

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,
EX REL. PHILLIP DIONTE BOLER,

Relator,

v.

COURT OF APPEALS,
FOURTH APPELATE DISTRICT
ATHENS COUNTY, OHIO

Respondent.

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Case No. 24-0258

App. Ct. Case No. 18CA2

**MOTION FOR THE COURT TO TAKE JUDICIAL
NOTICE OF ADJUDICATIVE FACT
OHIO EVIDENTIARY RULE 201**

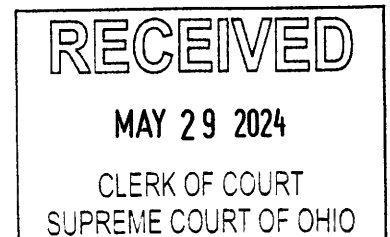
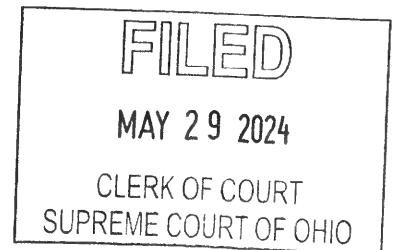
PHILLIP DIONTE BOLER
C/O A607765
Marion Correctional Institution
P.O. Box 57
Marion, Ohio 43302

RELATOR

DAVE YOST
Ohio Attorney General

James P. Reising (0102996)
*Counsel of Record
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Constitutional Offices Section
30 E. Broad Street, 23th Floor
Columbus, Ohio 43215

COUNSEL FOR RESPONDENT



Request for Judicial Notice of Adjudicative Facts

Pursuant to Rule 201 of the Ohio Rules of Evidence, Phillip Dione Boler (Boler) respectfully request that the Court take judicial notice of the foregoing adjudicative facts that will provide the Court with necessary information that will assist the Court in making a fundamentally fair decision so that this case may be fully and fairly litigated. Where there has been a failure of justice in this case, Boler is entitled to be heard on the propriety of the Court taking judicial notice and the nature of the facts to be notice. In his opportunity to be heard, Boler directs the Court's attention to his Adjudicative Fact No. 4 where he points to episodes on the trial court's record which illustrates that he was too tried and convicted on a judge-made law (judicial legislation) on which the lower court did not have jurisdiction (authority) to try and convict him on.

In this particular case, the lower courts incorporated "burglary and attempt burglary" into the provisions of the aggravated robbery statute. What Boler expects from this Court is a holding that the statute does not cover the transaction of burglary, and, however reprehensible his alleged acts may be thought to be, the courts cannot sustain his convictions on that ground. Although the objection is a narrow one, yet, the statute being highly penal, rendering violators liable to fine and imprisonment, the courts are compelled to construe it strictly.

If it be urged that Boler's alleged act is within the reason of the statute, the answer must be that it is so far outside of its language that to include it would be to legislate, and not construe legislation. A legislating judge at the trial level creates a multitude of problems, solves next to none, and may subject his competence to question. In re Clark (1983), 8 Ohio Misc.2d 34, 35.

This case raises an issue of great public interest because "within our political scheme, the separation of governmental powers into three cardinal Branches is essential to the preservation of liberty." Mistretta v. United States (1989), 488 U.S. 361, 380.

Background

On February 20, 2024, Phillip Dione Boler (Boler) filed a Complaint for an Original Action in Prohibition and Mandamus against the Court of Appeals, Fourth Appellate District, Athens County, Ohio (Respondent or Court of Appeals). In this action, Boler seeks extraordinary relief to correct an unauthorized jurisdictional that will result in a reversal and remand of this case back to the trial court for further proceedings. Boler alleges that there has been a usurpation of legislative authority by the trial court that necessarily affects the Court of Appeals authority to render the decision in State v. Boler, 4th Dist. Athens No. 18CA2, 2018-Ohio-3722.

On April 17, 2024, Respondent filed a Motion to Dismiss under Ohio R. Civ. P. 12(B)(6), stating that (1) Boler's instant action is an improper attempt to challenged unsuccessful appeals; (2) an attempt to rewrite the Fourth District's discretionary ruling in his favor; (3) that Boler had an adequate remedy at law, and (4) that because the Fourth District had jurisdiction to consider Relator's most recently appeal, any prohibition claim necessarily fail.

In his pursuit to have his issue addressed, the courts have mischaracterized and misrepresented Boler's issue, contending that he is arguing a misapplication of the statute. This is not so. Boler plainly asserts that the Court of Appeals exceeded its constitutional authority and violated the separation of powers doctrine where it extended the plain provisions of the aggravated robbery statute, by adding "burglary or Attempt burglary" to the provisions thereof.

