

To those responsible;

Shelby Police Department Chief of Police Michael Lance Combs, Ofc Sgt Eric Rath (#515), Ofc Sgt Sean Nolen (#502), Ofc Detective Adam Turner (#505), Ofc Sgt Aaron Bushey (#518), Ofc Ben Chambers (#510), Ofc Sgt John Reed (#506), Ofc Tim Scott (#519), Ofc Cody Baker (#521), Ofc Hannah Hall (#513), and Ofc Sgt Joeseph Artrip (#509) (Artrip has since become an Ashland Police Officer);

Shelby Municipal Court Judge Sheree Studer (ATTY REG#86617), Magistrate Jeffery A. Underwood (ATTY REG#66514), Clerk of Courts Shannon Small, Deputy Clerk Trisha Armstrong, Probation Officer Mindy Dumbeck;

Mayor of Shelby Ohio Steve Schagg;

Richland County Court of Common Pleas Judge Phillip Stanley Naumoff (ATTYREG# 62810), Domestic Relations Division Judge Beth Allen Owens (ATTYREG# 78003), Judge Heather Marie Cockley (ATTYREG# 55346), Chief Magistrate Kirsten Pscholka-Gartner (ATTYREG# 77792), Magistrate Mackenzie Ann Meyer (ATTYREG# 93876), Magistrate Jill Marie Cochran (ATTYREG# 79088), Clerk of Courts Denise Ruhl

Richland County Prosecutors Office Assistant Prosecutor Teri Lynn Burnside (ATTYREG# 67303), Former Assistant Prosecutor Matthew Charles Metcalf (ATTYREG# 97426) (Now residing as Chief Magistrate for the Domestic Relations Division in Richland County Common Pleas Court)

Public Defenders

Dale Michael Musilli (ATTYREG# 38035) (Court Appointed
Public Defender)
(Ineffective Assistance of Counsel)

Benjamin Waggoner Zushin (ATTYREG# 94013) 2nd Public
Defender appointed
(Sworn in as Richland County Assistant Prosecutor)

Pretrial Supervision Services (Richland County)
Supervisor Lisa Snayy, PO Andrew Armstrong

Office of the Sheriff (Ashland County) Sheriff Deputy
Macey Wenrich, Sheriff Deputy Todd Simms

who have partaken in all Incidents including but not
limited to:

December 22nd, 2010 - Lauren McClain had made threats to her husband Danny McClain over a Three-Way Phone call. Danny had been contacted by Lauren's ex boyfriend Corey Danhoff who expressed his concern over Lauren's conduct involving her marriage and how she had been actively committing adultery with him and was currently with another man as they were speaking. Mr. McClain and Danhoff had contacted Lauren McClain over a 3-way Phone call where Danny had tried to set an appropriate time to retrieve his Silkscreen Equipment that he had purchased for the business he had intended to launch. Danny told Lauren he was going to contact her grandmother since she was the one whom he had the agreement with to store the equipment. Lauren had replied, "No you won't because I'll shoot you in the fucking face and that's a threat and that's a promise". Lauren's threat was captured on the 3-way phone call audio recording that Corey provided to

Danny. Danny had went to the Shelby Police Department in hopes of getting the assistance he needed to acquire his equipment being he had just purchased it for 3,200\$ a little more than a month prior. Officer Bushey had heard the recording in which he had charged her for domestic violence. Danny never received his equipment and was later told by Corey Danhoff that Lauren had traded it for a "Used" PlayStation 3 console which at that time had an approximate value of (\$100.00 USD).

January 1st, 2017 5:23 PM - (Incident #3-17-000012) (CFS #17-000085) Disturbance - Lauren McClain had went to the Willard Police Department and made a report that her boyfriend had just beat her up. In the report Officer Mahon from the Willard PD states, "Ms. McClain was noticeably upset, and crying." Lauren states to Mahon, "that he never struck her, nor did he threaten to cause any physical harm to her." This is clearly a pattern of behavior that Mrs. McClain provokes on her own account, including exaggerating her version of the narrative, even lying and making a false report. During the Preliminary Hearing April 27th, 2022 Prosecutor Matt Metcalf had asked Lauren why she lied, she stated that she had attended counseling for something like this in the past, but she doesn't know why she does it. Clearly Danny and Lauren hadn't seen nor spoken to one another in 11 years until August 2021 so this was not in reference to any event amongst Mr & Mrs McClain. If Shelby Police Officers would have investigated, a records search of Lauren would have been implemented, the Domestic Violence charge and conviction would have been identified, this would have raised credibility concerns, and could have identified this incident from January 1st, 2017

