

No. 20-6019

Supreme Court, U.S.
FILED

JUL 13 2020

OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

GREG P. GIVENS,

Petitioner,

v.

CLYDE YATES, JR., *et al.*,

Respondent(s).

===== ♦ =====
*On Petition For Writ Of Certiorari To The
Supreme Court of Ohio,
Seventh District Court of Appeals of Ohio;
Originating in The Belmont County, Ohio
Court of Common Pleas*
===== ♦ =====

PETITION FOR WRIT OF CERTIORARI

GREG P. GIVENS
P.O. Box 117
BELLAIRE, OH 43906
(740) 340-7807
Pro se, Petitioner

ORIGINAL

ORAL ARGUMENT REQUESTED.

QUESTIONS PRESENTED

The following questions are presented by the petitioner:

I. Does the lower court have the absolute right to wholly suspend and censor the First Amendment Right of the Freedom of Speech to a natural born citizen of the United States, before the redress of grievances?

II. Does the lower court have the absolute right to wholly suspend the First Amendment Right to Petition the government for redress of grievances, solely based on a whim, when the American citizen has no need for legal counsel?

III. Does any court of competent jurisdiction have the absolute right to shield a defendant in a questionable bankruptcy proceeding, with total immunity from lawful prosecution?

PARTIES BELOW

Petitioner Greg P. Givens was the plaintiff-appellant in the appeal that was in the court below. Respondents Clyde Yates, Jr.; Kimberly Yates (a.k.a. Kimberly Craig); Jeffrey Loeffler; Robert Newhart, Sr.; Timothy Merryman; Gary Rodgers; Donald Collette; Robert Gorrell, Sr.; Village of Shadyside, Ohio; Joseph Klug; Daniel S. Napolitano; Richard L. Loew, Jr.; Kimberly Harris, individually and collectively, were defendant-appellees in the case in the court below.

LIST OF PARTIES AND RELATED CASES

Relator(s):

Greg Givens, pro se

Respondent(s):

CHIEF COUNSEL

JUDGE ERIC COSTINE, ESQ.
136 WEST MAIN STREET
SAINT CLAIRSVILLE, OH 43950
for Clyde Yates, Jr., Kimberly Yates

ATTORNEYS JACOB E. REED
DANIEL D. EISENBREI, ESQ.
GREGORY A. BECK,
MELVIN L. LUTE, JR.
400 S. MAIN STREET,
NORTH CANTON, OH 44720
for Jeffrey Loeffler; Robert Newhart, Sr.;
Timothy Merryman; Gary Rodgers;
Donald Collette; Robert Gorrell, Sr.;
Village of Shadyside, Ohio; Joseph Klug

KELLY GENE KOTUR, ESQ.
407-A HOWARD STREET
BRIDGEPORT, OH 43912
for Daniel & Kimberly Napolitano

ATTORNEY KELLY GENE KOTUR
DAVIS AND KOTUR LAW
OFFICE, LPA
407-A HOWARD STREET
BRIDGEPORT, OH 43912
for Richard L. Loew, Jr., Rebecca Jo
Lowe

KIMBERLY HARRIS, *Pro se*
3301 CENTRAL AVENUE
SHADYSIDE, OH 43947

DEFENDANT(S)-APPELLEE(S)

Real Party in Interest:

Greg P. Givens, pro se, petitioner
P.O. Box 117
Bellaire, OH 43906
(740) 340-7807

Counsel for Real Party in Interest:

None.

RELATED CASES

Givens v. Yates, et al, No. 2019-1663, The Supreme Court of Ohio. Judgment entered: February 18, 2020, reconsidered April 28, 2020 (May 4, 2020).

Givens v. Yates, et al, No. 19-BE-0044, Seventh District Court of Appeals of Ohio. Judgment entered: November 4, 2019.

Givens v. Yates, et al, No. 19-CV-0200, Belmont County, Ohio, Court of Common Pleas. Judgment entered: September 6, 2019.

Givens v. Loeffler, et al, No. 2:19-CV-617, United States District Court, Southern District of Ohio. Judgment entered: *Open*.

Givens v. Klug, No. 19-DR-0224 (Stalking), Belmont County Ohio, Common Pleas Court. Judgement: August 20, 2019 (August 26, 2019).

Givens v. Newhart, Sr., No. 19-DR-0223 (Stalking), Belmont County Ohio, Common Pleas Court. Judgement: August 20, 2019 (August 26, 2019).

In re: Richard L. Loew, Jr. and Rebecca Jo Loew, Debtors, No. 2:20-BK-52621-CKP, United States Bankruptcy Court, Southern District of Ohio. Case Filed: Chapter 7, (May 27, 2020).

In re: Daniel S. Napolitano and Kimberly N. Napolitano, Debtors, No. 2:19-BK-55455-JPH, United States Bankruptcy Court, Southern District of Ohio. Case Filed: Chapter 13, (August 26, 2019).

State ex rel. Givens, et al v. Village of Shadyside, Ohio, et al, No. 20-BE-0001, Seventh District Court of Appeals of Ohio. Judgement: *Open*.

State ex rel. Givens, et al v. Village of Shadyside, Ohio, et al, No. 19-CV-0301, Belmont County Ohio, Common Pleas Court. Judgement: December 26, 2019.

State ex rel. Givens v. Fregiato, Judge, No. 2019-1242, The Supreme Court of Ohio. Administrative decision entered: October 8, 2019.

