[Cite as *State v. Schultz*, 2026-Ohio-4542.]

IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
PORTAGE COUNTY

STATE OF OHIO, CITY OF RAVENNA, Plaintiff-Appellee, - vs - RICHARD E. SCHULTZ, Defendant-Appellant.	**CASE NO. 2026-P-0049** Civil Appeal from the Municipal Court, Ravenna Division Trial Court No. 2022 CRB 02707 R

OPINION AND JUDGMENT ENTRY

Decided: November 16, 2026
Judgment: Affirmed

Connie J. Lewandowski, Portage County Prosecutor, and *Timothy P. Bogner*, Assistant Prosecutor, 241 South Chestnut Street, Ravenna, OH 44266 (For Plaintiff-Appellee).

Richard E. Schultz, pro se, 91 Timber Lane, Aurora, OH 44202 (Defendant-Appellant).

ROBERT J. PATTON, J.

{¶1} Defendant-appellant, Richard E. Schultz ("Schultz"), appeals from an omnibus judgment entry of the Portage County Municipal Court, Ravenna Division, overruling several of his pro se pleadings. We affirm the trial court's decision.

Substantive and Procedural Facts

{¶2} In October 2022, Schultz was charged with one count of violating a protection order, a first-degree misdemeanor, in violation of R.C. 2919.27. Schultz chose to have a trial by jury where he was found guilty beyond a reasonable doubt. Following his conviction, the trial court sentenced Schultz to a $250 fine and one year of probation.

{¶3} Schultz filed a direct appeal to this court, arguing that venue was improper and that his conviction was not supported by legally sufficient evidence. *State v. Schultz*, 2024-Ohio-405, ¶ 1 (11th Dist.). On February 5, 2024, this court affirmed Schultz's conviction. *Id*.

{¶4} More than two years after this court affirmed Schultz's conviction, Schultz, pro se, filed several pleadings with the trial court:

> DEFENDANT'S MOTION FOR RECUSAL OF JUDGE MELISSA ROUBIC, REQUEST FOR ASSIGNMENT TO DISINTERESTED JUDGE, AND MOTION TO RECONSTRUCT RECORD PURSUANT TO APP.R. 9(E) IN REGARDS TO MOTION TO VACATE BEING FILED ON 2/17/25.[1]
>
> MOTION TO VACATE JUDGMENT OF CONVICTION BASED ON FRAUD UPON THE COURT, 2.9 MILLION IN FEDERAL BANKRUPTCY FRAUD, CONCEALMENT OF CHILD ABUSE, DENIAL OF COUNSEL THROUGH JUDICIAL MANIPULATION, AND DENIAL OF ADA ACCOMMODATIONS Pursuant to Ohio Crim.R. 33, R.C. 2953.21, Civ.R. 60(B)(5), the Sixth and Fourteenth Amendments to the United States Constitution, the Americans with Disabilities Act (42 U.S.C. § 12132), and Article I, Sections 10, 14, 15, and 16 of the Ohio Constitution.
>
> Final Affidavit of Disqualification

{¶5} The trial court overruled Schultz's motion for recusal as moot. The court stated that the case was closed and Judge Roubic was not presently involved in the case. The trial court also noted that the final affidavit of disqualification was duplicative of the application to disqualify Judge Roubic which Schultz filed with the Supreme Court of Ohio, was captioned to the Supreme Court of Ohio, and would not be addressed. With respect to the motion to vacate judgment of conviction, the trial court denied the request, stating

1. As reflected by the trial docket, no pleadings of any kind were filed in 2025 by any party with respect to this case. It is unclear what Schultz's present pleading is referencing.

that the trial court was without authority to vacate a criminal conviction more than two years after it was affirmed by the court of appeals.

The Appeal

{¶6} Schultz appeals, raising the following seven assignments of error:

> [1.] The trial court erred and abused its discretion by invoking the doctrine of "finality" to deny post-judgment relief, because the underlying conviction is a procedural nullity procured through premeditated Fraud Upon the Court, prosecutorial evidence tampering (R.C. 2921.12), and the violation of fundamental due process.
>
> [2.] The trial court committed structural fraud upon the court and the jury by actively suppressing a live perjury dispute, preserving a materially rigged and incomplete trial record, and shielding the complaining witness's false testimony from cross-examination.
>
> [3.] The trial court deprived [Schultz] of his Sixth and Fourteenth Amendment rights to present a complete defense by categorically excluding the exculpatory divorce decree, thereby denying the jury the opportunity to weigh whether [Schultz] honestly believed the restraining-order framework had been dissolved and stripping [Schultz] of the ability to contest the recklessness element.
>
> [4.] The trial court engineered a constitutionally defective trial architecture by deliberately weaponizing [Schultz's] documented medical disability and gag order.
>
> [5.] Judge Kevin Poland's March 24, 2026, denial entry is structurally and procedurally defective, constituting an affirmative fraud upon [Schultz's] appellate timeline.
>
> [6.] The trial court erred by denying post-judgment relief and treating the proceeding as a neutral adjudication, when the broader record proves the prosecution was a bad-faith, retaliatory, whistleblower blockade designed to protest a multi-jurisdictional racketeering and bankruptcy fraud enterprise.
>
> [7.] The trial court's denial of recusal and post-judgment relief constitutes reversible error, as the court willfully violated

> mandatory reporting statutes (R.C. 2151.421) to suppress documented child abuse, proving catastrophic judicial instability and overt bias.

