Appendix-A

Exhibits 'A' through 'L'

Exhibit-A	Transcript of Proceedings: (Tp.1-560); April 24-28 and May 1, 2006; State of Ohio, Plaintiff, vs. Frank P. Wood, Defendant, Medina County Case No. 05CR0365
Exhibit-B	Facebook picture of Scott Michael Sadowsky: (1 page)
Exhibit-C	Amended Bill of Particulars; April 12, 2006: (2 pages)
Exhibit-D	Warrant on Indictment; August 4, 2005: (2 pages)
Exhibit-E	Affidavit of Verity and Confinement; March 4, 2020: (13 pages)
Exhibit-F	Akron Children's Hospital's Physical Examination Data page: (1 page)
Exhibit-G	My Pre-Trial History With Danielle Sadowsky-Smith: (7 pages)
Exhibit-H	Who or what destroyed the Sadowsky marriage?: (3 pages)
Exhibit-I	The credentials of M. Douglas Reed, Ph.D.: (2 pages)
Exhibit-J	The core of the *voir dire* of the Ohio Attorney General's Leading Expert: M. Douglas Reed, Ph.D.: (4 pages)
Exhibit-K	Calendar of October 2004: (1 page)
Exhibit-L	Medina County Gazette article; May 16, 2006: (2 pages)

Flash-Drive **"Wood"**: Merit Affidavit of Frank P. Wood; August 28, 2018; A Blueprint for Wrongful Imprisonment

IN THE SUPREME COURT OF OHIO

Frank P. Wood	: O Sup. Ct.
	: Case No.
Petitioner,	
vs.	: Originating from Medina County Court of
	: Common Pleas Case No. 05CR0365
Harold May, Warden,	: **ORIGINAL ACTION**
	: **R.C. 2725 HABEAS CORPUS**
Respondent.	

PETITION FOR STATE WRIT OF HABEAS CORPUS
PURSUANT TO R. C. CHAPTER 2725
DUE TO LACK OF SUBJECT MATTER JURISDICTION

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MEMORANDUM

Lex Terrae

> But where says some is the King of America? I'll tell you [Sic] Friend, he reigns above, and doth not make havock [Sic] of mankind like the Royal – of Britain. Yet that we may not appear to be defective even in earthly honors, let a day be solemnly set apart for proclaiming the charter; let it be brought forth and placed on the divine law, the word of God; let a crown be placed thereon, by which the world may know, that so far as we approve of monarchy, that in America THE LAW IS KING. For as in absolute governments the King is law, so in free countries the law ought to be King; and there ought to be no other. But lest any ill use should afterwards arise, let the crown at the conclusion of the ceremony be demolished, and scattered among the people whose right it is.
>
> -Thomas Paine, Common Sense
> 14 February 1776
> Second Edition

Jurisdiction and Venue of the Supreme Court of Ohio

¶001 Relying on the sure foundation that was set in stone when the Framers put quill to parchment, according to The Constitution of the United States of America, Article III,

> Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. ***.

Constitutionally established, such an "inferior Court[]" is the Supreme Court of Ohio: the High Court of this State. In addition, as to the "judicial Power" vested in this Court, pursuant to

> Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; – ***.

Claiming a 6th Amendment violation regarding a trial court's lack of subject matter jurisdiction, this "Case[], *** aris[es] under this Constitution." Therefore this Court is constitutionally empowered to hear and adjudicate Wood's case and claim *sub judice*.

¶002 Building on the above, Frank P. Wood-Petitioner ("Wood") and Affiant (Appendix-A of Memorandum), was falsely accused and wrongfully convicted of allegedly committing crimes in Medina County, Ohio: one (1) of 88 counties that is seated within the established borders of the State of Ohio. Hence, Wood's county of wrongful conviction is seated within the jurisdiction of this Supreme Court, i.e., its territorial limits.

¶003 For clarity, the case at bar came to be as State of Ohio vs. Frank P. Wood, Medina County Case No. 05CR0365. This establishes the place in which the events allegedly took place that gave rise to the prosecution's initial legal action, i.e., legal venue.

¶004 With Wood's case and claim falling within the legal and territorial limits of this Court, he directly and formally invokes the legal venue of the Supreme Court of Ohio regarding the case and claim for lack of subject matter jurisdiction *sub judice*.

¶005 Consistent with Supreme Court Practice Rules, Section 12, Wood presents this petition for writ as an Original Action pursuant to S.Ct.Prac.R. 12.01

> (B) Habeas Corpus
>
> Habeas Corpus actions shall be brought and proceed in accordance with R.C. Chapter 2725.

Such is appropriate according to O Const. IV, Sec.2 Organization and jurisdiction of supreme court which states, in pertinent part, that

> (B)(1) The supreme court shall have original jurisdiction in the following:
>
> (c) Habeas corpus;

and

> (3) No law shall be passed or rule made whereby any person shall be prevented from invoking the original jurisdiction of the supreme court.

¶006 Supported by law and fact, as this Court is both federally and constitutionally empowered

to hear and decide his case, Wood directly and formally invokes the "original jurisdiction" of the Supreme Court of Ohio.

Appropriate Legal Remedy

¶007 Pursuant to R.C. 2725.01 Persons entitled to writ of habeas corpus,

> Whoever is unlawfully restrained of his liberty, ***, may prosecute a writ of habeas corpus, ***.

With confidence, it is upon this very statutory premise that Wood makes his legal standing, and shall prosecute accordingly from this permanent benchmark.

¶008 To be entitled to a writ of habeas corpus, Wood

> *** must show that he is being unlawfully restrained of his liberty, R.C. 2725.01, and that he is entitled to an "immediate release from prison or some other physical confinement." Scanlon v. Brunsman, 112 Ohio St.3d 151, 2006-Ohio-6522, 858 N.E.2d 411, ¶4. (citing Leyman v. Bradshaw, 146 Ohio St.3d 522, 524).

As will be shown, Wood is unlawfully restrained of his "Blessings of Liberty" as promised in the Preamble of The Constitution of the United States of America: the *Lex Terrae*; the King. His unlawful restraint is the result of a void sentence that is contrary to law due to the Trial Court's lack of subject matter jurisdiction regarding the alleged F-1 portion of his case, *inter alia*.

¶009 Continuing,

> A writ of habeas corpus is generally "available when the petitioner's maximum sentence has expired and he is being held unlawfully." Heddleston v. Mack, 84 Ohio St.3d 213, 214, 1998 Ohio 320, 702 N.E.2d 1198 (1988), (citing Morgan v. Ohio Adult Parole Auth., 68 Ohio St.3d 344, 346, 1994 Ohio 380, 626 N.E.2d 939 (1994)).

Let it be known that Wood's "maximum sentence" is an undeserved Life-Sentence for an

alleged F-1 rape that went uninvestigated[1] [2] [¶087-¶088],[3] originally unindicted until the prosecution amended the Bill of Particulars about six (6) weeks prior to Trial (Exhibit-B), and that never happened in a place Wood has never been: Put-In-Bay, Ottawa County, Ohio. Yes, Wood is most definitely being "held unlawfully."

¶010 True,

> Like other extraordinary-writ actions, "habeas corpus is not available when there is an adequate remedy in the due course of law." In re Complaint for Writ of Habeas Corpus for Goeller, 103 Ohio St.3d 427, 2004-Ohio-5579, 816 N.E.2d 594, ¶6. (Leyman, supra),

but Wood has presented the core evidence that makes up his claim for lack of subject matter jurisdiction form the Trial Court straight on through the appellate avenue to the Supreme Court of the United States. What more, this evidence has gone uncontested by the State in *every* legal proceeding,[4] leaving the prosecution sitting in concession of its own facts.

When you're right you make a lot of sound.
When you're wrong you make a lot of silence.
-Unknown

¶011 As the State elected to make a lot of silence, this core evidence has gone unadjudicated by every court throughout Wood's Direct Appeal process and *pro se* post-trial motions. In fact, he presented this best and direct evidence in his 26(B) application to the Ninth District Court of Appeals (Exhibit-C: p.4-5). With no challenge from the State [¶146-¶151], the Ninth District assumed the role of prosecutor and acted *in subsidium* the State to illegally deny Wood relief.

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[1] www.freefrankpwood.com, Merit Affidavit of Frank P. Wood: August 28, 2018; A Blueprint for Wrongful Imprisonment ("Merit Affidavit of Frank P. Wood"), Ch.44, p.414-421, ¶1240-¶1256. (On site this document can be downloaded from nine (9) successive Google docx files).
[2] Due to the sheer volume of this Affidavit: 877 pages, Wood refrained from submitting it with his petition to promote judicial economy. However, upon order of this Court, he will do so without delay.
[3] [¶000] and [¶000-¶000] are used for cross-referencing in this Memorandum.
[4] Merit Affidavit of Frank P. Wood, Ch.04, p.15-16, ¶055-¶059.

There is no "due course of law" available to Wood, leaving Habeas Corpus to be the only adequate and appropriate legal remedy. This is especially true since Lead-counsel from Trial failed to object and move for change of venue when the evidence surfaced [¶138, 2].

¶012 Supporting, and fortunately for Wood,

> *** there is a limited exception to the adequate-remedy requirement. "when a court's judgment is void because it lacked jurisdiction, habeas is still an appropriate remedy despite the availability of appeal." Gaskins v. Shiplevy, 74 Ohio St.3d 149, 151, 1995 Ohio 262, 656 N.E.2d 1282 (1995); see also Davis v. Wolfe, 92 Ohio St.3d 549, 552, 2001 Ohio 1281, 751 N.E.2d 1051 (2001). (Leyman, supra).

As will be explained in great detail, this is not a case where the Trial Court did nothing more than err in the exercise of its jurisdiction. No. This is a case where, during Trial, State's best and direct evidence revealed the alleged F-1 occurred three (3) counties away from where Wood was indicted. With no indicted criminal course of conduct to tie the alleged F-1 to two (2) separate counties: Ottawa and Medina, the Trial Court forfeited venue through lack of subject matter jurisdiction. Ergo, the jurisdiction of the offense was gone and the court had no right to proceed any further in the progress of the F-1 portion of Wood's Trial for "want of indictment." United States v. Cotton (2002), 535 U.S. 625, 629; citing Ex parte Bain, 121 U.S. 1, 13, 30 L.Ed. 849, 7 S. Ct. 781 (1887).

Standard of Review

¶013 Pursuant to the 6th Amendment,

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel.

In accord,

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made,[5] or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, and Thing in the Constitution or Laws of any State to the Contrary notwithstanding. Art. VI, ¶2.

Clearly, all State Law must coincide with and submit to Federal Law: the *Lex Terrae*. With that said, the Architects of the Ohio Constitution clearly understood Art. VI, ¶2 and, in sync with the 6th Amendment, determined that

> *** In any trial in any court, the party accused shall be allowed to appear and defend in person with counsel [¶092]; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses on his behalf, and a speedy public trial by an impartial jury of the county in which the offense is alleged to have committed; ***. O Const. Art. 1, Sec. 10.

