

IN THE SUPREME COURT OF OHIO

STATE EX REL: WILLIAM H. EVANS, JR.

Appellant

VS.

Case No. 2018-0452

Trial No. 17AP-571 (10th. Dist.)

GARY MOHR, ET AL

Appellee's

ENTRY OF INFORMATION REGARDING RECENT CIVIL ACTIONS BEING NECESSITATED

This case is pending the filing of the record, under direct-appeal.

Attached hereto as Exhibit (is 43 pages), being various recent civil actions which Appellant Evans had no choice but to file. Some of it is quite relevant to the instant case under review herein.

Respectfully Submitted,

(*) April 02, 2018 / William H. Evans, Jr.
Appellant, Pro Se

PROOF OF SERVICE

I certify that on this 02 day of April, 2018, I sent a copy of the foregoing by U.S. Mail, at: GEORGE HORVATH, 150 E. Gay St., 16th. Floor, Columbus, Ohio 43215.

William H. Evans, Jr.

(*) Note: Some of the exhibit pages/documents do not have the referenced to affidavit, or other attachments; However, the originals were filed in complete form, under affidavit.

RECEIVED
APR 04 2018
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
APR 04 2018
CLERK OF COURT
SUPREME COURT OF OHIO

*Remanded
on Federal Detainer*

Exhibit (43 pages)

No. 17-4105

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Mar 20, 2018
DEBORAH S. HUNT, Clerk

In re: WILLIAM H. EVANS, JR.,

Movant.

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ORDER

Before: GILMAN and DONALD, Circuit Judges; HOOD, District Judge.*

William H. Evans, Jr., an Ohio prisoner proceeding pro se, moves this court for an order authorizing the district court to consider a second or successive habeas corpus petition to be filed under 28 U.S.C. § 2241.

In 2014, Evans filed a petition for a writ of habeas corpus under § 2241. Evans asserted that he was a state prisoner serving a fifteen-year-to-life sentence imposed by an Ohio court, with a parole-eligibility date in August 2019. He asserted that, in January 2013, he discovered that a detainer had been placed in his inmate file by the United States Marshal Service on July 11, 2008, and that the detainer could potentially have an adverse effect on his parole eligibility. He also claimed that he was never notified of the detainer or its “nature and cause.” Evans challenged “the placement and current existence of” the detainer and sought immediate notification of its “cause and nature” and its removal from his inmate file.

On the recommendation of a magistrate judge, and over Evans’s objections, the district court dismissed Evans’s habeas corpus petition, concluding that the court lacked jurisdiction to consider it because he “failed to establish that he is ‘in custody’ on the claimed detainer that has

*The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.

been lodged against him.” We affirmed. *Evans v. Warden, Ross Corr. Inst.*, No. 15-3373 (6th Cir. May 3, 2016) (unpublished).

In the meantime, Evans filed another § 2241 habeas corpus petition in 2015. Once again, Evans challenged the detainer placed in his inmate file by the United States Marshal Service on July 11, 2008; argued that he was not notified of the detainer; and sought its removal from his inmate file. On the recommendation of a magistrate judge and over Evans’s objections, the district court concluded that Evans’s habeas corpus petition was second or successive and transferred it to this court for consideration because he had not obtained authorization from this court to file it.

Evans has now filed this corrected motion, seeking authorization to file a second or successive habeas corpus petition. Evans intends to raise the following grounds for relief: (1) the detainer “has been withdrawn and the investigations closed,” he “has a right to ensure the effects are removed from his” inmate file, and he is entitled to an order providing assurance that a detainer never appears in his inmate file again; (2) neither the United States Marshal Service nor any other government agency had authority to place the detainer in his inmate file and to do so “without giving notice to [him] so he could challenge it or seek speedy disposition,” and he “has a right to an order ensuring this never happens to him again”; and (3) prior court rulings in his case “are now law of the case and res judicata, where they labeled this a ‘detainer’; transferred it; found it was removed and the investigations closed; did not find this was a second/successive habeas petition; and denied the [United States] Attorney’s request to dismiss the action.” The state has filed a response opposing Evans’s motion, and Evans has filed a reply to the state’s response. Evans has also filed a memorandum labeled “issue preclusion: res judicata & law of the case.”

Evans does not need an order authorizing a second or successive § 2241 habeas corpus petition. The provisions of 28 U.S.C. § 2244(b), which govern second or successive habeas corpus petitions, “do not apply to habeas petitions filed under § 2241.” *Rosales-Garcia v. Holland*, 322 F.3d 386, 399 (6th Cir. 2003) (quoting *Barapind v. Reno*, 225 F.3d 1100, 1111 (9th

Cir. 2000)). Furthermore, Evans is not challenging a state court judgment. *Cf. Rittenberry v. Morgan*, 468 F.3d 331, 336 (6th Cir. 2006) (holding that § 2244(b) “applies to any habeas corpus petition seeking relief from custody pursuant to a state court judgment”). Although Evans now argues that the detainer has been withdrawn, to the extent that a detainer exists, he is not “in custody” pursuant to it. *See Evans*, No. 15-3373; *see also In re Lee*, 880 F.3d 242, 243 (6th Cir. ~~2018~~) (holding that this court lacked jurisdiction to consider a motion for an order authorizing consideration of a second or successive 28 U.S.C. § 2254 habeas corpus petition because the petitioner’s sentence for his state conviction had expired when he filed the motion and he was no longer “in custody” pursuant to that conviction).

Accordingly, we **DENY** Evans’s motion for permission to file a second or successive habeas corpus petition as unnecessary and remand this case to the district court for further proceedings.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

COMMON PLEAS COURT
FRANKLIN COUNTY
GENERAL DIVISION/CIVIL

WILLIAM H. EVANS, JR.
#A 489-686
Rose Correctional Institution
P.O.Box 7010, 16149 SR 104
Chillicothe, Ohio 45601
(740) 774-7050

Plaintiff

Case No. 17CV-9206

TRIAL SET FOR
(Reece, J.)

VS.

GARY MOHR-DIRECTOR;
KAREN STANFORTH-Assst. Chief Inspector;
OHIO DEPARTMENT OF REHABILITATION & CORRECTION
770 West Broad St.
Columbus, Ohio 43222
(614) 644-1049

Defendant's

MARK HOOKS-WARDEN;
LISA BETHEL-HEALTH CARE ADMINISTRATOR;
P.O.Box 7010, 16149 SR 104
Chillicothe, Ohio 45601
(740) 774-7050

Defendant's

COMPLAINT

¶1) This is a civil action brought pursuant to Ohio Tort laws (common-law & statutory), and pursuant to the Ohio Constitution and the U.S. Constitution, to redress the deprivation under color of law of the State of Ohio, of rights set forth under the Constitution's, under Ohio Common-Law, and Ohio Statute.

¶2) As set forth above, this action also presents claims under 42 U.S.C. §1983. A State court is duty bound to also decide federally created claims, and further, must apply federal law to such claims. HOMLETT V. ROSE, 496 U.S. 356, 367, 371, 376 (1990); WILSON V. PATTON, 49 Ohio App.3d 150, 154-55 (4th Dist. 1988).

¶3) No other actions have been filed regarding the specific facts set forth herein this Complaint, in any court. Therefore, the common pleas court does not lack jurisdiction over an action against state officers. WILSON, Supra at 153, citing COOPERMAN V. UNIV. SURGICAL ASSOC., 32 Ohio St.3d 191, ¶2 of Syllabus (1987), and VON HOENE V. STATE, 20 Ohio App.3d 363 (1985).

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¶4) This Complaint is properly brought in the [Franklin] County Court's, pursuant to Civ.R.3(B)(1),(2),(3),(4),because it is where the lead Defendant has his office,and moreover,because under O.R.C.§5120.01,the Director (Gary Mohr) is the sole prescriber of rules and regulations for the entire O.D.R.C.,and this Complaint specifically turns upon a challenge to a rule,policy,or regulation. Therefore,without the Director as a Defendant,and the Asst.Chief Inspector, full relief could not be had under Ohio Tort laws,to [compel] action which would override a purported rule or policy.To be clear,42 U.S.C.§1983 does not allow the doctrine of respondeat superior to apply;however,this Complaint is [not only about Constitutional claims as noted on page one herein].Injunctive reliefs would necessarily be applied to [all] Defendant's in their Official capacity.

¶5) Plaintiff,William H. Evans,Jr.,is incarcerated within the Ohio Department of Rehabilitation & Correction under a sentence of 15 years to Life,and has been incarcerated at all times mentioned herein and since (2005).Currently incarcerated at the Ross Correctional Institution as set forth in the caption,and has been at R.C.I. since 2011.

¶6) Gary Mohr is the Director of O.D.R.C.,and is in charge of the entire operations at all subordinate facilities,and prescribes rules and regulations for the management of the detention facilities.O.R.C.§5120.01.

¶7) Karen Stanforth is the Assistant Chief Inspector (for Medical) of the O.D.R.C.,and is charged to ensure that all law,rules and regulations are applied fairly at all O.D.R.C. institutions,and report any violations to the Director. O.A.C.§5120-9-30.

¶8) Mark Hooke is the Warden of R.C.I.,and is responsible for the overall operations at this one facility,including ensuring that all laws are followed and applied fairly,and reports violations to the Director.O.R.C.§5120.38.

¶9) Lisa Bethel is the Health Care Administrator at R.C.I.,and is directly responsible to ensure adequate medical care be given,that all medications be issued as prescribed,and has charge over the various Nurses,and Practitioners at R.C.I.,including ensuring medical round trips,and medical records.

¶10) In May,2017,it was determined by Nurse Practitioner Kelly Cardaras,that Plaintiff (Evans) is in need of a colonoscopy due to blood on a fecal exam card, and suspected possible colon cancer.

¶11) Evans asked Cardaras to please allow him to be issued the colon cleansing solution to take back to his prison cell,follow all directions in drinking it,then be taken for the medical round trip for this single day-minor surgery of colonoscopy.Cardaras advised that she [cannot] allow that,and that Evans "must" be admitted into the R.C.I. medical infirmary over night before the colonoscopy.

Carderas advised that this is "policy".

¶12) Evans then stated that he cannot allow himself to be placed in the Infirmary (IHS) for a mere one day round trip for minor procedures, (colonoscopy). Evans elaborated that, to do this, would mean he must pack up [all] his personal property, place it in the R.C.I.-Vault for storage, then be placed in IHS overnight, which means that Evans would lose his established cell and housing unit, causing him to be placed with a new cell-mate, and in a different housing unit, (which) Evans has maintained for about one year. That this would be a complete upheaval of his daily living conditions, uprooting him, possibly even causing loss or destruction of his property, including legal materials. Evans stated that he is pro se in several court actions, and that he cannot allow ODRC/RCI to trample upon his rights in such an extreme manner just so he can obtain the needed medical treatment, when none of that is [necessary] in order to effect a successful colonoscopy test. Carderas then told Evans that, to refuse this being done to him, he must sign an "A.M.A." (Release of Responsibility) form. Evans then signed.

¶13) It is alleged herein that the signature on the A.M.A., is [invalid] due to "undue influence". And even it were were valid, it was signed to prevent [a lot] of rights violations against Evans which would go on perhaps for months after the one day testing. Clearly Evans is not required to agree to also allow them to cut off his hand or leg along with the colonoscopy, and if he signs to refuse the amputation, that means he does not get the colonoscopy. That is quite a fraud, and is pure coercion, where Evans asserts that the reason ODRC/RCI has such a base-less rule or policy is to curb or thwart an inmate from going through with needed medical care. The inmate refuses, then they do not have to pay costs of care that [they] were legally required to give. Such a signature of refusal is not a refusal or release from responsibility at all. Plainly Evans [wants] the colonoscopy, as evidenced by his exhaustion of the grievance process and his filing of this instant Complaint. Evans asserts that it could never legitimately and rightly be said that he has released ODRC/RCI from responsibility, nor has he foregone his medical care based upon the above herein facts.

¶14) After the above discussion with Carderas, Evans filed an Informal Complaint Resolution (ICR) directly to the Warden on May 16, 2017, whom declined to address it and referred Evans to the Health Care Administrator (HCA). Thus, Evans done another ICR to HCA on June 02, 2017. HCA-Bethel called Evans to her office at IHS, and told Evans that this is "policy". Evans asked where this policy originates, and Bethel stated that it came from Central Office (ODRC-Headquarters). Bethel then drafted her response to the ICR.

¶15) Evans then timely filed a Notification of Grievance (NOG) with the R.C.I.-Institutional Inspector, and it was denied. Evans nextly filed an Appeal to Chief

Inspector, which was also denied, and also confirmed that this "policy" does in fact stem from Central Office (at least that is what they said). The entire grievance process is set forth more specifically later in this Complaint. Evans has described here just how it is that [each] named Defendant is fully apprised of the denial of adequate medical attention, and are knowingly approving of the same.

¶16) This Complaint is brought seeking Injunctive Relief, to compel Defendant's to immediately ensure the colonoscopy [and] to not cause Evans to be packed up and moved for that purpose. This is a one day, simple procedure (colonoscopy), and there is no legitimate basis to leave Evans the ultimatum of either (be uprooted from his entire living conditions and place his property under conditions which may result in disarray or destruction or loss...and if he will not agree to that then he does not get the colonoscopy and possibly suffer early death by cancer. Imagine if you, the judge, must call a moving van and pack up all your property, and move out of your house, not to return to the same house or neighborhood once it's all done, and instead be relocated to a different house, and moreover, you must then unpack all your property and set up house anew. And if you are not willing to do this, then your health insurance provider will not give you the needed medical care. Plainly that would not work. And, that, is precisely the predicament Evans is in, and is the [reason] he has had to file suit. Evans repeatedly pleaded with all parties to no avail over the course of about five (5) months.

