

No. 22-5249

In the
Supreme Court of the United States

Michael Anthony Galluzzo,
Petitioner in Propria Persona,

v.

STATE OF OHIO
VILLAGE OF ST. PARIS, OHIO
Respondent.

On Petition for Writ of Certiorari to the
Supreme Court of Ohio

PETITION FOR WRIT OF CERTIORARI

Michael Anthony Galluzzo
P.O. Box 710
St. Paris, Ohio the State [43072]
937-663-4505
Petitioner in Propria Persona

ORIGINAL

QUESTIONS PRESENTED FOR REVIEW

- 1. Did the lower court violate established due process requirements when they failed to provide proper “Proof of Service” of “Notice” of a hearing before issuing a warrant for a man’s arrest for “failure to appear”?**
- 2. Is an arresting officer’s failure to produce a valid express warrant prior to serving a bench warrant for “failure to appear” a violation of due process? When asked to “Show me the warrant!” is, “It’s on the computer in the car,” a valid response? Does failure to produce a valid express warrant violate a man’s fundamental liberty under “due process clause” in the Constitution?**
- 3. Does an American man still have a right to resist an unlawful seizure and protect his property and/or himself from a kidnapping or bodily harm where state agents, operating under the color of Law, failed to produce a valid express warrant? Is there any requirement any longer, anywhere in America, that any Public Official in any capacity, is required to follow any of the Statutes, Codes, Rules, Regulations, Ordinances, Policy or Law of this Country?**
- 4. Did the court fail to require the Prosecutor to place in writing on the record, all elements of jurisdiction to establish proper jurisdiction and demonstrate bias and prejudice in favor of the Prosecution, when the Prosecutor failed to identify the proper parties in the matter? And then, disregarded the status of the State National citizen vs. that of the 14th Amendment federal citizen and proceed to trial without establishing *in personam* jurisdiction?**

PARTIES TO THE PROCEEDINGS

Michael Anthony Galluzzo,
Petitioner in Propria Persona,
c/o P.O. Box 710
St. Paris, Ohio the State [43072]

vs.

STATE OF OHIO
VILLAGE OF ST. PARIS, OHIO
Respondent

Counsel for Respondent
Champaign County Municipal Prosecutor
205 South Main Street
Urbana, Ohio 43078

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PETITION FOR WRIT OF CERTIORARI

To the Chief Justice and the Associate Justices of the Supreme Court of the United States, Petitioner Michael Anthony Galluzzo respectfully prays this Court to grant this Petition for Writ of Certiorari to review the issues of the judgments below.

Petitioner additionally requests the Court appoint appropriate counsel to present these matters in oral arguments before the Court.

OPINIONS AND ORDERS BELOW

FINAL APPEALABLE ORDER, filed January 08, 2021 by the CHAMPAIGN COUNTY MUNICIPAL COURT, Case No. 2020-CRB-764. (Appendix A)

OPINION filed August 20, 2021 by the COURT OF APPEALS FOR CHAMPAIGN COUNTY, SECOND DISTRICT COURT OF APPEALS OF OHIO at Dayton, Ohio, Case No. 2021-CA-007. (Appendix B)

ENTRY filed December 14, 2021 by THE SUPREME COURT OF OHIO denying Petitioner's appeal from the SECOND DISTRICT COURT OF APPEALS FOR CHAMPAIGN COUNTY, Case No. 2021-1227. (Appendix C)

BASIS FOR JURISDICTION

The Supreme Court of the United States has jurisdiction under 28 U.S.C. §2104 and §2106 to review this case for the following reasons:

The Supreme Court may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The constitutional provisions involved in this matter are:

- (1) the right to the requirements of Proof of Service of Notice and due process of Law under the Organic Constitution for the United States of America and the Northwest Ordinance of 1787 where a substantive right is implicated in matters of life, liberty, or property and the Trial Court fails to apply Constitutional requirements placed upon the Prosecution and trial court are withheld, abandoned and denied;
- (2) the rights and immunities conferred upon each human pursuant to the Fourth and Fifth Amendments and their right to due process protection and their right to be heard in a meaningful time in matters of life, liberty, or property;
- (3) and the right to equal protection of each human's right to be heard in matters of life, liberty, or property and the court proceeded without jurisdiction.

STATUS OF PARTIES

Michael Anthony Galluzzo, Petitioner, is a private, peaceful, flesh and blood, living man, one of the free people of the state Ohio, being of sound mind and over the age of 21, appearing *in propria persona* in this 'court' of record, is not a fiction in law, is not a U.S. Citizen, nor a 14th Amendment citizen of the *federal corporation*.