¶014 Calling for a strict interpretation and application of the Constitutions cited above to the instant matter, Wood respectfully reminds this Court that, to the extent that State law conflicts with Federal law, "the state law…ceases to be operative." Arizona v. Inter Tribal Council of Ariz., Inc., 570 U.S. 1, 133 S. Ct. 2247, 2254 (2013).

¶015 Supported by the above, and regarding Wood's claim of lack of subject matter jurisdiction,

> *** the term "jurisdiction" means today, i.e., "the court's statutory or constitutional power to adjudicate the case." Steel Co. v. Citizens for Better Environment, 523 U.S. 83, 89, 140 L.Ed.2d 210, 118 S. Ct. 1003 (1998). This *** concept of subject matter jurisdiction, because it involves a court's power to hear a case, can never be forfeited or waived. (citing United States v. Cotton, 535 U.S. 625, 630).
>
> Consequently, defects in subject matter jurisdiction require correction, regardless ***. See, e.g., Louisville & Nashville R. Co. v. Mottley, 211 U.S. 149, 53 L.Ed. 126, 29 S. Ct. 42 (1908). (Cotton, Id).

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[5] Universal Declaration of Human Rights, Article 9 (1949).

¶016 Holding true to the *Spirit of the Law*, because subject matter jurisdiction goes to the power of a court to adjudicate the merits of a case (Cotton at 630), it is a

> "condition precedent to the court's ability to hear the case. If a court acts without jurisdiction, then any proclamation by that court is void." State ex rel. Tubb Jones v. Suster (1998), 84 Ohio St.3d 70, 75, 1998 Ohio 275, 701 N.E.2d 1002. (citing Pratts v. Hurley, 102 Ohio St.3d 81, 83). (see also Patton v. Diemer (1988), 35 Ohio St.3d 68, 518 N.E.2d 941, paragraph three of syllabus.

¶017 Coming full-circle, the 6th Amendment established that Wood had a Due Process right[6] to be tried in the appropriate "district" wherein the F-1 shall allegedly have been committed. Harmoniously, as "district" is legally synonymous with "jurisdiction," a "court of common pleas has original jurisdiction of all crimes and offenses" (R.C. 2931.03) "in all cases throughout his area of jurisdiction" (R.C. 2903.02), i.e., its "county" (O Const. Art. I, Sec. 10). Clearly, proper jurisdiction would give a court the authority to act, provided that venue is established by "jurisdiction of the subject matter" (R.C. 2901.12(A)) pursuant to Civ.R.3(B)(3), which states,

> (B) Venue: Where proper
>
> Any action may be venued, commenced and decided in any court in any county. When applied to county and municipal courts, "county," as used in this rule, where appropriate, as the territorial limits of the courts. Proper venue lies in any one or more of the following counties:
>
> (3) A county in which the defendant conducted activity that gave rise to the claim for relief [¶143].

¶018 Soon to be clarified, the Medina County Court of Common Pleas exceeded its "territorial limits," i.e., county border regarding the alleged F-1 portion of Wood's sham indictment[7] [¶084-¶102].

¶019 The Respondent ("State") in this matter may seek to counter Wood's argument in vain by

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[6] A legal right that fell under the Equal Protection Clause of the 14th Amendment.

[7] Merit Affidavit of Frank P. Wood, Ch.11, p.64-77, ¶227-¶269.

alleging that what follows is his interpretation of the facts. To the contrary, Wood has presented State-proffered and -proven facts in the chronological order in which the events were testified to having had occurred. In all actuality, for the State to challenge Wood's argument, the State would have to challenge its own evidence. This would merely prove Wood's indictment, Trial and conviction to be what they truly are: sham, *in subisdium* and wrongful.

¶020 Verifying, as to Wood's claim of lack of subject matter jurisdiction, it is comprised solely of State's best and direct evidence from the face of his materially altered and incomplete State-court Record.[8] Therefore, at this juncture, State-court fact findings favoring Wood are entitled to the same presumption of correctness due findings favoring the State (Burden v. Zant, 498 U.S. 433 (1991) (per curiam)), especially when the facts are "undisputed" and established by the State-court Record (Browder v. Director, 434 U.S. 257, 98 S. Ct. 556, 1978 U.S. LEXIS 253 at [***LedHR8A] and Footnotes 10), and the Record flatly contradicts State fact findings (United States ex rel Ross v. Franzen and Wolf, 668 F.2d 933, 939 (7th Cir. 1982)), as in the case at bar.

¶021 With the presumption of correctness now weighing heavily in Wood's favor [¶134], the State has no argument [¶148].

Overview

¶022 Without investigating the motives of those who made the bogus allegations, the case against Wood was presented to the Medina County Grand Jury by a former Medina City Detective: Mark Kollar ("Det. Kollar"), who later testified twice that he knew he was operating outside his jurisdiction. Without jurisdiction, on August 3rd of 2005 Det. Kollar secured a sham indictment (Exhibit-A) charging Wood with one (1) count of rape pursuant to R.C. 2907.02 (A)(1)(b)(B) (<10) (F-1), and one (1) count of gross sexual imposition ("gsi") pursuant to

[8] Merit affidavit of Frank P. Wood, Ch.42, p.397-414, ¶1179-¶1239.

R.C.2907.05(A)(4) (F-3).

¶023 On August 4, 2005 Det. Kollar secured a Warrant to Arrest on Indictment (Exhibit-D). That afternoon he arrested Wood alone and outside his jurisdiction. What more, Det. Kollar failed to Mirandize Wood. Such is a "constitutional rule."[9] Dickerson v. United States, 530 U.S. 428, 444, 147 L. Ed. 2d 405, 120 S. Ct. 2326. (citing United States v. Samuel Francis Patane, 159 L. Ed. 2d 667, [***670]).

¶024 About six (6) weeks prior to Trial, on April 6, 2006 former Assistant Prosecutor Anne Eisenhower ("Pros. Eisenhower") filed an Amended Bill of Particulars ("BOP") (Exhibit-B) verifying that Wood was formally charged regarding two (2) separate and distinct alleged victims. As the alleged victims never lived with Wood at the same time, we now have two (2) separate and distinct cases. Confirming, the BOP reveals that

1) The allegations are separated by a five-year spread: 2000-2005, and therefore are chronologically unrelated

and that

2) Both incidents were alleged to have occurred in two (2) separate and distinct, but **unspecified** locations, inside of Medina County, Ohio: a fiction in regards to Wood

¶025 For an historical explanation, the original BOP alleged the F-1 rape to have occurred between October 1st-31st of 2004. It was Pros. Eisenhower who deliberately amended the BOP to October 1st-3rd of 2004 to secure "A life rape, Your Honor" (Tp.17, Ln.21-24).[10] The State then prosecuted and tried Wood according to these highly specific and narrowed-down dates. This was their *pinpoint* choice.

¶026 During the course of Trial the alleged rape victim: S.L. testified that she spent the entire

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[9] Merit Affidavit of Frank P. Wood, Ch.12, p.78-80, ¶270-¶281.
[10] Merit Affidavit of Frank P. Wood, Ch.34, p.343, ¶1043.

indicted weekend of abuse in "Put-In-Bay," Ottawa County, Ohio with her legal guardian "dad": Scott Sadowsky ("Scott") and "not at Frank Wood's house." S.L.'s testimony was verified by Scott and her legal guardian mother: Danielle Sadowsky ("Danielle"). From Wood's house on Poe Road in Montville Township, Medina County, Ohio to Put-In-Bay, Ottawa County, Ohio is at least 60 miles as the crow flies. What more, as no one placed Wood in Ottawa County on the pinpoint indicted dates in question (Tp.1-560), Wood has never been to Put-In-Bay.

¶027 Regarding both motivationally fabricated allegations, Wood's entire case is void of DNA, eyewitnesses and physical evidence of any kind. Narrowing this down to the alleged F-1, all three (3) State-investigative agencies investigated allegations for October 20, 2004 and **not** allegations for October 1st-3rd of 2004. As will be shown, these agencies "closed" and "terminated" the October 20, 2004 F-1 case against Wood due to "no evidence" **before** Det. Kollar secured his sham indictment.

¶028 Consistent with the "Put-In-Bay" testimony of the alleged victim, when Trial Counsel moved for a Crim.R.29, Pros. Eisenhower declared S.L.'s testimony to be **"bullshit"** because it matched the dates in the BOP (Tp.463, Ln.5-8).[11] Mysteriously, "bullshit" was REDACTED from the face of Wood's altered Trial Record.

¶029 The Trial Court must have opened the proceedings under the impression that it had jurisdiction over the alleged F-1. This is because Det. Kollar secured the sham indictment outside his jurisdiction without investigating as he discarding "closed," "terminated" and "no evidence." Tragically, the Trial Court ignored this evidence once it surfaced and proceeded *in subsidium*.

¶030 With State-proffered and -proven evidence securing a true lack of subject matter jurisdiction, the Trial Court should have severed the charges and declared a change of venue: the

[11] Merit Affidavit of Frank P. Wood, Ch.34, p.310-343, ¶946-¶1043.

appropriate legal remedy *at that time*. As to 'Why?' the Trial Court failed to do so, Wood prays this Honorable Court to seek and secure answer to this all-probing question.

STATEMENT OF FACTS

Pre-Indictment Facts: Part I

¶031 In April of 1998 Wood opened a small business as Frank P. Wood, D.B.A. The Wood Construction Company in Medina County, Ohio. In 2004 he obtained S-corp status for tax purposes and growth as Ironwood Construction, Incorporated.

¶032 In June of 1999 Wood met and hired Ryan Spencer ("Ryan"). In November of 1999 Wood met Ryan's sister Robyn Spencer ("Robyn"), (n.k.a. Robyn Spencer-Speelman).

¶033 Wood and Robyn married on May 12, 2000 and were divorced on January 31, 2002 (Tp.359, Ln.6-11). At the time of marriage they lived in Medina City Limits. At the time of divorce they lived in Chippewa Lake, Medina County, Ohio. A child was born of their marriage and DNA later confirmed that Wood was not the father (Tp.360, Ln.1-6). Post-divorce, Wood and Robyn continued to see each other socially, and Wood continued to provide financial support for Robyn and her three (3) daughters (Tp.372, Ln.22-24); more than the Record reveals.

¶034 Unbeknownst to Wood, Robyn's eldest daughter K.S.: the alleged gsi victim, came home from school after a "good touch, bad touch" class between "July and September" of 2004 [¶039] and claimed someone had improperly touched her between "August and October of 2000" (Tp.421, Ln.24-Tp.422, Ln.2), (Exhibit-B). With her D.O.B. being 2/09/96 (ibid), K.S. would have been approximately four-and-a-half (4 ½) years old at the time of alleged incident, and eight-and-a-half (8 ½) years old at the time of disclosure. A remarkable memory for this child to narrow down a three (3) month period out of nine (9) years of her young life. Especially from four (4) years prior.