¶17) In reviewing a Complaint the court must construe all material allegations as admitted and all reasonable inferences in favor of Evans. STATE EX REL: BOGGS V. SPRINGFIELD LOCAL SCHOOL DISTRICT, 72 Ohio St.3d 94, 95 (1995); MITCHELL V. LAWSON MILK, 40 Ohio St.3d 190, 192 (1988). It must further determine beyond doubt that Evans could prove no set of facts entitling him to relief under any legal theory, before the court could rightly dismiss any claim. O'BRIEN V. UNIV. COMM. TENANTS UNION, 42 Ohio St.2d 242, Syllabus (1975). A Complaint only need give fair notice of what the claim is and the grounds upon which it rests. CONLEY V. GIBSON, 355 U.S. 41, 47 (1957); GAZZETE V. CITY OF PONTIAC, 41 F.3d 1061, 1064 (6th Cir. 1994). CF. BELL ATLANTIC CORP. V. THOMBSLY, 550 U.S. 544, 555, 570 (2007). As to any claims herein that could be construed as [federal], while federal law controls [those] claims, this State of Ohio's [procedural] rules are applied to these proceedings. Again, this Complaint also regards [State] law claims. HOWLETT, *Supra* at 372, 375, citing FELDER V. CASEY, 487 U.S. 131 (1988), and MONESSEN SOUTHWESTERN R. CO. V. MORGAN, 486 U.S. 330, 335 (1988) (utilizing State procedural rules; but applying federal common law to federal claims).

REQUESTED RELIEF

WHEREFORE, the following relief is requested.

¶18) That an Injunction issue to the Defendant's to compel immediate colonoscopy [and] with the caveat that Evans is "not" packed up or moved;

¶19) That a Declaratory Judgment issue from this Court stating that the allegations made in this Complaint violate law, that Defendants have a duty to ensure adequate medical care and a corresponding duty to not place unnecessary requirements upon Evans's daily living conditions solely for the purpose of his medical care;

¶20) Any other relief's that this Court deems as necessary and just;

¶21) A jury-trial is hereby demanded.

AFFIDAVIT OF EXHAUSTION OF GRIEVANCE SYSTEM

Pursuant to D.R.C. §2969.26, Evans attests that he timely and properly exhausted the inmate grievance process for all the above herein allegations, which became Grievance No. RCI-06-17-000124. The R.C.I.-Institutional Inspector Disposed of it on Aug. 04, 2017. Evans then timely filed an Appeal to the Chief Inspector whom issued their Decision on Aug. 24, 2017. The Disposition of Grievance, and the Decision of Chief is attached to this Complaint (3 pages total).

AFFIDAVIT OF PRIOR CIVIL ACTIONS

A list of prior civil actions as required under D.R.C. §2929.25, is as follows:

STATE EX REL: EVANS V. MCGRATH, No. 16-1755 (Ohio Supreme)(write appeal)(pending)

STATE EX REL: EVANS V. MCGRATH, No. 16-1911 (Ohio Supreme)(write appeal)(pending)

STATE EX REL: EVANS V. MCGRATH, No. 17-1259 (Ohio Supreme)(write appeal)(pending)

STATE EX REL: EVANS V. SCIOTO COUNTY COMMON PLEAS COURT, No. 17-0727 (Ohio Supreme)(write appeal)(pending).

EVANS V. SCOTT S. HARRIS, No. 1:15-CV-1667 (D.D.C.)(civil rights action)(dismissed), Appeal denied, No. 15-5296 (D.C. Cir. 2017).

EVANS V. U.S. MARSHAL SERVICE, 177 F. Supp. 3d 177 (D.D.C. 2016)(Habeas Corpus)(transferred)(regarding a federal detainer).

STATE EX REL: EVANS V. GARY MOHR, No. 17AP-571 (write action)(pending)(10th. Dist.) (to remove detainer from ODRC records).

****PLEASE NOTE THAT, NONE OF THESE CASES WERE DISMISSED AS "FRIVOLOUS OR MALICIOUS"

****Also, these above cases may also have an underlying case attached to them, but the lower case is not mentioned herein because it would automatically trace back to those cases. Above has set forth the cases over the past 5 years, [against government entity or employee] as that case sits currently today.

PAGE 6 HEREIN IS THE NOTORIZED AFFIDAVIT OF VERITY. THIS [ENTIRE] COMPLAINT IS BEING SWORN TO, AND THIS COMPLAINT IS 6 PAGES IN LENGTH (plus the grievances, and the 6-month account statement prepared by Evans's Cashier) and placed in the [same] envelope for mailing to this Court.

Oct. 10, 2017 / *William B. Turner*
Plaintiff, Pro Se

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Reg. Appeal - Aug. 07, 2017

DISPOSITION OF GRIEVANCE

Exhibit (3 pages)

INMATE: EVANS JR, WILLIAM H
COMPLAINT CODE: INSTITUTIONAL OPERATIONS - Health Care - Improper / inadequate medical care

NUMBER: A489686
DISPOSITION:

INSTITUTION: RCI
GRIEVANCE NUMBER: RCI-06-17-000124

DATE: 08/04/2017

The disposition of this grievance will be delayed longer than 14 calendar days for the following reason(s):

Your grievance, filed on 06/28/2017, has been reviewed and disposed of as follows:
 The grievant claims it is possible he has cancer of the colon or prostate or both. He claims to have respectfully pleaded to be issued a colon cleansing solution to drink in his cell and not be packed up and held in the infirmary for one day for a colonoscopy.

To investigate this complaint I reviewed the grievant's medical history as it relates to this complaint with Health Care Administrator (HCA) Bethel. I also reviewed 68-MED-01.

The HCA reported to me that you have refused a colonoscopy because you do not want to lose your cell or have your property itemized. The review of your medical chart indicates that a colonoscopy is recommended, but you have shown concern about losing your cell and having to pack-up all your belongings. You have been educated about the risks of not having the procedure which includes leaving a condition undiagnosed. You did sign an (AMA) and you have been informed that you may change your mind about attending the procedure at any time. You have indicated to the medical staff that you wished to wait for the latest blood test results and at that time you were informed that blood tests that were ordered are not an effective marker for some diagnoses and only indicate if cancer is widespread or affecting organ function. The HCA explained to you RCI requires you to be admitted the night prior to the test to help ensure proper pre-test care. This procedure will not omitted in your case.

At the bottom of your complaint you have requested a copy of the Ohio Standard 10-04. Ohio Standards are implemented by the Bureau of Operational Compliance. Ohio Standards are protocols that establish a process for evaluating and improving health care delivery systems and clinical outcomes. These protocols are sensitive in nature and not for distribution to the inmate population. It is my determination that you are refusing this testing procedure because you do not want to be housed in the infirmary the evening prior to the scheduled test. The Inspector of Institutional Services shall defer to the professional judgements of the ALP/CMO. Although you may disagree with the course of treatment I find your medical concerns are being addressed. This grievance is denied.

If you wish, you may appeal this decision to the Chief Inspector within 14 calendar days. Appeal forms are available in the office of the Inspector of Institutional Services.

[Signature]

1 of 3

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Colomascopy

Decision of the Chief Inspector on a Grievance Appeal

Inmate:	EVANS JR, WILLIAM H	Institution:	RCI
Number:	A489686	Grievance No.:	RCI-06-17-000124
Date:	08/24/2017		

The office of the Chief Inspector is in receipt of your notification of grievance, the disposition of that grievance, and your appeal to this office. A review of your appeal has been completed. The decision of the Inspector is hereby

Affirmed

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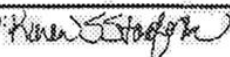
Affirmed.

In your appeal you state that you have never one been found non-compliant with directions before a round trip in nearly 23 years of incarceration. You claim DRC/RCI is refusing to take you to a colonoscopy where you may well have late state cancer. You allege that your rights were violated because you were not given the opportunity to take your bowel prep in your cell and you had no choice but to sign an AMA for your colonoscopy due to your refusal to be admitted to the infirmary for the prep. You state this is nonsense.

A review of your medical file confirms that when the provider explained to you that you would require an infirmary admission for a bowel prep on 5/16/17 at DSC, you signed an AMA for the procedure, stating you did not want to perform a pack up and leave your cell. The AMA also states that you can change your mind at any time and participate in the procedure including the infirmary admission for the prep. You will need to complete a HSR to initiate the process.

HCA Bethel informed you of this and referred to the correct Ohio Standard and protocols that medical must follow for such a procedure. Ms. Bethel and the Institutional Inspector were also correct when they informed you these guidelines are sensitive in nature and not for distribution to the general population.

I cannot identify any violation of policy, protocol, or Ohio Standards on the part of the RCI medical staff and encourage you to work with them to ensure you are maintaining your optimal level of health while incarcerated. Please know, blood in the stool could be a sign of a serious condition. All offenders are subject to this process to make sure they have an adequate bowel prep. A good prep is essential for visualization of the colon when the specialist looks through the scope to ensure nothing is missed. There will be no further action concerning this appeal at this time.
Karen Stanforth, Assistant Chief Inspector, Medical

Signature: 	Title: ASSISTANT CHIEF
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AFFIDAVIT OF VERITY & INDIGENCY

I, William H. Evans, Jr., do hereby ~~swear~~ under penalty of perjury and falsification, that I am competent to testify to the ~~herein~~ and do so upon personal knowledge, and that all the herein, and all ~~attached documents~~ are true and correct; and further, that I earn only \$6.00/month as state-pay with no other means of financial support, and must use said money to purchase hygiene, stationary, postage, and other life's necessities, and cannot afford to pay any costs in this action. I ask said costs be waived, I have no assets of value,

FURTHER AFFIANT SAYETH NAUGHT.

William H. Evans, Jr.

WILLIAM H. EVANS, JR.
#A 489-686
Ross Correctional Institution
P.O. Box 7010, 16149 SR 104
Chillicothe, Ohio 45601
(740) 774-7050

Affiant, Pro Se

*State of Ohio
County of Ross*

Sworn to, affirmed, and subscribed in my presence this 16th day of August, 2017. by William H. Evans Jr



Sally P. Tamborski
NOTARY PUBLIC State of Ohio

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COMMON PLEAS COURT
FRANKLIN COUNTY, OHIO
GENERAL/CIVIL DIVISION

WILLIAM H. EVANS, JR.
#A 489-686
ROSS CORRECTIONAL INSTITUTION
P.O. BOX 7010, 16149 SR 104
Chillicothe, Ohio 45601
(740) 774-7050

Plaintiff

Case No. 18CV-1481

VS.

-JURY TRIAL DEMANDED-

STATE OF OHIO;
OHIO ATTORNEY GENERAL - MIKE DEWINE;
150 East Gay St.
Columbus, Ohio 43215

Defendant's

[K. Croft, J.]

-[end]-

OHIO DEPARTMENT OF REHABILITATION & CORRECTION;
GARY MOHR-DIRECTOR;
GARY CROFT-CHIEF INSPECTOR;
KAREN STANFORTH-ASSISTANT CHIEF INSPECTOR (MEDICAL);
770 West Broad St.
Columbus, Ohio 43222

Defendant's

-[end]-

ROSS CORRECTIONAL INSTITUTION;
WARDEN-MARK HOOKS;
INSTITUTIONAL INSPECTOR-TODD DIENL;
HEALTH CARE ADMINISTRATOR-LISA BETHAL;
NURSE PRACTITIONER-KELLI CARDANAS;
NURSE PRACTITIONER-MELISSA HAWK
P.O. Box 7010, 16149 SR 104
Chillicothe, Ohio 45601

Defendant's

COMPLAINT FOR DECLARATORY JUDGMENT, and INJUNCTIVE RELIEF
AND FOR DAMAGES

¶1) There are a total of twelve (12) Defendant's as captioned above, named jointly and severally, in their respective official & personal capacities as applicable. However, the State of Ohio and the respective agency of ODRC and OAG are named solely for purpose of Injunctive and Declaratory reliefs (not damages). The individuals named are sued for both the Injunctive and Declaratory relief's as well as for damages in excess of \$25,000.00.

¶2) This action is brought pursuant to 42 U.S.C. §1983, and O.R.C. §2721.01 et seq. (Declaratory Judgment Act), as well as pursuant to O.R.C. §2307.60(A)(1) (Civil Recovery for a Criminal Act), to obtain declaratory judgment, injunction, and damages for violations of the U.S. Constitution, and Ohio Criminal Statutes which sounds in Tort under §2307.60(A)(1).

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¶3) Plaintiff (hereinafter, "Evans"), has several civil actions pending, some which are against, inter alia, the Defendant's listed herein. These cases are listed in the portion of this complaint detailing the civil actions for past 5 years. Evans also has several recent grievances exhausted, and also some pending, which the officials refuse to issue a ruling upon despite their time constraints having expired.

¶4) This complaint regards largely, violations of the 1st, 8th, & 14th Amendment's, U.S. Constitution, and of Ohio criminal statutes, for obstruction to access to court's, first amendment retaliation's, and denial of adequate medical care, and all in violation of the Due Process and Equal Protection Clause's.

DEFENDANT'S

¶5) The State of Ohio is subject to suit for Injunctive & Declaratory relief's in a [State] court.