State of Ohio, Village of Shadyside, Ohio v. Givens, No. 19-CV-H-335W, Belmont County, Ohio, Western Division Court (Administrative Appeal, with Special Judicial Appointment by The Supreme Court of Ohio), Judgment entered: October 7, 2019.

Village of Shadyside, Ohio v. Givens, No. 18-BE-0046, Seventh District Court of Appeals of Ohio. Judgment entered: *Open*.

Village of Shadyside, Ohio v. Givens, No. 18-CR-B-0381, Belmont County, Ohio, Eastern Division Court. Judgment entered: August 16, 2018 (*Nunc pro tunc* entered, November 20, 2018).

TABLE OF CONTENTS

CAPTION	i
QUESTIONS PRESENTED	ii
PARTIES BELOW	iii
TABLE OF CONTENTS	iv
INDEX OF APPENDICES	iv
TABLE OF AUTHORITIES	v~x
OPINIONS BELOW	1
JURISDICTIONAL STATEMENT	1
CONSTITUTIONAL PROVISIONS INVOLVED	1
STATUTORY PROVISIONS INVOLVED	2
STATEMENT OF THE CASE	4
CONCLUSION	19
APPENDIX	END

Index of Appendices

- Appendix 1 ~ Decision of State Supreme Court denying Petitioner.
 - Appendix 2 ~ Lower Court's entry decision suspending
Petitioner's Constitutional Rights.
 - Appendix 3 ~ Defendant(s) filings for Immunity from Prosecution.
 - Appendix 4 ~ Petitioner Exhibits.
-

TABLE OF AUTHORITIES

Cases

1 A.L.R. 3rd 844.....	
6 A.L.R. 2nd 1008.....	
10 A.L.R. 3rd 533.....	
12 A.L.R. 2nd 1005.....	
12 A.L.R. 4th 1278.....	
14 A.L.R. 2nd 264.....	
14 A.L.R. 4th 1372.....	
19 A.L.R. 4th 919.....	
20 A.L.R. 3rd 988.....	
23 A.L.R. 3rd 652.....	
26 A.L.R. 2nd 1031.....	
30 A.L.R. 4th 572.....	
33 A.L.R. 4th 212.....	
36 A.L.R. 4th 807.....	
37 A.L.R. 4th 987.....	
38 A.L.R. 4th 1114.....	
40 A.L.R. 3rd 490.....	
40 A.L.R. 3rd 1049.....	
41 A.L.R. 2nd 683.....	
46 A.L.R. 4th 326.....	
46 A.L.R. 4th 403.....	
49 A.L.R. 3rd 163.....	
49 A.L.R. 3rd 1074.....	
49 A.L.R. 4th 1158.....	
50 A.L.R. 4th 1257.....	
51 A.L.R. 2nd 552.....	
51 A.L.R. 3rd 1300.....	
52 A.L.R. 4th 488.....	
52 A.L.R. 4th 618.....	
54 A.L.R. 4th 746.....	
58 A.L.R. 2nd 1422.....	
62 A.L.R. 4th 616.....	
65 A.L.R. 3rd 901.....	
70 A.L.R. 2nd 1088.....	
70 A.L.R. 3rd 536.....	
75 A.L.R. 3rd 616.....	
77 A.L.R. 2nd 493.....	
83 A.L.R. 4th 999.....	
84 A.L.R. 3rd 1249.....	
85 A.L.R. 2nd 460.....	
87 A.L.R. 2nd 183.....	
87 A.L.R. 2nd 1047.....	
87 A.L.R. 3rd 554.....	
87 A.L.R. 3rd 580.....	
90 A.L.R. 5th 273.....	
90 A.L.R. 2nd 700.....	
93 A.L.R. 3rd 826.....	
94 A.L.R. 3rd 791.....	
95 A.L.R. 2nd 227.....	
<i>Ball v. British Petroleum Oil</i> (Ohio App. 6 Dist.12-29-1995) 108 Ohio App.3d 129, 670 N.E.2d 289.....	
<i>Beaver Excavating Co. v. Perry Twp. (Stark 1992)</i> 79 Ohio App.3d 148, 606, N.E.2d 1067.....	
<i>Biesiada v. Gyekenyesi</i> (Ohio Mun., 07-14-1994) 69 Ohio Misc.2d 14, 649 N.E.2d 924.....	

