

STATE OF OHIO

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SS: Affidavit of Frank P. Wood

COUNTY OF RICHLAND

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(Request for an Administrative Review)

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Introduction of Affiant

¶001. I, Frank P. Wood, Affiant in the instant matter, having been duly advised of the penalty of perjury under the laws of the State of Ohio, declare that I am mentally fit and competent to testify, that I have direct personal knowledge of the facts, Documents and Exhibits contained hereinafter, and that these facts, Documents and Exhibits are true and accurate to the best of my knowledge, belief and experiences.

¶002. I am submitting this Affidavit in support of my Request for an Administrative Review regarding the Medina County Child Support Enforcement Agency (“CSEA”)

- Case No. 7055902246
- Order No. 05AD337
- The illegal adoption of my son G.S.
- A downward adjustment of support due

¶003. I am currently the *Victim of a Wicked Injustice*.

¶004. I am currently **Wrongfully Imprisoned** against my *Human & Constitutional Rights* at

Frank P. Wood (#A504-107)
Richland Correctional Institution
P.O. Box 8107
Mansfield, OH 44901

¶005. This Affidavit is being submitted in *good faith* consistent with all manner of applicable law and evidence in support.

¶006. I am not an attorney and have not received *any* legal assistance in the construction and presentation of this Affidavit/Request.

Affidavits

¶007. Should anyone seek to challenge this Affidavit or its contents, 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 [Administrative Officer] can take the fact as true and grant” requested relief [Emphasis Added]. Carter v. Licking Cty. Bd. Of Commrs., 5th Dist. No. 99CA43, 1999 Ohio App. LEXIS 5270, 1999 WL1071709, at *3 (Nov.4,1999). In addition, a party against whom relief is sought “may not rest upon the mere allegations or denials of the party’s pleadings, but the party’s **response** by affidavit” [**emphasis added**]. Mauersberger at *P14.

¶008. This properly constructed and supported Affidavit, the Documents and Exhibit(s) attached, and the referenced documents that can be downloaded for free from **www.freefrankpwood.com**, are, by operation of law, deemed one (1) interwoven item pursuant to Civ.R.10(c) Adoption by reference, which states, in pertinent part, that

***. A copy of any written instrument attached to a pleading is part of that pleading for all purposes.

Parties Involved

¶009. The Parties Involved are

1. Child Support Obligor: Frank P. Wood
2. Child Support Oblige: Danielle M. Smith (“Danielle”)
3. Minor Child: G.S.

Request for an Administrative Review of the Child Support Order

¶010. I am formally requesting an administrative review and downward adjustment of the child support order (DOC # 01), including any medical support provisions applicable and any arrears payments, as set forth in Ohio Administrative Code (“OAC”) § 5101:12-60-05 through § 5101:12-60-05.6.

Child Support Financial Affidavit Addendum

¶011. I received the enclosed (DOC # 02: Child Support Financial Affidavit Addendum; 5-10-21) from the Medina County Child Support Enforcement Agency (“CSEA”) on April 26, 2021. This document: JFS 00593 Addendum, is completed; signed and dated. It is therefore appropriate for admission in these proceedings

Reserved

¶012.

Wrongful Imprisonment/Incarceration

¶013. I was arrested on the bogus and insolent charges of rape and gross sexual imposition on August 4, 2005 (DOC # 03: WARRANT TO ARREST ON INDICTMENT; August 4, 2005).

¶014. Consistent with Item #6 of form JFS 01849 (DOC # 01), I am submitting a copy of my commitment papers as (DOC # 04: *Nunc Pro Tunc* JUDGMENT/SENTENCING ENTRY; May 22, 2007).

¶015. As noted in (DOC # 04), on May 15, 2006, I was sentenced to a stated prison term of 13-LIFE. My *Wrongful Imprisonment* began on this very day.

¶016. In support of the above, and for *future reference*, I am submitting my (DOC # 05: Affidavit of Verity and Confinement; March 4, 2020).

Unemployed/Unemployable

¶017. Upon my arrest, I became a *ward of the State* {¶038}¹, and have remained so ever since. What more, I became unemployed and unemployable due to the sheer fact that I, and my small business: Ironwood Construction, Incorporated (DOC # 06: Initial Articles of Incorporation, Documents No(s): 200405600054; February 23, 2004), suffered **Pre-Trial Media Character Assassination**, *without a verdict*, thanks to the Medina County Gazette: The Medina County Prosecutor's **private oracle** (DOC # 07: Gazette article; August 16, 2005).

¶018. As noted in the original (DOC # 08: FINDINGS AND RECOMMENDATION; March 7, 2006), at p.1, Item 5, it reads:

“Mr. Wood testified that he is self employed [sic] in the construction field, that he recently closed his business, Ironwood Construction, that he incurred significant losses in 2005, that he has no current income.”

Such confirms my unemployed/unemployable status at the time paternity was established. In sync, my Wrongful Imprisonment and undeserved LIFE-SENTENCE logically reveal that I will *never* be able to secure enough income to pay arrearages.