{¶7} As a preliminary matter, we note that Schultz's brief is almost entirely unintelligible. "It consists of jumbled, unclear, and incoherent babblings interspersed with references to irrelevant legal authority . . . To the extent we can discern the gist of [Schultz's] assignments of error, we find his brief restates arguments that the court . . . properly rejected." *Hardy v. Belmont Corr. Inst.*, 2006-Ohio-3316, ¶ 11 (10th Dist.).

{¶8} Further, Schultz's brief fails to comply with App.R. 16(A)(7) and fails to argue his assignments of error separately as required pursuant to App.R. 12(A)(2). "'The court may disregard an assignment of error presented for review if the party raising it fails to identify in the record the error on which the assignment of error is based or fails to argue the assignment separately in the brief, as required under App.R. 16(A).'" *Hertneky v. Hertneky*, 2026-Ohio-3511, ¶ 32 (11th Dist.), quoting App.R. 12(A)(2); *see also J&S Motors, L.L.C. v. Hendking*, 2025-Ohio-2925, ¶ 23 (11th Dist.); *In re Estate of Andolsek*, 2025-Ohio-5286, ¶ 16 (11th Dist.).

{¶9} Accordingly, we address Schultz's assignments of error out of order, to the best of our ability, and only those that can be reasonably discerned as we may not "construct legal arguments in support of an appellant's appeal." *Whitehall v. Ruckman*, 2007-Ohio-6780, ¶ 19 (10th Dist.), quoting *State ex rel. Petro v. Gold*, 2006-Ohio-943, ¶ 94 (10th Dist.). "If an argument exists that can support [an] assignment of error, it is not this court's duty to root it out." *Moyer v. Robinson*, 2023-Ohio-764, ¶ 36 (11th Dist.), quoting *Lloyd v. Thornsbery*, 2018-Ohio-2893, ¶ 15 (11th Dist.), quoting *Cardone v. Cardone*, 1998 WL 224934, *8 (9th Dist. May 6, 1998).

Alleged Trial Errors are Barred by Res Judicata

{¶10} In Schultz's second assignment of error, he argues that the trial court erred by denying a "hand-delivered, mid-trial motion to strike perjured testimony." In Schultz's third assignment of error, he contends that the trial court abused its discretion by ruling evidence he believed to be exculpatory as inadmissible. Finally, in his fourth assignment of error, Schultz appears to express dissatisfaction with appointed counsel and avers that his only other option was to proceed pro se as he was indigent. Schultz also claims therein that the trial court intentionally took advantage of his then-existing COVID-induced cognitive disorder. We disagree as these claims are barred by res judicata.

{¶11} "The proper time to argue over the admission of evidence is upon direct appeal." *State v. Malin*, 1993 WL 328758, *3 (8th Dist. Aug. 26, 1993). Likewise, right-to-counsel claims are to be made on direct appeal. *State ex rel. Rarden v. Butler Cty. Common Pleas Court*, 2023-Ohio-3742, ¶ 14-15. Schultz's conviction in this matter was affirmed on direct appeal more than two years ago. *Schultz*, 2024-Ohio-405 (11th Dist.).

{¶12} "Res judicata bars the assertion of claims against a valid, final judgment of conviction that have been raised or could have been raised on appeal." *State v. Ketterer*, 2010-Ohio-3831, ¶ 59, citing *State v. Perry*, 10 Ohio St.2d 175 (1967), paragraph nine of the syllabus. In other words, "'any issue that could have been raised on direct appeal and was not is res judicata and not subject to review in subsequent proceedings.'" *State v. Francis*, 2024-Ohio-1746, ¶ 9 (11th Dist.), quoting *State v. Saxon*, 2006-Ohio-1245, ¶ 16. That is because a defendant is not entitled to "endless relitigation of an issue on which [he] has already received a full and fair opportunity to be heard." *Saxon* at ¶ 18.

{¶13} Accordingly, as Schultz could have raised these issues in his direct appeal, he is now barred by res judicata from doing so. Schultz's second, third, and fourth assignments of error are without merit.