- Blankenship v. Parke Care Centers, Inc.* (S.D. Ohio, 12-12-1995) 913 F.Supp. 1045, affd. 123 F.3d 868, cert. denied 118 S.Ct. 1039, 522 U.S. 1110, 140 L.Ed.2d 105.....
- Board of Education v. Marting*, 88 Ohio L. Abs 453, 185 NE2d 583 (Ohio CP 1961).....
- Bowling v. Heil Co.* (Ohio 1987) 31 Ohio St.3d 277, 511 N.E.2d 373, 31 O.B.R. 559.....
- Bretz v. Mayer*, 1 Ohio Misc. 59, 30 Ohio Ops2d 361, 203 NE2d 665 (1963).....
- Brodie v. Hawaii Automotive Retail Gasoline Dealers Assn.*, 2 Hawaii App 316, 631 P2d 600 (1981).....
- Brown v. Board of Education*, 347 U.S. (1954).....
- Cincinnati Daily Tribune Co. v. Bruck*, 61 OhioSt. 489, 56 NE 198 (1900).....
- ClermontEnvironmental Reclamation Co. v. Hancock*, 16 Ohio App3d 9, 16 Ohio BR 9, 474 NE2d 357 (1984).....
- Commercial Union Ins. v. Wheeling Pittsburgh Corp. (Miami 1995)* 106 Ohio App.3d 477, 666, N.E.2d 571 app. n.a. 74 Ohio St.3d 1464, 656 N.E.2d 1299
- Condit v. Clermont Cty. Review* (Ohio App. 12 Dist., 04-29-1996) 112 Ohio App.3d 755, 675 N.E.2d 475, dismissed; app not allowed 77 Ohio St.3d 1469, 673 N.E.2d 135.....
- Connaughton v. Harte Hanks Communications, Inc.* (C.A.6 (Ohio), 1988) 842 F.2d 825, certiorari granted 109 S.Ct. 257, 488 U.S. 657, 105 L.Ed.2d 562
- Culberson v. Doan* (S.D. Ohio, 12-14-2000) 125 F.Supp.2d 252
- Dakters v. Shane*, 64 Ohio App2d 196, 18 Ohio Op 3d 150, 412 NE2d 399 (1978).....
- Desarro v. McVay* (Ohio App. 7 Dist., Columbiana, 03-17-2003) No. 02-CO-42, 2003-Ohio-1224, 2003 WL 1194048.....
- Drago v. Buonagurio*, 109 Misc2d 192, 439 NYS2d 818 (1981) affd 89 AD2d 682, 454 NYS2d 37 (1982).
- Drouillard v. Metropolitan Life Ins. Co.*, 107 Mich App 608, 310 NW2d 15 (1981).....
- Dryden v. Cincinnati Bell Tel. Co.* (Ohio App. 1 Dist., 08-20-1999) 135 Ohio App.3d 394, 734 N.E.2d 409
- Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.* (U.S. Vt. 1985) 105 S.Ct. 2939, 472 U.S. 749, 86 L.Ed.2d 593
- Dunnigan v. City of Lorain* (Ohio App. 9 Dist., Lorain, 10-16-2002) No. 02CA008010, 2002-Ohio-5548, 2002 WL 31313216.....
- Fallang v. Hickey* (Ohio 1988) 40 Ohio St.3d 106, 532 N.E.2d 117, 83 A.L.R. 4th 999
- Franklin Park Mall, Inc. v. WTVG, Inc.* No. L-94-126
- Gertz v. Robert Welch Inc.* 1974 418 U.S.323, 41 LE2d 789, 94 SCt 2997
- Gideon v. Wainwright* 372 U.S. 335 (1963)
- Gilbert v. WNIR 100 FM* (Ohio App. 9 Dist., 05-09-2001) 142 Ohio App.3d 725, 756 N.E.2d 1263, dism., app. not allid. 93 Ohio St.3d 1413, 754 N.E.2d 260.....
- Givens v. Hickson*, 275 Ark 370, 631 SW2d 263 (1982).....
- Gosden v. Louis* (Ohio App. 9 Dist., 12-04-1996) 116 Ohio App.3d 195 687 N.E.2d 149
- Greer v. Columbus Monthly Publishing Corp.*, 4 Ohio App3d 235, 4 Ohio BR 426, 448 NE2d 157 (1982) ..
- Gringer v. Scholz*, 56 Ohio L. Abs 340, 91 NE2d 903 (Ohio App 1950).....
- Haswell v. Liberty Mutual Ins. Co.*, 557 SW2d 628 (Mo 1977).....
- Helmick v. Cincinnati Word Processing, Inc.* (Ohio 1989) 45 Ohio St.3d 131, 543 N.E.2d 1212
- Hubbard v. Beatty & Hyde Inc.*, 343 Mass 258, 178 NE2d 485 (1961)
- Indiana v. Edwards* 554 U.S. 164 (2008).....
- Joelson v. U.S.* (C.A.6 (Ohio), 06-24-1996) 86 f.3D 1413.....
- Kanjuka v. Metrohealth Med. Ctr.* (Ohi App. 8 Dist., 12-12-2000) 151 Ohio App.3d 183, 783 N.E.2d 920, 2002-Ohio-6803, app not allid. 98 Ohio St.3d 1539, 786 N.E.2d 901, 2003-Ohio-1946, recon. dend. 99 Ohio St.3d 1439, 789 N.E.2d 1119, 2003-Ohio-2902
- Leaman & Co. v. Victory Iron Works, Inc.*, 411 So2d 666 (La App 1982).....
- Levering v. National Bank of Morrow County*, 87 Ohio St. 117, 100 NE 322 (1912).....
- Liberty Loan Corp. v. Mizell*, 410 So2d 45 (Ala 1982).....
- Lundy v. General Motors Corp.* (C.A.6 (Ohio), 06-04-2004) No. 03-3618, 101 Fed.Appx. 68, 2004 WL 1262134.....
- Mallin v. Mallin* (Ohio App. 10 Dist., 05-08-2995) 102 Ohio App.3d 717, 657 N.E.2d 856.....
- Marshall v. Rodgers*, 133 S.Ct. 1446.....
- McKimm v. Ohio Elections Comm.* (Ohio, 06-4-2000) 89 Ohio St.3d 139, 729 N.E.2d 364, 2000-Ohio-118, cert. denied, 121 SCt. 776, 531 U.S. 1078, 148 L.Ed.2d 674
- Mohan v. Fetterolf* (Ohio App. 11 Dist., 10-30-1995) 107 Ohio App.3d 167, 667 N.E.2d 1278.....
- Morrison v. Gugle* (Ohio App. 10 Dist., 04-12-2001) 142 Ohio App.3d 244, 755 N.E.2d 404, appeal not allowed 92 OhioSt.3d 1451, 751 N.E.2d 487