Paternity

¶019. Paternity of G.S. was established via DNA testing, and the results were issued (DOC # 09: CSEA Administrative Order/Establishment of Paternity;10/14/2005). This result/order was

¹ {¶000} used for cross-referencing within this Affidavit.

accompanied by (DOC # 10: Parentage Test Results; 10/10/05). The results establish several things:

1. I am the biological father of G.S.
2. There was *only* a “(50% prior probability)” that I was the father of G.S.
3. Danielle was still having sexual relations with Scott Sadowsky (“Scott”) while she was intimate with me since early summer of 2004, and cohabitating with me since mid-July of 2004 (Tp.86, Ln.20-22; Tp.87, Ln.7-16)².

¶020. Noteworthy is that (DOC # 10) is supported by CSEA records confirming that G.S. was given the last name of Sadowsky at the time of his birth. Danielle informed me that she gave G.S. that last name for “practical reasons”³. This was confirmed when I was out on bond {¶038}⁴. At that time, I went to the Summit County Health Department and purchased a certified copy of G.S.’s birth certificate. Upon review, Scott was listed as the father. I’m sure she did this *knowing* I might not have been the father.

Cause for Review

¶021. The cause behind my request for administrative review is the change in custody of G.S. Specifically, the illegal adoption of G.S. by **Brad Elbert Smith**. The unethical adoption took place in the Probate Court of Medina County, Ohio on April 27, 2016 with Judge Kevin Dunn Presiding (DOC # 11: Final Decree of Adoption; April 27, 2016; reissued on April 13, 2021). In addition, (DOC # 11) states that G.S.’s name “remains **G**REDACTED **C**REDACTED **Smith**.” Clearly,

² Transcript references can be found in my materially altered and incomplete Trial Record: State of Ohio vs. Frank P. Wood, Medina County Case No. 05CR0365. This document can be downloaded for free @ www.freefrankpwood.com.

³ I’m sure she did.

⁴ A \$200,000.00 cash bond that was **fraudulently revoked**. Remarkably, and to no surprise, the Bond Hearing Transcripts, and others, have disappeared from the Medina County Court of Common Pleas.

the deceptions were continuous and remain ongoing. Clarifying, I recall receiving notice that G.S.'s last name was changed from 'Sadowsky' to 'Smith' without being given the legal opportunity to refute. The name change was merely a sinister step towards the illegal adoption.

¶022. The illegal adoption was granted despite the fact that I have been paying the *de minimis* through my Prisoner's Earnings, filed for visitation, and filed to stop the adoption. In all actuality, the Court's Order failed to mention any of these facts, and ignored the shocking revelation that Judge Christopher J. Collier declared Danielle ("Danielle Smith" on *Facebook*)⁵, to be

"not truthful in her testimony"

(Tp.132, Ln.22-Tp.133, Ln.2).

¶023. Even if Danielle does respond by affidavit,

A liar's word is worthless.

Even if it's on paper.

-Herman Melville, *In the Heart of the Sea*

¶024. To no surprise, for Medina County just loves its convictions⁶, Judge Collier permitted the **untruthful Danielle** to testify with her Court-acknowledged and State-utilized perjury to a Court-declared "cynical" Jury⁷ (Tp.135, Ln.7-11), (DOC # 12: Claim of Actual Innocence)⁸.

⁵ Visit "**Free Frank P. Wood**" @ *Facebook* for postings and case information. This is a Public Information Page that is owned, operated, and managed by others.

⁶ Right or wrong, in Medina County, the *Scales of Justice* tip one way and way only: In the direction of conviction.

⁷ Medina County does not acknowledge the U.S. 6th Amendment or Due Process rights.

⁸ This document, solely comprised of State's Best and Direct Evidence, has gone uncontested and adjudicated in every legal proceeding since its inception.

¶025. Ultimately, I declare the adoption of G.S. to be illegal because

1. Had Danielle not lied under oath, Scott would be in prison⁹ and I would be at home with my son as his *real* Dad: G.S.'s *Father & Friend*.
2. Had Danielle not told the alleged rape victim, and, respectfully, the **Temple Virgin**¹⁰ in this case, "**Frankie raped you**"¹¹ (Tp.300, Ln.18-Tp.301, Ln.8)¹², I would be home sharing custody of, and providing for, my son.
3. G.S. never met me.
4. G.S. was never made aware of the **truth**, which prevented him from making a conscious decision.
5. *Et cetera...*

Clearly, the little party the CSEA threw Danielle post-trial was uncalled for.

¶026. These actions/inactions, *inter alia*, resulted in the Unlawful Restraint of G.S. pursuant to O.R.C. § 2905.03, which states, in pertinent part, that

(A) No person, without privilege to do so, shall knowingly restrain another of the person's liberty.

(C) Whoever violates this section is guilty of unlawful restraint, a misdemeanor of the third degree.

Danielle knows the truth behind her lies. She should never have lied to G.S. and kept us from each other. As an **Innocent Man** in prison, I declare Danielle to be an **unfit parent**.