The STATE OF OHIO is a for profit corporation acting as a de facto government.

The VILLAGE OF ST. PARIS is a de facto municipal corporation.

STATEMENT OF THE CASE AND FACTS

This matter is before this court as the result of an unlawful warrant, never expressed, signed or sealed or delivered electronically to Petitioner, issued electronically by the CHAMPAIGN COUNTY MUNICIPAL COURT on October 7, 2020 for failure to appear at an alleged hearing. The Petitioner was not provided Proof of Service or a copy of "Notice" or "Summons" pursuant to Rule 4, Civil Rules of Procedure. The date of October 7 was arbitrary and was not supported by any current Order, Proof of Service Notice or Summons. (See: *Franks v. Delaware*, 438 U.S. 154 (1978), reckless disregard for the truth)

The Petitioner was later accosted and assaulted at his home on October 17, 2020, by two (2) St. Paris officers claiming to have a warrant for arrest for failure to appear at a hearing on October 7, could not produce a signed, sealed express warrant and could not show a copy of the warrant on the computer screen in the patrol car. The Petitioner advised them that he had not been provided service of NOTICE and was not aware of any hearing scheduled for October 7 or any other date. The Petitioner demanded the officers **produce the warrant** which they were unable to do. The Petitioner was forcibly removed from his home, attempted to resisted the kidnapping of his body in violation of Section 8 of the Patriot Act, taken to Tri-County Regional Jail and charged with Resisting Arrest and Obstruction of Official Business. A warrant, after the fact, was eventually produced at the jail, after being assaulted, kidnapped and thrown into the jail.

The warrant and the charges are the fruit of a poisonous tree!

The Petitioner was not properly identified by the court, Rule 17, all elements of jurisdiction were never legally or lawfully established on the record in writing by the Prosecutor and the Petitioner was found guilty and sentenced.

An Appeal was filed in the state appellate court and in the state Supreme Court charging violations of due process and fundamental liberties. Both were dismissed.

Petitioner now files this *PETITION FOR WRIT OF CERTIORARI*.

REASONS FOR GRANTING PETITION

EXAMINATION OF WHY THIS IS A CASE OF GREAT PUBLIC INTEREST AND INVOLVES SUBSTANTIAL CONSTITUTIONAL QUESTIONS

This case addresses several critical issues related to the fundamental rights of Citizens and the protections therein provided by the Organic Constitution for the United States of America, federal law and other Acts of Congress against the routine deprivations of due process under the color of law by corporate administrative 'courts'. The People must know that their fundamental liberties, as guaranteed by the Constitution, are still intact, still the Law of the Land, and still protected by this Honorable Court from incursion by the lower courts and political subversives.

The primary requirements of justice is due process in the actions against an individual. When the lower court errs, issues a warrant without proper cause, and when informed of the error of its way, continues to

prosecute and ignore their error to the detriment of the Petitioner, one has to wonder where we can actually find remedy and justice in America?

When these basic premises of justice and due process are intentionally ignored by the parties (the public servants, judges and attorneys), we are left with a system of corruption and injustice where the public servants have abdicated their duties and imposed a scheme that is more concerned with revenue and control of the people than with justice itself.

Americans have always looked to the Organic Documents for the United States of America for protection of their fundamental rights, e.g., life, liberty, property and the pursuit of happiness. The state constitutions were based on those same principles. In recent years, many have lost faith in the 'Judiciary' to protect those very rights so endeared by our founding fathers; i.e., due process, free speech, freedom of religion, the right to bear arms, eminent domain, parental rights; as we have seen them slowly eroded in favor of political correctness and the special interests of a few.

Although this petition derives from a failure of proof of proper service of a bench warrant for failure to appear at a questionable hearing, the underlying principles of due process and justice and the adhesion to well settled principles of Law have been grossly abused and disregarded and manipulated to achieve the preconceived notions of the corporate administrative 'court's' process for revenue collection above rights of the People.

The DEPARTMENT OF JUSTICE addressed the most common practices that run afoul of the United States Constitution and/or other federal laws in the DOJ letter of March 14, 2016 (<https://www.courts.wa.gov/subsite/mjc/docs/DOJDearColleague.pdf>). The DOJ stated that,

“Recent years have seen increased attention on the illegal enforcement of fines and fees in certain jurisdictions around the country—often with respect to individuals accused of misdemeanors, quasi-criminal ordinance violations, or civil infractions.” (footnotes omitted) They went on to say, “Furthermore, in addition to being unlawful, to the extent that these practices are geared not toward addressing public safety, but rather toward **raising revenue, they can cast doubt on the impartiality of the tribunal** and erode trust between local governments and their constituents.” (Emphasis added)(footnotes omitted) It appears that the problems continue to this day.