In his complaint, Boler complains that the Court of Appeals abandoned its judicial role and appeared to view the doctrine of separation of powers as a hollow doctrine that can be easily tossed aside when it is expedient to do so. Boler request that the Court take all the material allegations as admitted and construe all reasonable inferences in his favor. There is a question here: does Boler's complaint states a cognizable claim for relief? In his Complaint, Boler asserts that:

Because there is no authority under any rule of statutory construction to add to, enlarge, supply, expand, extend or improve the provisions of the statute to meet a situation not provided for, the Fourth District Court of Appeals, Athens County, Ohio (Court of Appeals) exceeded its constitutional authority and violated the separation of powers doctrine where it extended the plain provisions of the aggravated robbery statute, Ohio Rev. Code § 2911.01, so as to include offenses other than those provided for by the Ohio General Assembly.

This Complaint is based on facts that arose on February 20, 2009, where an Athens County grand jury returned a two indictment against Boler that charged him with one count of aggravated robbery in violation of R.C. 2911.01(A)(3), and one count of murder in violation of R.C. 2903.02(B), with the predicate offense being aggravated robbery. Both counts contained firearm specifications. On April 1, 2009, the state issued a Bill of Particulars, and amended it on June 17, 2009, to add that “the underlying theft offense to the aggravated robbery was attempted theft and/or burglary or an attempted burglary of 7467 New Marshfield Road.” “Under the circumstances [of this case], the indictment and the bill of particulars constituted the charge against [Boler].” State v. Whitmore (1933), 126 Ohio St. 381, 387.

Boler complains that the language, to wit: “the underlying theft offense to the aggravated robbery was attempted theft and/or burglary or an attempted burglary,” does not come within the purview of Ohio Rev. Code § 2911.01 and changes the nature and identity of the aggravated robbery statute as enacted by the General Assembly. Boler brought this issue before the Court of Appeals where the State argued that “‘Burglary’ is clearly within the ‘Theft Offense’ definition set forth in R.C. 2913.01(K)(1), and as Aggravated Robbery requires a [predicated] ‘theft offense,’ the judge did what was required by law, specify the theft offense(s) for the Aggravated Robbery charge.” See State’s Brief at page 17 filed in State v. Boler, 4th Dist. Athens No. 18CA2, 2018-Ohio-3722.

In adopting the State's argument, the Court of Appeals decided that "[t]he State notes that the Bill of Particulars (1) was amended in a timely manner, and (2) only specified the predicate offense(s) for aggravated [robbery], so made no change to the name or identity of the crime. The theft offense predicate-offense element of aggravated robbery was specified to name 'attempted theft, burglary or attempted burglary.' The burglary element was an element of the aggravated robbery charge, not an independent count. Moreover, the factual allegations in the original and amended Bills of Particulars did not change. Thus, neither the name or identity of either crime charged was changed" Id. at P 24.

Adjudicative Fact No. 1: Constitutional elements of jurisdiction are an essential ingredient of separation of powers

In assessing Boler's complaint, it is proposed that this Court apply an exacting standard in analyzing two crucial issues (1) the extent of the Court of Appeals delegated authority and (2) whether the Court of Appeals has exceeded that authority in extending the aggravated robbery statute so as to include "burglary or attempt burglary" into its provisions in violation of the separation of powers doctrine. This issue is jurisdictional. The judicial discretion does not imply a legislative discretion. The statutory and (especially) constitutional elements of jurisdiction are an essential ingredient of separation and equilibration of powers that restrains the courts from acting at certain times, and even actin permanently regarding some subjects. Steel Co. v. Citizens for a Better Env't (1998), 523 U.S. 83, 101-02.

It is understood that the Court of Appeals had jurisdiction of Boler's appeal under Ohio Rev. Code § 2501.02. As a result, the Court's review should be confined to the extreme error where the Court of Appeals has stepped so plainly beyond the bounds of its constitutional or statutory authority, or acted so clearly in defiance of it, as to warrant extraordinary relief. In particular, Boler complains that the Court of Appeals stepped outside its authority in extending the aggravated

robbery statute in holding that “[t]he theft offense predicate-offense element of aggravated robbery was specified to name ‘attempted theft, burglary or attempted burglary[,]’” and that “[t]he burglary element was an element of the aggravated robbery charge, not an independent count.” Boler, 2018-Ohio-3722 at P 24.

