_\_  
Prosecutor or by his Assistant

IN THE COMMON PLEAS COURT FOR MUSKINGUM COUNTY, OHIO

FILED  
COMMON PLEAS COURT  
MUSKINGUM CO. OHIO

2022 NOV 30 PM 12:56

GENDY L. SOWERS  
CLERK

STATE OF OHIO

v.

CASE NUMBER CR2022-626

CHARLES A. WORKMAN, JR.  
407 Pine Street  
Zanesville, OH 43701  
Muskingum County

PROSECUTING ATTORNEY'S  
REQUEST FOR  
ISSUANCE OF  
WARRANT UPON INDICTMENT

(Rule 9)

TO: CLERK OF COURTS:

CHARLES A. WORKMAN, JR. has been named a Defendant in an Indictment returned by the Grand Jury.

Issue a warrant to an appropriate officer and direct him to execute it upon the above named at the address stated in the caption of this request.

\*Special instructions for executing officer:

  
RON WELCH, Prosecuting Attorney

IN THE COMMON PLEAS COURT OF MUSKINGUM COUNTY, OHIO

THE STATE OF OHIO

vs  
Charles A. Womander

ENTRY ORDERING BOND

CASE NO.

CR2022-D-246

AMOUNT OF BOND

\$ 100,000

This day this matter came before the Court and after hearing the evidence, the Court determines that the amount of the bond should be set forth above and that the defendant shall be released upon compliance with the Section of this order indicated below and in accordance with the Ohio Revised Code and Rules of Criminal Procedure.

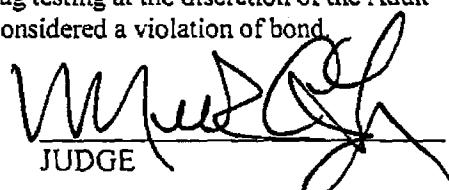
Execution of an appearance bond secured by:  
1. Real Estate located in Muskingum County.  
2. The deposit of Cash.  
3. Sufficient solvent sureties.

Execution of an appearance bond with ten percent (10%) of the said sum in accordance with Criminal Rule 46.

Execution of a recognizance bond whereupon the defendant shall be released on his/her own recognizance.

It is the further order of the Court pursuant to Criminal Rule 46(C) that the Following conditions shall apply to the defendant until such time as this bond is ordered released or modified by the Court. A violation of conditions could result in revocation of this bond.

- (1) The defendant shall report to the Adult Probation Department once a week.
- (2) The defendant shall maintain his/her present address and telephone number Where he/she can be contacted at all times as hereinafter, set forth and shall only change his/her place of residence and telephone number with prior notification and approval of the Adult Probation Department.
- (3) The defendant shall maintain close contact with his/her attorney of record and shall cooperate with him/her in the preparation of his/her case.
- (4) The defendant's travel shall be restricted to the confines of the county in which the defendant presently resides unless prior written permission is obtained from the Adult Probation Department before leaving this jurisdiction.
- (5) The defendant shall be required to post a sum over and above the cost of the bond in accordance with Revised Code Section 2743.70 (B)
- (6) The defendant shall obey all laws and ordinances.
- (7) The defendant shall have no contact, direct or indirect, with the victim in this case.
- (8) The defendant shall submit to random drug testing at the discretion of the Adult Probation Dept. Positive results will be considered a violation of bond.
- (9) Additional conditions:

  
JUDGE

FILED  
COMMON PLEAS COURT  
MUSKINGUM COUNTY  
CLERK

2022 NOV 20 PM 1:01  
11

IN THE COMMON PLEAS COURT OF MUSKINGUM COUNTY, OHIO

THE STATE OF OHIO

ENTRY ORDERING BOND

vs

CASE NO. CR 2022-0626

Charles A. Workman Jr.

AMOUNT OF BOND 5,000.00

This day this matter came before the Court and after hearing the evidence, the Court determines that the amount of the bond should be set forth above and that the defendant shall be released upon compliance with the Section of this order indicated below and in accordance with the Ohio Revised Code and Rules of Criminal Procedure.