This case, I believe, exemplifies the crux of the DOJ’s letter. The decisions of the lower courts in this case threaten the fundamental liberties of ALL free People of the Republic. Decisions abhorrent to federal law and the Constitution create a slippery slope of deterioration of all protected rights, *if we have any remaining.* Prosecutions and the loss of liberties based on invalid and/or prejudicial decisions cannot be tolerated if a judiciary expects to maintain its integrity and the faith of the People it ‘serves.’ Such actions should raise serious questions as to the true motives of the alleged “court,” most generally to collect revenue.

In brief, this court should take up this case and address the violations of procedures and due process where the jurisdiction and proper operations of these administrative tribunals, confronting individuals on a daily basis, are of great public interest and importance to the general public whose safety and welfare are at stake, as well as the trust of the people in our Judicial institutions.

ARGUMENTS

5. Did the lower court violate established due process requirements when they failed to provide proper “Proof of Service” of “Notice” of a hearing before issuing a warrant for a man’s arrest for “failure to appear”?
6. Is an arresting officer’s failure to produce a valid express warrant prior to serving a bench warrant for “failure to appear” a violation of due process? When asked to “Show me the warrant!” is, “It’s on the computer in the car,” a valid response? Does failure to produce a valid express warrant violate a man’s fundamental liberty under “due process clause” in the Constitution?
7. Does an American man still have a right to resist an unlawful seizure and protect his property and/or himself from a kidnapping or bodily harm where state agents, operating under the color of Law, failed to produce a valid express warrant? Is there any requirement any longer, anywhere in America, that any Public Official in any capacity, is required to follow any of the Statutes, Codes, Rules, Regulations, Ordinances, Policy or Law of this Country?
8. Did the court fail to require the Prosecutor to place in writing on the record, all elements of jurisdiction to establish proper jurisdiction and demonstrate bias and prejudice in favor of the Prosecution, when the Prosecutor failed to identify the proper parties in the matter? And then, disregarded the status of the State National citizen vs. that of the 14th Amendment federal citizen and proceed to trial without establishing *in personam* jurisdiction?

MEMORANDUM IN SUPPORT

As a matter of Law, the “corporate” municipal court committed plain error when it failed to give proper Proof of Service of the Notice of Hearing, of an alleged hearing on October 7, 2020 in violation of the Petitioner’s Constitutionally-protected liberties and proceeded to issue an unlawful warrant for the Petitioner’s arrest for ‘failure to appear’.

In any matter before a court or administrative tribunal, is the requirement of “due process.” The core requirements of due process are ‘notice’ and a ‘hearing before an impartial tribunal.’ “Due process of law in the latter refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, exercised within the limits therein prescribed, and interpreted according to the principles of the common law.” *Hurtado v. California*, 110 U.S. 516 (1884)

NOTICE is a fundamental and elementary requirement in any proceeding to apprise interested parties of the pendency of an action. Service of NOTICE, such as a SUMMONS, must be reasonably structured to assure that the person to whom it is directed receives it and prohibits the court from hearing a case that could adversely affect a party’s interest. (See: Civil Rules of Procedure, Rule 4)

Without lawful notice, there is no personal jurisdiction and all proceedings prior to filing of a proper trial document in compliance with the seven (7)

elements of Jurisdiction is void. A lawful act is always legal but many legal acts by government are often unlawful. Most bureaucrats lack elementary knowledge and incentive to comply with the mandates of constitutional due process. They will make mistakes. Numbers beyond count have been convicted without benefit of government adherence to these seven (7) elements. Today, informations are being filed and prosecuted by “accepted practice” rather than due process of law.

It is a “basic aspect” of the duty of government to follow a fair process when it acts to deprive a private man of his liberty and/or his possessions. The purpose of this requirement is not only to ensure abstract fair play to the individual, but more precisely, to protect him and his property from arbitrary encroachment.

Thus... the NOTICE of a hearing and the opportunity to be heard “***must be granted in a meaningful manner and at a meaningful time***” or the court lacks jurisdiction. (See: Civil Rules of Procedure, Rule 4)

An “impartial decision maker” is an essential right in any proceeding as well to guarantee that fundamental liberties will not be taken or abused on the basis of an erroneous or a distorted conception of the law or facts.

NOTICE “***must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it.***” See: *Jones v. Flowers*, 547 U.S. 220, 235 (2006).

This case is quite simple but has larger implications affecting the constitutional liberties of the People.