¶6) The Ohio Attorney General Mike DeWine is named herein, as naming the [agency/office] of DAG, and also for Injunctive and Declaratory relief's. The DAG is the Chief Law Officer for the State of Ohio, O.R.C. §109.02. As such, the DAG is duty bound to [enforce] laws of this State, and when it comes to [criminal] laws, the DAG is a "Law Enforcement Officer" as defined under O.R.C. §2901.01(11). And while the question of [prosecution] is not subject to judicial review under the separation of powers doctrine, the duty of [enforcement], (i.e., halting the commission of an offense), is not discretionary. Pursuant to O.R.C. §2921.44(A)(2), No law enforcement officer shall negligently fail to prevent or halt the commission of an offense or to apprehend an offender. A violation of which is a misdemeanor of the second degree against the DAG. Given that the DAG is representing the Defendant's/Respondent's in virtually every case Evans has pending, they are plainly on notice of the violations complained of, and actually have a special relationship with Evans due to the above fact, and hence a [duty]. See eg., STATE V. BAILEY, 2008 WL 2486585, at 4 (12th Dist. 2008). Neither is the DAG immune from injunctive reliefs under 42 U.S.C. §1983. See, SUPREME COURT OF VIRGINIA V. CONSUMERS UNION, 446 U.S. 719, 735-737 (1980) (enforcement capacity).

¶7) The ODRC is named in the same manner as is the DAG. However, the individual Defendant's therefrom are also named for both injunctive/declaratory & damages.

¶8) Gary Mohr, is the Director of ODRC, and is in charge of all ODRC staff, and of all ODRC facilities, as well as the prescriber of Rules and Policy's. O.R.C. § 3120.01. A large portion of this complaint turns upon the fact that Gary Mohr, has written several Constitutionally invalid Policies for ODRC, and he also is [personally] ordering the retaliations noted herein. Further, Mr. Mohr is also plainly on notice, because of the fact that several recent grievances filed with

and collectively, the Chief Medical Officers for RCI. There are no Medical Doctors on staff at RCI, only Practitioner's (at least Evans has not ever been seen by anyone other). The Practitioner's are also Defendant's in other pending civil actions by Evans.

PLAINTIFF

¶16) Plaintiff, William H. Evans, Jr., is a 53 year old male, incarcerated at RCI with a sentence of 15 years to Life. He has been housed at RCI since mid-2011.

FACTS

¶17) As stated above, Evans has several civil actions pending, which are listed specifically later in this complaint. All Defendant's herein are also party, either directly or indirectly, to those other pending actions.

¶18) Beginning on Oct. 31, 2017, the ODRC instituted a totally new process for inmates to follow to file an Informal Complaint Resolution or any Grievance and Appeal. Now an inmate [cannot] submit his complaints on hard paper documents, but instead must [exclusively] draft and write his complaint on the JPay kiosk located in the inmate housing units. The inmate must type at the kiosk, within the 15 minutes allotted, his entire complaint, and cannot download the complaint process to his personal player, nor obtain hard-copies. The Chief, via response to an on-line grievance to them, #RCI-111-7000-306, informed Evans that this is new policy (although, Evans notes here that §5120-9-31 has [not] been re-written), and advised Evans that he can request paper copies of the grievance documents done on the kiosk by kiting the Institutional Inspector of RCI. Evans has since sent several kite requests to the RCI Inspector, but receives absolutely no response. Evans complained in the above grievance that this new process obstructs access to courts, because Ohio State law requires the inmate to attach paper copies of grievance decisions, under O.R.C. §2969.26(A)(2). So Evans tried to obtain such but his kites goes unanswered. Therefore, Evans submitted another grievance, #RCI-1217-000-533, against the Inspector of RCI for failing to provide the hard copies. But the Chief Inspector done a spin job in their Decision, and found no violation by the RCI Inspector (grievance denied).

¶19) It is asserted that the new grievance policy violates access to courts under the 1st Amendment, by blocking an inmate from complying with §2969.26(A)(2), unless the court would [Order] the Defendant to comply and file said hard-copies. Otherwise an inmate would not be able to bring [any] civil action against a government agent in a [State] court, other than the Court of Claims. Access to Court's is a fundamental right, BOUNDS V. SMITH, 430 U.S. 817, 828 (1977). See also, OHIO CONSTITUTION, Article I. The violation not only sounds as a federal claim, but also sounds in tort, because "Interfering with Civil Rights" is a misdemeanor of the first degree under O.R.C. §2921.45; and §2307.50(A)(1) provides tort relief

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the Chief Inspector had had extensions of time requested by the Chief, which said extensions are automatically reported/ filed with the Director pursuant to O.A.C. §5120-9-31, so Gary Mohr could never rightly say he is not "implicitly authorizing, approving, or knowingly acquiescing in the unconstitutional conduct", which means that supervisory liability attaches under 42 U.S.C. §1983, EVERSON V. LEIS, 556 F. 3d 484, 495 (6th Cir. 2009). And Mr. Mohr is plainly not immune under State law criminal violations and the resulting damages in tort, which such State law claims are proper for respondent superior.

¶9) The Chief Inspector Gary Craft (or successor), is responsible for the inmate grievance process, and ensuring that all law are applied fairly throughout the entire system, and reports violations to the Director, O.A.C. §5120-9-30(C)(7). Neither is he immune from damages on State law claims, nor on the federal claims, because said claims are of violations of clearly established federal law, HARLOW V. FITZGERALD, 457 U.S. 800, 816 (1982). The same lack of immunity for damages applies also to the Nurse Practitioner's brought herein. See, BORRETTI V. WISCOMB, 930 F. 3d 1150, 1156 (6th Cir. 1991); HINSON V. EDMOND, 192 F. 3d 1342, 1347 (11th Cir. 1999), amended by 205 F. 3d 1264 (11th Cir. 2000); GROH V. RAMIREZ, 340 U.S. 551, 564-65 (2004) (not immune when preparing and exceeding what the law prescribes); and also this applies to the other correctional Defendant's.

¶10) The Assistant Chief Inspector Karen Stanforth (or successor) is the Assistant who handles all [medical] type of grievances submitted on Appeal to Chief. The same criteria applies to Stanforth as stated above for Craft.

¶11) The Ross Correctional Institution is named in the same manner as is the OAC and ODRC above.

¶12) The Warden Mark Hooke is in charge of the overall operations at RCI pursuant to O.A.C. §5120.35. Mr. Hooke is fully apprised of the herein complaints, as he is directly notified by the Chief Inspector when a Grievance has been filed against him by the inmates, which has occurred here by Evans whom referenced all relevant grievances in his grievance against the Warden.

¶13) The Institutional Inspector Todd Diehl, is responsible for ensuring the grievance process at RCI, and pursuant to O.A.C. §5120-9-31 & 5120-9-29, who reports violations to the Warden under part 5120-9-29(C), and also reports to the Chief Inspector.

¶14) The Health Care Administrator Lisa Bethel is in charge of all medical care of inmates at RCI, and is also a Defendant in other pending cases, as is the other Defendant's herein.

¶15) Nurse Practitioner Cardenas and Nurse Practitioner Hawk, are both essentially

of the upper base of the neck, which results in chronic headache pain at the base of the skull. This is [why] the Naproxen, being an NSAID, was prescribed initially. However, the Naproxen not being continued, Tylenol was substituted, which is actually not the most proper pain control, given that arthritis is translated to joint [swelling/inflammation], and hence an anti-inflammatory is most suitable/indicated. Ever since, Evans must buy Ibuprofen tablets off other inmates [every single day] because he cannot afford it, and also buy hygiene or other needs, not to mention that ODRC/Ohio is required by law to "provide" adequate medical care regardless of Evans's financial status. This situation with the Tylenol brings us to the next issue, as follows.

¶21) The Practitioner has ordered/prescribed the Tylenol (acetaminophen) for two 325mg. tablets x 3 each day, which means Evans would take 6 tablets each day. However, ODRC has a limit on how much Tylenol they will provide for an inmate, which is 50 tablets per month. Translated, this means Evans could only take 2 tablets per day (one in morning and one at night), or otherwise he will run out of his prescription allowance before it can be renewed. As a result, Evans is not at all being provided adequate medical care, and he cannot even honor the doctor/practitioner's orders, solely due to this unlawful policy which Gary Mohr has prescribed as a "DRC Limit".

¶22) It is also asserted above that, this discontinued Naproxen was retaliation against Evans for his legal actions, because of the inconsistent stories given to him for the reason of cancellation. And at any rate, it is a separate violation to then substitute it with a drug (Tylenol) then not allow the doctors orders of 6 tablets per day to be provided for.

¶23) This problem of "DRC Limits", also affects Evans on several other medications as well. He is prescribed an Albuterol inhaler, to take it at "two puffs x 4 per day", which would total eight (8) puffs per day. Evans cannot honor that because each inhaler canister has 200 metered inhalations in it. Each inhaler can be renewed only once every 90 days. Which translates that Evans can only use his inhaler with about two (2) puffs per day total (which comes to 180 inhalations every 90 days).

¶24) Evans is prescribed Fibercon at "one tablet per day", for Colon health, with need for colonoscopy. Yet "DRC Limits" Fibercon to 20 tablets every 90 days. Which translates to Evans only being able to take one tablet every three days, or else he would run out way before ODRC will refill it.

¶25) Now, three other of Evans's long-prescribed medications are apparently also being discontinued. Os-Cal w/Vitamin D, which is taken along with Fosamax for osteoporosis is now listed as "not refillable". Also, Low-Dose Aspirin, presc-

for any person injured in person or property by a criminal act. That Statute does not require that a prosecution by a prosecutor occur before the suit may occur, and the fact that there is [never] a criminal action for it, has no effect upon the right to suit. This is clear Ohio law, actually since early Ohio history. See, HOMK V. MINNICK, 19 Ohio St. 462, 463, 465 (1869) (civil action not merged into the criminal offense, and may be maintained without a prior prosecution and conviction). Further, O.R.C. §2921.44(C)(2) is directly violated, and the Chief and Institutional Inspectors are complicitors to failure to provide adequate medical attention, which is a misdemeanor of the second degree. And due to this complaint also detailing [retaliation], it violates O.R.C. §2905.12(A)(5). Coercion... is violated by the Defendant's taking, withholding official action, for purpose of coercing Evans into refraining from his legal endeavors which Evans has a legal freedom of choice to do. Coercion is a misdemeanor of the second degree. And given some of the certain medical denials at issue here, this all could easily be deemed to be, at least, an [attempted] Reckless Homicide, which is a felony three under O.R.C. §2903.05. All Defendant's herein would either be directly responsible, or otherwise fall under the complicity statute, §2923.03(A). As to the federal implications of retaliation, retaliation is denoted as "First Amendment Retaliation", specifically held as not for the acts set forth herein. See, THOMAS V. EBY, 481 F. 3d 434, 440-42 (6th Cir. 2007); DOMEZ V. RANDLE, 680 F. 3d 859, 866-67 (7th Cir. 2012) (retaliation for complaining about medical mistreatment); ATKINSON V. TAYLOR, 316 F. 3d 257, 270 (3rd Cir. 2003) (retaliation for filing law suit, where inmate was denied adequate food, legal materials, and otherwise harassed). Here, Evans is denied adequate medical care (rather than food).

¶20) During the end of the month of November, 2017, the Naproxen NSAID medication which Evans has been prescribed for over 3 years, was discontinued, based upon an asserted change in policy, where the Health Care Adm. Lisa Bethel advised Evans that per a new policy, they could not prescribe the Naproxen for over 30 days, without special permission from ODRC Central Office. Bethel said the Practitioners will be requesting that permission. Ultimately the Naproxen was never renewed. Thereafter the Decision of Chief of grievance #RCI-111-700-462, which began with Bethel, then went to Institutional Inspector Diehl, then to Chief; the Chief (Asst. Stanforth) advised instead a different theory for why Evans's Naproxen was discontinued. She said it is found to be contraindicated by Evans's ACE Inhibitor (Enalapril), but [X] could purchase Naproxen or Ibuprofen at the Commissary, but they will not provide it. An important factor here is, that Evans is officially "indigent", and receives only six dollars (\$6.00) per month as state-pay, with no other means of support. Ibuprofen is \$2.03, and Naproxen is \$3.08, at Commissary at RCI. Evans was taking two Naproxen per day, for severe arthritis

ription is now set as "not refillable", which is prescribed since 2014, when Evans suffered a cardiac arrest and was admitted to the Infirmary, with testing at OSU-Medical Center thereafter. Thirdly, Evans prescription for Pravastol, for cholesterol reduction, is also set for "not refillable".

¶26) Plainly the above facts could not be rightly construed as a coincidence, nor anything other than retaliation, and an [intentional] violation of law to Evans's demise. All of these discontinuances, all at once within the past few weeks.