<i>Nelson v. Overberg</i> (C.A.6 (Ohio) 1993) 999 F.2d 162	
<i>Nichols v. Hanzel</i> (Ohio App. 4 Dist., 04-26-1996) 110 Ohio App.3d 591, 674 N.E.2d 1237, app not allowed 76 Ohio St.3d 1496, 670 N.E.2d 243	
<i>Ogle v. Hocking Cty., 2013-Ohio-597</i>	
<i>Ohio Savings Assn. v. Business First of Columbus, Inc.</i> , 43 Ohio App.3d 215, 540 NE2d 320 (1988)	
<i>Paramount Supply Co. v. Sherlin Corp.</i> , 16 Ohio App.3d 176, 16 Ohio BR 186, 475 NE2d 197 (1984)	
<i>Phillips v. Heffner</i> (Ohio Com.Pl. 1983) 11 Ohio Misc.2d 25, 464 N.E.2d 195, 11 O.B.R. 311	
<i>Piro v. Franklin Twp.</i> (Ohio App.9 dist., 05-24-1995) 102 Ohio App.3d 130, 656 N.E.2d 1035	
<i>Pyle v. Pyle</i> , 11 Ohio App 31, 463 NE2d 98 (1983)	
<i>Reamsnyder v. Jaskolski</i> , 10 Ohio St.3d 150, 462 NE2d 392 (1984)	
<i>Retterer v. Whirlpool Corp.</i> (Ohio App 3 Dist. 1996) 111 Ohio App.3d 847, 677 N.E.2d 417, app. dism. as improvid. allowed 89 Ohio St.3d 1215, 729 N.E.2d 760	
<i>Rich v. Thompson Newspapers, Inc.</i> (Ohio App. 11 Dist., 11-25-1005) 164 Ohio App.3d 477, 842 N.E.2d 1081, 2005-Ohio-6294	
<i>Robb v. Chagrin Lagoons Yacht Club, Inc.</i> (Ohio, 03-06-1996) 75 Ohio St.3d 264, 662 N.E.2d 9 1996- Ohio-189, reconsid. denied 75 Ohio St.3d 1452, 663 N.E.2d 333	
<i>Robinson v. Parker-Hannifin Corp.</i> , (Ohio Com.Pl. 1982) 4 Ohio Misc.2d 6, 447 N.E.2d 781, 4 O.B.R. 257	
<i>Robinson v. Parker-Hannifin Corp.</i> , 44 NE(2d) 781 (CP, Cuyahoga 1982)	
<i>Roe v. Franklin Cty.</i> (Ohio 10 Dist. 03-12-1996) 109 Ohio App.3d 772, 673 N.E.2d 172, app not alld. 77 Ohio St.3d 1415, 670 N.E.2d 1003	
<i>Schreiber v. Multimedia of Ohio Inc.</i> (Hamilton 1987) 41 Ohio App.3d 257, 535 N.E.2d 357	
<i>Shaper v. Tracy</i> (Ohio App. 10 Dist., 09-29-1994) 97 Ohio App.3d 760, 647 N.E.2d 550, motion to certify denied 71 Ohio St.3d 1477, 645 N.E.2d 1257, certiorari denied 116 S.Ct. 274, 516 U.S. 907, 133 L.Ed.2d 195	
<i>Smith v. Board of Trustees Lakeland Community College</i> (N.D. Ohio, 09-28-2010) 746 F.Supp.2d 877	
<i>Smith v. Klein</i> , 23 Ohio App.3d 146, 23 Ohio BR 387, 492 NE2d 852 (1985)	
<i>Sovchik v. Roberts</i> (Ohio App. 9 Dist., Medina, 05-09-2001) No. 3090-M, 2001 WL 490015	
<i>State v. Farthing</i> (Ohio App. 2 Dist., 12-28-2011) 146 Ohio App.3d 720, 767 N.E.2d 1242, 2001-Ohio- 7077	
<i>State v. Morris</i> (Ohio App. 7 Dist., Monroe, 12-08-2004) No. 03 MO 12, 2004-Ohio-6810, 2004 WL 2913956	
<i>State v. Roten</i> (Ohio App. 12 Dist., 09-03-2002) 149 Ohio App.3d 182, 776 N.E.2d 551, 2002-Ohio-4488.	
<i>State v. Solomon</i> (Ohio App. 3 Dist., Marion, 06-01-2004) No. 9-03-58, 2004-Ohio-2795, 2004 WL 1191966, unreported, appeal not allowed 105 Ohio St.3d 1466, 824 N.E.2d 93, 2005-Ohio-1024	
<i>Treshansky v. North Ohio Lumber & Timber Co.</i> , 6 Ohio L Abs 430 (Ohio App 1928).	
<i>Turner v. J Blach & Sons</i> , 242 Ala 127, 5 So2d 93 (1941).	
<i>Union v. United Battery Service Co.</i> , 35 Ohio L Abs 149, 171 NE 608 (1928), later App 8 Ohio L Abs 733 (Ohio App 1930)	
<i>Waterson v. Cleveland State Univ.</i> (Ohio App. 10 Dist. 03-29-1994) 93 Ohio App.3d 792, 639 N.E.2d 1236	
<i>Williams v. Gragston</i> (Hamilton 1982) 7 Ohio App.3d 369, 455 N.E.2d 1075, 7 O.B.R. 469	
<i>Yeager v. Local Union 20</i> , 6 Ohio St.3d 369, 453 NE2d 666 (1983)	