Failure to Notify

¶027. According to OAC 5101;12-60-50 Termination of Child Support, Section (C), Danielle,

⁹ See below (DOC # 15: R.C. § 2935.09 & .10 Affidavit of Accusation; March 5, 2020).

¹⁰ DOC # 13: Akron Children's Hospital's Suspected Child Abuse and Neglect Record.

¹¹ That's twisted.

¹² This information was provided by Tricia Carchedi of the MCSEA/Children's Services.

as the “residential parent *** shall notify *** CSEA *** of any reason for which a child support order should terminate. *** “willful failure” to notify a Court or, as in the instant matter, the CSEA, that there had been a **change of legal custody** regarding G.S., will result in “contempt of court.”

¶028. Danielle’s failure to notify the CSEA of a change of legal custody resulted in the accrual of additional arrearages since April 27, 2016. On this date, accrual should have ceased. Unfortunately, it did not.

Incarcerated Parent

¶029. Consistent with OAC § 5101:12-60-05.1 (E), I may initiate an Administrative Review “sooner than the standard thirty-six month [sic] guideline” (See Hageman v. Brown, 2008-Ohio-3218, HN10). Under OAC § 5101:12-60-05.1 (E)(6), if

Either parent is incarcerated and will be for more than one hundred eighty calendar days[,] “Incarcerated has the same meaning as in division (Q) of section 3119.05 of the Revised Code. The requesting party is to provide evidence of the incarceration [comma added for continuity].

The required evidence of my incarceration was provided in (DOC # 04) and (DOC # 05).

¶030. As defined in O.R.C. § 3119.05,

***, a parent is considered “incarcerated” if the parent is confined under a sentence for an offense or serving a term of imprisonment, jail, or local incarceration, or other term under a sentence imposed by a government entity authorized to order such confinement.

Although wrongfully imprisoned while **Two (2) perps run free!**¹³ (DOC # 15: R.C. § 2935.09 & .10 Affidavit of Accusation; March 5, 2020)¹⁴, I am legally considered confined for the purposes of review.

¶031. With the above in mind, I, of course, had no idea that I could request a review sooner than the standard thirty-six-months as **I was shackled like a rabid animal and transferred from cage to cage**, all the while trying to learn the system that I didn't, and don't, belong in. And, again, I am not an attorney and have prepared this document without *any* legal assistance.

Earnings of Prisoners

¶032. Once I was unjustly sent to prison with an undeserved LIFE-SENTENCE, it should have been common practice to immediately adjust my payments based upon Earnings of Prisoners O.R.C. § 3121.08. Oddly enough, this is not how the law was written. This lack of foresight makes one question how many tax payer's dollars are being spent chasing pennies. Going deeper, prisoner's earnings are actually *Transfer Payments*: tax dollars to begin with. So one tax dollar is being spent to chase another. If an organism feeds upon itself for too long, that organism will eventually die. If I were in the proper position, I would definitely be drafting a bill to propose in Columbus expressing the lunacy of the current application of law.

¶033. Continuing, under O.R.C. § 3121.08, Section (B), earnings of prisoners (a.k.a. "State-pay"), are subject to a 25% deduction for child support payments. My State-pay has varied, due

¹³ Scott Sadowsky and Ryan Spencer.

¹⁴ Signed by an attorney, this is yet another document that has gone uncontested and that can be downloaded for free at www.freefrankpwood.com. Although Ottawa County Job & Family Services claims the Job & Family Services in the County that Scott currently resides must investigate, this is proof that it would be wise for Danielle to recant to Director Mark Godsey of The Ohio Innocence Project. Trust & Believe, he is waiting.

to job classification, over the years within the range of \$18.00 to \$22.00 per month. My current State-pay is \$22.00 (DOC # 02).

Earned Income

¶034. In Hageman v. Brown, 2008-Ohio-3218, HN10, the CSEA recognized Brown's incarcerated income in a previous hearing from 2006 as \$17.00 a month. For the purposes of review, I am asking for this CSEA Office to recognize and apply the *average* of my State-pay earnings at a rate of \$20.00 per month. I am also seeking for this office to calculate and apply the rate of \$20.00 per month as my earned income, and for this calculation to begin at the onset of the 180-day timeframe. Thank you.

Calculations

¶035. Paternity was established by Administrative Order on October 14, 2005 (DOC # 09, p.1) and (DOC # 14: Administrative Order: For the payment of child support; March 7, 2006). Within (DOC # 14 at p.1, Item 2) it was ordered that

The obligor shall pay effective January 10, 2006 the sum of \$328.07 per child, plus 2% processing fee for a total monthly payment of \$334.63.

This calculation was made at the time I was a *ward of the State of Ohio* and was based on the prior three (3) years of being "in the construction field at a \$10.00 per hour pay rate," (ibid at Item 5). What more, the \$334.63 is in direct contrast with the \$401.55 monthly payment as evidenced in (DOC # 16: Payment History Report, Payment History Period: 01/01/2020-12/31/2020).

¶036. Why the change?