

IN THE  
SUPREME COURT OF THE UNITED STATES

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Affidavit of Facts by Joyce L. Ackerman

United States, State of Ohio, Montgomery County

I, Joyce L. Ackerman Joyce L. Ackerman, residing at 556 Shadowlawn Ave. Dayton, Ohio 45419, United States for 33 years, and still claims this property rights, does hereby state under penalty that;

- 1) Joyce L. Ackerman is over 18 years of age and competent to testify of my own knowledge of the facts presented herein in good faith and not for delay,
- 2) I have set forth such facts, as would be admissible in evidence; stated herein are true, correct, and complete to the best of my knowledge and understanding,
- 3) I state that I am indigent and not able to pay legal fees at this time because of a medical and financial hardship cause by alleged acts of insurance company fraud and mortgage fraud,
- 4) I state details of genuine issues of material facts of alleged mortgage fraud, and outside "insurance company fraud" case matters of alleged "overt acts" of perpetrated "fraud on the court", resulting in the termination of substantial case matters carrying a preserved inviolate "Jury Demand" action, thus creating financial hardship, and further show cause to indigent status. See: [www.badfaith.info](http://www.badfaith.info) for details.
- 5) I declare under penalty of perjury that the statements made in this complaint are complete, true and correct to the best of our knowledge.

Respectfully submitted,

Joyce L Ackerman  
Affiant / Joyce L. Ackerman

Before me, the undersigned authority in Montgomery County, Ohio, personally appeared Joyce L. Ackerman, who is known to me and Sworn to, and subscribed before me this 27th day of October, 2022.

Joyce Hanes  
NOTARY PUBLIC

My commission Expires: July 4, 2023



Joyce Hanes, Notary Public  
In and for the State of Ohio  
My Commission Expires July 4, 2023

IN THE  
SUPREME COURT OF THE UNITED STATES

\*\*\*\*\*

Affidavit of Facts by Greg T. Ackerman

United States, State of Ohio, Montgomery County

I, Greg T. Ackerman, Greg T. Ackerman, residing at 556 Shadowlawn Ave. Dayton, Ohio 45419, United States for 33 years, and still claims this property rights, does hereby state under penalty that;

- 1) Greg T. Ackerman is over 18 years of age and competent to testify of my own knowledge of the facts presented herein in good faith and not for delay,
- 2) I have set forth such facts, as would be admissible in evidence; stated herein are true, correct, and complete to the best of my knowledge and understanding,
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- 5) I declare under penalty of perjury that the statements made in this complaint are complete, true and correct to the best of our knowledge.

Respectfully submitted,

Greg T. Ackerman  
Affiant / Greg T. Ackerman

Before me, the undersigned authority in Montgomery County, Ohio, personally appeared Greg T. Ackerman, who is known to me and Sworn to, and subscribed before me this 27th day of October, 2022.

Joyce Hanes  
NOTARY PUBLIC

My commission Expires: July 4, 2023



Joyce Hanes, Notary Public  
In and for the State of Ohio  
My Commission Expires July 4, 2023

## *Appendix A*

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

Scott S. Harris  
Clerk of the Court  
(202) 479-3011

October 3, 2022

Mr. Gregory Thomas Ackerman  
1 Oakwood Ave.  
P.O. Box 911  
Oakwood, OH 45409

Re: Gregory T. Ackerman, et ux.  
v. Bank of New York Mellon  
No. 21-8145

Dear Mr. Ackerman:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



Scott S. Harris, Clerk

## *Appendix B*

9. Greg Ackerman and Joyce Ackerman are fully “vested “to support and defend the straight forward text of Seventh Amendment and Fourteenth Amendment of the Constitution of the United States, for “We the People of the United States” for the past 21+ years.

**Respondent: The Bank of New York Mellon c/o Wells Fargo Bank, N.A.**

10. RESPONDENT: Original Title: THE BANK OF NEW YORK MELLON, fka The Bank of New York as Successor in interest to JP Morgan Chase Bank NA as Trustee for Bear Stearns Asset- Backed Securities Trust 2005-SD1, Asset-Backed Certificates Series 2005-SD1 c/o Wells Fargo Bank, N.A. (SC)3476 Stateview Boulevard, Fort Mill, SC 29715 MAC # 7801-013.