¶27) It appears obvious that Gary Mohr is directly ordering these above violations, and is also writing bogus unconstitutional policies. And it appears plain that all subordinates Defendant's herein, seem to be under the false impression that they are legally covered in violating the law, even criminal law, when they are acting upon orders by their superior. However, that is legally incorrect, and a medical doctor/practitioner, the warden, the health care administrator, and all involved, have a direct personal duty to comply with clear law, and they are liable in full for what they personally do. They have a corresponding duty to, as example, tell the Director, the Chief Inspector, or whoever may order them to violate clear obvious law, to stick it all where the sun don't shine, and refuse to violate law. Evans assures this Court, that if he were employed by ODRC, he would utterly refuse to violate clear law, would file grievance with his Union or even file suit against ODRC over it all to prevent job loss or work place retaliation. Not because that Evans cared about the inmates, but rather because Evans's medical license, integrity, and his wallet were on the line. In fact, no person of even slight integrity would take such an unlawful order from a superior, as if they are a mindless-automaton-robot who is stuck on stupid. The above analysis relies upon the premise that the subordinates Defendant's are not [willingly] causing these violations of law against Evans. However, the discovery process and trial may well show that they all willingly violate law, including criminal (even felony's). An aside important note is, that NONE OF THIS COMPLAINT IS A "MEDICAL CLAIM" BY DEFINITION. Instead, it challenges policy, and orders of administrators, which results in the inadequate medical care. The Nurse Practitioner's are liable solely because they are complying with orders which violate law, and violate their medical code of ethics. And none of that is a valid excuse under law. Again, this assumes they are only following orders. It may well turn out that they are actually a direct part of those who intentionally and recklessly violate law as set forth above, and it may well turn out that the superiors (Director, Chief, etc.) are intentionally approving it.

REQUESTED RELIEF

¶28) That a Declaratory Judgment issue from this Court holding all the above

to be a violation of law;

¶29) That an Injunction issue from this Court that Defendant's correct all issues herein, and cease and desist in all forms of retaliation, and also that any purported Policy be invalidated as unconstitutional;

¶30) That compensatory and punitive damages be awarded to the fullest extent of law, in excess of \$25,000.00;

¶31) A jury-trial is hereby demanded as to all triable facts;

¶32) And, any other relief this Court deems as necessary and just, including an Order to Defendant's to provide, and file herein, copies of all grievances.

AFFIDAVIT OF ADMINISTRATIVE GRIEVANCE EXHAUSTION UNDER O.R.C. §2969.26

¶33) Pursuant to §2969.26(A)(2), the inmate is to file with the court hard copies of decisions from grievances. And the court shall stay the action under that statute, if it is commenced before exhaustion of the grievances. However, ALL ADMINISTRATIVE GRIEVANCES (ARE) EXHAUSTED AS RELEVANT TO THIS COMPLAINT. The problem is, as set forth specifically above herein as a claim, that Defendant's are intentionally blocking Evans from obtaining the hard paper copies of any of the grievance documents. The relevant grievances, which have in fact been fully exhausted by all means made available, are as follows: #RCI-111-7000-306 (Nov., 2017); #RCI-111-700-462 (Nov., 2017); #RCI-121-70000-61 (Dec., 2017); #RCI-111-7000-306 (Dec., 2017); #RCI-1217-000-533 (Dec., 2017); #RCI-011-8000-409 (Jan., 2018); #RCI-0218-000-184 (Jan., 2018). All grievance attempts have failed and resulted in no relief of all.

¶34) AFFIDAVIT OF PRIOR CIVIL ACTIONS UNDER O.R.C. §2969.25

- STATE EX REL: EVANS V. MORR, ET AL, No. 18AP-071 (10th. Dist.) (Pending) (write action to remove label of white supremacist from Evans's records);
- STATE EX REL: EVANS V. CLERK, SCIOTO CO. PROBATE COURT, No. 17-1724 (Oh. S. Ct.) (Pending) (write to compel filing and service of an complaint regarding an estate/will);
- STATE EX REL: EVANS V. MCGRATH, No. 16-1725 (Oh. S. Ct.) (pending action for recognition) (write action to compel further proceedings on Evans's late father's last will & testament);
- STATE EX REL: EVANS V. STATE EX REL: EVANS V. MCGRATH, No. 16-1911 (Oh. S. Ct.) (judgment affirmed) (write appeal regarding verdict found in favor, attempting to compel lower judge to comply with issue preclusion);
- STATE EX REL: EVANS V. MCGRATH, No. 17-1255 (Oh. S. Ct.) (pending) (write action to compel lower judge to comply with issue preclusion);
- STATE EX REL: EVANS V. MORR, No. 17AP-019 (10th. Dist.) (voluntarily dismissed) (write to remove white supremacist label from Evans's records);
- STATE EX REL: EVANS V. MORR, No. 17AP-071 (10th. Dist.) (pending) (write to remove federal detainer which was withdrawn by the U.S. Marshal several years ago);
- EVANS V. ODPC, No. 16AP-767 (10th. Dist.) (pending) (appeal of tort claim regarding medical sexi statute violations);
- EVANS V. MORR, ET AL, No. 17CV-9206 (Franklin C.P.) (pending) (civil rights and tort, regarding declaratory request to compel colonoscopy without being stripped of other rights);
- STATE EX REL: EVANS V. ODPC, No. 14-557 (Oh. S. Ct.) (denied) (write in mandamus to stop violation of law);
- STATE EX REL: EVANS V. OHIO SUPREME COURT, No. 14-619 (Oh. S. Ct.) (denied) (write in prohibition to prevent unauthorized disposition of case without quorum);

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-EVANS V. ODPC, No. 2014-732 (Ct. Cl.) (pending) (tort action regarding rodent found in food) (action is stayed pending resolution of above noted writ action); was reversed by No. 15AP-463 (10th. Dist.);
-EVANS V. ODPC, No. 2014-663 (Ct. Cl.) (dismissed after trial, on medical denial and statutes) (pending appeal as No. 16AP-767 (10th. Dist.);
-EVANS V. ODPC, No. 15-1567 (Oh. S. Ct.) (jurisdiction denied, on appeal from 15AP-463);
-EVANS V. OSU-MEDICAL CENTER, No. 2015-665 (Ct. Cl.) (dismissed) (tort, products liability claim), appeal dismissed as No. 16AP-62 (10th. Dist.);
-STATE EX REL: EVANS V. KASICH, No. 15-1989 (Oh. S. Ct.) (denied) (writs in service to compel Governor to enforce clear law);
-EVANS V. HARRIS, No. 1:15-CV-1667 (D.D.C.) (dismissed) (civil rights action against clerk of U.S. Supreme Court);
-EVANS V. U.S. MARSHALS SERVICE, 177 F. Supp. 3d 177 (D.D.C.), affirmed, IN RE: EVANS, 2016 U.S. App. LEXIS 18362 (D.C. Cir. 2016), on transfer, 2017 U.S. Dist. LEXIS 173464 (S.D. Ohio), transferred and pending motion as No. 17-4105, IN RE: EVANS (9th. Cir.) (regarding a federal detainer);
-EVANS V. SCIOTO COUNTY COMMON PLEAS COURT, ET AL, 1:14-CV-912 (S.D. Ohio) (dismissed) (Civil R.I.C.O. action against several courts across Ohio)
***EVANS HAS DONE ALL HE CAN POSSIBLY DO TO LIST ALL ACTIONS AGAINST A GOVERNMENT AGENT WITHIN THE PAST 5 YEARS, BASED UPON THE LIMITED AMOUNT OF PAPERWORK AN INMATE MAY KEEP IN HIS POSSESSION. IF ANY CASES WERE (INCIDENTALLY) NOT MENTIONED, THEY WOULD STILL TRACE BACK ON LINE AND SHEPARDIZE VIA LEXIS.COM OR WESTLAW.COM, and JUDICIAL NOTICE IS MANDATORY. www.supremecourt.ohio.gov; www.ohio.courts.gov; www.franklin.ohio.us; www.4thelistrictappellate.com; www.ohio.uscourts.gov; www.cdc.uscourts.gov; www.caf.uscourts.gov. See, Evid. R. 201(D); STATE EX REL: HANSEN V. MOHR, 2013-Ohio-4218 (10th. Dist.); STATE EX REL: EVERHART V. MCINTOSH, 115 Ohio St. 3d 195, 18 (2017).
APPLICATION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS AS INDIGENT

¶35) In accordance with §2969.25, Evans hereby moves to proceed without costs in this action, for the reasons set forth in the notarized page 10 of this Complaint.

>>>> THIS ENTIRE COMPLAINT IS BEING SWORN TO, AND THIS [ENTIRE] COMPLAINT IS AN AFFIDAVIT. This Complaint is being submitted to my institutional Cashier, with an unsealed envelope postage paid, whom is to attach a 6-month account statement to this Complaint and mail it all in the [same] envelope as addressed.

Jan 29 2018/

William H. Evms, Jr.
Plaintiff-Affiant, Pro Se

90810

(21)

AFFIDAVIT OF VERITY & INDIGENCY

I, William H. Evans, Jr., do hereby swear under penalty of perjury and falsification, that I am competent to testify to the herein and do so upon personal knowledge, and that all the herein, and all attached documents are true and correct; and further, that I earn only \$6.00/month as state-pay with no other means of financial support, and must use said money to purchase hygiene, stationery, postage, and other life's necessities, and cannot afford to pay any costs in this action.

FURTHER AFFIANT SAYETH NAUGHT.

William H. Evans, Jr.

WILLIAM H. EVANS, JR.
#A 489-686
Ross Correctional Institution
P.O. Box 7010, 16149 SR 104
Chillicothe, Ohio 45601
(740) 774-7050

Affiant, Pro Se

State of Ohio
County of Ross

Sworn to, affirmed, and subscribed in my presence this 18th day of Jan.,
2018, by William H. Evans Jr



Sally P. Tamborski

NOTARY PUBLIC State of Ohio

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10/2/10

0E024 - B82

RCI				
09/01/2017	\$9.96 Reservation to Pos Exemption	OdrC Pos Exemption	\$0.04 (\$4,724.87)	\$0.00
RCI				
09/08/2017	\$6.00 State Pay	State Pay	\$6.04 (\$4,724.87)	\$0.00
RCI				
09/18/2017	(\$5.83) Commissary Sale	Ticket Number 427162	\$0.21 (\$4,724.87)	\$0.00
RCI				
10/01/2017	\$5.00 Reservation to SFF-FFF Hold	OdrC Pos Exemption	\$0.21 (\$4,724.87)	\$0.00
RCI				
10/01/2017	\$9.79 Reservation to Pos Exemption	OdrC Pos Exemption	\$0.21 (\$4,724.87)	\$0.00
RCI				
10/06/2017	\$6.00 State Pay	State Pay	\$6.21 (\$4,724.87)	\$0.00
RCI				
10/06/2017	(\$2.00) Medical Co-Payment	ROUTINE HSR	\$4.21 (\$4,724.87)	\$2.00
RCI				
10/12/2017	\$2.00 Reversed Medical Co-Payment	Reversed Task No. 59136473	\$6.21 (\$4,724.87)	\$0.00
RCI				
10/17/2017	(\$6.19) Commissary Sale	Ticket Number 430005	\$0.02 (\$4,724.87)	\$0.00
RCI				
11/01/2017	\$5.00 Reservation to SFF-FFF Hold	OdrC Pos Exemption	\$0.02 (\$4,724.87)	\$0.00
RCI				
11/01/2017	\$9.98 Reservation to Pos Exemption	OdrC Pos Exemption	\$0.02 (\$4,724.87)	\$0.00
RCI				
11/03/2017	\$6.00 State Pay	State Pay	\$6.02 (\$4,724.87)	\$0.00
RCI				
11/04/2017	(\$6.00) JPay Media Credits	Automated JPay Media Credits	\$0.02 (\$4,724.87)	\$0.00
RCI				
12/01/2017	\$5.00 Reservation to SFF-FFF Hold	OdrC Pos Exemption	\$0.02 (\$4,724.87)	\$0.00
RCI				
12/01/2017	\$9.98 Reservation to Pos Exemption	OdrC Pos Exemption	\$0.02 (\$4,724.87)	\$0.00
RCI				
12/08/2017	\$6.00 State Pay	State Pay	\$6.02 (\$4,724.87)	\$0.00
RCI				
12/09/2017	(\$6.00) JPay Media Credits	Automated JPay Media Credits	\$0.02 (\$4,724.87)	\$0.00

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RCI

01/29/2018

Outstanding Holds:

Start Date	Description	Case	Agency	County	Total Debt	Paid to Date	Balance Owed
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Total Outstanding Case Holds	\$0.00
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Outstanding Investments / EPC:

Investment Type	Investment Type Description	Invest Company	Company Description	Balance
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COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO
GENERAL/CIVIL DIVISION

WILLIAM H. EVANS, JR.
#A 489-686
Ross Correctional Institution
P.O. Box 7010, 16149 SR 104
Chillicothe, Ohio 45601
(740) 774-7050

Plaintiff

Case No. _____

VS.

-JURY TRIAL DEMANDED-

GARY MOHR-DIRECTOR;
OHIO DEPARTMENT OF REHABILITATION & CORRECTION;
CHIEF, BUREAU OF CLASSIFICATION;
770 West Broad St.
Columbus, Ohio 43222

Defendant's

-[and]-

MARK HOOKS-WARDEN;
MR. LETTS-UNIT MANAGEMENT ADMINISTRATOR;
ROSS CORRECTIONAL INSTITUTION;
P.O. Box 7010, 16149 SR 104
Chillicothe, Ohio 45601

Defendant's

COMPLAINT FOR DECLARATORY JUDGMENT & DAMAGES

- ¶1) There are six (6) Respondent's/Defendant's as captioned above.
- ¶2) This action is brought pursuant to O.R.C. §§2721.01, et seq. (Declaratory Judgment Act), and 2307.60(A)(1) (Civil Recovery for Criminal Act), as well as pursuant to 42 U.S.C. §1983 (Civil Rights), to obtain declaratory judgment on two imminent issues upon the Plaintiff, and also to collect damages (if the Respondent's in fact proceed with the two acts set forth below herein).
- ¶3) A jury trial is demanded as to all triable issues of fact that may remain in dispute as the case proceeds.
- ¶4) Plaintiff is serving a sentence of 15 years to life, for alleged murder.
- ¶5) Plaintiff is set for his first Parole Board date/hearing in August, 2019.
- ¶6) Plaintiff has been housed at RCI since May, 2011.
- ¶7) Plaintiff is scheduled to go before his, annual, "security review committee", in mid-April, 2018 (next month).
- ¶8) Since 2011, Plaintiff has declined a reduction in security, and RCI staff

has each time permitted Plaintiff Evans to decline the security reduction and stay at RCI (which is close security). Evans has multiple reasons for his choice, not limited to, he feels himself not suitable for an open dormitory at this time, (which lower security is dormitories), and also moreover, Evans believes that it is counter-productive for an inmate to be [forced] to uproot, pack all his stuff, and move to a different city (facility), when said inmate is essentially a model inmate, obeys the Rules, and does not wish to uproot. Evans would much rather insist that the Parole Board release him from his cell block housing unit if they are going to free him. Evans asserts that his choice to stay at level 3 (close) should not be held against him. Evans has multiple court actions pending, in Pro Se, and to be forced to move, would require him to file changes of address in each case. Evans notes here that a transfer to another facility will [not] moot any of his pending suits, and he will adamantly refuse to halt prosecution thereof.