¶035 In "May of 2005" Wood ceased all financial support to Robyn (Tp.380, Ln.13-Tp.381, Ln.6). Soon afterwards Robyn took K.S. to Medina County Job & Family Services ("MCJFS") and "not the police" [¶038] on June 16, 2005 (Tp.365, Ln.21-Tp.366, Ln.3). As four-and-a-half (4 ½) years lapsed between alleged incident and disclosure, nearly a year lapsed between disclosure and reporting: when the money stopped.

Pre-Indictment Facts: Part II

¶036 In October of 2003 Wood arrived at the home of Scott and Danielle in Medina, Ohio to perform warranty repairs (see fn.13) around windows installed by another contractor. Shortly after their first meeting, Wood and Danielle began an affair (Tp.84-85). At that time, Scott and Danielle had a biological son: A.S., and a legal guardian daughter: S.L. (Tp.84, Ln.1-7).

¶037 Danielle moved in with Wood into his Montville Township, Medina County, Ohio home: a home in which he kept an 'open door policy' as a "rule" (Tp.114, Ln.7-11), around mid-July of 2004 (Tp.87, Ln.7-16). A.S. and S.L. moved into Wood's home on an intermittent and part-time basis: "three nights a week" (Tp.114, Ln.25-Tp.115, Ln.5) around mid-August. With Danielle "always around" (Tp.120, Ln.18-23), the children resided in Wood's home Tuesday through Thursday, while they resided with Scott Friday through Monday (Tp.85, Ln.15-22).[12]

¶038 Danielle became aware that she was pregnant during the first few days of September 2004 (Tp.86, Ln.16; Tp.144, Ln.12-13) [¶039]. Approximately two-and-a-half (2 ½) weeks later Wood was falsely accused of a 'vagina rape' (Tp.537, Ln.9-Tp.538, Ln.3) regarding the pure and untouched hymen of S.L. (Exhibit-E). The case was then signed in for invest with Dr. Suzanne LeSure ("Dr. LeSure") of Cornerstone Psychological Services by Scott and Danielle on September 24, 2004 (Tp.407, Ln.7-16), and not the police [¶035]. As this happened one (1) week

[12] Merit Affidavit of Frank P. Wood, Ch.09, p.47-50, ¶177-¶184.

prior to the indicted dates of October 1st-3rd of 2004 (while Danielle was sleeping in Wood's bed and she never told him), someone must be in the possession of clairvoyant capabilities.

¶039 September of 2004 should sound familiar to this Court. Recall that K.S. *also* allegedly came forward between "July and September" of 2004 [¶034]: the same month Danielle announced she was pregnant with Wood's child [¶038]. With that in mind, first there was the affair and a pregnancy. Then a false rape allegation was signed in for invest with Dr. LeSure, and not the police, prior to the indicted dates of October 1st-3rd of 2004. This maelstrom was further strengthened when Robyn came forward after Wood stopped paying her bills. As the above series of events erupted with the announcement of Danielle's pregnancy, Pros. Eisenhower admitted to the Court-declared "cynical" Jury (Tp.135, Ln.7-11),

> Well, I'll give you Scott Sadowsky. He's got a reason not to like Frank Wood. That much is true. ***. He came up here and he told you exactly what happened. "I hired this guy. I let Danielle do it. I hired him to come in, and the next thing you know he's got my wife" (Tp.496, Ln.7-13).[13]

With the oldest motives for revenge established: **Sex & Money**, we must not forget the truly remarkable memory of K.S. and the clairvoyant capabilities of Scott and Danielle. And, with both allegations surfacing in "September," we are now looking at the miracle of coincidence. It would appear that the allegations were perfectly coordinated, if not orchestrated, to say the least.

¶040 Step-by-step Wood is revealing how these two (2) unrelated cases made it to the same charging instrument. A true conundrum, replete with great complexity and detail, Wood thanks this Court for its patience and understanding as he literally, via Counsel, *unties* the Gordian knot.

Pre-Indictment Facts: Part III

¶041 With a BOP (Exhibit-B) for October 1st-3rd of 2004, on October 20th of 2004, Danielle,

[13] As Wood was hired by Unmistakably Premier Homes out of Wadsworth, Ohio for the warranty repairs [¶036], these statements cannot be found in Scott's testimony (Tp.179-219).

for the first time and alone, and under Scott's orders (Tp.169, Ln.18-Tp.170, Ln.2), went to the Montville Twp. P.D. and filed a "report" in which she named Wood a "potential perpetrator" and alleged that he did something to S.L. early that morning (Tp.163, Ln.12-Tp.164, Ln.21). Eventually the Montville P.D. refused to file charges against Wood, for the first time [¶042], finding no merit to the allegation (Tp.66, Ln.3-8). Then, contrary to her actions, Danielle and Wood were intimate a few weeks later (Tp.165, Ln.1-9).

¶042 After months of badgering by Danielle (Tp.94, Ln.1-7), on January 11, 2005 S.L. finally gave in and told Danielle the story Scott wanted her to hear (Tp.94, Ln.8-9). Actively pursuing charges against Wood under Scott's orders, on this day Danielle went to the Montville P.D. for the second time [¶041] alone (Tp.170, Ln.11-19).

¶043 Contrary to Danielle's persistent reporting, Scott admitted he took "no action" (Tp.206, Ln.19-21). Why? It was most certainly not due to excellent parenting skills. But, then again, via his own testimony, Scott admitted that he actually *believed* S.L. was being "truthful" when she denied any wrongdoing by Wood (Tp.216, Ln.2-14).[14]

¶044 The following day, on January 12, 2005 MCJFS interviewed Danielle and S.L. with Montville P.D.'s Officer Travis McCourt ("Ofc. McCourt") present (Tp.86, Ln.18-24). This interview concerned Danielle's allegations regarding October 20, 2004. Ofc. McCourt then video-interviewed Wood on February 16, 2005 (Tp.57, Ln.1-5) without the presence of counsel and then searched his home without a warrant: **both of his own volition.** Eventually their office "terminated" the October 20, 2004 allegation/case against Wood and shared their negative findings with MCJFS (Tp.350-351).

[14] A guilty conscience will speak.

¶045 The Montville P.D. report[15] regarding the investigation and termination of Wood's case surfaced during Trial (Tp.70, Ln.17), confirming "No charges were brought" (Tp.74, Ln.23) against Wood concerning the rape allegations for October 20, 2004. Per Ofc. McCourt's testimony, not only did he refuse to charge Wood **twice** (Danielle's repeated attempts), his "sergeant" *also* refused to charge Wood (Tp.74, Ln.13-23).

¶046 When Wood's Lead-counsel F. Harrison Green ("Atty. Green") sought to get into the "inconsistencies" [¶055] of the report that Ofc. McCourt was testifying to (Tp.79-80), Pros. Eisenhower objected (Tp.70, Ln.23), fearful that Atty. Green would "impeach" the State's first witness (Tp.71, Ln.8). This is because the report this officer was using during Trial was **not** the report he read prior to Trial (Tp.78, Ln.11-18). In response, the Trial Court: Judge Christopher J. Collier ("Judge Collier")[16] acted *in subsidium* the State by illegally suppressing this exculpatory evidence from the Trial Court-declared "cynical" Jury (Tp.135, Ln.7-11) in direct violation of Brady v. Maryland, 373 U.S. 383 (1963), it's progeny, and Wood's U.S. Constitutional rights to Due Process and Equal Protection; (see also HB 411). To accomplish this, Judge Collier, ordered

> ...the court reporter to keep that [police report] so that any reviewing court can take a look at what happened...[emphasis added] (Tp.80, Ln.19-25),[17] [¶081]

¶047 Something in that report unnerved Court and State so deeply that Judge Collier gave it to his court reporter "to keep" in violation of R.C. 2301.141 Retention of documents, which clearly states that

> ..., each clerk of court [and not the court reporter] of a court of common pleas shall retain documentation regarding each criminal conviction and plea of guilty involving a case that is or was before the court. ***. The clerk shall retain this documentation for a period of

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[15] Wood has never personally viewed a report from the Montville P.D.

[16] Judge Collier recused from Wood's case on February 27, 2015 (Exhibit-F).

[17] Merit Affidavit of Frank P. Wood, Ch.10, p.57-63, ¶205-¶226.

> fifty years. ***. This section shall apply to records currently retained and to records created on or after September 23, 2004 [emphasis added].

¶048 With the above revised code fully supported by Crim.R.55 Records (A)(B), Judge Collier gave this evidence to Court Reporter Donna A. Garrity ("Ms. Garrity") "to keep" knowing she would destroy it. Having opened that door, we must walk through it.

¶049 To obtain missing portions of the Trial Record, in January of 2014 Wood called upon his Co-counsel from Trial: Attorney Ronald R. Stanley ("Atty. Stanley") for assistance. Atty. Stanley then contacted Ms. Garrity and requested a written estimate for the missing portions of the Record. Ms. Garrity provided a verbal response and declared there might not be an available "medium" to transcribe the Record. In need of a written estimate and a complete Trial Record, Wood sent Ms. Garrity a request via certified mail on January 12, 2014 (Exhibit-G). On February 17, 2014 she sent a letter to Atty. Stanley stating her notes from Trial are "no longer available" (Exhibit-H). Having changed her story, Ms. Garrity provided a Judgment Entry: April 23, 1997 (Exhibit-I) from the Common Pleas Court of Retired Judge Judith A. Cross ("Judge Cross"). Here, Judge Cross ordered the Court Reporter from her Court to dispose of all notes after a period of "seven (7) years." Still, consistent with R.C.2301.141 and Crim.R.55(A)(B), the Clerk of Court should have every Transcript of Proceedings from Arraignment on through to Sentencing. In Wood's case, the Medina County Clerk of Court does not. What's worse, Wood's case file is "lost" and cannot be found.[18]

¶050 Under R.C.2301.20(B) the law permits the destruction of steno notes, but not exculpatory evidence with it. Further, according to the Office of the Ohio Attorney General,

> Shorthand notes taken pursuant to R.C.2301.20 and transcripts prepared pursuant to

[18] In 2017 Atty. Stanley sought documents from Wood's case file at his request. Those who work in the "vault" informed him that the file was "lost" could not be found. Fascinating.

> R.C.2301.23 by an official court reporter of a common pleas court are the property of that common please court... OAG 89-073; 1989 Ohio AG LEXIS 80.

Notice that notes and transcripts were the property of "that" common pleas court, e.g., the court of Judge Cross, and not "that" common pleas court of Judge Collier.

¶051 Judge Collier had neither legal right nor authority to give exculpatory, impeaching and exonerating evidence to Ms. Garrity "to keep" and destroy using a ruling from another trial in another court, let alone permit her to destroy records in this manner. Judge Collier should have issued his own order concerning the instant matter. Solidifying this truth, in State ex rel Chaney v. Court of Common Pleas, 2002 Ohio App. LEXIS 545,

> OVERVIEW:...The appellate court found that the trial court had destroyed the notes from [Chaney's] case pursuant to its policy [Emphasis added]...

and not that of another court, e.g., "that" of Judge Cross.