Statutes

42 U.S.C. §1981 et seq	
42 U.S.C. §1983	
Declaratory Relief: O.R.C. §2307.15; §2307.17	
O.R.C. § 4112.01 et seq	
O.R.C. §2305.11 Malicious Prosecution	
O.R.C. §2305.251	
O.R.C. §2305.251 Invalidity of any one act does not prevent another	
O.R.C. §2305.402 Duties Owed to Trespassers	
O.R.C. §2307.01 Action Defined	
O.R.C. §2307.15 Determination of Insanity of a Party	
O.R.C. §2307.17 Person Claiming Property Interest May Be Made Party	
O.R.C. §2307.22-23 Determination of Joint and Several Tort Liability; Percentage	

O.R.C. §2307.70 Civil Action for Damages	
O.R.C. §2311.13 Breaking and Entering.....	
O.R.C. §2315.18 Compensatory Damages in Tort Actions	
O.R.C. §2315.18 Review of Evidence Supporting Damages	
O.R.C. §2315.18; Compensatory Damages In Tort Actions	
O.R.C. §2315.19; Trial Court review of award of compensatory damages for noneconomic loss	
O.R.C. §2721.01 et seq. Declaratory Judgments.....	
O.R.C. §2739.01 Libel and slander	
O.R.C. §2901.11 Jurisdiction for Criminal Acts	
O.R.C. §2901.23 Organizational Criminal Liability	
O.R.C. §2901.23 Personal Accountability for Organizational Conduct.....	
O.R.C. §2913.01 (Fraud).....	
O.R.C. §2913.44 Impersonation of Peace Officer or Private Police Officer.....	
O.R.C. §2913.44 Personating an Officer.....	
O.R.C. §2921.01 Offenses Against Justice	
O.R.C. §2921.02 Bribery	
O.R.C. §2921.03-04 Intimidation.....	
O.R.C. §2921.05 Retaliation	
O.R.C. §2921.11-15 Crimes Against Justice.....	
O.R.C. §2921.23 Compounding a Crime	
O.R.C. §2921.32 Obstructing Justice	
O.R.C. §2921.45 Interfering with Civil Rights	
O.R.C. §2921.52 Using Sham Legal Process	
O.R.C. §2923.01-03 Conspiracy	
O.R.C. §2923.02-03 Attempt and Complicity.....	
O.R.C. §2923.31 Corrupt Activity	
O.R.C. §3599.11 False Voter Registration.....	
O.R.C. §3599.25 Inducing Illegal Voting	
O.R.C. §3761.12 Prohibition Against Conspiracy While Wearing Disguise	
Ohio Revised Code §2307.01.....	
Ohio Revised Code §2505.01, et seq.	
Section §2921.05.....	
Section 2305.11, 2315.21, 3721.02, or 3721.17 of the Ohio Revised Code.....	
Section 5111.411 of the Ohio Revised Code.....	
TORT ~ generally, O.R.C. §2305.402; §2315.18-19; §2323.44	
Trial Court, generally: O.R.C. §2315; Trial Procedure	

Other Authorities

2001 S 108 §1, Uncodified Law	
<i>Baldwin's</i> Malicious prosecution, Obstructing Justice	
Citing Ohio Revised Code, <i>Annotated</i>	
Civil Rights Act of 1964.....	
Federalist Papers, No. 51	
<i>Givens Business Torts and Competitor Litigation</i> (Shepard's/McGraw-Hill 1989)	
<i>Judgment, Baldwin</i> Key Number 713(2).....	
<i>LaFave</i> , 1 Search and Seizure §7:1(a) (2nd. Ed. 1987).....	
<i>Ohio - 2001 Opinion Att'y General, No. 01-026 at 2-141, et seq.</i>	
Tribe, <i>American Constitutional Law</i> §15-9(3rd. Ed. 2000).....	

Rules

Local Rules, Belmont County, Court of Common Pleas, refer. to "concise, unambiguous, and specific"	
Ohio Rules of Civil Procedure, Rules: generally; and as to Pleadings	
Ohio Rules of Civil Procedure, Rule 57, Declaratory Judgments	
Ohio Rules of Civil Procedure, Rule with specific refer. to "concise, unambiguous, and specific"	

Treatises

Gotherman, Babbitt and Lang, Baldwin's Ohio Practice, Local Government Law - Municipal, § 5:13, Criminal Liability	
Gotherman, Babbitt and Lang, Baldwin's Ohio Practice, Local Government Law - Municipal, § 8:32, Personal Liability of Police Officers	
Hastings, Manoloff, Sheeran, & Strye, Ohio School Law Gotherman, Babbitt and Lang, Baldwin's Ohio Practice, Local Government Law - Municipal, § 45:21, Interfering With Civil Rights	
Katz, Giannelli, Blair and Lipton, Baldwin's Ohio Practice, Criminal Law, § 110:28, Interfering With Civil Rights	
OH Jur.3d Cvl. Servants & Pub. Officers & Employ. § 437, Interfering With Civil Rights.....	
Princehorn, Baldwin's Ohio Practice, Local Government Law - Township, Gotherman, Babbitt and Lang, Baldwin's Ohio Practice, Local Government Law - Municipal, § 6:15, Offenses	

Regulations

Prohibited Uses in Residence District (Shadyside)	
Removal of Weeds (Shadyside)	
Shadyside Ordinance No. 521.12	
Shadyside Ordinance No. 521.12 – MM and 521.13.....	