¶9) Evans also has pending a federal habeas corpus, as IN RE:EVANS, No.17-4105 (6th.Cir.), and pursuant to FRAP 23(a), the warden is not supposed to transfer custody without court approval. But this is [not] the main reason for the instant request to stay at RCI and keep the status quo.

¶10) This action seeks largely to maintain the status quo in Evans's regards. Evans asserts here that if the ODRC officials force Evans to reduce security, after many years of never once even arguing that he must reduce, would be clear retaliation in response to Evans's pending law suits, hoping to coerce Evans into refraining from such, or try to abate the same and cause chaos for Evans. Evans has sent a typed legal document to the UMA-Letts, the Warden, and the Chief of Classification on this issue without response to date. Evans wants to know [before] he goes to the security review if they are going to force him to transfer. And if so, Evans wishes to select the (North-Western) Region, and also get his affairs in order to pre-plan his future course. Not being permitted to do so would itself be counter to rehabilitation, by treating Evans as if he is a farm-animal that the ODRC can corral wherever they please without remedy, when Evans is essentially a model inmate.

¶11) Retaliation claim is stated under federal law, by transferring an inmate in response to his filing legal actions. See, TOULASPRASHAD V. BUREAU OF PRISONS, 286 F. 3d 576,585 (D.C.Cir.2002)(1st.Amendment Retaliation claim stated for transferring inmate in response to his filing grievances). It also violates O.R.C. §2905.12(A)(5)...Coercion...by withholding official action, or using official action for purpose of coercing Evans into refraining from his pursuit of law issues, when Evans has the free choice to file and litigate such. The Coercion is a misdemeanor-two. And §2307.60(A)(1) provides a civil remedy for injury

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to person or property by a criminal act. A forced transfer would impact Evans's access to court, with Evans being indigent, and would create confusion for him to adequately proceed in all his actions. It also, Evans asserts, would violate due process, and equal protection of law because other inmates have recently refused a reduction and were permitted to do so, and also Evans has been able to do so since 2011, and any forced transfer now would be automatically suspect and obvious retaliation. Respondents need to know that they cannot escape liability merely by transferring Evans. Instead the forced transfer will result in further litigation, and damages. The suits will [NOT] stop-Period; as long as they violate law against Evans, they can expect it to never stop. The proper way, that a law abiding citizen avoids a law suit, is to simply obey the law, and treat people with due care, then they will never give another a valid claim to stand on. But here, ODRC continually [creates] violations. Which may ultimately result in conversion to a civil action for engaging in a pattern of corrupt activity, under D.R.C. §2923.34.

¶12) Secondly, Evans has been officially listed as "Medical Idle" by ODRC/RCI, since about 2014 (non-stop). Now all of the sudden, Evans is mysteriously listed as a Porter-5. Yet Evans has not been called by anyone to sign a re-classification of job-sheet, nor been told by anyone. Instead, his records on the kiosk (JPay), lists it. Evans also received the Porter-5 pay scale this month of March. And ~~that~~ is the issue here. Somebody, (who knows who), has tampered with Evans's records and removed his medical idle status. Evans's medical condition has not changed or improved, and in fact he is 53 years old; and health conditions tend to decline with age, not get better or improve. Just as occurred in pending case No. 18CV-1481 EVANS V. MOHR, ET AL, (Franklin Common Pleas), the Respondent's are, once again, "retaliating" against Evans, and now these two issues presented herein have now surfaced. That is patently obvious on its face. The presumption automatically is set, THIS IS RETALIATION. At medical idle, Evans received \$6.00 per month. ODRC Policy says that if an inmate receives \$11.99 or less over a 30 day period, he is indigent. But a Porter-5 pays \$12.00 (one cent too much to be "indigent" by Policy). They've done this mysterious change for that purpose only. This way they can refuse to provide free legal-postage to Evans, and the free legal kit, based upon this one cent too much line. However, Evans owes several thousand dollars in [federal] court costs. 28 U.S.C. §1915, mandates that ODRC/RCI pay 20% off Evans's balance which exceeds \$10.00 per month. Which leaves Evans with only ten (\$10.00) dollars [spendable] balance each month.

¶13) Evans asserts that, even though he will now get \$12.00, he is legally still officially "indigent", because he will [never] have over \$10.00, hence \$11.99 or less is indigent status. Evans submits that in light of the above analysis,

ODRC [must] still deem Evans as "indigent" and continue his free legal-postage, etc. Anything other would be counter to the [facts]. Because the fact is that Evans will never once have over \$11.99 on his account as [spendable-balance]. To place \$12.00 on his account, but automatically place everything but the \$10.00 as in the red and untouchable, makes Evans remain officially "indigent" by their own Policy... "\$11.99 or less within a 30 day period" = "Indigent".

¶14) It would be an obvious perversion of a written Policy or Rule, to conclude that since they placed \$12.00 on the inmates account (hence .01c over), the inmate is no longer indigent; ..and moreover, doubly a perversion to say that when the inmate will never once, for even a split second in time, possess over \$10.00 [spendable balance].

REQUESTED RELIEF

¶15) That a declaratory judgement issue stating that a [forced] reduction in security and transfer would violate law;

¶16) That a declaratory judgment issue stating that to revoke Evans's "indigent" status when his balance is never over \$11.99, violates law because it is counter to [FACT];

¶17) That damages in excess of \$25,000.00 be awarded for any actions against the above requests;

¶18) A Jury Trial is demanded as to all triable facts in dispute;

¶19) That ODRC/RCI officials be compelled to file and provide copies of all relevant grievance documents, listed below herein;

¶20) And any other relief the Court deems necessary and just.

AFFIDAVIT OF ADMINISTRATIVE REMEDY EXHAUSTION-OR-THAT IT DOES NOT APPLY

¶21) Pursuant to O.R.C. §2969.25, Evans submits that he has fully exhausted the grievance process as to the claim of "indigent" status. Actually Evans exhausted it twice. Grievance #RCI-121-70000-61 (Dec., 2017); RCI-011-8000-409 (Feb., 2018)... as to the "indigent" status and medical idle records tampering situation. Then grievance #RCI-0318-000-253 (Pending, March, 2018)... as to the security level situation. However, the inmate grievance process is not proper for "security review" matters, which has its own administrative appeal process. The problem is, the complaint/appeal process cannot be utilized until [after] the inmate has already been issued the decision to transfer, and an appeal will not stay the transfer. But Evans still nonetheless has the grievance pending as set above. Also, attached hereto as Exhibit (is one page), being a copy of the typed legal Request Evans sent to the Respondent's (pending response). However, this letter is not a part of an administrative process, and there is no process available until [after] the damage is done.

¶22) Please give mandatory "judicial notice" to pending case No.18CV-1481 (Franklin C.P.),and [all] filings therein,pursuant to Evid.R.201(D),803(B).In that pending case,Evens has detailed how the ODRC has newly started a different grievance process,which can be done [solely] on the JPay kiosk,and they will not provide hard-copy/paper documents for the inmate to file with his suit in accordance with §2969.26(A)(2).That other suit states (that) as a claim,therefore Evens does not bring [that] as a separate claim herein the instant case.

¶23) AFFIDAVIT OF PRIOR CIVIL ACTIONS UNDER O.R.C. §2969.25

-EVANS V. MOHR,ET AL,No.18CV-1481 (pending)(Franklin C.P.)(suit in tort and civil rights,for retaliations and medical conditions);
-EVANS V. MOHR,ET AL,No.17CV-9206 (pending)(Franklin C.P.)(suit in tort and civil rights to compel colonoscopy/medical testing without being stripped of other rights);
-STATE EX RE:EVANS V. MOHR,No.18AP-071 (pending)((10th.Dist.)(writs to remove white supremacist label from Evens's records);
-STATE EX REL:EVANS V. CLERK,SCIOTO CO.COMMON PLEAS PROBATE COURT,No.17-1724 (Oh.S.Ct.)(pending) (writs to compel filing and service of suit on Evens's late fathers will & testament);
-STATE EX REL:EVANS B. SCIOTO CO. COMMON PLEAS COURT,AND JUDGES,No.17-727 (pending)(Oh.S.Ct.)(writs to compel further proceedings on the will & testament);
-STATE EX REL:EVANS V. MCGRATH,No.16-1755 (denied)(Oh.S.Ct.)(writs to compel lower judge to comply with statute)(this was an appeal,that was affirmed).;
-STATE EX REL:EVANS V. MCGRATH,No.16-1911 (denied)(Oh.S.Ct.)(writs appeal to compel judge to adhere to issue preclusions);
-STATE EX REL:EVANS V. MCGRATH,No.17-1259 (pending)(Oh.S.Ct.)(writs to compel judge to adhere to issue preclusions,regarding rodent found in food).;
-STATE EX REL:EVANS V. MOHR,No.17AP-919 (10th.Dist.)(voluntarily dismissed)(writs to remove white supremacist label);
-STATE EX REL:EVANS V. MOHR,No.17AP-571 (10th.Dist.)(pending)(writs to remove old detainer from records);
-EVANS V. ODRC,No.16AP-767 (10th.Dist.)(pending)(appeal of tort claim regarding medical and statutes);
-EVANS V. ODRC,No.2014-732 (Ct.Cl.)(pending)(tort regarding rodent found in food)(action is stayed pending disposition of writs action listed herein);
-STATE EX REL:EVANS V. ODRC,No.14-557 (Oh.S.Ct.)(denied)(writs request in mandamus);
-STATE EX REL:EVANS V. SUPREME COURT,No.14-619 (Oh.S.Ct.)(denied)(writs to prohibit disposition of case without a quorum);
-EVANS V. ODRC,No.2014-863 (Ct.Cl.)(dismissed after trial,on medical denial and statutes),pending appeal as Case No.16AP-767 (10th.Dist.);
-EVANS V. ODRC,No.15-1667 (Oh.S.Ct.)(jurisdiction denied from appeal of No.15AP-463);
-EVANS V. OSU-MEDICAL CENTER,No.2015-665 (Ct.Cl.)(dismissed)(tort,products liability on artificial hip),appeal dismissed as No. 16AP-62 (10th.Dist.);
-STATE EX REL:EVANS V. KASICH,No.15-1959 (Oh.S.Ct.)(denied)(mandamus to compel Governor to enforce clear law);
-EVANS V. HARRIS,No.1:15-CV-1667 (D.D.C.)(dismissed)(civil rights action against clerk of U.S.S.C.);
-EVANS V. U.S.MARSHALS SERVICE,177 F. Supp. 3d 177 (D.D.C.2016),affirmed,IN RE:EVANS,No.2016 U.S. App. LEXIS 16042 (D.C.Cir.2016),on transfer,2017 U.S. Dist. LEXIS 173464 (S.D. Ohio),transferred and pending as IN RE:EVANS,No.17-4105 (6th.Cir.)(regarding a federal detainer).

>>>> NONE OF THESE CASE WERE DISMISSED AS "FRIVOLOUS OR MALICIOUS".

NOTE: ALL THE ABOVE CASES MAY HAVE AN UNDERLYING CASE WHICH WAS [INADVERTANTLY] NOT MENTIONED ABOVE,BUT AT ANY RATE THE CASE WILL TRACE BACK ON-LINE,AND FURTHER WOULD SHEPERDIZE ON LEXIS.COM OR WESTLAW.COM.This COURT CAN,AND MUST,GIVE MANDATORY JUDICIAL NOTICE TO ANY SUCH CASES.EVANS HAS DONE ALL HE CAN TO LIST ALL CASES,BASED UPON THE LIMITED AMOUNT OF PAPERWORK AN INMATE MAY [KEEP] IN HIS POSSESSION.See,Evid.R.201(D),803(B);INDUS.RISK INSURERS V. LORENTZ EQUIP.,69 Ohio St. 3d 676,580 (1994);STATE EX REL:EVERHART V. MCINTOSH,115 Ohio St. 3d 195,¶8 (2007)(judicial notice of other cases via the internet).

¶24)

APPLICATION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS AS INDIGENT

In accordance with §2969.25, Evans hereby moves to proceed without costs in this action, for the reasons set forth in page 7 of this Complaint.

¶25) THIS [ENTIRE] COMPLAINT IS BEING SWORN TO, AND THE [ENTIRE] COMPLAINT IS AN AFFIDAVIT. This Complaint is being sent this date to my Cashier, who is to attach my 6-month account statement, then mail it in the [same] envelope I've provided, postage prepaid to this Court.