September 20, 2021 4:20 AM - (Incident #21-13758) Assault - 9 Grove Avenue Ext, Shelby - Shelby Police Department - Shelby Police Reporting Officer Noah Kocher (#508) and Shelby Police Supervisor Officer Aaron Bushey (#518) had arrived on scene. Lauren McClain had been listed as Victim, Phyllis Blanton as suspect. Officers were dispatched to an Assault incident at the listed location. Upon arrival to the residence Officers noticed the victim was bleeding from the nose. Upon speaking to the victim she stated the suspect had hit her in the face and pulled her hair after an argument over an eviction. Officers spoke to the suspect who was bleeding from her mouth, cheek and arms. The suspect stated that the victim had initiated the fight and had punched her. Both parties declined to press charges. Due to neither party wanting to press charges and conflicting stories on the event no party was charged.

February 5th, 2022 - Rita Back (Lauren's Mother) had been harassing Danny McClain through messenger. Lauren and Danny had been watching a movie which was streaming from his phone, therefore all the messages were showing up on the TV as they were watching. Lauren told Danny to "ignore her". Danny stated to Rita that he was doing what he felt he needed to do as a Husband and stand by his wife, and that he intended to keep his vows to her. Rita responded by saying "Fuck you, I'm doing a welfare check on my daughter." Shelby Police Department Officers Eric Rath (#515) and John Reed (#506) arrived at 9 Grove Avenue Ext to find Danny and Lauren content and happily sitting on the couch watching a film. Officers Rath and Reed seen no issue and Lauren told them to ignore her mother that she was just trying to cause problems. Officers left the residence. (NO INCIDENT REPORT WAS

RECORDED)

April 4th, 2022 1:38 PM (Incident #: 22-04790) (Case: CRA2200121) (Malicious Prosecution; Intentional Infliction of Emotional Distress; Violation of Due Process (14th Amendment) Fair Treatment; Defamation; Slander; Harassment; Negligence; Failure to Follow Procedure; Abuse of Power; Bias; Discrimination; Neglect of Duty)

Shelby Police Department [Arresting Officer] Sean Nolen (#502), [Detective] Adam Turner (#505), [Supervisor] SGT Eric Rath (#515), SGT Aaron Bushey (#518), SGT Joeseeph Artrip (#509),

April 4th, 2022 3:22 PM (9 Grove Avenue Ext. Shelby, Ohio 44875)

Shelby Police Officer Sean Nolen (#502) and Detective Adam Turner (#505) took Possession of Danny McClain's firearms and ran Serial Numbers. They also confiscated 2x Flashlight Stun Batons. Firearms were released to Lauren McClain without any background check or records check. Failed to identify that she had a prior Domestic Violence conviction after Officer Aaron Bushey (#518) of the Shelby Police Department had charged Lauren McClain back in December of 2010 [Case (CRB1000462)]. Federal Gun Control Act of 1968 (Lautenberg Amendment 1996). The Lautenberg Amendment makes it unlawful for individuals convicted of misdemeanor domestic violence offense/s to possess, ship, transport, sell or receive firearms or ammunition. Officer Sean Nolen and Adam Turner failed to follow proper procedures when releasing firearms to an individual. Nolen and Turner also failed to evaluate the inconsistencies amongst what was said during the

interview, what she had written in her affidavit, and what was observed. She had walked out the house without her shoes yet she had multiple pairs in both the Livingroom and the bedroom. Officer Nolan claims in his police report that Lauren McClain "escaped" and "ran" out of the residence which the Wyze Camera video proves that to be false. Furthermore, if Officer Sean Nolen and *Detective* Adam Turner made any attempt to investigate as they are required to do, Wyze Camera footage would have been requested which would have shown Lauren McClain walking out and away from the residence, clearly not in fear nor was she crying.