In the grand scheme of constitutional law, the doctrine of separation and powers is to create a system of checks and balances so that each branch maintains its integrity and independence. It is understood that the courts cannot dictate legislation as done in Boler’s case. The Ohio Supreme Court has stated that: “[t]he division of power as granted by the Constitution to the three branches of government must be kept in mind at all times.” In re Hamil (1982), 69 Ohio St.2d 97, 104 (“[t]he courts in making decisions must keep the problems with which they deal in perspective”).

The only answer that need be made to in this case is that the General Assembly has not incorporated “burglary or attempt burglary” into the aggravated robbery statute and no statute authorizes the courts to imply, presume or construct an offense. To do so seems to create a new offense, and one that generates separation of powers concerns. Under the doctrine of separation and powers, the legislative and judicial powers must be kept in appropriate balance, and judicial restraint require the courts to limit themselves to the interpretation of statutes, irrespective of the wisdom thereof. Board of Educ. of City School Dist. Of Cincinnati v. Hamilton County Comm’rs, 1978 Ohio App. LEXIS 10885 at *9; Hamil, 69 Ohio St.2d at 104 (“[t]he courts in making decisions must keep the problems with which they deal in perspective” and “[t]he division of power as granted by the Constitution to the three branches of government must be kept in mind at all times.”).

In this instance, it should be recognized that the separation of powers divested the Court of Appeals of its ability to render a competent judgment in this case. The courts are without authority

to engage in judicial legislation by adding or augmenting into a statute some matter which is not within the contemplation or intention of the legislature. For a court to engage in the legislative process by supplying additional provisions when the court has no jurisdiction to do so, is by very definition, for a court to act ultra vires. (Emphasis added.) See, e.g., State Sav. Bank & Trust Co. v. Reinhard (1903), 13 Ohio St. 630, 633 (“The court has no law-making power and cannot extend a statute over territory from which it is excluded by the general assembly.”).

Adjudicative Fact No. 2: To interpret what is already plain is not interpretation but legislation which is not the function of the courts

The State argued that “‘Burglary’ is clearly within the ‘Theft Offense’ definition set forth in R.C. 2913.01(K)(1), and as Aggravated Robbery requires a [predicated] ‘theft offense,’ the judge did what was required by law, specify the theft offense(s) for the Aggravated Robbery charge.” See State’s Brief at page 17 filed in State v. Boler, 4th Dist. Athens No. 18CA2, 2018-Ohio-3722. In this instance, the State was digging deeper than the plain language of the aggravated statute, which courts do not have the authority to do under the guise of statutory interpretation. Morgan v. Adult Parole Auth. (1994), 68 Ohio St.3d 344. 347 (“[w]e do not have the authority to dig deeper than the plain meaning of an ambiguous statute under the guise of either statutory interpretation or liberal construction.”).

Ohio Rev. Code § 2911.01, by making reference to the definition of a theft offense in Ohio Rev. Code § 2913.01, incorporates the “‘knowingly’ standard of culpability from the theft statute,” and this applies only to the theft aspect of the offense. State v. McSwain (1992), 79 Ohio App.3d 600, 606; State v. Saunders (Dec. 1, 1993), Ross App. No. 1896, 1993 Ohio App. LEXIS * 35; State v. Bumphus (1976), 53 Ohio App.2d 171, 173 (“the aggravated robbery statute by making reference to the theft statute contemplates a precise stated degree of culpability--to wit, knowingly”).

The question here is whether the Court of Appeals extended the aggravated robbery statute by construing “burglary or attempt burglary” into its provisions. The Committee Comment to Ohio Rev. Code § 2911.01 indicates that theft is the basic element of robbery. State v. Johnson (1983), 6 Ohio St.3d 420, 423. The Ohio Supreme Court has upheld that “R. C. 2911.01, when read in light of R. C. 2913.02 [theft], is not ambiguous or vague.” State v. Edwards (1976), 49 Ohio St.2d 31, 44. It is quite clear that burglary and theft are incongruent subjects. State v. Mitchell (1983), 6 Ohio St.3d 416, 419. Where the aggravated robbery statute requires proof of a forceful taking of another’s property, burglary requires a trespass into an occupied structure with intent to commit a crime. State v. Frazier (1979), 58 Ohio St.2d 253, 256.

