

25-7554

No. _____

ORIGINAL
FILED

FILED

MAR 23 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Amber Catalo — PETITIONER
(Your Name)

vs.

State of Ohio — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Seventh District Court of Appeals of the State of Ohio
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Amber Catalo
(Your Name)

288 Villalobos
(Address)

Villa Maria, PA 16155
(City, State, Zip Code)

none
(Phone Number)

QUESTIONS PRESENTED

Question One

Appeal to the Supreme Court of Ohio from the Seventh District Court of Appeals regarding the subjective standard.

Question Two

The destruction, alteration, and falsification of records or documents.

Question Three

Issues at the trial court that have departed from the accepted and usual course of judicial proceedings, and aid to the court's appellate jurisdiction.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

List of Parties:

State of Ohio

Amber Catale

RELATED CASES

State of Ohio v. Catale, 2025 MA2023, Mahoning County Court of Appeals Seventh
Appellate District Sep. 3, 2025

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

None listed

STATUTES AND RULES

Municipal ordinance 537.12 / O.R.C. 128.96

OTHER

None listed

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☒ reported at www.supremecourt.state.ca.us/opinions-and-decisions
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the City of Campbell court appears at Appendix B to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 12-23-25.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

None Listed

STATEMENT OF THE CASE

Question One

As appealed to the Supreme Court of the State of Ohio regarding the subjective standard. Verbatim. (Copy included)

"This Appeal presents an issue to review the standard for violation of the Misuse of 9-1-1 emergency system as it relates to Campbell, Ohio Municipal Ordinance 537.12 which language parallels O.R.C. 128.96 and presents an issue as to whether the *mens rea* standard at the time the call was placed is one of a subjective or objective belief by the caller that an emergency exists.

The Campbell Municipal Ordinance provides as follows: "No person shall knowingly use ... 9-1-1 system to report an emergency if he knows that no emergency exists".

Th Campbell Municipal Court found Defendant guilty at a bench trial. This matter was appealed to the Seventh District Court of Appeals which also affirmed the conviction. The court of Appeals' Decision did not adequately review and identify the standard of review with respect to a violation of the City Ordinance. The Court concluded that "no emergency existed" based upon the subsequent police investigation. However, the issue should be whether, at the time the call was made, did the caller know that no such emergency existed or is her subjective belief sufficient to believe that an

emergency existed based upon her perception and history and totality of the circumstances there by precluding conviction?

The Appellate Court found that the State adequately demonstrated that there was no emergency when Appellant called 9-1-1. The caller believed that the neighbor's conduct constituted a threat and presented an emergency to her. Even if she was wrong, she did not have the *mens rea* of "knowing" that no emergency existed. The call was placed at 3:06 p.m. in the middle of the afternoon. Does it make a difference if the caller is a nervous or anxious person who may perceive a situation to be an emergency when another person may not perceive the same facts as an emergency?

This Court can clarify circumstances pertaining to such a charge and conviction and clarify the standards to be applied across the State as it relates to O.R.C. 128.96, as well as Municipal Ordinances which have adopted same or similar language throughout the State.

A review of this case will give Courts guidance as to how these statutes should be applied. Therefore, this case presents an issue of public interest. "

Question Two

Issues concerning the destruction, alteration and falsification of records or documents.

The Seventh District Court of Appeals decision stated "When John was asked if his statement was a threat, he told her no. According to Appellant's own report".

The Appellant stated John didn't say no. When the Appellant called for Brian, John said "What's he goin do about it". Appellant stated Brian was on the other side of the car and John didn't see him and he heard everything. Brian can be seen on police camera stating that "He (John) threatened her".

The Seventh District Court of Appeals decision stated the Appellant "disparaged the owner of the house" in reference to John Markota's statement "And she proceeded to say to say the owner, Jay, should go back where he came from". The Appellant did not make this statement and is another incident of perjury.

Trial transcript labeled Redirect/Markota page 54-55 occurred after Appellant's Direct/Cross, and is incomplete. Appellant was not permitted to defend redirect.

Trial transcript labeled Redirect/Rauschenbach page 57 did not occur after Redirect/Markota.

Trial transcript is missing at the beginning when the Magistrate called Ms. Mathews and stated he was going to dismiss the charges and commented every officer was a part of this.

Question Three

Issues at trial that have departed from the accepted and usual course of judicial proceeding and aid in the court's appellate jurisdiction.

The first issue, prior to arrest nor directly after was the Appellant's statement taken.

The second issue, Miranda warnings were not given prior to nor directly after arrest.

The third issue, The first trial date of 11 am on 12-13-2024 Ms. Mathews stated both officers were ill and one or both had a temperature of 103. John Markota did not show. In court the Magistrate stated Ms. Mathews had the hearing set for pre-trial. It was set for trial.

REASONS FOR GRANTING THE PETITION

Question One

The Appellant did not knowingly misuse 9-1-1. The charges should be vacated.

Reason for granting the petition as stated in the appeal to the Supreme Court in the State of Ohio: (copy provided please review)

"Based upon the prior interaction and present circumstances, Appellant subjectively believed that an emergency existed and, therefore, called 9-1-1 to summon the police to her location. Her subjective belief should control. She did not make false factual statement or rant irrelevantly, but rather identified that she believed that a threat was made. . .".

Question Two

The Appellant stated that John Markota didn't say no. When the Appellant called for Brian, John Markota stated "what's he goin do about it".

The transcript does not reflect the trial, not only are the words different but things are taken from one place and put in another. John Markota was questioned again after the Appellant's cross it is missing from the trial record.

Question Three

The trial court departed from the accepted and usual course of proceedings when the Appellant's statement was not taken before arrest, when Miranda

Warnings were not given, and the case/charges should have been dismissed on the first trial date 12-13-2024 when neither officer nor the witness was present.

The Magistrate's statement on page 81 of the transcript states:

"I'm disturbed by the comments made against this gentleman, that he was a rapist, that he was white trash, that the owner of the property should go back to his home country. And I believe that Ms. Catale's actions were motivated by the fact that she didn't like what was going on next door. I don't find that she was threatened and therefore, I find that she did misuse the 911 system".

This statement demonstrates a lack of attention to detail in review of the evidence.

This is also evidence to support that John Markota's threatening , harassing, menacing and lying actions are superior to my freedom to speak.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Amber Citalo

Date: March 23, 2024