March 12, 2018/

William H. Evans Jr.

Plaintiff-Affiant, Pro Se

affidavit was p. 7

COURT OF CLAIMS OF OHIO

WILLIAM H. EVANS, JR.
#A 489-686
Ross Correctional Institution
P.O.Box 7010, 16149 SR 104
Chillicothe, Ohio 45601
(740) 774-7050
Plaintiff

Case No. _____

VS.

OHIO DEPARTMENT OF REHABILITATION
AND CORRECTION
770 West Broad St
Columbus, Ohio 43222
Defendant

COMPLAINT

¶1) This action is a [Tort] case, brought pursuant to O.R.C. §2307.60(A)(1) (civil recovery for criminal act); §2923.34 (civil proceeding for Engaging in a Pattern of Corrupt Activity) (Ohio's R.I.C.O. Act); and §2721.01, et seq. (Declaratory Judgment Act); and Civ.R. 65 (Injunction).

¶2) §2307.60(A)(1), authorizes a civil action, to [any person] injured in person or property by a criminal act. This includes authorization to bring such suit in the Court of Claims against Government officials/agencies. See, EVANS V. O.D.R.C., No. 16AP-767 (10th. Dist., Decision March 20, 2018), citing, JACOBSON V. KAFOREY, 149 Ohio St.3d 398, at P.10 & 13 (2016).

¶3) §2923.34, authorizes a civil action, where the plaintiff must show by a "preponderance" of the evidence that commission of §2923.32 has occurred... "No person employed by, or associated with, any enterprise shall conduct or participate in, directly or indirectly, the affairs of the enterprise through a pattern of corrupt activity". A "Pattern of Corrupt Activity" is defined as "two or more incidents of corrupt activity", §2923.31(E). Then "Corrupt Activity" means, to engage in or conspire to engage in, "Conduct defined as 'racketeering activity' under the 'Organized Crime Control Act of 1970***18 U.S.C. §1961", §2923.31(I)(1). To violate federal RICO, "interstate commerce" must be affected. However, only a "slight affect" will suffice. U.S. V. ANGELILLI, 660 F.2d 23, 31 (2nd. Cir. 1981) (citing cases). In Angelilli, the court held that the "slight affect" is met by the mere fact that certain litigants in a given court were engaged in interstate commerce, on occasion. By that same token, the ODRC engages in interstate commerce simply by contracting with, as example, "Aramark", or "JPay.com", etc., or via interstate compacts with other State's. So that element is easily met here.

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Pursuant to Angelilli, Supra, "pattern of racketeering activity" means/"includes" crimes such as fraud, and any crime which is punishable under State law for more than a year, citing to, 2A Sands, Sutherland on Statutes and Statutory Construction, 82 (4th.ed.1973) (the word, "includes", is susceptible to extension of meaning).

¶4) "Enterprise" is defined as, inter alia, "any individual**Government agency, or other legal entity**or group of persons.**Enterprise includes illicit as well as licit enterprises". §2923.31(C). Therefore, ODRC is an "Enterprise" for purposes of these Statutes.

FACTS

¶5) On Feb. 21, 2018, Plaintiff (Evans) sent to his institutional Cashier a kite, along with a stamped addressed envelope and a law suit enclosed, unsealed, for the Cashier to then prepare a 6-month account statement of his account, place it all inside the same envelope then mail to to the court (in this case, Franklin CO. Common Pleas Court). The suit was EVANS V. KASICH, ET AL, and became Case No. 18CV-2256, at www.franklin.ohio.us.

¶6) Attached hereto this Complaint as Exhibit-A, is a copy of that kite to Cashier, showing their stamp thereon for Feb. 21, 2018, which means that is the date they have prepared the 6-month statement.

¶7) However, when viewing the Franklin County web-site, you can plainly see that this suit, processed by the RCI Cashier on Feb. 21, 2018, was not actually filed until March 14, 2018 (meaning the court did not receive it in the mail until about 21 days later; therefore, RCI has intentionally delayed it's mailing for the 3 weeks/21 days).

¶8) Holding this from being mailed, and delaying it, has multiple negative consequences. As example, O.R.C. §2969.25 requires the inmate to include the 6-month statement of the balance of the inmate's account at the time of filing. But here, they've received a 6-month statement covering all but 3 weeks, leaving 3 weeks unmentioned. The delay also can affect statutes of limitations, or other timelines for filing, and could even result in irreparable harm by delaying possible remedy. Legally, the implications are very serious in nature. Pursuant to 18 U.S.C. §1702, "Whoever takes any letter**out of any**authorized depository for mail matter** or which has been in any**authorized depository**before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence** shall be fined under this title or imprisoned not more than five years, or both". To "obstruct" means to block or close up by an obstacle, or to hinder or impede, or interfere. Merriam-Webster's Collegiate Dictionary (11th.ed.2008). Evans placed this kite mentioned above into the RCI U.S. Mail box, which is an "authorized depository for mail matter", and they have "Obstruct[ed]" it, "before it has been delivered" to the court. This completes all elements of "Obstruction of Correspondence".

Which in turn implicates O.R.C. §2307.60(A)(1) as a civil action, and also counts towards the RICO claim under §2923.34.

¶9) However, it does not stop there. When we look to O.R.C. §2921.32(A), Obstructing Justice is also violated here, "with purpose to hinder the discovery, apprehension, prosecution***or punishment of another for crime or assist another to benefit from the commission of a crime"; (4) "conceal physical evidence of the crime or act***or to elude legal process summoning the person", (6) "Prevent or obstruct any person, by means of***deception, from performing any act"...a felony three. It also violates §2913.02 (Theft), by depriving Evans of services and property without his consent and via deception. To "Deprive" can be even to merely withhold property for a period of time that reduces its value (as a viable suit). See, §2913.01(C)(1). The "Services" would be the public services of the courts, under part (E). Further, due to this all implicating civil rights when they obstructed the mailing, it is a federal felony under 18 U.S.C. §§241, 242 (Deprivation of Rights & Conspiracy against Rights). Correctional Officials may be found guilty of these Statutes, PIZZUTO V. COUNTY OF NASSAU, 239 F.Supp.2d 301 (E.D.N.Y. 2003), as well as a state judge, DENNIS V. SPARKS, 449 U.S. 24 (1980), and it is not essential that the offender knew he was violating a constitutional right or conspiring to violate the same. U.S. V. O'DELL, 462 F.2d 224 (6th.Cir.1972). And these Statutes apply to State Convicts as well, U.S. V. JACKSON, 235 F.2d 925 (8th.Cir. 1956), U.S. V. KING, 587 F.2d 209 (5th.Cir.1979). And these Statutes are [not] intended solely for protection of African Americans, but also applies to White's Caucation, etc. FELIX V. U.S., 186 F. 685 (5th.Cir.1911). And can even apply against a private citizen who is helping government officials in the violation. U.S. V. LESTER, 363 F.2d 68 (6th.Cir.1966), cert.denied, 385 U.S. 1002.

¶10) In light of the above, Evans can meet all elements to sustain his herein case.

¶11) Again, on March 19, 2018, Evans has sent another separate law suit to his Cashier in the same manner described above, to the same court in Franklin County. This second suit is captioned as EVANS V. MOHR, ET AL. However, when Evans had a private citizen to check the web-site of www.franklin.ohio.us, this suit which the Cashier stamped as processed on March 19, 2018, has to date not yet been filed in that court. Attached hereto as Exhibit-B, is a copy of that kits. Please excuse the personal markings on this kits, that Evans took notes on.

¶12) The above entails two, at least two, predicate acts to sustain RICO.

¶13) Evans also filed a Grievance on both the above issues on March 30, 2018, which is pending as #RCI-031-8000-602

¶14) That damages be awarded in excess of \$25,000.00;

REQUESTED RELIEF

- ¶15) That Defendant pay all costs of this action;
- ¶16) That an injunction issue requiring ODRC/RCI to cease and desist in delaying outgoing U.S. Mail; as their own Policy #75-MAL-01 V. C., mandates that "Incoming and outgoing letters shall be held no more than 48 hours", before delivery;
- ¶17) That a Declaratory Judgment issue from this Court stating that all the foregoing constitutes violations of law;
- ¶18) And any other relief this Court deems necessary and just.

March 30, 2018 / William D. Evans Jr.
Plaintiff, Pro Se

affidavit was p. 5

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COMMON PLEAS COURT
SCIOTO COUNTY, OHIO
GENERAL DIVISION

WILLIAM H. EVANS, JR.
#A 489-686
Ross Correctional Institution
P.O. Box 7010, 16149 SR 104
Chillicothe, Ohio 45601
(740) 774-7050
Plaintiff

VS.

Case No. _____

OHIO ATTORNEY GENERAL - MIKE DEWINE
150 East Gay St.
Columbus, Ohio 43215
Defendant

-[and]-

SCIOTO COUNTY SHERIFF - MARTY DONINI; &
SCIOTO COUNTY SHERIFF'S DEPARTMENT
602-7th St.
Portsmouth, Ohio 45662
Defendant's

-[and]-

PORTSMOUTH POLICE DEPARTMENT, CHIEF - ROBERT WARE; &
PORTSMOUTH POLICE DEPARTMENT
728-2nd St.
Portsmouth, Ohio 45662
Defendant's

-[and]-

THE SCIOTO VOICE NEWSPAPER; &
DEBBIE HANEY ALLARD - EDITOR/PUBLISHER
P.O. Box 400, 8366 Downtown Hayport Road
Wheelersburg, Ohio 45694
(740) 574-2329
Defendant's

-Jury Trial Demanded-

COMPLAINT FOR DECLARATORY
JUDGMENT, INJUNCTION, & DAMAGES

¶1) There are a total of seven (7) Defendant's as captioned above.

¶2) This action is brought pursuant to 42 U.S.C. §§1983, 1985 (civil rights);
O.R.C. §2307.60(A)(1) (civil action for injury to person or property by a criminal
act), and §2721.01, et seq. (Declaratory Judgment Act), as well as under common
Tort, against the Defendant's jointly and severally, personally and officially.

¶3) §2307.60(A)(1), authorizes a civil action to [any person] injured in person
or property by a criminal act. This includes such actions against Government
Officials. See, EVANS V. O.D.R.C., No. 16AP-767 (10th Dist., Decision March 20, 2018),
citing, JACOBSON V. KAFOREY, 149 Ohio St. 3d 398, at P. 10&13 (2016).

¶4) A State court may not decline to entertain a federally created claim.
HOWLETT V. ROSE, 496 U.S. 356, 367, 371, 376 (1990); WILSON V. PATTON, 49 Ohio App.
3d 150, 154-55 (4th Dist. 1988); FYFFE V. O.D.R.C., 1993 Ohio App. LEXIS 4723, at
5-6 (10th Dist. 1993) (applying State [procedural] law to the case).

¶5) As to the Scioto Voice and it's Publisher, a private person can be liable under 42 U.S.C. §1983, if they are found to be conspiring with State actors, or otherwise are pervasively intertwined with public officials. See, ABBOTT V. LATSHAW, 164 F.3d 141, 147-48 (3rd Cir. 1998); BRENTWOOD ACAD. V. TENN. SECONDARY SCHOOL ATHLETICS, 531 U.S. 288, 298 (2001).

----- FACTS -----

¶6) On March 29, 2018, that issue of the Scioto Voice Newspaper, on page B6, listed the Public Records of Scioto County Jail Bookings for March 12-18. Attached hereto, and wholly inclusive to this Complaint, (is 2 pages) as Exhibit, which is a copy of page B6 of the Newspaper of March 29, 2018. Thereon, Plaintiff Evans has made notations with an ink pen. Evans has also affixed to that Exhibit's page 1 a copy of a photograph of himself from his first prison number back in about 1994, where he was about 30 years old. On the original newspaper, page 1 of Exhibit, (B6 of Scioto Voice), you'll see a photograph of Plaintiff Evans, from when he was approximately 17-20 years old. Said photograph portends to represent Evans having been booked in the Scioto County Jail between March 12-18, 2018. On page 2 of Exhibit, you'll see Evans referenced as being from Otway, Ohio, arrested for domestic violence and warrant on complaint. Obviously that does not reflect the actual truth, as Evans has never lived in Otway, in fact has been incarcerated for ^(alleged) murder (of a member of the [Haney] family) since 2004 to present, and Evans is currently 53 years old (not 17-20 years old). The Newspaper nonetheless, lists this as being a William H. Evans, along with Evans's photograph.

¶7) Plaintiff cannot discern at this present time whether any of this is [intentional], although there is reason to suspect that it is, based upon other past events of records tampering, etc., to Evans's demise, by Scioto County Officials. It is especially suspect, given that the Publisher of Scioto Voice is in fact a member of the same Haney family who is related to the alleged murder victim in Evans's case. See, STATE V. EVANS, No. 04-CR-922 (Scioto C.P.), 2006 WL 1409812 (4th Dist. 2006). The victims Brother's, Dan & Dave Haney used to work at the Scioto Co. Sheriff's Department (Investigator & Sgt. respectively).

¶8) Evans asserts here that the above mentioned events amounts to violations of D.R.C. §2913.42(A)(1), Tampering with Records, by falsifying data or records, which are kept by a state or local entity, which is a felony three under part (B)(4). It is further asserted that this amounts to potential, or actual, "Identity Fraud" ⁽⁺⁾ under §2913.49(A), by taking Plaintiff's name then imposing an actual photograph of Plaintiff, obviously taken from a previous state identity card. And either way, Evans is certain that it is the right legal move for him to publicise this complaint on official court records, in the event that perhaps his entire identity has long since been stolen, and used to his demise, in things he yet is unaware of.