There is no doubt here, the aggravated robbery statute is quite clear in its elements. See Edwards (1976), 49 Ohio St.2d at 34. Therefore, it would prove to be fatal and very problematic to construe “burglary or attempt burglary” into those provisions. *“It is not the province of the court to legislate, either directly, or by extending the language employed by the legislature; the court is authorized only to interpret and apply the provision enacted by the legislature, and where the of such provision is clear and free from ambiguity there is nothing to interpret or construe.”* Slingsluff v. Weaver (1902), 66 Ohio St. 621. Because statutory construction in this case represented prohibited lawmaking rather than permitted interpretation, the Court of Appeals did too exceed the constitutional authority that has been delegated to it and usurped the legislative role of establishing criminal offenses, which is manifestly unconstitutional. Sears v. Weimer (1944), 143 Ohio St. 312, 316 (*“To interpret what is already plain is not interpretation, but legislation, which is not the function of the courts, but of the general assembly.”*).

Adjudicative Fact No. 3: The record of the trial court demonstrates that Boler was convicted on a judge made offense

It is clear that the State argued that: “as Aggravated Robbery requires a [predicated] ‘theft offense,’ the judge did what was required by law, specify the theft offense(s) for the Aggravated Robbery charge.” See State’s Brief at page 17 filed in Boler, 2018-Ohio-3722. On this argument, the Court of Appeals decision was that “[t]he theft offense predicate-offense element of aggravated robbery was specified to name ‘attempted theft, burglary or attempted burglary[,]’” and that “[t]he burglary element was an element of the aggravated robbery charge, not an independent count.” Boler, 2018-Ohio-3722 at P 24. Such a holding is tantamount to judicial legislation and represent usurpation by the courts of legislative power.

The trial court did not have the authority to specify any offenses for aggravated robbery. Yet, however, if there is any doubt as to this judge made offense, there is the record of the trial court that supports Boler’s position that the lower courts incorporated “burglary and attempt burglary” into the aggravated robbery statute. The record of the trial court is not subject to reasonable dispute and is accessible through the Athens County Clerk of Court: State v. Boler, Athens County Case No. 09CR0091.

In the commencement of Boler’s trial, the state proceeded to prove the elements of a burglary or attempt burglary because it was afraid of not meeting the theft element of the aggravated robbery statute. Tr. June 10, 2009, pp. 35-39. The State and trial court then started talking about consolidating the elements of aggravated robbery and burglary as one and the same. Tr. June 15, 2009, pp. 177-179, 186.

During midtrial, the trial court ruled that the evidence was sufficient for a burglary charge. Tr. June 16, 2009, pp. 239-240, 247, 254-255. The record reflects that the elements of aggravated robbery and burglary were consolidated in this case, thereby making a judge made offense and the

trial court declared that an aggravated robbery occurs when a principle offender commits a theft or burglary. Tr. June 18, 2009, pp. 114-117, 123.

Adjudicative Fact No. 4: A writ of prohibition is proper even when the court has exceeded the bounds of its constitutional authority

Boler seeks the writ of Prohibition and Mandamus to correct a prior act of the Court of Appeals, to wit: judicial legislation. Fundamental to maintaining the separation of powers is the recognition that a court may not rewrite the plain and unambiguous language of a statute. Bernerдини v. Conneaut Area City School Dist. Bd. of Edn. (1979), 58 Ohio St.2d 1, 4. Judicial restraint requires that courts shall not engage in the legislative process by supplying deficiencies or additional provisions not reasonably and logically required by the language used. Statutory construction should not be characterized as requiring a “liberal” or “conservative” interpretation, because the focus should be on reason and logic, and not on political philosophy. Board of Educ. of City School Dist. of Cincinnati, 1978 Ohio App. LEXIS 10885 at *9; Bernerдини, 58 Ohio St.2d at 4 (“whether an act is wise or unwise is a question for the General Assembly and not this court.”).

“To read into a statute a legislation meaning or intent, which digresses from the scope and application thereof, reasonably demonstrated by the language used, constitutes an impingement, trespass and erosion by the judiciary of the sole prerogative of the legislature, representative of the will of the people, to enact the law within the framework of the constitution.” Adamski v. State of Ohio, Bureau of Unemployment Compensation (1959) 108 Ohio App. 198, 204-05.

“No decisions are more harmful in their ultimate effects than those where the courts attempt, by statutory interpretation, or rather by statutory construction, to provide for a particular situation in a manner believed to be popularly desired, and such unwarranted usurpation of legislative power merits the condemnation usually accorded it after full and

candid consideration and upon mature judgment.” State v. ex rel. Foster v. Evatt (1944), 144 Ohio St. 65, 105.