Execution of an appearance bond secured by:

1. Real Estate located in Muskingum County.
2. The deposit of Cash.
3. Sufficient solvent sureties.

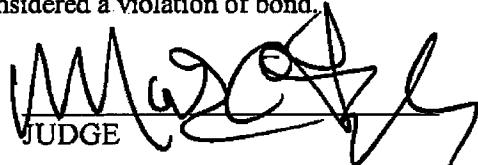
Execution of an appearance bond with ten percent (10%) of the said sum in accordance with Criminal Rule 46.

Execution of a recognizance bond whereupon the defendant shall be released on his/her own recognizance.

It is the further order of the Court pursuant to Criminal Rule 46(C) that the Following conditions shall apply to the defendant until such time as this bond is ordered released or modified by the Court. A violation of conditions could result in revocation of this bond.

- (1) The defendant shall report to the Adult Probation Department once a week.
- (2) The defendant shall maintain his/her present address and telephone number Where he/she can be contacted at all times as hereinafter, set forth and shall only change his/her place of residence and telephone number with prior notification and approval of the Adult Probation Department.
- (3) The defendant shall maintain close contact with his/her attorney of record and shall cooperate with him/her in the preparation of his/her case.
- (4) The defendant's travel shall be restricted to the confines of the county in which the defendant presently resides unless prior written permission is obtained from the Adult Probation Department before leaving this jurisdiction.
- (5) The defendant shall be required to post a sum over and above the cost of the bond in accordance with Revised Code Section 2743.70 (B)
- (6) The defendant shall obey all laws and ordinances.
- (7) The defendant shall have no contact, direct or indirect, with the victim in this case.
- (8) The defendant shall submit to random drug testing at the discretion of the Adult Probation Dept. Positive results will be considered a violation of bond.
- (9) Additional conditions:

WENDY L. SWIERS  
CLERK  
MUSKINGUM COUNTY, OHIO  
FILED  
COMMON PLEAS COURT  
MUSKINGUM COUNTY, OHIO  
2022 DEC 12 AM 11: 03

  
JUDGE

IN THE COMMON PLEAS COURT OF MUSKINGUM COUNTY, OHIO

RECOGNIZANCE OF ACCUSED  
(APPEARANCE BOND)

THE STATE OF OHIO

CASE NO. CR2022-0626

AMOUNT OF BOND

\$5000.00

Charles A Workman Jr  
vs.  
a.k.a.

We the undersigned agree that we jointly and severally owe the State of Ohio the sum captioned above to be levied against all property if default is made in the following conditions:

The condition of this recognizance is such that if the above bound defendant personally appears at all times required by this Court and complies with orders of the Court and the conditions of this bond the same be void; otherwise, it shall remain in full force and effect. A violation of conditions could result in revocation of this bond.

The further conditions of this recognizance are such that the defendant agrees

- (1) to report to Adult Probation Department once a week.
- (2) to maintain the address and telephone number hereinafter set forth where the defendant can be contacted at all times and to only change the place of residency and telephone number with prior notification to and approval of the Adult Probation Department.
- (3) to maintain contact with the defendant's attorney of record and to cooperate with him/her in the preparation of my case.
- (4) that my travel shall be restricted to the confines of the county in which defendant presently reside unless prior permission is obtained for the Adult Probation Department before leaving this jurisdiction.
- (5) to post sum over and above the cost of bond in accordance with R.C. 2743.70(B)
- (6) the defendant shall obey all laws and ordinances.
- (7) the defendant shall have no contact, direct or indirect with the victim in this case.
- (8) the defendant shall submit to random drug testing as the discretion of the Adult Probation Department. Positive results will be considered a violation of bond.
- (9) Additional comments:

Charles Workman 407 Pine St. 740-583-2633  
Defendant Address Telephone

Michael Fulmer 233 McIntire Ave 455-4422  
Surety Address Telephone

Taken and acknowledged before me this 12 day of Dec, 20 22.

Wendy L. Sowers

By

CR2022-0626  
Clerk

FILED  
COMMON PLEAS COURT  
MUSKINGUM CO. OHIO  
2022 DEC 12 PM 3:22  
WENDY L. SOWERS  
CLERK



CLERK

WENDY L. SOWERS

2022 DEC 12 PM 3:15

MUSKINGUM CO., OHIO

COMMON PLEASE COURT

FILED