11. The Relator had no prior knowledge of the Respondent (Bank of New York Mellon) or their interest in the Relator’s original mortgage loan prior to their foreclosure complaint.

12. The Respondent for nearly11 (Eleven) years has inappropriately invoked misleading and bad faith affidavits to initiate and maintained these foreclosure proceeding, while the Relator was engaged in a “binding operation” to modify their original loan mortgage with Wells Faro Home Mortgage (Lender / mortgage service provider) to form a new loan modification “Agreement”,

13. Wells Fargo Home Mortgage / Wells Fargo Bank, N.A. (Lender / mortgage service provider) “original intentions” were in good faith to the Relator, however without known reason they joined the dark side and “breached” their mortgage loan and modification “Agreement” with the Relator during the foreclosure proceedings of the Respondent, which lead to the execution of sale on the Relator’s property at the Sheriff Sale(s)/

14. The Respondent has not maintained respect for the occupant’s rights under the law.

15. The Respondents foreclosure proceedings are egregious and without merit, especially with knowledge of the Relator’s valid loan modification “operational process” toward a continued

## *Appendix C*

OHIO SUPREME COURT

2021-0728

2021-0721

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

BANK OF NEW YORK MELLON,

CASE NO. 2009 CV 03194

Plaintiff(s),

JUDGE DENNIS J. LANGER

-vs-

ORDER OF DISMISSAL

(Failure to Prosecute)

GREGORY THOMAS ACKERMAN, et al.,

Defendant(s).

The Court having, on its own motion, pursuant to Civil Rule 41(B)(1) and Local Rule 2.15, sent notice to Plaintiff(s) counsel that this case would be dismissed within fourteen days of said notice for want of prosecution unless cause was shown as to why this case should not be dismissed, and fourteen days having expired with no such cause having been shown, this matter is hereby DISMISSED for want of prosecution, all without prejudice to a new action.

SO ORDERED:

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JUDGE DENNIS J. LANGER

This document is electronically filed by using the Clerk of Courts' e-Filing system. The system will post a record of the filing to the e-Filing account "Notifications" tab of the following case participants:

MALLORY A JOHNSON  
(513) 241-3100  
Attorney for Plaintiff(s), Bank Of New York Mellon

GEORGE B PATRICOFF  
(937) 225-5799  
Attorney for Defendant(s), Montgomery County Treasurer

Copies of this document were sent to all parties listed below by ordinary mail:

GREGORY THOMAS ACKERMAN  
556 SHADOLAWN AVE  
DAYTON, OH 45419  
Defendant, Pro Se

JOYCE LOUISE ACKERMAN  
556 SHADOLAWN AVE  
DAYTON, OH 45419  
Defendant(s)

NATIONAL CITY BANK  
1900 EAST NINTH STREET 17TH FL  
CLEVELAND, OH 44114  
Defendant(s)

TOM LEHMAN CONCEPTS INC  
1926 EAST 3RD STREET  
DAYTON, OH 45403  
Defendant(s)

INOVISION  
1804 WASHINGTON BLVD #500  
BALTIMORE, MD 21230  
Defendant(s)

JULENE POWERS, BAILIFF (937) 225-4055



General Division  
Montgomery County Common Pleas Court  
41 N. Perry Street, Dayton, Ohio 45422

**Case Title:** BANK OF NEW YORK MELLON vs GREGORY  
THOMAS ACKERMAN

**Case Number:** 2009 CV 03194

**Type:** Order: Dismiss Without Prejudice

So Ordered

Dennis J. Langer

## *Appendix D*

## **Citation of Authority:**

### **Constitution of the United States.**

**Preamble** ~ We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

### **Article III ~ Judiciary**

#### **Section 1.**

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

#### **Section 2.**

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;-- to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;-- between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

#### **Section 3.**

Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

### **Article VI ~Legal Status of the Constitution**

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

### **United States Bill of Rights:**

**First Amendment** ~ Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

**Fourth Amendment** ~ The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Fifth Amendment** ~ No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**Seventh Amendment** ~ In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law

**Eighth Amendment** ~ Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Tenth Amendment** ~ The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

**Fourteenth Amendment** ~ Privileges and Immunities, Due Process, Equal Protection  
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.

Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

### **Federal Rules of Civil Procedure:**

#### **Federal Rules of Civil Procedure Rule 1. Scope and Purpose**

“These rules govern the procedure in all civil actions and proceedings in the United States district courts, **except as stated in Rule 81**. They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”

#### **Federal Rules of Civil Procedure Rule 24. Intervention**

(a) Intervention of Right. On timely motion, the court must permit anyone to intervene who:

- (1) is given an unconditional right to intervene by a federal statute; or
- (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

(b) Permissive Intervention.

(1) *In General*. On timely motion, the court may permit anyone to intervene who:

- (A) is given a conditional right to intervene by a federal statute; or

(B) has a claim or defense that shares with the main action a common question of law or fact.

(2) *By a Government Officer or Agency.* On timely motion, the court may permit a federal or state governmental officer or agency to intervene if a party's claim or defense is based on:

(A) a statute or executive order administered by the officer or agency; or

(B) any regulation, order, requirement, or agreement issued or made under the statute or executive order.

(3) *Delay or Prejudice.* In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights.

(c) **Notice and Pleading Required.** A motion to intervene must be served on the parties as provided in Rule 5. The motion must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought.

#### **Federal Rules of Civil Procedure Rule 38. Right to a Jury Trial; Demand**

(a) **Right Preserved.** The right of trial by jury as declared by the Seventh Amendment to the Constitution—or as provided by a federal statute—is preserved to the parties inviolate.

(b) **Demand.** On any issue triable of right by a jury, a party may demand a jury trial by:

(1) serving the other parties with a written demand—which may be included in a pleading—no later than 14 days after the last pleading directed to the issue is served; and

(2) filing the demand in accordance with Rule 5(d).

(c) **Specifying Issues.** In its demand, a party may specify the issues that it wishes to have tried by a jury; otherwise, it is considered to have demanded a jury trial on all the issues so triable. If the party has demanded a jury trial on only some issues, any other party may—within 14 days after being served with the demand or within a shorter time ordered by the court—serve a demand for a jury trial on any other or all factual issues triable by jury.

(d) **Waiver; Withdrawal.** A party waives a jury trial unless its demand is properly served and filed. A proper demand may be withdrawn only if the parties consent.

(e) **Admiralty and Maritime Claims.** These rules do not create a right to a jury trial on issues in a claim that is an admiralty or maritime claim under Rule 9(h).

#### **Federal Rules of Civil Procedure Rule 60. Relief from a Judgment or Order**

(a) **CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS AND OMISSIONS.** The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(b) **GROUNDS FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING.** On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

**(c) TIMING AND EFFECT OF THE MOTION.**

- (1) *Timing.* A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.
- (2) *Effect on Finality.* The motion does not affect the judgment's finality or suspend its operation.

**(d) OTHER POWERS TO GRANT RELIEF. This rule does not limit a court's power to:**

- (1) **entertain an independent action to relieve a party from a judgment, order, or proceeding;**
- (2) grant relief under 28 U.S.C. §1655 to a defendant who was not personally notified of the action; or
- (3) set aside a judgment for fraud on the court.**

**(e) BILLS AND WRITS ABOLISHED.** The following are abolished: bills of review, bills in the nature of bills of review, and writs of coram nobis, coram vobis, and audita querela.