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(+) under §109.941, the OAG is to [enforce] identity fraud.

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¶9) Evans further asserts that this all violates his 1st. & 14th. Amendment Rights under the U.S. Constitution, violating due process and equal protection of law, and also violates the right to "Privacy", PAUL V. DAVIS, 424 U.S. 693, 712-713 (1976); under the penumbra of the 9th. Amendment. Cf. WILSON V. PATTON, Supra at 155. (4th. Dist.).

¶10) Finally, things such as described above places Evans in a "false light", and at some later time could lead to a false arrest, or an entire array of problems criminally, or financially, or both. This "false light" is actionable as a Tort claim. See eg., RESTATEMENT OF LAW, TORTS, §652 (Second); WALLS V. COLUMBUS, 10 Ohio App. 3d 180 (10th. Dist. 1983) (where one undertakes to furnish information, there is a common-law [duty] to be reasonably accurate); MOUSE V. CENTRAL SAVINGS & TRUST, 120 Ohio St. 599 (1929) (cause of action stated for negligently providing false information that could lead to an arrest). See also, O.R.C. §§1347.09, 1347.10... Disputing Information & Wrongful Disclosure. Which is a minor-misdemeanor under §1347.99(A). Evans hereby disputes the information and demands that these Government entities investigate it all, and correct/delete the inaccuracies, as set forth in this Complaint supra and infra.

¶11) Attached hereto as Exhibit-B, is a law enforcement printout, Evans obtained from the U.S. Marshals Service. At the bottom of this page, it is clear that the furnishing agency originated at "PORTSMOUTH PD", Arrest #/5597. Which in turn supplied this information to Ohio B.C.I. & I... then it went out to nationwide law enforcement, ultimately to the U.S. Marshal. On this page, it clearly lists Plaintiff Evans as "WARNING: APPROACH WITH CAUTION" (middle of page). Evans submits here that there never was a [legitimate] grounds to label him in such a way, which could obviously get him shot and killed during some even routine-police-encounter, because they believe that Evans must be accorded "WARNING: APPROACH WITH CAUTION"! It could lead one to believe the very worst when they are dealing with Evans. Such a label violates law, for the exact same reasons that the events described above with the Newspaper situation. Evans hereby demands that the Portsmouth Police, Scioto CO. Sheriff, and the Attorney General investigate this inaccurate label, and delete it entirely from Evans's law enforcement files nationwide, just in the same way that they have caused it to go nationwide. Evans further demands that [all] his Government records, State and Local, be investigated, and corrected.

¶12) Please give mandatory "judicial notice" to [all] filings in pending Case No. 2018-0452, STATE EX REL: EVANS V. GARY MOHR, ET AL (Ohio Supreme Court) at, www.supremecourt.ohio.gov. See, Evid. R. 201(D) (mandatory notice). STATE EX REL: COLES V. GRANVILLE, 116 Ohio St. 3d 231, ¶20 (2007) (judicial notice of documents filed in another court); STATE EX REL: EVERHART V. McINTOSH, 115 Ohio St. 3d 195, ¶8 (2007) (Judicial notice of records via the internet).

REQUESTED RELIEF

- ¶13) That a Declaratory Judgment issue holding all the above to be a violation of State and Federal law;
- ¶14) That an Injunction issue to cause correction of all the above complaint;
- ¶15) That damages be awarded in excess of \$25,000.00, compensatory and punitive, against all Defendant's, AS APPLICABLE;
- ¶16) A jury trial is hereby demanded;
- ¶17) ~~Affidavit of relief~~ affidavit of relief ~~this court deems as necessary and just.~~ affidavit of relief ~~in civil actions against government entity.~~
- ¶18) Pursuant to §2969.25, follows is the civil actions for past 5 years:

-STATE EX REL:EVANS V. MOHR, No.18AP-071 (10th.Dist.)(pending)(writs action to remove label of white supremacist from Evans's records);

-EVANS V. OHIO STATE, No.18CV-1481 (Franklin C.P.)(pending)(civil rights and tort action due to retaliations);

-EVANS V. KASICH, ET AL, No.18CV-2256 (Franklin C.P.)(pending)(civil RICO, against courts and law officers);

-STATE EX REL:EVANS V. CLERK, SCIOTO PROBATE, No.17-1724 (Oh.S.Ct.)(dismissed)(writs to compel filing and service of Probate complaint);

-STATE EX REL:EVANS V. MCGRATH, No.16-1755 (Oh.S.Ct.)(appeal from writs was affirmed, attempting to compel judge to comply with statutes);

-STATE EX REL:EVANS V. MCGRATH, No.16-1911 (Oh.S.Ct.)(appeal from writs affirmed, attempting to compel lower judge to adhere to issue preclusions);

-STATE EX REL:EVANS V. MCGRATH, No.17-1259 (Oh.S.Ct.)(pending)(appeal of writs to compel judge to comply with issue preclusions){rodent found in food};

-STATE EX REL:EVANS V. MOHR, No.17AP-919 (10th.Dist.)(voluntarily dismissed)(writs to remove label of white supremacist);

-STATE EX REL:EVANS V. MOHR, No.17AP-571 (10th.Dist.)(denied as moot)(writs to remove **federal detainer** & label from Evans's records), pending direct appeal as No. 18-0452 (Oh.S.Ct.);

-EVANS V. ODRC, No.16AP-767 (10th.Dist.)(appeal affirmed, regarding medical care and torts);

-EVANS V. MOHR, No.17CV-9206 (Franklin C.P.)(pending)(civil rights/tort regarding request for colonoscopy without being stripped of other rights in the process);

-STATE EX REL:EVANS V. ODRC, No.14-557 (Oh.S.Ct.)(Denied)(writs in mandamus to halt violation of laws);

-STATE EX REL:EVANS V. OHIO SUPREME COURT, No.14-619 (Oh.S.Ct.)(Denied)(writs to prohibit unauthorized disposition of cases without a quorum);

-EVANS V. ODRC, No.2014-732 (Ct.Cl.)(pending)(case is stayed pending writs action), was reversed by, No.15AP-463 (10th.Dist.);{rodent found in food};

-EVANS V. ODRC, No.2014-663 (Ct.Cl.)(dismissed after trial, on medical torts);

-EVANS V. ODRC, No.15-1667 (Oh.S.Ct.)(jurisdiction denied, on appeal from 15AP-463);

-EVANS V. O.S.U.-MEDICAL CENTER, No.2015-665 (Ct.Cl.)(dismissed)(products liability on artificial hip implant), appeal dismissed, No.16AP-62 (10th.Dist.);

-STATE EX REL:EVANS V. KASICH, No.15-1959 (Oh.S.Ct.)(writs to compel Governor to enforce clear law);

-EVANS V. HARRIS, No.1:15-CV-1667 (DDC)(dismissed)(civil rights action against Clerk);

-EVANS V. U.S.MARSHALS SERVICE, 177 F.Supp.3d 177 (D.D.C.2016), affirmed, IN RE: EVANS, 2016 U.S.App. LEXIS 16042 (D.C.Cir.2016), on transfer, 2017 U.S.Dist.LEXIS 173464 (S.D.Ohio), transferred as IN RE:EVANS, No.17-4105 (6th.Cir.)(reversed, March 20, 2018, 6th.Cir.), pending at S.D.Ohio (habeas corpus on federal detainer);

-EVANS V. SCIOTO CO.COMMON PLEAS COURT, No.1:14-CV-912 (S.D.Ohio)(civil RICO)(dismissed for failure to pay filing fee);

-STATE EX REL:EVANS V. COMMON PLEAS COURT,SCIOTO COUNTY,No.17-0727 (Oh.S.Ct.) (pending)(writs appeal to compel further proceedings on Evans's late father's Estate);

-STATE EX REL:EVANS V. CLERK,COURT OF CLAIMS,No.16-115 (Oh.S.Ct.)(dismissed)(writs requested to compel appeal filing);

-STATE EX REL:EVANS V. KASICH,No.16-115 (Oh.S.Ct.)(dismissed)(writs);

-STATE V. EVANS,No.14-1301 (Oh.S.Ct.)(jurisdiction denied on appeal from No. 14CA-3633 (4th.Dist.)(Post-conviction Petition);

AFFIDAVIT THAT INMATE GRIEVANCE SYSTEM DOES NOT APPLY HERE

¶19) Pursuant to §2969.26,the inmate grievance process does not apply to the issues presented herein.

AFFIDAVIT AND APPLICATION TO PROCEED IN FORMA PAUPERIS

Pursuant to §2969.25,Plaintiff moves to proceed in forma pauperis in this action for the reasons set forth in the Notorized page 6 of this Complaint.

****NONE OF THE ABOVE LISTED PAST CASES WERE EVER DISMISSED AS "FRIVOLOUS OR MALICIOUS".

****THE NOTORIZED PAGE SIX (6) OF THIS COMPLAINT IS INCLUSIVE HERETO,AND HIS [ENTIRE] COMPLAINT IS BEING SWORN TO,AND THE [ENTIRE] COMPLAINT IS AN AFFIDAVIT.

This complaint is being sent to my Cashier this date in an unsealed prepaid envelope addressed to this Court,whom is to enclose a completed 6-month account statement of my income of only \$10.00 (spendable balance)/month,to be then mailed.

April 02,2018/ *William H. Evans Jr.*
Plaintiff-Affiant, Pro Se

AFFIDAVIT OF VERITY & INDIGENCE

I, William H. Evans, Jr., do hereby swear under penalty of perjury and falsification, that I am competent to testify to the herein and do so upon personal knowledge, and that all the herein, and all attached documents are true and correct; and further, that I earn only \$10.00/month as state-pay with no other means of financial support, and must use said money to purchase hygienas, stationery, postage, and other life's necessities, and cannot afford to pay any costs in this action.

FURTHER AFFIANT SAYETH NAUGHT.

William H. Evans, Jr.

WILLIAM H. EVANS, JR.
RA 489-686
Ross Correctional Institution
P.O. Box 7010, 16149 SR 104
Chillicothe, Ohio 45601
(740) 774-7050
Affiant, Pro Se

State of Ohio
County of Ross

Sworn to, affirmed, and subscribed in my presence this 18th day of Jan.,
2018, by William H. Evans Jr








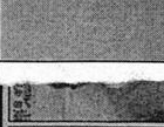


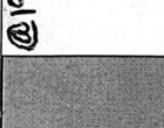
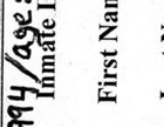
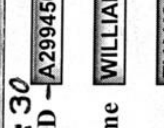








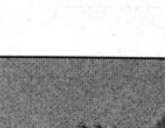
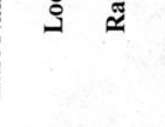
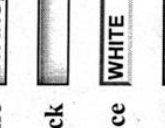



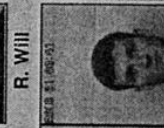




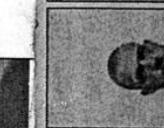






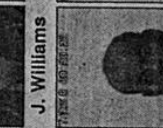

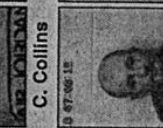








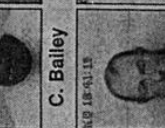


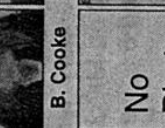










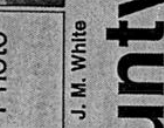



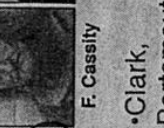

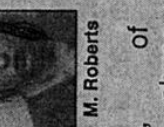
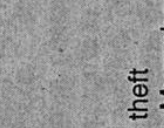
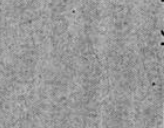
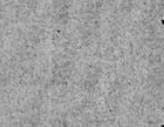
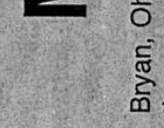
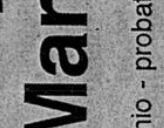




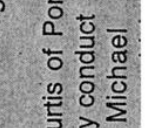
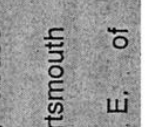
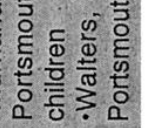
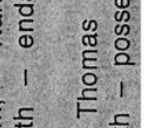
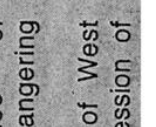
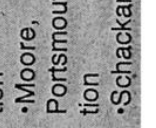
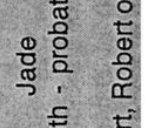
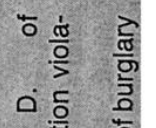
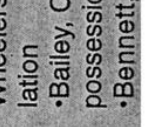
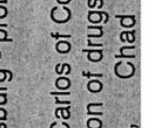
Shirley T. ...
NOTARY PUBLIC State of Ohio

B6

The Scioto Voice
March 29, 2018

*Debbie [Haney] Allard = Editor/Publisher
Public Records *Exhibit to Complaint * - A
www.thesciotovoice.com

(Page 1 of 2)