In December of 2019, the Petitioner received from the court a new 'Entry' changing the payment date to the 15th of each month, which the Petitioner continued to follow until April 2021, due to COVID-19 lockdown mandates.

The alleged payment agreement dated June 6, 2019, (Attachment 1, incorporated as if fully rewritten herein) clearly indicates that payments are due by the 15th of the month, not the 6th, or appear on the 16th or the next business day. This payment agreement supersedes the previous alleged payment agreement filed December 7, 2018 (Attachment 2, incorporated as if fully rewritten herein). **There was NO order and NO requirement to appear on October 7, 2020!** Where the court expects the People to "obey" the law, the court needs to follow their own entries and policies and follow the Constitutional restraints the People have placed on the government! Any first year law student can understand those principles.

Due to the COVID-19 lockdowns and mandates in early 2021, making payments became more difficult.

The Clerk, under sworn testimony, (Transcript Vol. II, Pg. 15, L. 11-13) stated that, *"There was a time period where the Court was not enforcing those, allowing people to have extra months as a courtesy due to the virus."* The alleged defendant began making regular payments again on the 15th of

October per the current order with the intent of being current again and paid another month in advance to get ahead of the holidays.

The court had over six (6) months [during the COVID-19 pandemic] in which to provide Proof of Service of NOTICE and set a hearing to address the issue of payments but remained silent and took no action, **setting a precedent of acquiescence by silence.** (Transcript Vol. II, Pg. 15, L. 11-13) *“Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.”* *United States v. Tweel*, 550 F.2d 297 (1977) citing *United States v. Prudden*, 425 F.2d 1021 (1970). When the Petitioner did bring his payments up to date, only then did the court decide to take action. Was this across the board or was the Petitioner singled out for some reason?

The arbitrary and capricious “policy” of an inferior tribunal cannot supplant the fundamental protections required by the Constitution and the Bill of Rights. Furthermore, are we to follow the ‘policy’ of a judge or the ‘order’ of the governor to stay at home and quarantine in place? **Failure to provide proper NOTICE deprives the court of all jurisdictions.** Therefore, the issuance of a warrant for “failure to appear” without a proof of service or the alleged Notice appearing on the record invalidates the warrant and any actions thereafter by state agents to arrest the private man are the “fruits of a poisonous tree” and unlawful. (See: Attachment 3, Contempt Warrant, incorporated as if fully rewritten herein)

The court issued an arrest warrant for **failure to appear at a hearing on October 7, 2020**, of which no evidence of Proof of Service of Notice or Notice has been produced or received. NOTICE “*must be granted in a meaningful manner and at a meaningful time*” (See Civil Rules of Procedure, Rule 4). The Petitioner argues that there was no authority to issue the warrant because there was no NOTICE of a hearing of any kind on October 7, 2020, within the parameters of any current order of the court, denying the alleged defendant due process protections under the Constitution.

On October 17, 2020, the Petitioner was accosted in his yard and later removed from his home on what the two (2) officers claimed was a warrant for failure to appear at a hearing on October 7, 2020.

The Petitioner repeatedly requested to see the warrant and the officers could not produce said warrant. The Petitioner resisted what he perceived as an attempt to be kidnapped.

The right to resist an unlawful arrest, even with extreme force if required, is a **right protected by Constitutional authority under the Common Law**, a fundamental liberty interest of the People to protect themselves from arbitrary and unlawful arrest and detention by government agents, such as in this case.

Around 1670 in Britain, the Queen’s Bench ruled that forceful resistance to unlawful arrest by police was a right of the people. (The Hopkin Huggett’s Case) In 1710, the Queen’s Bench ruling re-confirmed the common law right to forcefully resist an

unlawful arrest. *Queen v. Tooley* (1710). According to centuries of common law and the still-controlling U.S. Supreme Court precedent of *John Bad Elk*, the American people today still possess the right to resist unlawful arrest by government agents.

“The right to resist unlawful arrest memorializes one of the principal elements in the heritage of the English revolution: the belief that the will to resist arbitrary authority in a reasonable way is valuable and ought not to be suppressed by the criminal law,” (Paul Chevigny, 1969 Yale Law Journal essay)

“An arrest made with a defective warrant, or one issued without affidavit, or one that fails to allege a crime is within jurisdiction, and one who is being arrested, may resist arrest and break away. If the arresting officer is killed by one who is so resisting, the killing will be no more than an involuntary manslaughter.” *Housh v. People*, 75 Ill. 491; reaffirmed and quoted in *State v. Leach*, 7 Conn. 452; *State v. Gleason*, 32 Kan. 245; *Ballard v. State*, 43 Ohio 349; *State v. Rousseau*, 241 P. 2d 447; *State v. Spaulding*, 34 Minn. 3621.