**Federal Rule of Civil Procedure Rule 81. Applicability of the Rules in General; Removed**

**Actions,...( Relevant Parts to this Honorable Court)**

- (b) **SCIRE FACIAS AND MANDAMUS.** The writs of scire facias and mandamus are abolished. Relief previously available through them may be obtained by appropriate action or motion under these rules.
- (c) **REMOVED ACTIONS.**
  - (1) *Applicability.* These rules apply to a civil action after it is removed from a state court.
  - (2) *Further Pleading.* After removal, repleading is unnecessary unless the court orders it. A defendant who did not answer before removal must answer or present other defenses or objections under these rules within the longest of these periods:
    - (A) 21 days after receiving—through service or otherwise—a copy of the initial pleading stating the claim for relief;

(B) 21 days after being served with the summons for an initial pleading on file at the time of service; or

(C) 7 days after the notice of removal is filed.

(3) *Demand for a Jury Trial.*

(A) *As Affected by State Law.* A party who, before removal, expressly demanded a jury trial in accordance with state law need not renew the demand after removal. If the state law did not require an express demand for a jury trial, a party need not make one after removal unless the court orders the parties to do so within a specified time. **The court must so order at a party's request and may so order on its own.** A party who fails to make a demand when so ordered waives a jury trial.

(B) *Under Rule 38.* If all necessary pleadings have been served at the time of removal, a party entitled to a jury trial under Rule 38 must be given one if the party serves a demand within 14 days after:

(i) it files a notice of removal; or

(ii) it is served with a notice of removal filed by another party.

(d) **LAW APPLICABLE.**

(1) *"State Law" Defined.* When these rules refer to state law, the term "law" includes the state's statutes and the state's judicial decisions.

(2) *"State" Defined.* The term "state" includes, where appropriate, the District of Columbia and any United States commonwealth or territory.

(3) *"Federal Statute" Defined in the District of Columbia.* In the United States District Court for the District of Columbia, the term "federal statute" includes any Act of Congress that applies locally to the District.

## **Federal Rules of Evidence:**

### **Federal Rules of Evidence Rule 201. Judicial Notice of Adjudicative Facts**

(a) **Scope.** This rule governs judicial notice of an adjudicative fact only, not a legislative fact.

(b) **Kinds of Facts That May Be Judicially Noticed.** The court may judicially notice a fact that is not subject to reasonable dispute because it:

(1) is generally known within the trial court's territorial jurisdiction; or

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

(c) **Taking Notice.** The court:

(1) may take judicial notice on its own; or

(2) **must take judicial notice if a party requests it and the court is supplied with the necessary information.**

(d) **Timing.** The court may take judicial notice at any stage of the proceeding.

(e) **Opportunity to Be Heard.** On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.

(f) Instructing the Jury. In a civil case, the court must instruct the jury to accept the noticed fact as conclusive. In a criminal case, the court must instruct the jury that it may or may not accept the noticed fact as conclusive.

**Federal Code:**

**28 U.S. Code § 1872 - Issues of fact in Supreme Court**

In all original actions at law in the Supreme Court against citizens of the United States, issues of fact shall be tried by a jury.

**28 U.S. Code § 2072 - Rules of procedure and evidence; power to prescribe**

(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and courts of appeals.

(b) Such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

(c) Such rules may define when a ruling of a district court is final for the purposes of appeal under section 1291 of this title.

**28 U.S. Code § 2201 - Creation of remedy**

(a) In a case of actual controversy within its jurisdiction, except with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or 1146 of title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of merchandise of a free trade area country (as defined in section 516A(f)(9) of the Tariff Act of 1930), as determined by the administering authority, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

**28 U.S. Code § 2202 - Further relief**

Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment.

**28 U.S. Code § 2403 - Intervention by United States or a State; constitutional question**

(a) In any action, suit or proceeding in a court of the United States to which the United States or any agency, officer or employee thereof is not a party, wherein the constitutionality of any Act of Congress affecting the public interest is drawn in question, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The United States shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.

**(b)** In any action, suit, or proceeding in a court of the United States to which a State or any agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that State affecting the public interest is drawn in question, the court shall certify such fact to the attorney general of the State, and shall permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The State shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.