 M. Line	 C. Clark	 C. Gillem	 M. Harris	 L. Mills	 D. Newman	 R. Schackart	 Z. Wilson	 No Photo	 J. Dace	 S. Hudson
 A. Mead	 K. Meadows	 J. Moore	 T. Walters	 R. Will	 D. Willson	 W. Cook	 B. Damron	 W. R. Evans	 B. Gulisinger	 W. Johnson
 D. Pinkerman	 J. Siltner	 S. Webb	 K. Shumaker	 C. Southern	 R. Stevens	 P. Charles	 J. Hessinger	 J. Hoisinger	 A. Lyons	 B. Manor
 R. Prince	 S. Shank	 K. Shumaker	 I. Tolle	 J. White	 E. Fetty	 No Photo	 J. M. White	 T. Hespel	 C. Mills	 A. McCown
 E. Cassity	 J. Rice	 M. Roberts	 R. Stevens	 J. White	 E. Fetty	 No Photo	 J. M. White	 T. Hespel	 C. Mills	 A. McCown
 F. Cassity	 J. Rice	 M. Roberts	 I. Tolle	 J. White	 E. Fetty	 No Photo	 J. M. White	 T. Hespel	 C. Mills	 A. McCown
 R. Prince	 S. Shank	 K. Shumaker	 I. Tolle	 J. White	 E. Fetty	 No Photo	 J. M. White	 T. Hespel	 C. Mills	 A. McCown
 E. Cassity	 J. Rice	 M. Roberts	 I. Tolle	 J. White	 E. Fetty	 No Photo	 J. M. White	 T. Hespel	 C. Mills	 A. McCown

@1994 / age: 30
Inmate ID - A299450

First Name WILLIAM
Last Name EVANS, JR
Lock
Race WHITE
Institution CO.WH



Scioto County jail booking report March 12 - 18

- Clark, Charles, of Portsmouth - drug abuse instrument
- Gillem, Curtis of Portsmouth - disorderly conduct
- Harris, Michael E. of Portsmouth - possession of
- Wilburn, Rickey Dee of Wheelersburg - probation violation
- Moore, Jade D. of Portsmouth - probation violation
- Schackart, Robert of burglary
- Stevens, Randall, Lee of Portsmouth - possession of chemicals to manufacture drugs
- Bailey, Carlos of Columbus - possession of drugs
- Bennett, Chad A. of Minford

(Handwritten mark)

probatation violation
 •Newman, Dena of West
 Portsmouth - domestic vio-
 lence
 •Sowards, Russell of
 Lucasville - nonsupport of
 dependents
 •Tomolonis, Brant J. of Ironton
 - petty theft
 •Anderson, Toni M. of West
 Portsmouth - possession of
 drug abuse instrument
 •Brant, Jr., Daniel T. of
 Portsmouth - possession of
 meth
 •Burton, Anthony J. of
 Portsmouth = probation viola-
 tion
 •Colley, Amy J. of Lucasville -
 possession of meth
 •Dace, Jonathon, Lee of
 Portsmouth - probation viola-
 tion
 •Dace, Jonathon of
 Portsmouth - probation viola-
 tion
 •Eldridge, Randall J. of
 Portsmouth - violating protec-
 tion order
 •Hudson, Shane of
 Portsmouth - violation of pro-
 tection order
 •Line, Melissa of Jackson -
 court; bench warrant
 •Collins, Corey A. of
 Portsmouth - possession of
 drug abuse instruments
 •Cook, William B. of
 Portsmouth - burglary
 •Dameron, Jr., Bryan of
 Portsmouth - probation viola-
 tion
 •Evans, William R. of Otway -
 Driving under the influence
 •Guisinger, Brandon of
 Portsmouth - possession of
 drugs
 •Johnson, Wayne of
 Portsmouth - tampering with
 evidence
 •Lockhart, Matthew Allan of
 Portsmouth - petty theft
 •Merrill, David of Portsmouth -
 probation violation
 •Osborne, Timothy of Bidwell,
 Ohio - resisting arrest
 •Pinkerman, Dustin of
 Lucasville - driving under
 suspension
 •Rudolph-Stiltner, Jeanne of
 Portsmouth - possession of
 drug abuse instruments
 •Webb, Stephanie of New
 Boston - possession of drug
 abuse instruments
 •Wilson, Dylan of Portsmouth
 - contempt
 •Wooten, Zackary of
 Portsmouth - contempt
 •Belford, Christopher of
 Portsmouth - vehicular
 assault
 •Boyd, Michael of parole vio-
 lation
 •Bowling, Trevor J. of
 Portsmouth - petty theft
 •Campbell, Michal of
 Portsmouth - probation viola-
 tion
 •Crabtree, Blake of
 Portsmouth - violation of TPO
 order; warrant on complaint
 •Drake, Casey H. of
 Columbus - possession of
 drugs
 •Evans, William H. of Otway -
 domestic violence; warrant on
 complaint
 •Holsinger, Johnathan B. of
 Georgetown, Kentucky -
 domestic violence; warrant on
 complaint
 •Johnson, Antonio M. of
 Columbus - trafficking in
 drugs
 •Mead, Angelica of
 Portsmouth - petty theft
 •Meadows, Kevin Lee of
 Portsmouth - contempt
 •Cooke, Brittany of Chillicothe
 - probation violation
 •Hessinger, John E. of
 Sciotoville - probation viola-
 tion
 •Holsinger, Jerry of West
 Portsmouth - aggravated
 possession of drugs
 •Lyons, Amber of West
 Portsmouth - aggravated
 possession of drugs
 •Manor, Brittany of
 Portsmouth - contempt
 •McCown, Ashley of
 Portsmouth - probation viola-
 tion
 •Mick, Ernie of Portsmouth -
 assault
 •Petrie, Jason W. of Bethal,
 Ohio - driving under FRA sus-
 pension
 •Prince, Rudolph of
 Portsmouth - possession of
 drug abuse instrument
 •Shank, Shawn D. of
 Portsmouth - criminal tres-
 pass
 •Shumaker, Kimberly Jean of
 Portsmouth - petty theft
 •Southern, Chaze of
 Portsmouth - probation viola-
 tion
 •White, Jeremy M. of
 Portsmouth - obstructing offi-
 cial business; bench warrant
 •Fetty, Ellis William of
 Portsmouth - probation viola-
 tion
 •Hespel, Tasha of Portsmouth
 - endangering children
 •Mills, Christopher of Beaver
 - hit/skip; bench warrant
 •Paynter, Samuel of
 Lucasville - domestic vio-
 lence
 •Quick, Jr., Thomas Dwayne
 of Portsmouth - contempt
 •Richardson, William of
 Portsmouth - petty theft
 •Silvia, Isaac of Portsmouth -
 possession of drugs
 •Cassity, Freda Mae of
 Lucasville - probation viola-
 tion
 •Rice, Jessica Elaine of
 Portsmouth - probation viola-
 tion
 •Roberts, Michelle A. of
 Garrison, Kentucky - drug
 abuse; bench warrant

McDermott - contempt of
 court; bench warrant
 •Collins, Corey A. of
 Portsmouth - possession of
 drug abuse instruments
 •Cook, William B. of
 Portsmouth - burglary
 •Dameron, Jr., Bryan of
 Portsmouth - probation viola-
 tion
 •Evans, William R. of Otway -
 Driving under the influence
 •Guisinger, Brandon of
 Portsmouth - possession of
 drugs
 •Johnson, Wayne of
 Portsmouth - tampering with
 evidence
 •Lockhart, Matthew Allan of
 Portsmouth - petty theft
 •Merrill, David of Portsmouth -
 probation violation
 •Osborne, Timothy of Bidwell,
 Ohio - resisting arrest
 •Pinkerman, Dustin of
 Lucasville - driving under
 suspension
 •Rudolph-Stiltner, Jeanne of
 Portsmouth - possession of
 drug abuse instruments
 •Webb, Stephanie of New
 Boston - possession of drug
 abuse instruments
 with said drug tests.
 •17CR000590 - Folberth, Deonna S-
 judgment entry of sentence: charge -
 count 1 aggravated possession of
 drugs (f5). This sentence is an agreed
 sentence for 5 years community con-
 trol. the court further imposes specific
 sanctions and conditions as follows: -
 5 years community control - within 24
 hours report to the adult probation
 dept and successfully complete gen-
 eral probation - drug/alcohol assess-
 ment by the Scioto County adult pro-
 bation dept - consume no alcohol or
 receiving stolen property (m1). The
 court sentences the defendant to 180
 days in the Scioto County jail. The
 court will suspend 98 days of the jail
 sentence and place the defendant on
 community control for a period of 2
 years. The defendant is to be given 82
 days jail time credit. This sentence is
 an agreed sentence. Defendant is to
 abide by all regulations of the proba-
 tion department. Defendant is ordered
 to pay costs of this prosecution and
 probation fees of \$40.00 per month
 and restitution.

•17CR000689 - Brant, Sr, Daniel T. -
 judgment entry of sentence: charge -
 count 1 aggravated possession of
 drugs (f5); count 3 operating a vehicle
 under the influence of alcohol, a drug
 of abuse, or a combination of them,
 ovi (m1). This sentence is an agreed
 sentence for 5 years community con-
 trol. the court further imposes specific
 sanctions and conditions as follows: -
 5 years community control - within 24
 hours report to the adult probation
 department and successfully com-
 plete the intensive supervision proba-
 tion.

•17cr000585 - Wolford, Harold
 Edward - judgment entry of sentence:
 charge - count.1 & 2 aggravated pos-
 session of drugs (f5). This sentence is
 an agreed sentence for 5 years com-
 munity control. The court further
 imposes specific sanctions and condi-
 tions as follows: - 5 years community
 control - within 24 hours report to the
 adult probation department and suc-
 cessfully complete general probation -

Sentencings

•17CR000689 - Brant, Sr, Daniel T. -
 judgment entry of sentence: charge -
 count 1 aggravated possession of
 drugs (f5); count 3 operating a vehicle
 under the influence of alcohol, a drug
 of abuse, or a combination of them,
 ovi (m1). This sentence is an agreed
 sentence for 5 years community con-
 trol. the court further imposes specific
 sanctions and conditions as follows: -
 5 years community control - within 24
 hours report to the adult probation
 department and successfully com-
 plete the intensive supervision proba-
 tion.

•17CR000590 - Folberth, Deonna S-
 judgment entry of sentence: charge -
 count 1 aggravated possession of
 drugs (f5). This sentence is an agreed
 sentence for 5 years community con-
 trol. the court further imposes specific
 sanctions and conditions as follows: -
 5 years community control - within 24
 hours report to the adult probation
 dept and successfully complete gen-
 eral probation - drug/alcohol assess-
 ment by the Scioto County adult pro-
 bation dept - consume no alcohol or
 receiving stolen property (m1). The
 court sentences the defendant to 180
 days in the Scioto County jail. The
 court will suspend 98 days of the jail
 sentence and place the defendant on
 community control for a period of 2
 years. The defendant is to be given 82
 days jail time credit. This sentence is
 an agreed sentence. Defendant is to
 abide by all regulations of the proba-
 tion department. Defendant is ordered
 to pay costs of this prosecution and
 probation fees of \$40.00 per month
 and restitution.

42

A - *Exhibit to Complaint (Page 2 of 2) *

All information is obtained from the Scioto
 County Sheriff's Booking Reports. All infor-
 mation is correct as of their report. We are
 not responsible for any incorrect infor-
 mation.

Exhibit **B**

United States Marshals Service
LIMITED OFFICIAL USE



WIN Message #35780103, sent on 04/24/2008 11:44
Subject: NLETS MSG, From: A61 - 0670

Franklin County Ohio Court of Appeals Clerk of Courts- 2017 Dec 21 3:22 PM-17AP000571

JNLET 1717 11:50:11 04/24/08 OO LU JUUSM

CR.OHIII0000
08:41 04/24/2008 71028
08:41 04/24/2008 18850 OHUSM0100
*J00260870

TXT
HDR/2L01MRI3831843. *TC*
ATN/ [REDACTED]
PART 1
THE FOLLOWING RECORD PERTAINS TO SID/OHB474834

STATE OF OHIO, OFFICE OF THE ATTORNEY GENERAL MARC DANN

BUREAU OF CRIMINAL IDENTIFICATION & INVESTIGATION (OHBCI0000)
P.O. BOX 365, LONDON, OHIO 43140

VALIDATED CRIMINAL HISTORY RECORD: DRE/1994MAR07 DLU/2005DEC07
MKE/CHR PUR/C ORI/OHCCH0000 REQ/ [REDACTED] DATE/2008APR24
TIME/11:44:51 *TC*

WARNING: APPROACH WITH CAUTION 

BCI/B474834 NAM/EVANS, WILLIAM HOWARD JR POB/OH AGE/43
DOB/1964APR24 SEX/M RAC/W HGT/601 WGT/185 EYE/BRO HAI/BRO SMT/
FBI/552868VA0 SOC/281704906 HFP/270 31 W III 21 FPC/DO DI
PI PI 21
MNU/AN-5597 I 28 W OII 20 DI PO
PI PI 20

LKA/1938 HUTCHINS PORTSMOUTH OH
HCC/005 SINGLESTATE-OFFENDER LOADED-AT-III
CVF/ EVF/ HVF/ RSO/ FCF/Y HGF/
*** ADDITIONAL IDENTIFICATION DATA CONVICTED ON FELONY
CHARGE
AKA/EVANS, WILLIAM HOWARD EVANS, WILLIAM H JR EVANS, WILLIAM H.
EVANS, WILLIAM J JR

MNU/CF-455999

*** SOME INSTITUTIONAL DATA MAY NOT BE COMPUTERIZED
*** CONTACT BCI BY TTY (OHBCI0000) FOR FURTHER INFORMATION ***
CYCLE/01 DOA/1993OCT25 SEQ/01 ----- DRE/1994MAR07
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ARREST AGENCY/OH0730200 PORTSMOUTH PD
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