The Ohio Supreme Court has declared that “[a] *writ of prohibition is proper even when the respondent judge has general jurisdiction when the judge has taken an action that exceeds the bounds of the court’s statutory authority.*” Santomauro v. McLaughlin (2022), 168 Ohio St.3d 272 at P 21. If an inferior court is without jurisdiction whatsoever to act, the availability or adequacy of a remedy of appeal to prevent the resulting injustice is immaterial to the exercise of supervisory jurisdiction by a superior court to prevent usurpation of jurisdiction by the inferior court. State ex rel. Adams v. Gusweiler (1972), 30 Ohio St.2d 326, 329. A court which has jurisdiction to issue a writ of prohibition as well as the writs of procedendo and mandamus has plenary power, not only to prevent excesses of lower tribunals, but also to correct the results thereof and to restore the parties to the same position they occupied before the excess occurred. *Id.*

It must be noted that if the Court of Appeals went beyond its jurisdiction or constitutional authority in extending the plain provisions of the aggravated robbery statute so as to include “burglary or attempt burglary,” then Boler’s conviction for murder is also affected where aggravated robbery was the underlying offense for that count. See, e.g., State v. Scott, 8th Dist. Cuyahoga App. No. 83477, 2004 Ohio App. LEXIS 4198 at P 17 (Because we have already found appellant’s conviction for aggravated robbery insupportable, neither can his conviction for felony murder stand where aggravated robbery was the underlying offense).

CONCLUSION

In construing all reasonable inferences in Boler's favor, it is plain that his complaint challenges the Court of Appeals' constitutional authority to include offenses other than those provided for by the Ohio General Assembly. This issue is jurisdictional because judicial legislation exceeds the power of the courts. Wherefore, exceptional relief should be granted on the additional facts. This is an extraordinary case which warrants such relief.

Respectfully submitted,



Phillip Dionte Boler
c/o A607765
Marion Correctional Institution
P.O. Box 57
Marion, Ohio 43302

RELATOR

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing MOTION FOR THE COURT TO TAKE JUDICIAL NOTICE OF ADJUDICATIVE FACT OHIO EVIDENTIARY RULE 201 has been forward to the Office of the Ohio Attorney General Dave Yost, James P. Reising, Assistant Attorney General, 30 East Broad Street, 16th Floor Columbus Ohio 43215 via—regular U.S. Postage on this 23th day of May, 2024.



Phillip Dionte Boler

FILED
ATHENS COUNTY, OHIO

FEB 20 2009

Phillip D. Boler
CLERK
OF COMMON PLEAS COURT

IN THE COURT OF COMMON PLEAS
ATHENS COUNTY, OHIO

STATE OF OHIO,

Plaintiff,

v.

PHILLIP DIONTE BOLER,

Defendant.

Case No. 09CR0

Judge

091
Eddberry
INDICTMENT FOR: Aggravated
Robbery, ORC 2911.01(A)(3) F1
and Murder, ORC 2903.02(B),
both with Specifications

State of Ohio)

) ss:

Athens County)

Of the January Term in the year Two Thousand Nine.

COUNT ONE:

The jurors of the **Grand Jury** of the **State of Ohio** within and for the body of the County aforesaid, on their oaths, in the name and by the authority of the **State of Ohio** do find and present that from on or about the **15th day of February, 2009**, at the County of Athens aforesaid, **Phillip Dionte Boler** did commit the crime of **Aggravated Robbery**, did, in knowingly attempting or committing a theft offense, as defined in section 2913.01 of the Revised Code, or in fleeing immediately after the attempt or offense, recklessly inflict, or

C. DAVID WARREN

ATHENS COUNTY PROSECUTING ATTORNEY
COURTHOUSE - ATHENS, OHIO 45701 - 740.593.2000

attempt to inflict, serious physical harm on another, contrary to and in violation of Section 2911.01(A)(3) of the Ohio Revised Code, a felony of the 1st degree, and against the peace and dignity of the State of Ohio.

SPECIFICATION TO COUNT ONE:

The Grand Jurors further find and specify that the offender had a firearm on or about the offender's person or under the offender's control while committing the offense and displayed the firearm, brandished the firearm, indicated that the offender possessed the firearm, or used it to facilitate the offense, in violation of Revised Code Section 2941.145.