### **Ohio Constitution:**

**Preamble** ~ We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this Constitution.

Note: State motto of Ohio: "With God, all things are possible",

### **Article 1 Bill of Rights**

#### **Section I.01 Inalienable Rights (1851)**

All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

#### **Section I.05 Trial by jury (1851, amended 1912)**

The right of trial by jury shall be inviolate, except that, in civil cases, laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury.

#### **Section I.11 Freedom of speech; of the press; of libels (1851)**

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. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

#### **Section I.10a Rights of victims of crime**

(A) To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, which shall be protected in a manner no less vigorous than the rights afforded to the accused:

- (1) to be treated with fairness and respect for the victim's safety, dignity and privacy;
- (2) upon request, to reasonable and timely notice of all public proceedings involving the criminal offense or delinquent act against the victim, and to be present at all such proceedings;
- (3) to be heard in any public proceeding involving release, plea, sentencing, disposition, or parole, or in any public proceeding in which a right of the victim is implicated;
- (4) to reasonable protection from the accused or any person acting on behalf of the accused;
- (5) upon request, to reasonable notice of any release or escape of the accused;
- (6) except as authorized by section 10 of Article I of this constitution, to refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused;

- (7) to full and timely restitution from the person who committed the criminal offense or delinquent act against the victim;
- (8) to proceedings free from unreasonable delay and a prompt conclusion of the case;
- (9) upon request, to confer with the attorney for the government; and
- (10) to be informed, in writing, of all rights enumerated in this section.

(B) The victim, the attorney for the government upon request of the victim, or the victim's other lawful representative, in any proceeding involving the criminal offense or delinquent act against the victim or in which the victim's rights are implicated, may assert the rights enumerated in this section and any other right afforded to the victim by law. If the relief sought is denied, the victim or the victim's lawful representative may petition the court of appeals for the applicable district, which shall promptly consider and decide the petition.

(C) This section does not create any cause of action for damages or compensation against the state, any political subdivision of the state, any officer, employee, or agent of the state or of any political subdivision, or any officer of the court.

(D) As used in this section, "victim" means a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

(E) All provisions of this section shall be self-executing and severable, and shall supersede all conflicting state laws.

(F) This section shall take effect ninety days after the election at which it was approved.

#### **Section I.14 Search warrants and general warrants (1851)**

The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.

#### **Section I.16 Redress in courts (1851, amended 1912)**

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. [Suits against the state.] Suits may be brought against the state, in such courts and in such manner, as may be provided by law.

#### **Section I.18 Suspension of laws (1851)**

No power of suspending laws shall ever be exercised, except by the general assembly.

#### **Section I.20 Powers reserved to the people (1851)**

This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers, not herein delegated, remain with the people.

#### **Citation of Ohio Statutes:**

#### **Ohio Rules of Civil Procedure Rule 24. Intervention**

**(A) Intervention of right.** Upon timely application anyone shall be permitted to intervene in an action: (1) when a statute of this state confers an unconditional right to intervene; or (2) when the applicant claims an interest relating to the property or transaction that is the subject of the action

and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties. **(B) Permissive intervention.** Upon timely application anyone may be permitted to intervene in an action: (1) when a statute of this state confers a conditional right to intervene; or (2) when an applicant's claim or defense and the main action have a question of law or fact in common. When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a federal or state governmental officer or agency or upon any regulation, order, requirement or agreement issued or made pursuant to the statute or executive order, the officer or agency upon timely application may be permitted to intervene in the action. In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties. **(C) Procedure.** A person desiring to intervene shall serve a motion to intervene upon the parties as provided in Civ.R. 5. The motion and any supporting memorandum shall state the grounds for intervention and shall be accompanied by a pleading, as defined in Civ.R. 7(A), setting forth the claim or defense for which intervention is sought. The same procedure shall be followed when a statute of this state gives a right to intervene.

#### **Ohio Rules of Civil Procedure Rule 38. Jury Trial of Right**

(A) Right preserved. The right to trial by jury shall be preserved to the parties inviolate.