¶052 Wrapping up this issue, it is difficult to say exactly which exculpatory, exonerating and impeaching police report was illegally suppressed and destroyed. It could have been

1) Ofc. McCourt's first report from his initial meeting with Danielle on October 20, 2004
2) Ofc. McCourt's second report from his second meeting with Danielle on January 11, 2005
3) Ofc. McCourt's second report regarding the interview with Danielle and S.L. by MCJFS on January 12, 2005
4) Ofc. McCourt's report from his recorded interview with Wood on February 16, 2005 that was not played during Trial
5) The report from his "sergeant" that revealed *why* the F-1 rape case against Wood for October 20, 2004 in Medina County, Ohio was "terminated"

6) Another report that pertained to the opening, investigation and termination of the October 20, 2004 allegation

¶053 Regardless of which report it was, and without question, the illegally suppressed and destroyed report from Montville P.D. possessed exculpatory, exonerating and impeaching evidence regarding the Medina County October 20, 2004 F-1 rape allegation. It must have possessed evidence of the highest value. If it did not, then Judge Collier would not have acted *in subsidium* the State. Solidifying, just like her notes from Trial, Ms. Garrity cannot produce the police report in question. Wood directly and formally challenges her to do so.

Pre-Indictment Facts: Part IV

¶054 Regarding the alleged October 20, 2004 rape of S.L. in Medina County, Montville P.D.'s report was not the only document that was illegally suppressed and/or destroyed *in subsidium*. During Trial, in a sidebar without Wood's knowledge or presence, a letter surfaced from MCJFS.[19] Evidently this letter was forwarded to the Prosecutor pre-indictment by Children Services Social Worker Tricia Carchedi ("Ms. Carchedi") in which she declared, "there was not any evidence to support the allegations of sexual abuse" (Tp.346, Ln.11), and that their office "closed" the October 20, 2004 case against Wood (Tp.399, Ln.11). Further, as their office never interviewed Wood (Tp.346, Ln.25-Tp.347, Ln.1), it is simply obvious they saw no need. Had they done so, Wood would have gladly attended the meeting, for he is *still* willing to do so.

¶055 When Atty. Green sought to question Ms. Carchedi because the letter was "inconsistent [¶046] with what she testified to" (Tp.341, Ln.9-23), through a very confusing and manipulative argument (Tp.341-344), Pros. Eisenhower convinced Judge Collier to **not** allow for the letter to come in.

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[19] Merit Affidavit of Frank P. Wood, Ch.10, p.56-57, ¶201-¶204.

Pre-Indictment Facts: Part V

¶056 On January 26, 2005 S.L. was taken to Akron Children's Hospital ("ACH") (Tp.262, Ln.17-23) to be medically examined for a 'vagina rape' (Tp.537, Ln.9-Tp.538, Ln.3) that was alleged to have occurred, by Danielle, in Medina County, Ohio on October 20, 2004. Nurse Practitioner Donna Abbott ("NP Abbott") performed this **humiliating, traumatizing and unnecessary exam** (Tp.262).

¶057 Upon taking the stand, NP Abbott confirmed that she found an "intact hymen" with "no abnormalities" or "signs of trauma" (Tp.262-269; Tp.272-278). Then, in clarifying her findings, when Atty. Green directly asked NP Abbott,

Q So on the physical side, you cannot conclude that sexual abuse had take place?

she responded with,

A That's correct (Tp.274, Ln.15-18).

¶058 At the close of Trial, the State submitted the "medical reports" from ACH as "Exhibt-4" (Tp.458, Ln.3-5). Out of those reports, Wood presents ACH's Suspected Child Abuse And Neglect Record: Physical Examination Data page as (Exhibit-E). The purpose behind this submission is that this document proves the purity of S.L.'s prepubertal hymen.[20] In all actuality, it verifies NP Abbott's findings of, respectfully, a temple virgin and her conclusion that no 'vaginal rape' occurred in Medina County, Ohio on October 20, 2004: the location and date alleged by the Trial-court declared "not truthful" Danielle (Tp.132, Ln.22-25).

Pre-Indictment Facts: Part VI

¶059 According to Det. Kollar of the Medina City P.D., he received a phone call from Social Worker David Madjerich ("Madjerich") on 6/16/05 regarding K.S. and the alleged gsi (Exhibit-J:

[20] Merit Affidavit of Frank P. Wood, Ch.47, p.454-464, ¶1353-¶1378.

p.9).[21] From this conversation he learned that Wood was investigated by the Montville P.D. and that "no charges were filed" (ibid). That day he met with Ofc. McCourt, who informed him there was "insufficient evidence" to prosecute (ibid). Then, on June 17, 2005 he met with Madjerich, Robyn and K.S. for a "digitally audio recorded" interview (ibid), (Tp.445-446).

¶060 Regarding the interview, it is most unusual that Social Worker/Interviewer Madjerich did **not** testify for the State. In addition, it was made known, by her own admission, that Pros. Eisenhower was present during the interview of K.S. (Tp.445, Ln.21-Tp.446, Ln.6). For some suspect reason, her presence during the interview is neither mentioned in Det. Kollar's report nor in Robyn's testimony (Tp.366, Ln.12-14). Why? Also, during Closing Statements, when Atty. Green asked the Court-declared "cynical" Jury, "Where's the recording?" Pros. Eisenhower, for obvious reasons, shouted, "Objection" (Tp.513, Ln.20-Tp.514, Ln.7).

¶061 S.L. was *also* interviewed at MCJFS. This interview was conducted by Social Worker Elizabeth Morstatter ("Ms. Morstatter") on January 26, 2005 (Tp.285, Ln.16-19). Although this video was recorded, it was not shown to the "cynical" Jury due to "coaching" (Tp.507, Ln.9).

Pre-Indictment Facts: Part VII

¶062 Danielle first learned she was pregnant during the first few days of September 2004 (Tp.86, Ln.16; Tp.144, Ln.12-13) while she and Wood were living together (Tp.86, Ln.21-22). Shortly thereafter, per Dr. LeSure: the treating psychologist for K.S. and S.L.,

> [S.L.'s] case was signed in on 9/24/04. They [Scott and Danielle] called on 9/23/04 (Tp.407, Ln.14-16) [Emphasis added].

As the above events took place one (1) week prior to the pinpoint indicted dates of October 1st-3rd of 2004, and nearly a month prior to October 20, 2004 (while Danielle was sleeping in

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[21] This Exhibit is being presented as it appears in the Merit Affidavit of Frank P. Wood as (Exhibit-04).

Wood's bed and she never told him), we have either proven the existence of clairvoyant capabilities or established fraud and conspiracy.

¶063 Yes, there is much more behind Judge Collier declaring Danielle to be "not truthful in her testimony" (Tp.132, Ln.22-25) than he knew. Why he permitted Danielle's Court-acknowledged and State-utilized perjury to be presented to the Court-declared "cynical" Jury (Tp.135, Ln.7-11) remains an *in subsidium* mystery.

¶064 In the dark shadow of the above, while probing S.L.'s mind with Wood as theory of perp for an October 20, 2004 rape that allegedly occurred at some unknown location in Medina County, Dr. LeSure confirmed her "initial diagnosis" of S.L. was "adjustment disorder" (Tp.414, Ln.13-14), [¶068]. And, to no surprise, regarding the indicted assault, S.L. testified she had no idea as to who actually assaulted her and could not identify Wood as the perpetrator (Tp.244, Ln.2-17). S.L. further testified that she was not afraid of Wood (Tp.246, Ln.10-21). Interesting.

¶065 Supporting S.L.'s testimony, Dr. LeSure confirmed that S.L. was suffering from "intrusive memories" [¶119, 3] regarding her past (Tp.423, Ln.22-25); a past from prior to meeting Wood.[22] As to what conjured up, clouded and confused her intrusive memories, when asked who told S.L. that Wood had raped her, Ms. Morstatter answered, "Her mother" (Tp.300, Ln.18-Tp.301, Ln.8).

¶066 Let it be known that when S.L. was asked,

Q Who is your mom?

she answered the Court-declared untruthful

A Danielle Sadowsky (Tp.223, Ln.6-7).

¶067 For Danielle to tell the prepubertal and pure S.L., "Frankie raped you," falls under Title

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[22] Merit Affidavit of Frank P. Wood, Ch.30, p.268-269, ¶825-¶827.

18 U.S.C.S. § 1512 Tampering with a witness, victim, or informant, §§ (b)(1)(j)(k). Obviously it would have been most wise to check the motives of those who made the allegations, because

> The exposure of a witness' motivation in testifying is a proper and important function of the constitutionally protected right of cross-examination. Davis v. Alaska, 415 U.S. 308, HN2.

This is especially true when it comes to a Court-declared untruthful witness; a witness with personal and ulterior motives (Exhibit-S: p.D-2, ¶6).[23]

Pre-Indictment Facts: Part VIII

¶068 During Dr. LeSure's testimony she revealed that K.S. was referred to her by MCJFS and that her "family" called on June 17, 2005 to schedule an appointment (Tp.445, Ln.21-22). Although Dr. LeSure knew she was interviewing K.S. for "an allegation of sexual abuse" (Tp.445, Ln.18-20), she declared that her "initial diagnosis" for K.S. was *also* "adjustment disorder" (Tp.418, Ln.25). [¶064]. Further, while interviewing K.S. with Wood as theory of perp, K.S. "didn't have a lot of symptoms" (Tp.428, Ln.23-24). Perhaps this was due to the "multiple male figures in her life" (Tp.419, Ln.7-8) that Dr. LeSure never interviewed and Det. Kollar failed to investigate. In fact, both Dr. LeSure and Det. Kollar failed to interview Wood.

¶069 A rational and unbiased mind focused on truth would have concluded that the "lack of symptoms" was in fact revealing. Confirming, K.S. testified **twice** that she could not recall being at an alleged crime scene with Wood (Tp.386, Ln.21; Tp.387, Ln.11). Shortly thereafter, Judge Collier declared, "What I'm hearing her say is, "No, it didn't happen" (Tp.390, Ln.4-5).

¶070 In and amongst the above, after Judge Collier removed K.S. from the stand (Tp.387, Ln.13-14), and admonished Pros. Eisenhower for testifying for K.S. (Tp.388-394), Pros. Eisenhower declared, "I'm telling you that I made a **pact** with her **[emphasis added]**" (Tp.394,

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[23] Merit Affidavit of Frank P. Wood, Ch.06, p.28-34, ¶105-¶130; Ch.18, p.113-114, ¶364-¶372.

Ln.17-18). Making a "**pact**" with a State-child witness during trial, *ex parte*, is a violation of Title 18 U.S.C.S. § 1512 Tampering with a witness, victim, or informant, §§ (b)(1)(j)(k). Why Judge Collier permitted the recalling of K.S. to the stand and allowed for this charge to go before the Court-declared "cynical" Jury remains another *in subsidium* mystery.