Constitutional Provisions

Article I of the Ohio Constitution.....	
Article I, Section §10 of the Ohio Constitution (1851)	
Article I, Section §11 of the Ohio Constitution (1851), amend. 1912.....	
Article I, Section §16 of the Ohio Constitution (1851), amend. 1912.....	
Article I, Section §18 of the Ohio Constitution.....	
Article I, Section §19b of the Ohio Constitution.....	
Bill of Rights to the Constitution of the United States	
Fifth Amendment to the U.S. Constitution.....	
First Amendment to the U.S. Constitution	
Fourteenth Amendment to the U.S. Constitution	
Fourteenth Amendment, U.S. Constitution	
Fourth Amendment to the U.S. Constitution	
Ohio Constitution, Article IV, Section 3(B)(2)	
U.S. Constitution Article IV, Section 2	

PETITION FOR WRIT OF CERTIORARI

Greg P. Givens, on behalf of himself, hereby petitions for a writ of certiorari to review the opinion of the highest state court, Supreme Court of Ohio, April 28, 2020 (filed May 4, 2020), ninetieth day, July 26, 2020 (August 1, 2020). There was no good-faith determination of the law in petitioner's cases in either the lower court, or as pertains to U.S. Bankruptcy court. under review.

OPINIONS BELOW

The Unreported Supreme Court of Ohio's Opinion affirming the judgment of the case of the lower court, entered September 6, 2019, is reproduced at Pet. App. 1, Pet. App. 2, and dismissed by unpublished per curiam opinion. The Supreme Court of Ohio's final judgment by Appellate Clerk stamp was on March 4, 2020, reconsideration is reproduced in Pet. App 1., and its corresponding original opinion of February 18, 2020, is reproduced at Pet. App. 1, the bankruptcy judgment for immunity ruling is reproduced at Pet. App. 3, pertaining to the same case under review.

JURISDICTIONAL STATEMENT

The Ohio Supreme Court's final opinion was entered on April 28, 2020 (May 4, 2020). This Court's jurisdiction is invoked pursuant to 28 U.S.C. § 1254(1); and 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

1. This case involves the Amendments in the Bill of Rights to the Constitution of the United States.
2. The Fourteenth Amendment, U.S. Constitution, provides:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In the Civil Rights Act of 1964, Congress passed laws to affirmatively protect the constitutional rights of citizens and to guarantee equal access to public accommodation and facilities and employment opportunities. 42 U.S.C. §1981 et seq; *Brown v. Board of Education*, 347 U.S. (1954).

3. This case involves several Amendments in the Bill of Rights to the Constitution of the State of Ohio, and to the Constitution of the United States.' Citing United States Constitution, Bill of Rights, A guarantee of freedoms. Amendments 1 through 10, as if fully set forth.

Article I, Section §11 of the Ohio Constitution (1851), amend. 1912, provides:

Section §11. "Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right, and no law shall be passed to restrain or abridge the liberty of speech, or of the press...."

Article I, Section §16 of the Ohio Constitution (1851), amend. 1912, provides:

Section §16. "All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay...."

Article I, Section §18 of the Ohio Constitution, demands:

Section §18. "No power of suspending laws shall ever be exercised, except by the General Assembly."

Article I, Section §19b of the Ohio Constitution, provides: (in part):

Section §19b. "(A) The protection of the rights of Ohio's property owners, the protection of Ohio's natural resources, and the maintenance of the stability of Ohio's economy require the recognition and protection of property, interests in ground water, lakes, and watercourses. (B) The preservation of private property interests recognized under divisions (C) and (D) of this section shall be held inviolate, ..."

Citing the Bill of Rights to the Constitution of the United States, as applied to the states.

Petitioner, Greg P. Givens, was so denied.

The five freedoms the First Amendment the U.S. Constitution protects are:
Freedom of Speech and expression; Freedom of Religion; Freedom of the Press;
and Freedom of Assembly; and the Right to Petition the Government.

Petitioner, Greg P. Givens, was so denied.

STATUTORY PROVISIONS INVOLVED

4. Plaintiff-Appellant cites all relevant Ohio Case Law thereon in Relative Actions:

5. The “operative grounds underlying the claim for relief” standards are clear. In the case cited by the Appellee, in *Duetsche Bank Nat’l Trust Co.*, cuts to the underlying cause of action: a Motive. The Motive of the Appellee(s) is to “drive Givens out of town.”, to criminally retaliate, to prevent Givens from running for public office, by acts or omissions in any means possible. (Citing Appellant(s) record, all references in the Ohio Revised Code, *sic passum*;) Ohio Revised Code, by Ohio General Assembly, provides these rights to its citizens:

6. The Ohio Revised Code assigns rights and privileges to its citizens, and provides relief to the aggrieved; (and Example), To Wit:

COUNT I ~Negligent or Intentional Infliction of Emotional Distress

Civil Action, Common Pleas

O.R.C. §2307.01 Action Defined.