However, it must be said that the courts themselves, in emphasizing privileges granted under statutes over Common Law rights, have placed a potential arrestee in a less-than-favorable position in relation to the police. In America we seem to be moving “backwards” with regard to rights and freedoms. That this ancient right to forcefully resist state-licensed criminal violence during unlawful arrest by government agents – as determined by the man being arrested and his neighbors witnessing the arrest – is ignored and suppressed by prosecutors and the lower courts does not extinguish that right.

The “Due Process Clause” is the assurance that all levels of American government must operate within the Law of the Land and provide fair

procedures. The failure to do so is an act of Treason and a violation of a 'public servant's' Oath of Office.

Without question, the court was using a superseded order to initiate a warrant for failure to appear on October 7, 2020, a date not addressed in the current order, and without proper "Notice" to the alleged defendant under the principles of Due Process is in violation of the civil liberty protections prescribed under the Constitution. A judge's policies cannot supersede Constitutionally-protected liberties.

Notice should have been sent to the party if that policy was going to change. In this case, the alleged defendant moved forward of his own accord as soon as possible under the restrictions issued by the governor and the CDC related to COVID.

"With regard particularly to the U.S. Constitution, it is elementary that a Right secured or protected by that document cannot be overthrown or impaired by any state police authority." *Connolly vs. Union Sewer Pipe Co.*, 184 U.S. 540; *Lafarier vs. Grand Trunk R.R. Co.*, 24 A. 848; *O'Neil vs. Providence Amusement Co.*, 108 A. 887. (Emphasis added)

"Arbitrary power, enforcing its edicts to the injury of the persons and property of its subjects, is not law, whether manifested as a decree of a personal monarch or of an impersonal multitude. And the limitations imposed by our constitutional law upon the action of the governments, both State and national, are essential to the preservation of public and private rights, notwithstanding the representative character of our political institutions. The enforcement of these limitations by judicial process is the device of self-governing communities to protect the rights of individuals and minorities, as well against the power of numbers, as against the violence of public agents transcending the limits of lawful authority, even when acting in the name and wielding the force of the government." *Hurtado*, supra. (Emphasis added)

CONCLUSION

The decisions appealed in this matter are fundamentally flawed in their reasoning and dangerous in their implications for all citizens who may need to bring a case before a corporate municipal ‘court’. Three lower state courts have failed in their sworn duty to defend the Constitution and the fundamental liberties of the People. The decisions, or lack thereof, undermine the basic principles of due process and the application of the Civil Rules of Procedure. Where a court can arbitrarily deny access to the court, a hearing, and violate the laws of the state and the United States of America, these decisions create a slippery slope of tyranny and undermine the principles of the Constitution for the United States of America.

The issue of fundamental constitutional protections of individuals from arbitrary government interference addressed by the facts of this case is one of critical importance to the majority of Americans at one point or another in their lives. The lack of judicial integrity attacks the very fundamental order of our society and the future of our country as a whole. This is certainly true for the Petitioner as the issues of Constitutional Law in this case directly implicate Petitioner’s fundamental rights and his freedoms.

The right of the Free inhabitant to due process at trial and the right to have a fair and impartial judiciary that follows the Law raises issues of great importance to the American public and concerns about the impartiality of the lower corporate ‘courts’. Such a process, under which trial courts would be free to disregard the requirements of due process, established precedent and our founding documents, opens the door for corrupt officials to subvert the rights of the individual and undermine the very existence of a free and peaceful society.

Otherwise, these decisions must be reversed where a reversal will promote the integrity of the court and preserve the due process rights of all individuals.

For the reasons stated above and more, the Petitioner prays this high court will grant his Petition for Writ of Certiorari and provide him the process and justice he is due.

UNDER WITNESS OF GOD: I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 11, 2022.

Respectfully submitted,

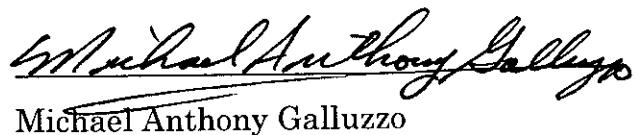


Michael Anthony Galluzzo
Petitioner in Propria Persona
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St. Paris, Ohio the State [43072]
937-663-4505

Certificate of Service

I hereby certify that on May 12, 2022 a true copy of the foregoing Motion was served upon the following interested parties by United States Postal Service mail in accordance with the Rules of the Supreme Court of the United States.

Champaign County Municipal Prosecutor
205 South Main Street
Urbana, Ohio 43078



Michael Anthony Galluzzo