Pre-Indictment Facts: Part IX

¶071 While probing the minds of K.S. and S.L. regarding allegations of sexual abuse with Wood as the State's erroneous theory of perp, by her own admission, Dr. LeSure declared that both girls suffered from adjustment disorder. And yet both diagnoses became sexual abuse despite a lack of identity, memory, location or symptoms. It is simply obvious that the all-probing question of 'Why?' must be answered before proceeding.

¶072 Having studied every case he could find on the matter, Wood could not find a single case where Dr. LeSure of Cornerstone Psychological Services of Medina County, Ohio testified for a defendant. Wood continuously sought answer as to 'Why?' neither MCJFS, Dr. LeSure nor Det. Kollar interviewed him. It was not until 2018 that he was able to put the pieces together and answer that question. Please, read on.

¶073 Cornerstone Psychological Services received public money[24] in 2004 through a contract with MCJFS to provide "free" counseling to "sexually abused" children, thereby cementing the existence of a conflict of interest, i.e., Dr. LeSure can no longer remain unbiased.

¶074 According to the Minutes of the November 22, 2004 meeting of the Medina County Commissioners,

> The second resolution Mead presented was authorizing a professional services agreement between Job & Family Services and Cornerstone Psychological. He explained that Suzanne LeSure and Cornerstone Psychological have been providing, for over ten years,

[24] The tax dollars of hard-working and patriotic Ohioans.

> free therapy for Medina County children who have been sexually abused. She organized therapists from different agencies to meet with these children at the JFS Building for several hours every week. This agreement would be to trim some of her administrative costs. Mrs. Giessman moved to approve the agreement and Mr. Hambley seconded the motion. There was no discussion. Roll Call showed all commissioners voting AYE. (Exhibit-K: p.2 of 8).[25] [26]

¶075 Now *that* was never mentioned during Wood's Trial Process.

¶076 Since nothing is trivial and everything matters, for this financial agreement, that this Court can subpoena, to be withheld from Defense and Jury served the ulterior motive of creating the dual-illusion that

1) There was no direct link between Court, State and psychologist

2) Court, State and psychologist were acting as independent entities

¶077 Having testified for the State for "over ten years" (ibid), and "accustomed to being summoned to court" (Tp.408, Ln.6-7), Dr. LeSure stated in front of the Jury, "I am a mandated child abuse reporter" (Tp.426, Ln.16-17). Therefore, legally bound and financially obligated, with long-term-in-bed-ties to Court and State, Dr. LeSure is now deemed a public official/entity. Obviously, the withholding of this impeaching evidence has brought her integrity into question. True, because Dr. LeSure's diagnoses of *both* girls went from "adjustment disorder" to financial agreement to "sexual abuse" during the course of diagnoses and treatment.

¶078 The withholding of this impeaching evidence was actually followed by another illegal event that took place just prior to Trial. Regarding such, Judge Collier stated,

> ***, the Court's had an opportunity to review the documentation provided to the Court by Dr. LeSure (Tp.6, Ln.12-14),

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[25] Thanks to Atty. Stanley's paralegal, this document was first emailed to his office by the Medina County Commissioners in March of 2018.

[26] This Exhibit is being presented as it appears in the Merit Affidavit of Frank P. Wood as (Exhibit-43).

and **not** through a valid discovery process: collection and submission by Pros. Eisenhower and Atty. Green. Judge Collier then continued with,

> I've spent two weekends looking at it. At this time I'm going to make the determination that there's nothing exculpatory in there (Tp.6, Ln.14-17).

¶079 A few problems here:

1) This determination was made without

   a. hearing the voluntary in-court testimony of the alleged victims that contradicted their Pre-Trial "coach[ed]" out-of-court statements to Dr. LeSure

   b. seeing the credentials of the **Ohio Attorney General's Leading Expert** on the matter: **M. Douglas Reed, Ph.D.** ("Dr. Reed") (Exhibit-L: p.2, Item 17),[27] who scientifically determined that Wood does **not** possess the psychological capacities to commit such ignorant and heinous acts (Exhibit-M)[28]

2) Without seeing the report, Atty. Green did not know what lies, manipulations and implanted memories, e.g., "Frankie raped you," that he had to refute and defend other than the dogma of *point-the-finger-and-go*: 'He did it.' Consider

   a. Regarding S.L.

      i. "Frankie raped you"

      ii. "intrusive memories"

      iii. "adjustment disorder" to financial agreement to "sexual abuse"

      iv. She could not identify Wood as the perpetrator on October 20, 2004 (or on October 1st-3rd of 2004)

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[27] This Exhibit is being presented as it appears in the Merit Affidavit of Frank P. Wood as (Exhibit-46).

[28] This Exhibit is being presented as it appears in the Merit Affidavit of Frank P. Wood as (Exhibit-34).

v. She was not afraid of Wood

vi. "closed," "terminated," "no evidence," *et cetera* regarding October 20, 2004

vii. No vaginal rape occurred: ACH

b. Regarding K.S.

i. She could not recall being at an alleged crime scene with Wood

ii. "adjustment disorder" to financial agreement to "sexual abuse"

iii. The "pact"

iv. The "multiple male figures in her life"

v. Pros. Eisenhower's secretive involvement at the MCJFS interview that was not shown due to "coaching"

vi. Judge Collier declared exclusively, "What I'm hearing her say is, "No, it didn't happen"

3) Judge Collier made this determination without knowing Atty. Green's trial strategy. Or did he? [¶136-¶138, 3]

¶080 There is neither law, rule, statute nor constitutional provision that permits a State witness to walk into a judge's chambers and personally submit evidence for *in camera* without that evidence first being collected and submitted through a legally valid discovery process. Obviously Dr. LeSure's long-term relationship with Court and State is so strong that she felt completely comfortable with circumventing the axiomatic legal protocols of evidentiary procedures.

¶081 After suppressing the report, Judge Collier continued with,

> *** but what I will do for counsel for the defendant is, I'm going to make a copy of it and place it under seal with my court reporter *** (Tp.6, Ln.17-20),

knowing she would destroy it just like the Montville P.D. report that explained *why* the Medina

County October 20, 2004 rape case against Wood was "terminated" [¶046].

¶082 By not placing this evidence on file with the Clerk of Court, Judge Collier ensured this report could not be obtained by Wood. Therefore its exculpatory contents shall forever remain a secret due to doctor-client privilege. That is, unless, it is subpoenaed by *this* Court.

¶083 With the motive of financial agreement in play, and the thrice-repeated suppression and/or destruction of exculpatory, exonerating and/or impeaching evidence, we can now begin to see more of the 'How?' that explains 'Why?' both unrelated allegations made it to the same charging instrument. Yes, Court and State wanted this to happen. Especially since, standing alone, neither case would have been enough to confuse a jury into a conviction.

The Charging Instrument

Grand Jury Proceedings:[29] Part I

¶084 Utilizing the most clear and concise legal definitions possible, as they apply to the instant matter, a Grand Jury is

> A group of citizens whose duties include inquiring into crimes in their areas for the purpose of determining the probability [¶093] of guilt of a party or parties. Should a grand jury conclude that there is a good probability of guilt, it will recommend an indictment of the suspects (Rothenberg,[30] p.208-209);

and an Indictment is

> An accusation by a grand jury, made after a thorough investigation [¶092-¶093], that someone should be tried for a crime. When an indictment is handed down, the accused must stand trial for the alleged offense, but the indictment in itself does not mean the accused will necessarily be found guilty (Rothenberg, p.234).

¶085 With that said, in the State of Ohio, grand jury proceedings are primarily governed by

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[29] Merit Affidavit of Frank P. Wood, Ch.11, p.64-71, ¶227-¶269.

[30] Rothenberg, Robert E. The Plain Language Law Dictionary. 2nd Edition. New York: Signet, Penguin Books, 1996.

Crim.R.6. Under this rule, per sections

> (B) Objections to grand jury and grand jurors.
>
> (1) Challenges.
>
> The prosecuting attorney, **OR** the attorney for a defendant who has been held to answer in the court of common pleas, may challenge the array of jurors or an individual juror on the ground that the grand jury or individual juror was not selected, drawn, or summoned in accordance with the statutes of this state. Challenges shall be made **BEFORE** the administration of the oath to the jurors and shall be tried by the court [**EMPHASIS ADDED**].
>
> Query: Who determined if **OR** Wood was to receive this legal right **BEFORE** the administration of oaths?

A valid question because, when ever you throw out the Due Process of a law, the Equal Protection of that very law naturally follows suit. Ergo, a Due Process violation naturally results in an Equal Protection violation.

¶086 Fully supported by R.C.2313.41 Challenge to array,[31] this law confirms that Wood should have had an attorney present during *voir dire*. Unfortunately, Wood did not have legal representation during the selection of Grand Jurors. This prejudiced Wood of his Due Process rights to a legitimate Grand Jury as guaranteed by the 5th Amendment. In turn, Wood's 14th Amendment Equal Protection rights were thrown out like yesterday's trash. Such is a constitutional tragedy.

¶087 Continuing, pursuant to R.C.2939.10, prosecutors and assistant prosecutors shall have access to the grand jury on behalf of the State for the purposes of securing an indictment. To the contrary, Det. Kollar claims *he* presented *both* cases to the Grand Jury (Exhibit-J: p.11-12). This is despite three (3) relevant facts:

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[31] Recodified in 2012 as R.C.2313.16 Array may be set aside.

1) Regarding the alleged F-1 rape of S.L., Det. Kollar admitted **twice** that he knew he was operating outside his jurisdiction [¶103-¶105]

2) Montville P.D. told Det. Kollar there was "**insufficient evidence**" to prosecute and that "(no charges were filed)" (ibid: p.9)

3) Det. Kollar's report (ibid) is **void** of any investigatory notes regarding to the alleged F-1 rape of S.L. in Medina County, Ohio on October 1st-3rd of 2004 or October 20, 2004

¶088 Looking closer at (Exhibit-J: p.9), the conversation with Montville P.D. took place on 06/16/05. Wood's indictment was secured on 08/03/05 (Exhibit-A). So what did Det. Kollar learn in the 48-day difference that was so shocking and revealing to justify his pursuit of the F-1 outside of his jurisdiction? Again, his report reveals **nothing**, save Montville P.D. telling him there was no crime. In other words, with no evidence and a mouth full of lies, Det. Kollar presented an F-1 he never personally investigated [¶009].

¶089 We must now conclude, based on law and fact, that former Chief Prosecutor Dean Holman ("Pros. Holman") and Det. Kollar presented the F-1 case to the Grand Jury with fabricated evidence under oath, thereby committing perjury (R.C.2921.11), and must proceed under this valid premise.

¶090 With State's evidence proving that no rape occurred and that the F-1 was "closed" and "terminated" pre-indictment due to "no evidence," we are left with no other logical choice but to conclude that Pros. Holman and Det. Kollar engaged in malfeasance when they deliberately lied to the Grand Jury to secure an indictment on the F-1. Did the Montville P.D. know what they were up to? Doubtful because "insufficient evidence" (Exhibit-J: p.9) legally means **no**

> Probable Cause. A reasonable cause, one that has a good chance of being true; a good ground for suspicion that a crime has been committed [¶084] (Rothenberg, p.383).