Section §2307.01. An action is an ordinary proceeding in a court of justice, involving process, pleadings, and ending in a judgment or decree, by which a party prosecutes another for the redress of a legal wrong, enforcement of a legal right, or the punishment of a public offense.”

Petitioner has that right; Trial Court is in error. Citing applicable Ohio specific case law:

Authorities

CITATIONS, *Ibid.* pp. v-x, and *sic passim*.

STATEMENT OF THE CASE

7. Greg P. Givens is a natural born citizen of the United States.

Respondent(s) engaged in a conspiracy of private citizens, and public officials, in a continual pattern of statutory provision violations and offenses of hate, intimidation, retaliation, impersonation, false arrest, and using a sham legal process to violate fundamental rights and privileges against Givens, a candidate for the public office of mayor. Respondent(s) continually depriving Givens of personal rights, livelihood, and property. See Petitioner, Appendix 4.

8. Givens alleges physical and emotional distress, defamation, continual violation of his civil and constitutional rights, suppression, and an on-going conspiracy of harm

9. Givens alleges civil trespass, and additionally a conspiracy to commit the trespass without warrant, or court order, despite repeated demands by Givens to leave his business, life, private property and affairs alone.

10. And that on a continual basis, a pattern of corrupt activity continues against Givens protected liberty interests, and for due process purposes, and in his reputation, good name, honor, and integrity, as well as in being free to move about, live, and practice his profession without burden of unjustified label or infamy as a result of blatant acts and omissions of so named defendants, and those acting under color of law and private tort.

11. On an ongoing basis, a pattern of actionable offenses originating from defendants continues against Plaintiff-Appellant's protected liberty interests, and for due process purposes, in his reputation, good name, honor, and integrity, as well as in being free to move about, live, and practice his profession without burden of unjustified label or infamy as a result of blatant

acts and omissions, against public officials using the power of their office, or private actions which unlawfully deprive or deny Givens his rights, under the guise of acting within the authority of their position, and the scope of the statute of limitations.

Respondent(s) have been given NO REMEDY AT LAW;

REASONS FOR GRANTING THE PETITION

I. Does the lower court have the absolute right to wholly suspend and censor the First Amendment Right of the Freedom of Speech to a natural born citizen of the United States, before the redress of grievances?

12. The Constitution of the United States guantees the petitioner, the inalienable Right to Freedom of Speech and Expression under the First Amendment, as characterized with a wide latitude, and with Constitutional Protections both on the question of *germanis*, and on the language he uses and says what he means. As Peitioner expresses his grievances to this Court, so, he must have that same inalienable Right to the lower court, as well, and to not be wholly pre-determined, prejudiced, and censored beforehand with directed censorship command words from the court, such as: “concise”, “unabmiguous”, and “specific”, as a clear, and blanket excuse to censor, and not to hear, a fully capable and unrepresented citizen griever.

13. The First Amendment protects all American citizen’s speech from government censorship. As it applies to federal, state, and local government actors. This is a broad category that includes not only lawmakers and elected officials, but also public schools and universities, courts, and police officers.

14. Petitioner’s speech was merely an expression of his grievances. Capcilation by the court in its American Jurisprudence forms and format, Petitioner’s speech was neither: obscene, fradulent, illegal, lawless, or involate. Petitioner’s words and print were neither cursed, made threats, or was part of any commercial speech.

Authorities

CITATIONS, *Ibid.* pp. v-x, and *sic passim*.

15. The Petitioner’s complaint is not a “rambling and indecipherable diatribe, not “relat[ing] any fact to law which would state claim for relief.” *Satis quod*

praeter, it is simply telling the truth, and is neither and “imaginative process”, i.e. as in the clear and precise consent of the Ohio Constitution and the Ohio Revised Code; -- as it is, that it is, that is not being heard. *Ohio Supreme Court* (19-1663) brief:

The ...Court’s creation of FIRST AMENDMENT LIMITATIONS on FREE SPEECH and RIGHT TO PETITION affirmation as to “concise, unambiguous, and specific” does not allow the [Petitioner] the time reach the threshold of the pursuit of filing a whole and timely *pro se* compliant. Where the Rule is ambiguous as to whether the [Petitioner] meets the original filing standard of the statute of limitations imposed upon him thus creating a posture of Procedural Delay as to prevent [Petitioner] from meeting the basis standard of his right to the courts under the [U.S. and] Ohio Constitution. And thereby denying equal justice to every person under law. **If such a person is illiterate, analphabetic, benighted, dark, ignorant, nonliterate, rude, simple, uneducated, uninstructed, unlearned, unlettered, unread, unschooled, untaught, untutored or otherwise, does this limit his or her ability to Petition the courts? (Emphasis added).**

II. Does the lower court have the absolute right to wholly suspend the First Amendment Right to Petition the government for redress of grievances, solely based on a whim, when the American citizen has no need for legal counsel?

16. All Findings by Trial Court on Defendant judgment were insufficient to standards administered by the Ohio Constitution, Article IV, Section 3(B)(2) ; U.S. Constitution Article IV, Section 2; Ohio Revised Code §2505.01, et seq.

AN APPELLATE COURT SHOULD NOT RELY ON *STARE DECISIS* AS THE SOURCE OF AUTHORITY DECIDING "AN APPELLATE COURT SHOULD NOT RELY ON *STARE DECISIS* AS THE SOURCE OF AUTHORITY DECIDING QUESTIONS OF CONSTITUTIONAL POWER." G QUESTIONS OF CONSTITUTIONAL POWER.

