

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 2, 2023

[Cite as 03/02/2023 Case Announcements #2, 2023-Ohio-640.]

MERIT DECISIONS WITHOUT OPINIONS

2022-1534. State ex rel. Tingler v. Franklin Cty. Prosecutor's Office.

In Mandamus. On relator's motion to waive affidavit requirement. Motion denied. Sua sponte, relator, Charles Tingler, found to be a vexatious litigator under S.Ct.Prac.R. 4.03(B). Accordingly, Charles Tingler prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. Any request for leave shall be submitted to the clerk of this court for the court's review. Respondents' motions to dismiss granted. Cause dismissed.

Kennedy, C.J., and DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

Fischer, J., concurs, with an opinion.

FISCHER, J., concurring.

{¶ 1} I agree with the majority that relator Charles Tingler's complaint for a writ of mandamus should be dismissed. I write separately to explain why I join in the majority's decision to sua sponte declare Tingler a vexatious litigator under S.Ct.Prac.R. 4.03(A) and (B).

{¶ 2} We have a duty to ensure that the Ohio judicial system functions to benefit all Ohioans. We prescribe rules governing practice and procedure to ensure the timely resolution of matters that come through the courts of this state. Ohio Constitution, Article IV, Section 5. Indeed, "Ohio litigants are specifically and unequivocally entitled under our state Constitution to justice *without delay.*" (Emphasis sic.) *State ex rel. Johnson v. Bur. of Sentence Computation*, 159 Ohio St.3d 552, 2020-Ohio-999, 152 N.E.3d 251, ¶ 23, citing Ohio Constitution, Article I,

Section 16. Vexatious litigators, however, throw a wrench into our well-oiled system and disrupt the wheels of justice.

{¶ 3} We may declare a person to be a vexatious litigator if he “habitually, persistently, and without reasonable cause” files actions that are “not reasonably well-grounded in fact or warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.” S.Ct.Prac.R. 4.03(A) and (B). And we have a duty to name as vexatious litigators those individuals who abuse the court process and engage in frivolous conduct so that we may put an end to repeated and frivolous conduct that substantially burdens our court system and deprives litigants of the prompt handling of their cases. *See Johnson* at ¶ 22.

{¶ 4} Reviewing Tingler’s filings in this court, there is no doubt that we must declare him a vexatious litigator to protect our court system and ensure that other litigants—those who follow our rules and procedures—receive timely resolution of their cases. Tingler has filed 84 original actions in this court since December 2022 and shows no signs of stopping. He filed 63 original actions in December 2022, 12 original actions in January 2023, and 9 original actions in February 2023. While the sheer number of cases that Tingler has filed is only one factor in the vexatious-litigator assessment, *see Johnson* at ¶ 21, it is a significant factor here.

{¶ 5} Additionally, many of Tingler’s original actions address similar issues and contain nearly identical language claiming the failure of law-enforcement officials and other government officials in various counties and municipalities in the state to perform their duties. He also alleges, among other things, perjury and obstruction of justice on the part of these officials. In some of his original actions, he makes improper requests for grand-jury materials. The claims reviewed thus far have been without merit; including this case, we have unanimously dismissed 22 of his original actions, 17 of which were dismissed on the merits.¹ *See, e.g.,* Supreme Court case Nos. 2022-1525, 2022-1526, 2022-1528, 2022-1532, and 2022-1533. And after reviewing the claims in this case, I do not foresee that result changing.

{¶ 6} The justices, law clerks, filing clerks, and other court personnel have had to review the 22 actions filed by Tingler that have already been adjudicated, and they have reviewed or will have to review the remaining 62 pending actions. And the county prosecutors, their employees, and other members of the state’s legal system have had to spend valuable time

1. Two cases were dismissed on Tingler’s application for dismissal, and three were dismissed for failure to comply with Sup.Ct.Prac.R. 12.02(B)(1) (requiring that complaints be supported by affidavit).

responding to all these lawsuits and motions. This excessive use of court resources is unfair to other litigants in Ohio's court system.

{¶ 7} For those reasons, I agree with the majority's decision to sua sponte declare Tingler a vexatious litigator and prohibit him from instituting or continuing legal proceedings in this court on a pro se basis unless he first seeks and obtains leave of this court to do so. *See* S.Ct.Prac.R. 4.03(B).