In all actuality, pursuant to Crim.R.3 a complaint must be filed in order to pursue a warrant per

Crim.R.4(A)(1), and that complaint must be established by "probable cause." In the end, no probable cause means no warrant.

¶091 Going deeper into Crim.R.6, Section D states that

> The prosecuting attorney, the witnesses under examination, interpreters when needed, and, for the purpose of taking the evidence, a stenographer or operator of a recording device may be present while the grand jury is in session, but no person other than the jurors may be present while the grand jury is deliberating or voting.

When considering the "witnesses under examination," and under oath, as the *State's Star Witness* at Trial, the untruthful Danielle must have been present championing the cause for her and Scott. We must process and conclude this pragmatic inference with reason:

1) Scott took "no action"

2) Danielle went to the Montville P.D. *twice* to file rape charges against Wood under Scott's orders

3) Det. Kollar never investigated the alleged F-1

4) "closed," "terminated," "no evidence," could not conclude the rape occurred (ACH)

Therefore we must logically conclude that the Trial Court-declared "not truthful" Danielle (Tp.132, Ln.22-25) was present feeding lies to the Grand Jury. If this Court is in doubt, please recall the badgered implanted memory of "Frankie raped you" (Title 18 § 1512).

¶092 Wood suffered extreme prejudice and constitutional harm when he was not permitted the Due Process and Equal Protection guarantees to have an attorney present to challenge the array of Grand Jurors under Crim.R.6(B)(1), R.C.2313.41 and R.C.2313.16. The open wound of prejudice was further lacerated when Wood, through the denial of counsel, was not present to engage in the effective cross-examination of Danielle's perjured testimony. This situation was then compounded by the sheer fact that Wood was never brought before the Grand Jury to testify

[¶013], just like he was not permitted to testify, questionably, by Atty. Green, [¶128]. Pursuant to Crim.R.16(B)(1), defendants and co-defendants have their testimony recorded before a grand jury. Why not Wood? Probably because Det. Kollar saw Wood's video interview with Montville P.D. (Exhibit-J: p.9) and knew it would be a bad idea.

¶093 With the above in mind, a grand jury's duties "include inquiring into crimes *** for the purpose of determining probability" [¶084]. It is axiomatic that a one-sided inquiry will always arrive at a one-sided conclusion. Therefore, against the maxim that the

> Truth is best discovered by seeking answers on both sides of the question,
> -Lord Byron

the Grand Jury failed to probe and investigate the matter thoroughly [¶084].

¶094 So far we have seen Dr. LeSure's financial motive and her long-term-in-bed-ties with Court and State. Then we saw Det. Kollar present an F-1, that he never investigated, to the Grand Jury. We also saw three (3) State-investigative agencies close and terminate the alleged October 20, 2004 F-1 because there was no evidence. Now, through logic and deductive reasoning, we understand that the untruthful Danielle testified at the Grand Jury proceedings while Wood was denied counsel, challenge to array, effective cross-examination and the right to testify on his own behalf. Although there is a great deal more to this,[32] we now definitively know how and why these two (2) unrelated allegations made it to the same charging instrument.

Grand Jury Proceedings: Part II

¶095 With neither evidence nor crime, what did Pros. Holman and Det. Kollar present to the Grand Jury? It was most definitely not the truth. Think about it: K.S. could not recall being at a crime scene with Wood while S.L. could not identify him as the perpetrator. Further, the State

[32] Merit Affidavit of Frank P. Wood in its entirety.

had other exculpatory pre-indictment evidence: the video interviews of K.S. and S.L. they refused to show due to Pros. Eisenhower's secretive involvement and "coaching" (Tp.506-507). We must now take this thought process a step further.

¶096 Supported by the "coaching," with State's best and direct evidence clearing Wood of all culpability regarding the unindicted October 20, 2004 F-1 rape in Medina County (both pre-indictment and during Trial), for Pros. Holman to assist Det. Kollar in his pursuit of an indictment was a direct violation of the Ohio Rules of Professional Conduct, III, Advocate, Rule 3.8 Special Responsibilities of a Prosecutor, which demands that

> The Prosecutor in a criminal proceeding shall not do any of the following:
>
> (a) Pursue a charge that the prosecutor knows is not supported by probable cause.

¶097 Shedding a few more lumens, the malfeasance of lying to a grand jury in order to deliberately secure a bogus indictment can only be categorized as malicious prosecution. Wood declares this because

1) Due to pre-indictment evidence, Pros. Holman knew the truth regarding, at least, the alleged F-1
2) If Pros. Holman did not assist Det. Kollar in pursuit of indictment, he was ethically and legally obligated to stop him

Either way, through action or inaction, Pros. Holman's failure resulted in an act of malice of law.

¶098 Considering Pros. Holman's actions and/or inactions, according to the American Bar Association Standards of Criminal Justice Relating to Prosecutor Function, Standard 3-3.5 Relations With Grand Jury,

> (c) The prosecutor's communications and presentations to the grand jury should be on the record.

Therefore, there is evidence of what happened, and, under such extraordinary circumstances,

Wood has proven a *particularized need* and is entitled to those Transcripts.

¶099 Going a step further, pursuant to Standard 3-3.6 Quality and Scope of Evidence Before Grand Jury,

> (b) No prosecutor shall knowing fail to disclose to the grand jury evidence which tends to negate guilt or mitigate the offense.

As the big picture reveals, pre-indictment, the alleged F-1 was proven a hoax: "closed" and "terminated" due to "no evidence" with the implanted memory of "Frankie raped you" in the mind of the pure S.L. (Exhibit-E). Ergo, it is point-blank-obvious that Pros. Holman deliberately and knowingly, in the most malicious manner, failed to disclose this collection of exculpatory and exonerating evidence that negates all guilt.

¶100 Should this Sagacious Court question the above declaration, then please consider this

> Query: In good conscience, what rational and impartial 6th Amendment grand jury would indict the F-1 had they been exposed to such evidence?[33]

Wood hereby directly and formally challenges the State to produce the complete Grand Jury Record and prove him wrong.

¶101 Getting back to questioning what fabricated evidence Pros. Holman and Det. Kollar conjured and presented, we need to know because

1) Wood is an **Innocent Man** serving a Life-Sentence for a crime that Det. Kollar never investigated and that never happened in a place Wood has never been: Ottawa County
2) The lack of legal ethics and basic fairness in the Grand Jury Proceedings have clearly undermined the integrity of the proceeding itself and that of the Medina County Prosecutor's Office

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[33] Has the Medina County Grand Jury *ever* denied the handing down of an indictment to the Medina County Prosecutor's Office?

3) The public's trust: '*to allow without fear*' in the local judiciary has been violated by an elected official

¶102 Thus far, Wood's main objective has been to show this Court how the unrelated charges made it to the same indictment, and, at the moment, to place on the Record that his indictment was secured by fraudulent means in violation of R.C.2921.52 Using sham legal process [¶018]. With that said, Fed.R.Crim.P.7(a) provides that "an offense which may be punished by imprisonment for a term exceeding one year...shall be prosecuted by indictment." The absence of an indictment is a jurisdictional defect which deprives the court of its power to act. Such a jurisdictional defect cannot be waived by the defendant, even by a plea of guilty. CF. Smith v. United States, 360 U.S. at 10. Lastly,

> "The felony jurisdiction is invoked by the return of a proper indictment by the [**7] grand jury of the county." Hobbs at ¶25, quoting Click v. Eckle (1962), 174 Ohio St. 88, 89, 186 N.E.2d 731, (citing State v. Cubic, 2011-Ohio-4990, [*P12].

With a sham indictment, the Trial Court never had proper jurisdiction to begin with.

Pre-Trial Hearings

¶103 Two (2) pre-trial hearings were recorded on Wood's docket (Exhibit-N: p.3) pertaining to an Order of the Trial Court on 12/Feb/2006, and are itemized below.

¶104 Hearing #1: 3-23-06 at 1:00 P.M. - Discovery Status Conference

Wood was present for this hearing and distinctly recalls jurisdictional issues being debated regarding a search warrant that was obtained and exercised by Det. Kollar: a search that yielded **absolutely nothing**. It was at this hearing that Det. Kollar first admitted that he knew he was operating outside his jurisdiction. Judge Collier then instructed Pros. Eisenhower and Atty. Green to prepare their arguments for jurisdiction and evidence suppression. The Transcript for

this proceeding was never forwarded to the Appellate Court and Wood never received a copy for the purposes of appeal.

¶105 Hearing #2: 4-12-2006 at 1:00 P.M. - Suppression Issues/Final Pretrial

This is the follow-up hearing that is recorded in Wood's vitiated Trial Record (Tp.6-17). Wood was present for this hearing and Det. Kollar admitted, for the second time, that he knew he was operating outside his jurisdiction (Tp.12, Ln.13-19). What more, Det. Kollar could not provide concrete evidence to justify his unwarranted and illegal involvement [¶087, 1].

¶106 Let it be known that Det. Kollar sat at the State's Table during Trial and testified in the most untruthful and deceptive manner, thereby committing fraud upon the court[34] pursuant to State v. Gilbert, 143 Ohio St.3d 150, 158 (2004).

¶107 This concludes Wood's Statement of Facts.

LACK OF SUBJECT MATTER JURISDICTION[35]

¶108 Having presented sufficient law and operative fact to justify his cause, Wood now relies upon them as he presents the crux of the matter and clarifies his actions.

Best and Direct Evidence

¶109 The State-pinpoint indicted dates of the alleged F-1 rape of S.L. are October 1st-3rd of 2004 (Exhibit-B). These dates fell on Friday, Saturday and Sunday that year (Exhibit-O: Calendar of October 2004). And, with S.L.'s D.O.B. being 10/03/1994 (Exhibit-B), her tenth birthday fell on the pinpoint indicted Sunday: October 3rd of 2004.

¶110 Regarding the visitation schedule for A.S. and S.L. after Danielle moved in with Wood, Danielle testified that S.L. was with Scott "typically" every Friday through Monday (Tp.87,

[34] Merit Affidavit of Frank P. Wood, Ch.25, p.147-172, ¶479-¶551.
[35] Merit Affidavit of Frank P. Wood, Ch.07, p.35-42, ¶131-¶161.

Ln.17-22), and Scott confirmed that S.L. was with him "traditionally" every Friday through Monday (Tp.185, Ln.8-9). This was verified when S.L. testified that she "always got to be with dad on the weekends" (Tp.250, Ln.21-22) in "Put-In-Bay" (Tp.250, Ln.21-24), and that she could not ever recall staying at Wood's house on a weekend (Tp.250, Ln.18-20).

¶111 Clarifying who "dad" is, when Pros. Eisenhower asked S.L., "Who is your dad?" S.L. freely answered, "Scott Sadowsky" (Tp.223, Ln.4-5).

¶112 Filling in the blanks, the following colloquy took place during cross-examination between Atty. Green and S.L.:

Q SREDACTED, Ms. Eisenhower asked you about incidents **before** your birthday in 2004 [**emphasis added**].