(B) Demand. Any party may demand a trial by jury on any issue triable of right by a jury by serving upon the other parties a demand therefor at any time after the commencement of the action and not later than fourteen days after the service of the last pleading directed to such issue. Such demand shall be in writing and may be indorsed upon a pleading of the party. If the demand is indorsed upon a pleading the caption of the pleading shall state "jury demand endorsed hereon." In an action for appropriation of a right of way brought by a corporation pursuant to Article XIII, Section 5, of the Ohio Constitution, the jury shall be composed of twelve members unless the demand specifies a lesser number; and in the event of timely demand by more than one party in such action the jury shall be composed of the greater number not to exceed twelve. In all other civil actions the jury shall be composed of eight members unless the demand specifies a lesser number; and in the event of timely demand by more than one party in such actions the jury shall be composed of the greater number not to exceed eight.

(C) Specification of issues. In his demand a party may specify the issues which he wishes so tried; otherwise he shall be deemed to have demanded trial by jury for all the issues so triable. If he has demanded trial by jury for only some of the issues, any other party within fourteen days after service of the demand or such lesser time as the court may order, may serve a demand for trial by jury of any other or all of the issues of fact in the action.

(D) Waiver. The failure of a party to serve a demand as required by this rule and to file it as required by Rule 5(D) constitutes a waiver by him of trial by jury. A demand for trial by jury made as herein provided may not be withdrawn without the consent of the parties.

#### **Ohio Rules of Civil Procedure Rule 41. Dismissal of Actions (relevant to order of the court)**

...**B) Involuntary dismissal: effect thereof.(1) Failure to prosecute.** "Where the plaintiff fails to prosecute, or comply with these rules or any court order, the court upon motion of a defendant or on its own motion may, after notice to the plaintiff's counsel, dismiss an action or claim."

## **Ohio Revised Code:**

### **Section 1.03 | Anything of value defined.**

As used in any section of the Revised Code for the violation of which there is provided a penalty or forfeiture, unless the context otherwise requires, "anything of value" includes:

- (A) Money, bank bills or notes, United States treasury notes, and other bills, bonds, or notes issued by lawful authority and intended to pass and circulate as money;
- (B) Goods and chattels;
- (C) Promissory notes, bills of exchange, orders, drafts, warrants, checks, or bonds given for the payment of money;
- (D) Receipts given for the payment of money or other property;
- (E) Rights in action;
- (F) Things which savor of the realty and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the severing and taking away;
- (G) Any interest in realty, including fee simple and partial interests, present and future, contingent or vested interests, beneficial interests, leasehold interests, and any other interest in realty;
- (H) Any promise of future employment;
- (I) Every other thing of value.

### **Section 3.07 | Misconduct in office - forfeiture.**

Any person holding office in this state, or in any municipal corporation, county, or subdivision thereof, coming within the official classification in Section 38 of Article II, Ohio Constitution, who willfully and flagrantly exercises authority or power not authorized by law, refuses or willfully neglects to enforce the law or to perform any official duty imposed upon him by law, or is guilty of gross neglect of duty, gross immorality, drunkenness, misfeasance, malfeasance, or nonfeasance is guilty of misconduct in office. Upon complaint and hearing in the manner provided for in sections 3.07 to 3.10, inclusive, of the Revised Code, such person shall have judgment of forfeiture of said office with all its emoluments entered thereon against him, creating thereby in said office a vacancy to be filled as prescribed by law. The proceedings provided for in such sections are in addition to impeachment and other methods of removal authorized by law, and such sections do not divest the governor or any other authority of the jurisdiction given in removal proceedings.

### **Section 2311.07 | Order of hearing cases.**

Cases in which there is an issue of fact or damages to be assessed shall be tried in the order in which they stand on the trial docket, unless by the consent of parties, or by the order of the court, they are continued or placed at the end of the docket, or for good cause shown are especially assigned for trial or hearing out of their regular order. Actions for wages and actions pursuant to section 5903.02 of the Revised Code shall <sup>1</sup> first in order for trial.