Police facilitation of a crime:

Sean Nolen and Adam Turner Officers of the Shelby police department knowingly assisted in transferring firearms to someone prohibited from possessing them. The crimes committed by these officers are:

- 1.Aiding and abetting a federal crime
- 2.Misconduct in office
- 3.Dereliction of duty

Aggravating factors:

The large quantity of firearms and ammunition involved could indeed be considered an aggravating factor in any potential charges related to this illegal firearms possession.

Targeting a suspect:

There's evidence that law enforcement was specifically targeting the suspect without proper cause, therefore giving grounds for the suspect to file claims of:

Selective enforcement
Violation of equal protection
False Arrest
Malicious Prosecution
Intentional Infliction of Emotional Distress

April 4th, 2022 around 10:00 PM The video of Lauren walking out and away from the residence was sent to Shelby Police Officer Aaron Bushey when he had contacted Danny by phone. Bushey had stated to Danny over the phone that he was being charged for Felony 3 Abduction, that a warrant for his arrest had been issued, he needed to turn himself in, the marshals were looking for him, and they did not want anything "bad" to happen to him. This is police intimidation tactics, biased policing, lack of training and failure on behalf of Shelby Police Supervisor Officer Eric Rath (#515). Pursuant to R.C. 1901.02, municipal courts have subject matter jurisdiction over misdemeanor offenses only, which are criminal acts punishable by incarceration of not more than one year. Felonies, which carry potential prison sentences exceeding one year, fall exclusively under the general jurisdiction of the common pleas courts. A Police Report that has the information "This information constitutes a law enforcement investigatory record and is not a public record subject to disclosure pursuant to R.C. 149." printed at the bottom of it specifically states "Jurisdiction: Unknown" and "Statute: Unknown Statute".

State v. Kruger (Ohio App. 6 Dist. 1988) - Found no abduction occurred where defendant's sole intent was preventing suicide, not confinement, and victim left unrestrained after crisis ended. Danny McClain's conduct

mirrors this rationale.

Void Judgments and Lack of Jurisdiction:

United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260 (2010): The Supreme Court held that a judgment is not void merely because it is erroneous; it is void only if the court that rendered judgment lacked jurisdiction or acted in a manner inconsistent with due process.

In re Rook, 276 U.S. 575 (1928): The Supreme Court affirmed that "The lack of statutory power to make the order is akin to lack of subject matter jurisdiction and is subject to collateral attack."

Authority to Issue Warrants:

Shadwick v. City of Tampa, 407 U.S. 345 (1972): The Supreme Court held that warrant issuers must be neutral and detached magistrates capable of determining probable cause.

Lo-Ji Sales, Inc. v. New York, 442 U.S. 319 (1979): The Court emphasized that a neutral and detached magistrate is crucial for the proper issuance of a warrant.

Section 1983 Claims and Municipal Liability:

Monell v. Department of Social Services, 436 U.S. 658 (1978): Established that local governments can be sued under § 1983 for constitutional violations resulting from official policy or custom.

Owen v. City of Independence, 445 U.S. 622 (1980): Held

that municipalities have no qualified immunity from § 1983 damages liability.

No Statute of Limitations for Void Judgments:

While not a Supreme Court case, many circuit courts have held that void judgments can be challenged at any time. For example, *In re Center Wholesale, Inc.*, 759 F.2d 1440 (9th Cir. 1985) held: "A void judgment may be attacked at any time by a person whose rights are affected."

Ultra Vires Actions:

City of Arlington v. FCC, 569 U.S. 290 (2013): While not directly on point, this case discusses the concept of agency actions exceeding statutory authority.

The actions of the Clerk of Courts in holding a probable cause hearing and issuing a warrant were ultra vires and void ab initio, as they lacked statutory authority to perform these judicial functions.

The municipal court acted without jurisdiction in processing a felony case, rendering all proceedings void.

These actions constitute a policy or custom of the municipality that violated Danny McClain's constitutional rights, making the city liable under Monell.

The "unknown jurisdiction" and "unknown statute" notations in the police report further demonstrate the lack of proper authority and jurisdiction.

Because these actions were void for lack of jurisdiction,

there is no statute of limitations.