A Yes.

Q That was when you turned ten?

A Yeah.

Q You got into double figures.

A Yeah.

Q Did your dad celebrate your birthday with you, too, that year?

A Yeah. We had a big birthday party at his place, and not at Frank Wood's house.

Q Okay. That was **on** your birthday, right? [**emphasis added**]

A Yeah.

Q You were staying with him at that time, weren't you?

A Yeah.

Q And that was your dad's weekend, wasn't it?

A (Witness nodding affirmatively).

Q And when you got back home after your birthday, you had another little birthday party at Frank Wood's house?

A Yes (Tp.246, Ln.25-Tp.247, Ln.19).

¶113 With the above uncontradicted facts in mind, we now know that S.L. spent the entire indicted weekend of abuse with "Scott Sadowsky": "dad" in "Put-In-Bay" celebrating her tenth "**on**" her birthday and "not at Frank Wood's house."

¶114 Right after the above colloquy, while being asked about Wood's dog [¶122] (Tp.247, Ln.24-Tp.248, Ln.5), S.L. erupted with

> Well, I - - I enjoyed the birthday, and it was fun, but it was the two days before that that really - - he hurt me the two days before (Tp.248, Ln.6-8).

Query: Who is "he?"

Although the State would like to pass over this question in silence, as they have in the past, Wood shall answer it for them [¶118].

¶115 Clarifying the "two days before" her party, we know that S.L.'s birthday fell on Sunday, October 3rd of 2004. Testimony confirms S.L. celebrated her tenth birthday "**on**" her birthday. By S.L.'s very testimony, she spent the entire indicted weekend of abuse in "Put-In-Bay" with "dad" and "not at Frank Wood's house." S.L. then testified she had another "little birthday" when she got back to Wood's house in Medina County, which according to Scott and Danielle, would have been "typically" and "traditionally" on Monday, October 4th of 2004.

¶116 Having sifted State's best and direct evidence from the chaff of Wood's Trial Record, whether it was the "two days before" Sunday, October 3rd of 2004 or the "two days before" Monday, October 4th of 2004, S.L. was sexually assaulted, in some manner, in Put-In-Bay, Ottawa County, **on** the indicted and pinpointed dates of abuse concerning October 1st-3rd of 2004

while she celebrated her tenth birthday with her legal guardian "dad": Scott Michael Sadowsky, and "not at Frank Wood's house."

¶117 Cementing this truth in place, during Closing Statements, Pros. Eisenhower declared to the "cynical" Jury that was gunning for a conviction,

> "There's been no evidence to the contrary. None" (Tp.524, Ln.19-24).

Please hold this quote in the forefront of your analytical minds and we shall come back to it shortly [¶126]. Thank you.

¶118 Put-In-Bay is in Ottawa County, Ohio: a place Wood has never been. What more, in the most logical manner, due to his affair with and impregnation of Mrs. Sadowsky, it is highly unlikely that Wood was in Put-In-Bay celebrating S.L.'s tenth birthday with Mr. Sadowsky. And, as no one placed Wood at the Ottawa County crime scene (Tp.1-560),

> When ever you eliminate the impossible,
> no matter how improbable,
> what ever remains must be the truth.
> -Arthur Conan Doyle, The Sign of the Four

And, although the Court-declared "cynical" Jury could not crystallize this truth in their malicious minds, we have undoubtedly answered the question of 'Who is "he?"' [¶114].

¶119 Going forward, after the State rested its case, Atty. Green motioned for a Crim.R.29 (Tp.461-464). Then, specifically regarding S.L. and the alleged F-1, Pros. Eisenhower countered with,

> Your Honor, the victim testified that it was several days before her birthday, which is **[bullshit]**. The Amended Bill of Particulars says 1st through 3rd **[what was REDACTED]** (Tp.463, Ln.5-8).

As it is illegal to REDACT anything a prosecutor says from a State-court Record, Pros. Eisenhower just declared S.L.'s testimony to be "bullshit" because

1) It matched the dates in the indictment

2) S.L., the alleged victim, was the **only** State witness to testify to the pinpoint dates in the indictment: October 1st-3rd of 2004

3) It proves S.L. did not tell Dr. LeSure everything and explains some of the "intrusive memories" [¶065] that Dr. LeSure did not talk about

4) It sheds light on why Montville P.D.'s report, Dr. LeSure's report and the letter from MCJFS were illegally suppressed and/or destroyed *in subsidium*

5) Explains why the October 20, 2004 F-1 rape allegation was "closed" and "terminated" due to "no evidence"

¶120 Then, at the close of the Defendant's Case, after the Jury was removed (Tp.485, Ln.10-15), Atty. Green sought to introduce a few exhibits on Wood's behalf (Tp.485, Ln.8-15). One (1) potential exhibit was a calendar for October 2004 (Ln.16-18). Atty. Green then, regarding S.L., sought to remind the Trial Court of the indicted, testified to, pinpointed and confirmed dates of abuse as "October 1st, 2nd, and 3rd of 2004" (Tp.486, Ln.5-8). To this, Pros. Eisenhower objected (Tp.486, Ln.12-17), and then clarified her objection with

> Well, only because I believe the issue he is trying to get at is that she may or may not have been in the presence of the Defendant during those days, and there's absolutely no evidence to hold that theory up. I don't think there's anything to support that (Tp.486, Ln.18-24).

In the end, and to no surprise, Judge Collier acted *in subsidium* and decided that, "The calendar will not come in" (Tp.487, Ln.1).

> Query: How was the calendar, (Exhibit-O) of this Memorandum, made part of the Record post-trial?

Closing Statements

¶121 After declaring S.L.'s uncontradictable testimony to be "bullshit," Pros. Eisenhower

donned the *Halo of Hypocrisy* and told the Trial Court-declared "cynical" Jury,

> Look, SREDACTED was very clear. "Right before my tenth birthday." Who doesn't remember their tenth birthday? They're nine and then they're ten. "Right before" (Tp.495, Ln.15-19).

¶122 Pros. Eisenhower then continued her malfeasance and displayed her knowledge of the truth with,

> And when he [Atty. Green] tried to ask her about that [Wood's dog and not her tenth birthday party], she said, "No, but the two days before I hurt" [Emphasis added] (Tp.495, Ln.20-21), [¶114].

¶123 Then, pushing the *Envelope of Alibi* for Wood, Pros. Eisenhower continued with,

> What do they remember? The last time it happened, and SREDACTED told you October 20th. The first time it happened is the time it hurt the most (Tp.495, Ln.23-Tp.496, Ln.1).

Pros. Eisenhower just declared the State-pinpointed indicted dates of October 1st-3rd of 2004 to be the "first time" it happened: when "it hurt" (Tp.248, Ln.6-8). This testimony was supported where Pros. Eisenhower asked S.L., "Now do you remember a time when it happened right before your birthday?" (Tp.230, Ln.3-5) and S.L. answered, "Yes" (Ln.6) and declared that is when "it really hurt" (Ln.12-13) "In my private" (Ln.16). Having cleared Wood of all culpability on the indicted dates, Pros. Eisenhower declared the investigated, unindicted, "closed" and "terminated" date of October 20, 2004 due to "no evidence" to be the "last time" it happened. With that said, it is now the appropriate time to explain the significance of October 20, 2004.

¶124 It was on the closed and terminated date of October 20, 2004: the day Danielle went to the Montville P.D. to file "rape" charges against Wood (Tp.66, Ln.3-8), that she and the children moved back in with Scott (Danielle: Tp.95, Ln.14-20; Scott: Tp.205, Ln.10-Tp.206, Ln.4). This placed S.L. with Scott on **both** dates in question. What more, after deliberately narrowing down the dates to October 1st-3rd, thereby **removing** October 20th from the charging instrument and

releasing Wood of all culpability, Pros. Eisenhower informed Judge Collier there are "No supplemental indictments" (Tp.17, Ln.16-17). This confirms there was **no indicted criminal course of conduct** tying Wood to either Medina County or Ottawa County regarding the alleged F-1 rape of the pure S.L.

¶125 Having proven a true and valid lack of subject matter jurisdiction, repeatedly, the Great Writ *must* issue.

¶126 Confirming the above, violating every ethical and legal standard that governs a prosecutor's function, Pros. Eisenhower remained quite adamant and followed her previous statement with,

> She sat here and told you "a couple of days before my tenth birthday." And that's evidence. That's evidence. There's been no evidence to the contrary. None" (Tp.524, Ln.19-24). [¶117]

No greater **truth** need be spoken.

¶127 What shocks the conscience about her declaration is that Pros. Eisenhower just admitted

1) S.L. was sexually assaulted "the two days before" her tenth birthday party in Put-In-Bay, Ottawa County while she was with her "dad": Scott, and "not at Frank Wood's house"
2) She was sending an **Innocent Man** to prison to cover-up her screw-up

Unfortunately, Pros. Eisenhower chose a win over justice in violation of Berger v. United States, 1935 U.S. LEXIS 308 at HN5. Fortunately for Wood, the U.S. Supreme Court declared that one (1) of the

> "Great Writ's basic objectives" include "protecting the innocent against wrongful conviction." Shriro v. Summerlin, 542 U.S. 348, 362 (2004).

This is especially true since the Trial Court conceded as fact, regarding K.S. and the alleged F-3, "What I'm hearing her say is, "No, it didn't happen" (Tp.390, Ln.4-5).

Jury Instructions

¶128 Pros. Eisenhower's actions were not the end of the highly unethical actions of Court and State. During Jury Instructions Judge Collier told *his* "cynical" Jury,

> "What is evidence? *** any facts that *I require* – the Court requires – you to accept as true [*Emphasis added*] (Tp.530, Ln.19-23).

Such instructions were given knowing that Wood did not testify despite his repeated demands upon Atty. Green to do so [¶092]. Also, after further argument with Wood, Atty. Green reluctantly called Dr. Reed: the **Ohio Attorney General's Leading Expert** on such matters (Exhibit-L: p.2, Item 17). Upon hearing *voir dire* what Dr. Reed had to say concerning the mind and beliefs of Wood: **he is psychologically prohibited from harming a child** (Exhibit-M), Judge Collier declared that his conclusions "aren't relevant" (Tp.483, Ln.5-9). In short, the Court-declared "cynical" Jury never heard any evidence on Wood's behalf from the Defense. To the contrary, the Jury heard ample evidence on Wood's behalf from the State, and Judge Collier told the Jury that any evidence *he* allowed in the courtroom they were to "accept as true."

¶129 Having acted *in subsidium*, for the 16th time,[36] Judge Collier just bolstered the State's case in violation of U.S.A. v. Francis and Francis, 1999 U.S. App. LEXIS 2874, HN2 by alleging *he* knows things from outside the Trial Record that would prove what they heard be "true." In addition, he simultaneously vouched for the credibility of the Court-declared untruthful Danielle, and for everything Pros. Eisenhower presented during Closing Statements.[37] Such is a violation of Francis at HN4.