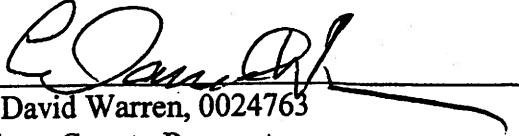
COUNT TWO:

The jurors of the Grand Jury of the State of Ohio within and for the body of the County aforesaid, on their oaths, in the name and by the authority of the State of Ohio do find and present that from on or about the 15th day of February, 2009, at the County of Athens aforesaid, Phillip Dione Boler did commit the crime of Murder, did knowingly, cause the death of another as a proximate result of the offender's committing or attempting to commit an offense of violence that is a felony of the first or second degree and that is not a violation of section 2903.03 or 2903.04 of the Revised Code, to-wit: Aggravated Robbery, in violation of Ohio Revised Code Section 2911.01, contrary to and in violation of Section 2903.02(B) of the Ohio Revised Code, a special felony, and against the peace and dignity of the State of Ohio.

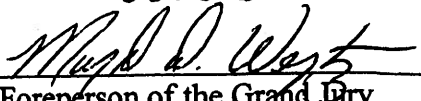
SPECIFICATION TO COUNT TWO:

The Grand Jurors further find and specify that the offender had a firearm on or about the offender's person or under the offender's control while committing the offense and displayed the firearm, brandished the firearm, indicated that the offender possessed the

firearm, or used it to facilitate the offense, in violation of Revised Code Section 2941.145.


C. David Warren, 0024763
Athens County Prosecutor
Athens County Courthouse
Athens, Ohio 45701
(740) 592-3208

This bill of indictment found upon testimony sworn and sent before the Grand Jury at the request of the Prosecuting Attorney whereupon the Grand Jury returned a TRUE BILL.

True Bill

Foreperson of the Grand Jury

State of Ohio)
) ss:
Athens County)

I, the undersigned Clerk of the Common Pleas Court in and for said County do hereby certify that the foregoing is a 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 Athens County, Ohio this ____ day

Ann Trout, Clerk of Courts

By: _____
Deputy Clerk

FILED
ATHENS COUNTY, OHIO

JUN 17 2009

Michael Ward CLERK
OF COMMON PLEAS COURT

IN THE COURT OF COMMON PLEAS

ATHENS COUNTY, OHIO

State of Ohio

Plaintiff

vs.

Phillip Boler

Defendant.

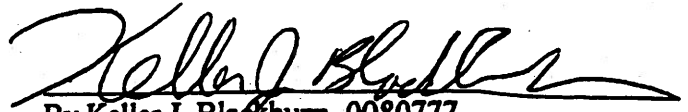
* Case No. 09CR0091
* JUDGE MICHAEL WARD
*
* **AMENDED**
* **BILL OF PARTICULARS**
*

In Athens County, Ohio, on or about February 14, 2009, through and including February 15, 2009, Phillip Boler, Mohat Osman, aka Mahat Osman, aka Mohat Osman, aka Mahad Osman, aka Mohamud Jama, aka Taz, Hamda Jama, and Abdifatah Abdi did violate Ohio Revised Code Section 2903.02(B), Murder, and Ohio Revised Code Section 2911.01(A)(3), Aggravated Robbery. The Defendants did plan to rob one Bill Osbourne at his trailer in New Marshfield, Ohio, at 7467 New Marshfield Road, the underlying theft offense to the aggravated robbery was attempted theft and/or burglary or an attempted burglary of 7467 New Marshfield Road. While the robbery was in progress, Phillip Boler had a 22 rifle with a scope set up on the perimeter of the trailer while Mahat Osman and Abdifatah Abdi had firearms as they approached Bill Osbourne. After a confrontation on the porch at Bill Osbourne's trailer, a gunshot was fired from one of Defendants' guns and a gunfight ensued including shots fired from Phillip Boler. Donnie Putnam, who had arrived during the

struggle but prior to the gunfight, was caught in the crossfire of the bullet exchange and was killed as a proximate cause of the Defendants' Aggravated Robbery.

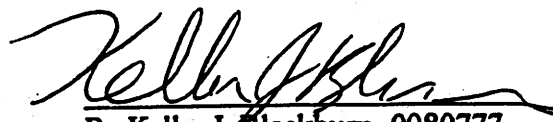
Respectfully Submitted by

C. DAVID WARREN
ATHENS COUNTY PROSECUTOR


By Keller J. Blackburn, 0080777
Assistant Athens County Prosecutor

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Bill of Particulars was served upon James A. Wallace, Attorney for Defendant, by placing a copy in his box located at the Prosecutor's Office this 17th day of June, 2009.


By Keller J. Blackburn, 0080777
Assistant Athens County Prosecutor