On April 5th, 2022, Danny confirmed with both the courts and an attorney that no charges were filed and no warrant existed for his arrest. However, at 12:21 PM, Lauren visited the Shelby Justice Center and spoke with Officer Sean Nolen (#502), expressing her desire to drop the charges. Officer Nolen, caught on body camera, stated that the charge was authorized by the prosecutor's office and notarized by Clerk of Courts Shannon Small, who allegedly held a probable cause hearing, determined probable cause, and issued a "warrant on complaint".

This is a blatant violation of judicial protocol. Clerks of Courts are administrative; they lack judicial authority to determine probable cause or issue warrants. NO PROBABLE CAUSE EXISTED. Therefore, any warrant issued on these grounds is illegitimate.

Despite this, Danny was wrongfully arrested and illegally detained. This constitutes abduction under O.R.C 2905.02(A)(2), perpetrated by the Shelby Police Department, Richland County Violent Fugitive Task Force, Shelby Municipal Court officials Sheree Studer and Shannon Small, Pre-Trial Supervisor Lisa Snayy, and the County Officials who allow the Shelby Municipal Court to operate unlawfully.

This miscarriage of justice demands accountability.

Kickbacks in exchange for convictions undermine impartial justice and violate due process. Such financial incentives could coerce prosecutors/judges to prioritize

convictions over fairness.

Municipal courts lack subject matter jurisdiction over felony cases under Ohio law. Charging felonies without proper authority is an abuse of power and infringes on a defendant's constitutional rights.

Binding a case over to county court when a municipal court lacks such ability exceeds the limits of the municipal court's statutory jurisdiction. This is an illegal assertion of power.

The actions of prosecuting felonies outside lawful jurisdiction and accepting kickbacks in exchange for convictions amount to:

Official Misconduct under ORC 2921.44

Interfering with Civil Rights under ORC 2921.45

Bribery under ORC 2921.02

Potential RICO (racketeering) violations under federal law as well, depending on the scope of misconduct.

Stronger ethical rules, oversight and transparency are necessary to prevent such corruption of our justice system. Public trust in fair and impartial courts is paramount. An investigation is warranted to determine appropriate criminal charges and/or disciplinary actions.

The misconduct described is egregious and undermines the foundations of our justice system. It deserves severe consequences.

Potential criminal charges could include:

Bribery (ORC 2921.02): Accepting kickbacks in exchange for convictions is a third-degree felony.

Interfering with Civil Rights (ORC 2921.45): A first-degree misdemeanor for knowingly subjecting citizens to unfair prosecution beyond lawful jurisdiction.

Official Misconduct (ORC 2921.44): A second-degree misdemeanor for judges/prosecutors acting with improper purpose or exceeding the authority of their office.

Federal RICO (racketeering) conspiracy charges may also apply if corruption was widespread and coordinated.

On the disciplinary front, judges could face JQC proceedings for rules violations and potential removal from the bench. Prosecutors may be referred to disciplinary counsel for their bar license.

Municipal officials could be charged with dereliction of duty and face recalls or removal from office for enabling such misconduct.

Additionally, any past convictions tied to the kickback scheme may warrant appeals or new trials to remedy due process violations. Civil lawsuits could seek damages for wrongful prosecution.

I will be seeking \$20,000,000 (Twenty Million Dollars). If this continues to move through the Northern Ohio District Courts I will be seeking restitution covering the fees of my acquired Counsel upon Judgement in my favor.

I will also seek an injunction requiring a separation of powers and an oversight committee be placed in a position

to supervise any relationship amongst a Municipality and the Common Pleas. A Separation of powers exists for a reason, and for those to go against the United States Constitution as to maliciously prosecute citizens and extort them for financial gain is a selfish treasonous act. For the lives of those who are innocent that this corrupt system has ignored their US Constitutional rights to due process, equal protection of the law, right to be free from illegal search and seizure, right to affective counsel, right to a jury trial, right to face an impartial judge and jury, if found to be by those in power and with authority to prosecute, shall charge those involved with treason and shall meet the punishment as it stands to its fullest extent of the law.

Most importantly, a full and transparent investigation is needed. All those involved must be held accountable to restore integrity and prevent future corruption. Only zero tolerance for such abuse of power will regain the public's trust in our justice system.