President Andrew Jackson stated in his Renewal Bill Veto, July 10, 1832:

“Mere **precedent** (*stare decisis*) is a **dangerous source of authority**, and **should not** be regarded as **deciding questions of constitutional power.**”

Abraham Lincoln reminded citizens, September 16-17, 1859:

"The people are the **rightful masters** of both Congresses, and **Courts**."

Authorities

CITATIONS, *Ibid.* pp. v-x, and *sic passim*.

III. Does any court of competent jurisdiction have the absolute right to shield a defendant in a questionable bankruptcy proceeding, with total immunity from lawful prosecution?

17. Respondent(s)-Appellee(s) Customs and Tradition encourages acts of retaliation and retribution by public officials, and Appellee(s) actions during the course of government acts against its citizens in violation of Ohio law.

O.R.C. §2921.05 Retaliation

Section §2921.05. (A) No person, purposely and by force or by unlawful threat of harm to any person or property, shall retaliate against a public servant, a party official, or an attorney or witness who was involved in a civil or criminal action or proceeding because the public servant, party official, attorney, or witness discharged the duties of the public servant, party official, attorney, or witness.

(B) No person, purposely and by force or by unlawful threat of harm to any person or property, shall retaliate the victim of a crime because the victim filed or prosecuted criminal charges.

(C) Whoever violates this section is guilty of retaliation, a felony of the third degree.

18. Plaintiff-Appellant has that right; Trial Court is in error. Citing applicable Ohio specific case law: Permitting claims: Constitutional Issues - Direct and Indirect Retaliation, and actionable offense.

19. Title 18 U.S. Code § 241, Conspiracy Against Rights, declares:

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured --

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

20. Title 18 U.S. Code § 242, Deprivation of rights under color of law, declare:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Citing also, Title 18 U.S. Code §§ 1961-1968; 18 U.S. Code § 1964, Civil Remedies.

21. Congress has the authority to overrule wrongly decided cases. *Wesson v. United States*, 48 F.3d 894, 901 (5th Cir. 1995). Congress may cure any error made by the courts. *Fast v. School Dist. Of City of Ladue*, 728 F.2d 1030, 1034 (8th Cir. 1984) (en banc). Congress has the power to counter judicial doctrine. *Belgard v. State of Hawaii*, 883 F.Supp. 510, 514 (D. Hawaii 1995). It should not be necessary for Congress to visit this issue.

Petitioner also incorporates by reference citations, above.

CONCLUSION

Petitioner's question tests the application of checks and balances. It asks this Honorable Court to settle the intent of Congress in Title 28 U.S.C. §§ 1391-1392, et seq.; 28 U.S.C. §§ 2072 and 2075 et seq.; 28 U.S.C. § 2074, et seq., and citations above, and to determine whether the "public interest" should be excepted by those against whom it is invoked, and presents true and unique issues of importance beyond the particular facts and parties involved.\

If anything should befall Petitioner, his family, or possessionz during the course of this appeal, the Respondent(s) are directly responsible.

PRAYER FOR RELIEF

For these reasons set forth above and relief sought, this petition for a writ of certiorari should be granted.

PETITIONER DECLARES UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: July 13, 2020.

Respectfully Submitted,



GREG P. GIVENS, pro se, Petitioner
P.O. BOX 117
BELLAIRE, OH 43906
(740) 340-7807

VERIFICATION / AFFIRMATION

I, **GREG P. GIVENS**, who duly affirms and deposes that:

I.

I am pro se party of record for GREG P. GIVENS, Real Party In Interest in this case. I am over 21 years of age and am competent to make this affidavit. I have prepared/read the foregoing Petition/Brief/Appeal to which this verification is attached, which is filed on behalf of GREG P. GIVENS, and every factual statement contained in this Petition/Brief/Appeal is within my personal knowledge and is true and correct under penalty of perjury.

II.

This Petition/Brief/Appeal is accompanied by an appendage. I have personal knowledge that the documents contained in the appendage are true and correct copies.

Further, Affiant sayeth not.

Date: 7/13/2020

AFFIRMED,

A handwritten signature in black ink, appearing to read 'GP Givens', written over a horizontal line.

**Greg P. Givens, Affiant
Pro se Real Party In Interest,**

VERIFICATION / AFFIRMATION

I, **GREG P. GIVENS**, who duly affirms and deposes that:

I.

I am pro se party of record for GREG P. GIVENS, Real Party In Interest in this case. I am over 21 years of age and am competent to make this affidavit. I have prepared/read the foregoing Petition/Brief/Appeal to which this verification is attached, which is filed on behalf of GREG P. GIVENS, and every factual statement contained in this Petition/Brief/Appeal is within my personal knowledge and is true and correct under penalty of perjury.

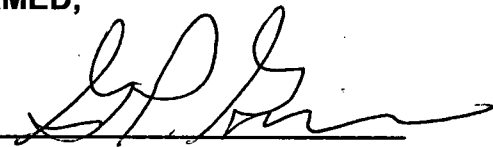
II.

This Petition/Brief/Appeal is accompanied by an appendage. I have personal knowledge that the documents contained in the appendage are true and correct copies.

Further, Affiant sayeth not.

Date: 9/9/2020

AFFIRMED,

A handwritten signature in black ink, appearing to read 'G. P. Givens', is written over a horizontal line.

**Greg P. Givens, Affiant
Pro se Real Party In Interest,**