¶130 After Judge Collier performed the above, he gave the corrupted cerebral collective of the "cynical" Jury definitions for: 1) Anal intercourse; 2) Fellatio; and 3) Cunnilingus (Tp.538, Ln.4-

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[36] Merit Affidavit of Frank P. Wood, Ch.37, p.361-372, ¶1094-¶1115.
[37] Merit Affidavit of Frank P. Wood, Ch.35, p.344, ¶1044 through Ch.36, p.360, ¶1093.

9), of which, **none** were testified to (Tp.1-560) or indicted. These unnecessary definitions did nothing more than put the bellows to the flames of an already socially-emotionally impassioned Jury. Such is legal prejudice when considering the socially-emotionally inflammatory nature of the alleged offenses. Although shocking, this is merely a precursor for what follows next.

¶131 Before handing this case over for the pre-determined verdict, closing on the alleged F-1 instructions, Judge Collier concluded with,

> "I am also going to include a request for special findings from you" (Tp.539, Ln.22-23),

that were not part of the charging instrument (Exhibit-B),

> "and that has to do with the age of S.L. This special finding reads as follows - you'll see this attached to the verdict form – it says, "We the Jury in the case duly impaneled and sworn and affirmed"" (Tp.539, Ln.22-Tp.540, Ln.2)

It is legally and factually impossible for a Court-declared "cynical" Jury with a Court-elected Juror who was "molested" in her youth (Exhibit-P: Items 5 and 6), and a Medina City elementary school teacher, in a child-sex-case, to be "duly impaneled" according to law.[38]

> "further find that the victim was or was not less than ten years of age a the time of the commission of the offense of rape against her" (Tp.540, Ln.2-5).

¶132 There is no known law that permits Judge Collier's "special findings," especially since the charging instrument was void of a lesser included offense in violation of R.C.2945.74. With "No supplemental indictments" (Tp.17, Ln.16-17), and no indicted criminal course of conduct, save the sole F-1 regarding October 1st-3rd of 2004, the lack of a lesser included offense and Judge Collier's "special findings" resulted in "prejudicial error" consistent with State v. Loudermill (1965), 2 Ohio St.2d 79, 31 O.O. 2d 60, 206, N.E.2d 198. The illegal "special findings" gave the "cynical" Jury the *option* of finding Wood guilty on the indicted charge of October 1st-3rd *or* the closed and terminated charge of October 20th. *Anything for a win.*

[38] Merit Affidavit of Frank P. Wood, Ch.29, p.192-199, ¶596-611.

Verdict

¶133 On May 6, 2006 the tainted and tampered-with "cynical" Jury submitted its vicious verdict. Utilizing Judge Collier's illegal "special findings," the Jury found that S.L. was

> "a child less than ten in the manner and form as he stands charged in the indictment" (Tp.556, Ln.19-21).

What is so remarkable is that, solely utilizing uncontradicted State's evidence from the face of the vitiated Record, Wood has successfully proven a true and valid lack of subject matter jurisdiction, and, here, the Jury agrees with him! As one can see, the Jury *believed* S.L. was sexually assaulted on the State-pinpointed indicted dates of October 1st-3rd of 2004 as "charged in the indictment." This verdict agrees that S.L. was sexually assaulted "the two days before" her tenth birthday party while she was in Put-In-Bay, Ottawa County with her "dad": legal guardian Scott Sadowsky, and "not at Frank Wood's house" in Medina County.

¶134 With sufficient law and operative fact, under such terms and conditions, when testimony and verdict agree, the Great Writ *must* issue. True, for at this juncture, the presumption of correctness not only weighs *solely* in Wood's favor [¶019-¶021], it is undisputable.

Sentencing

¶135 On May 15, 2006 Wood was sentenced to a stated prison term of 13-Life for crimes he did not commit.

Post-Sentencing

¶136 On May 16, 2006, unbeknownst to Wood, an article (Exhibit-Q) was published in the Medina County Gazette[39] by local reporter Denise Sullivan ("Ms. Sullivan"). Thanks to Wood's

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[39] Merit Affidavit of Frank P. Wood, Ch.40, p.383-386, ¶1145-¶1154.

sister and Atty. Stanley, Wood received this article in 2018.[40] As to its importance and impact, Atty. Green was quoted saying,

> ""There's no physical evidence that penetration had taken place.""

Having quoted this truth publicly, Ms. Sullivan then cites another:

> "Green noted several witnesses testified the rape victim was in the custody of her father the weekend the prosecution alleged the crime took place, making this claim impossible."

As proven, those "witnesses" were S.L., Scott and Danielle. And, what is truly disturbing about Atty. Green's statements to the press is that

1) He never provided a medical expert to explain why ACH found a pure prepubertal hymen
2) He never clarified to the Jury what he *actually* knew: that S.L. was in Put-In-Bay with Scott on October 1st-3rd of 2004 when she was sexually assaulted "the two days before" her tenth birthday party (Closing Statements: Tp.502-522)

Why?

¶137 Obviously, Atty. Green's failures resulted in a direct deprivation of Wood's 6th Amendment right to counsel. (see Strickland v. Washington, 466 U.S. 688 (1984)). He should have motioned to sever the indictment due to prejudicial joinder under Crim.R.14 and moved for change of venue due to a lack of subject matter jurisdiction. His statement to the press proves he knew the truth. As he has neither excuse nor reason for his failure to act, the prejudice suffered by Wood is painfully paramount. After all, **Wood is wrongfully imprisoned**.

¶138 Clarifying Atty. Green's failure, he could have motioned to sever and for change of venue at two (2) critical stages of the Trial Process:

1) Had he conducted adequate pre-trial investigations with documents submitted to him by Wood:

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[40] Atty. Stanley is in possession of the physical article.

i. My Pre-Trial History With Robyn Spencer-Speelman (Exhibit-R)

ii. My Pre-Trial History With Danielle Sadowsky-Smith (Exhibit-S)[41]

documents the Trial Court refused for *in camera*[42] (Tp.129, Ln.21-Tp.130, Ln.9), he could have deposed S.L., Scott and Danielle and questioned them accordingly. With an uncontradictable lack of subject matter jurisdiction, this would have been most revealing because (Exhibit-S) is confirmed by trial facts

2) He should have acted as Wood's retained advocate [¶011] as soon as he understood where S.L. was: Put-In-Bay; whom she was with: Scott; when it happened: "the two days before" [¶142] [¶079, 3]; and where she was not, i.e., "not at Frank Wood's house"

¶139 As a note, (Exhibit-R) explains why, in regards to Wood, the Trial Court conceded as fact that the F-3 gsi "didn't happen."

CONCLUSION

Summary

¶140 Unable to defeat the factual correctness of Wood's affidavits: Merit Affidavit of Frank P. Wood and (Appendix-A), and argument, State's best and direct evidence adduced at Trial confirms that S.L. was sexually assaulted, in some manner, "the two days before" her tenth birthday: 10/03/94 (Exhibit-B), while she spent the entire indicted weekend: October 1st-3rd of 2004 (ibid) with her legal guardian "dad": Scott Sadowsky, in Put-In-Bay, Ottawa County and "not at Frank Wood's house" in Medina County. With no additional indicted charges and no supplemental indictments (Tp.17) alleging any continuous course of criminal conduct in Medina County, October 1st-3rd of 2004 is a stand-alone-charge.

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[41] Merit Affidavit of Frank P. Wood: (Exhibit-08) and (Exhibit-09), respectively.
[42] Merit Affidavit of Frank P. Wood: Ch.05, p.17-28, ¶060-¶104.

¶141 October 20th of 2004 went fully investigated by three (3) independent State-investigative agencies, only for this allegation to be "closed" and "terminated" in Medina County due to "no evidence." And, although Pros. Eisenhower elected to amend the indictment to the 1st-3rd, the **only** person to testify to these dates was S.L. Afterwards, Pros. Eisenhower declared her testimony to be "bullshit" because it matched the dates in the indictment and cleared Wood of all culpability. And, thanks to the supporting testimony of Scott and Danielle, S.L. was in Put-In-Bay with Scott because it was her "dad's weekend."

¶142 October 1st-3rd of 2004 went uninvestigated, but went surprisingly testified to by S.L. Contrary to the indicted dates, Pros. Eisenhower introduced a tremendous amount of testimony concerning the "closed," "terminated" and unindicted date for October 20th of 2004 (Opening Statements: Tp.34; Ofc. McCourt: Tp.57-58; Danielle: Tp.88-105, 114; Scott: Tp.187-188; S.L.: Tp.224-231). Despite it all, even with Judge Collier's "special findings," the tainted and tampered-with "cynical" Jury unanimously decided that S.L. was "a child less than ten." Evidently the illegally introduced testimony for October 20th was not enough to distract the Jury from when the crime actually took place [¶138, 2].

¶143 In light of the above, the 6th Amendment demands that Wood should have been tried on the alleged F-1

> *** by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, ***.

As previously noted [¶017], those laws are R.C.2931.03, R.C.2931.02, R.C.2901.12(A) and Civ.R.3(B)(3). Such is confirmed where Wood should have been tried on the alleged F-1

> *** by an impartial jury in the county in which the offense is alleged to have been committed; ***. O Const. Art. I, Sec.10.

Such "district" and "county," as established by Wood's uncontradicted affidavits and S.L.'s

uncontradictable testimony, is Ottawa County and not Medina County.

¶144 By applying law to fact, we plainly see that the Trial Court forfeited venue via lack of subject matter jurisdiction. Consistent with this reality, the Supreme Court of Ohio declared that

> "***. If a court acts without jurisdiction, then any proclamation by that court is void." Id.; Patton v. Diemer (1988), 35 Ohio St.3d 68, 518 N.E.2d 941, Paragraph three of syllabus. (citing Pratts v. Hurley, 2004-Ohio-1980, **P11).
>
> For in the absence of subject-matter jurisdiction, a court lacks the authority to do anything but announce it lack of jurisdiction and dismiss. Steel Co., U.S. at 94, 118 S. Ct. 1003, 140 L. Ed.2d 210. (Pratts v. Hurley, Id., **P21).

Something Judge Collier neglected to do. *In subsidium.*

¶145 In summation, the Medina County Court of Common Pleas lost all legal authority to try Wood on the alleged F-1 once a lack of subject matter jurisdiction was revealed. Therefore, Wood's entire sentence: "proclamation by the court" was **void** *ab initio* (Pratts v. Hurley, **P11). So said the Framers. So says the King: the *Lex Terrae.*

Affidavits

¶146 It is universally accepted that a properly constructed and supported affidavit may be considered evidence. Likewise, an affidavit must be controverted by an affidavit. But when that properly constructed and supported affidavit goes uncontested by another, the statements of the former are "taken as true, since there is no evidence contesting it." Mauersberger v. Marietta Coal Co., 2014-Ohio-21, *P13. And, "if a case-making fact in the movant's affidavit is uncontested, then the court can take that fact as true and grant" requested relief. Carter v. Licking Cty. Bd. Of Commrs., 5th Dist. No. 99CA43, 1999 Ohio App. LEXIS 5270, 1999 WL1071709, at