I was brought before the Shelby Municipal Court (April 27th 2022, in front of Judge Sheree Studer, Assistant Prosecutor Matt Metcalf, Officer Sean Nolen from the Shelby Police Department, and Lauren McClain (My Wife). My Mother had come to attend the proceedings from behind the BAR, however Probation Officer Mindy Dumbeck told her she had to remove herself from the courtroom because she had her Service Animal with her. I had mentioned to Mindy Dumbeck that the dog was a legally REGISTERED Service animal, which she still made my mother leave the court room. This is a Violation of the Americans with Disabilities Act. The Dog was not causing any distractions or interference. The dog did not bark and

had sat stationary upon my mothers lap. My mother Phyllis Blanton was assaulted by Lauren McClain on September 20th 2021, Incident # 21-13758 which Aaron Bushey was the Supervising Officer during that time. Officer Nolen had ended up on the scene as well, even though he is not listed as the Arresting officer. The arresting officer was Officer Noah Kocher. Officer Sean Nolen whispers to Assistant Prosecutor to call a "separation of witnesses" however my mother was removed from the court room much earlier by the unlawful acts of Mindy Dumbeck which was in violation of rules of the ADA for denying a Service Animal and their owner access to the public proceeding. My mother had been in a physical confrontation with Lauren in September 20th, 2021 and therefore has witnessed Lauren McClain's psychotic outbursts. She was there to support me since nobody had heard from me since April 20th, 2022 when I was unlawfully abducted due to the failed training and supervision of the Shelby Police Department, and the lack of oversight by Chief Lance combs of the Shelby Police Department, and the Mayor of Shelby Steve Schagg, whom was contacted but chose to relay Lauren's concerns to recant to Lance Combs, who left a voicemail and ignored her wish to recant and said I would have to go through the "process". Lance Combs has had a personal vendetta against me since I had dated Lisa Richardson (Bittinger) for 7 years prior to marrying Lauren January 2010. Comb's many nights on duty spent sitting in his cruiser in front of Wanda's Westside Pizza and the KFC parking lot socializing with Lisa sometimes for an hour or more at a time. Mrs. Richardson (Bittinger) was sent to my residence November 6th 2022 by Lauren McClain who thought she could convince me to drop the F1 Aggravated Burglary Charges. Might I add, I had not spoke to nor seen Mrs.

Richardson in 13 years prior to her appearance on November 6th 2022. Officer Sean Nolen and Ben Chambers had came to the scene and Mrs. Richardson was told to leave and that she could be charged with "Intimidating a Witness", but she was not charged and no incident report was actually recorded on the matter. I do have the video evidence with time stamps showing their presence for this "unrecorded incident", however this is just one of the multiple incidents that Shelby Police failed to make record of.

SPD Ofc Sean Nolen (#502) made multiple comments about Danny in a negative manner. If proper procedures were followed upon a Records Search, Lauren McClain's DV Conviction would have been identified, the firearms and ammunition would not have been released to her, and her credibility questioned upon further investigation. Instead because of their neglect they had also assisted in multiple violations of Federal Law. Because of their Bias policing and Danny McClain's acts were lawful intervention to prevent a crime and protect himself from imminent harm. Lauren also states during the interview that Danny had told her she could stay at the Traylor till she could make enough money to purchase a vehicle, and then she could go and he would return home then. Ofc Nolen makes an accusation of animal abuse without any evidence, which is damaging and prejudicial. Ofc Nolen's said, "Does he beat you too? Is that why your so skittish?" to Danny's dog Karma after he had tried to interact with the dog but the dog took no interest in the laser pointer. The dog pays no attention to it and walks away from Officer Nolen and sits staring at him. Nolen also assumes since Danny has a large stock of tools that their must be stolen tools, since he claims Danny to be

unemployed yet Danny has a Registered LLC with the State of Ohio, "Endever Home Improvement LLC". Nolen makes a comment about the firearms, specifically the Henry "Big Boy" .44 Magnum Lever Action Rifle which he claims had to be stolen, that it is a "\$2,000 gun". His remarks about Danny are discriminatory and show bias. Danny was the only one providing for the relationship. All the items Ofc Nolen makes comments about had been purchased before Lauren resurfaced. Danny had stopped investing in tools to grow his business because he was paying Lauren's \$500.00 a month car payment after she made a decision to trade her 2015 Ford Escape in for a 2018 Ford Escape after she was told she would receive \$8,000.00 trade in value for the 2015 model.