Service Failures do not Affect the Validity of a Civil Judgment

{¶14} In his fifth assignment of error, Schultz claims that the trial court's judgment entry is an "unconstitutional ghost order" designed to exhaust his 30-day notice of appeal deadline.[2] We disagree.

{¶15} Post-conviction appeals, and therefore Civ.R. 60(B) appeals alike, are "subject to the Appellate Rule applicable to civil actions, whereby the notice of appeal [due] date is triggered by the date of service and notation of service on the docket." *State v. Boyd*, 2023-Ohio-4725, ¶ 5, fn.1 (7th Dist.).

{¶16} Civ.R. 58(B) requires the clerk to indicate on the docket when service of a judgment has been completed. It is well established that where the clerk has not made such a notation on the docket, the "time for commencing an appeal has not begun to run." *State ex rel. Thomas v. Nestor*, 2021-Ohio-672, ¶ 8, citing *In re Anderson*, 2001-Ohio-131, ¶ 15. This holds true "regardless of actual knowledge of the judgment by the parties." *Clermont Cty. Transp. Improvement Dist. v. Gator Milford, L.L.C.*, 2015-Ohio-241, paragraph one of the syllabus.

{¶17} Thus, "'[i]n civil cases, where the trial court never instructed the clerk to send notices to the parties and where no notices were sent in compliance with Civ.R. 58(B), the appeal, even if it is filed past the 30-day deadline, is deemed timely under App.R.

2. We note that the State filed a motion to dismiss, arguing that Schultz's appeal was untimely for failure to file his notice of appeal within 30 days of the trial court's judgment entry. This court denied the motion, finding Schultz's appeal timely.

4(A).'" *Skeens v. Gambill*, 2024-Ohio-176, ¶ 14 (2d Dist.), quoting *State v. Smith*, 2006-Ohio-4614, ¶ 26 (7th Dist.), citing *Whitehall ex rel. Fennessy v. Bambi Motel*, 131 Ohio App.3d 734, 741 (10th Dist. 1998).

{¶18} Here, the trial court's docket does not contain any notation that Schultz was served with the trial court's judgment entry. Due to this defect, Schultz's appeal is timely notwithstanding the fact that it was filed 77 days after the trial court's entry. In this context, neither the trial court nor the clerk had any ability to "silently exhaust [Schultz's] 30-day jurisdictional clock." As this court fully addresses the merits of this appeal, Schultz cannot be said to have been denied access to appellate review, either. Most importantly, however, contrary to Schultz's claim, "[t]he failure of the clerk to serve notice does not affect the validity of the judgment . . . ." Civ.R. 58(B).

{¶19} Accordingly, Schultz's fifth assignment of error is without merit.

Remaining Assignments of Error

{¶20} Schultz's first, sixth, and seventh assignments of error are incomprehensible, appearing to discuss issues including but not limited to bankruptcy court, holding him to "scientifically impossible compliance standards," child abuse, an OVI case, and Schultz's involvement with cases originating in the City of Pepper Pike.

{¶21} None of these arguments comply with App.R. 16(A)(7), requiring an appellant's brief to contain "[a]n argument containing the contentions of the appellant with respect to each assignment of error presented for review and the reasons in support of the contentions, with citations to the authorities, statutes, and parts of the record on which appellant relies." As his arguments fail to contain citations to parts of the record which he relies and are not argued separately as required under the appellate rules, we decline to

address them any further. App.R. 16(A)(7); App.R. 12(A)(2); *see also Campbell v. Warren Gen. Hosp.*, 105 Ohio App.3d 417, 420 (11th Dist. 1994) (disregarding assignments of error not raised and argued separately).

{¶22} "[Pro se litigants] are not to be accorded greater rights and must accept the results of their own mistakes and errors." *Snype v. Cost*, 2012-Ohio-3892, ¶ 6 (11th Dist.), quoting *Karnofel v. Cafaro Mgt. Co.*, 1998 WL 553491, *2 (11th Dist. June 26, 1998), quoting *Meyers v. First Natl. Bank of Cincinnati,* 3 Ohio App.3d 209, 210 (1st Dist.1981). Accordingly, Schultz's first, sixth, and seventh assignments of error are without merit.

Conclusion

{¶23} For the reasons set forth above, the judgment of the Portage County Municipal Court, Ravenna Division, is affirmed.

JOHN J. EKLUND, J.,

SCOTT LYNCH, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this court, appellant's assignments of error are without merit. It is the judgment and order of this court that the judgment of the Portage County Municipal Court, Ravenna Division, is affirmed.

Costs to be taxed against appellant.

JUDGE ROBERT J. PATTON

JUDGE JOHN J. EKLUND,
concurs

JUDGE SCOTT LYNCH,
concurs

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.