During the period they had agreed to repair their marriage with Lauren McClain. When Lauren and her daughter Maddilyn (10yrs Old) resurfaced late August 2021. Lauren blamed Danny for her no longer being employed and said Danny told her to quit, later finding out she was actually fired. She traded her vehicle (2015 Ford Escape) for a (2018 Ford Escape) even when Danny advised against it seeing nothing wrong with the vehicle she had. Lauren stated she made "Plenty" of money. Completely overlooking the trade agreement, the trade resulted in a -\$2,000.00 (Negative (-) Two-Thousand Dollars) in equity raising the payment from \$225.00 (Two-Hundred and Twenty Five Dollars) to \$500.00 (Five-Hundred Dollars) a month and "quit" 3 days after the trade was made, therefore sticking Danny with the payment. Also Danny had become responsible for Lauren And Maddilyn's expenses, food, Christmas, School Clothes, etc. Nolen was discriminatory and his acts and words show bias. Nolen's words were slanderous and were stated to intentionally defame Danny's character/image. Danny was

undeniably targeted which can be seen in the Body Cam from the Interview on April 4th, and the Bodycam when Officer Nolen, Detective Adam Turner, and Lauren McClain arrived at 9 Grove Avenue Ext. Shelby, Ohio.

Richardson v. McMahon, No. 3:19-CV-00707 (JCH), 2022 U.S. Dist. LEXIS 34189, at *18-19 (D. Conn. Feb. 25, 2022)

"[t]he most common situation in which" a victim's statement is insufficient to establish probable cause is "when there exists a prior relationship between the victim and the accused." *Mistretta v. Prokesch*, 5 F. Supp. 2d 128, 133 (E.D.N.Y. 1998). Because "such a relationship [*19] . . . [can] give[] rise to a motive for a false accusation . . . [a] complaint alone may not constitute probable cause; the officer may need to investigate further." *Id.*

City of Canton v. Harris, 489 U.S. 378 (1989), the Supreme Court held that to prove government liability for inadequate training, a plaintiff must show the government acted with deliberate indifference to an obvious need for training.

Giglio v. United States (1972) - Nondisclosure of evidence affecting witness credibility also violates due process.

April 5th, 2022 Lauren McClain had went to Shelby PD and spoke with Officer Sean Nolen and said she wanted to drop the charges. He told her they were already signed sealed and delivered.

April 6th, 2022 Lauren McClain had spoke to the prosecutors office and an attorney that she had a

Consultation with. There was no warrant and no charges. Lauren went back to the Shelby PD and spoke with officer Sean Nolen again. She said someone is lying because there's no charges and no warrant, and she wants the charges dropped. Officer Nolen told her that the charges were "right here" and he was not dropping it. She stormed out of the Shelby PD saying she will get the charges dropped one way or another.

April 11th, 2022 6:38PM Former Shelby Police Officer Joeseph Artrip fabricated his Vague Search Warrant which didn't state his reason for "probable cause", nor does it have a "filed date stamp". Also states in the documents that the property of 9 Grove Avenue Ext belongs to Danny McClain and his Wife Lauren Breznicki. However, it does not belong to them. The property is legally registered to Danny's Father. Danny McClain filed a Records Request for the Warrant and found it to be stamped on April 13th, 2022 the day after it was served, the copy requested had 2 new pages within it and a signature from a "Magistrate" which was not provided beforehand. Magistrate Jeffery A. Underwood had not been appointed as Magistrate during this period in time. Therefore the documents which were signed, Stamped filed, and dated April 13th, 2022 we're fabricated by means of Fraud/Falsifying Documents.

April 12th, 2022 (Incident #: 22-05175) Search Warrant - Shelby Police Department - Violation of 4th amendment right to be free from Illegal Search and Seizure. Incident(glyph) report shows that the Search Warrant was served on 9 Grove Avenue Ext April 12, 2022 at 11:59 AM. No record of the search on Shelby Municipal Court Docket or Richland County Common Pleas Court Docket in regards to the Abduction Case (CRA2200123 Requested bodycam

Footage of Search Warrant being served/executed on multiple occasions but never received. Search Warrant does not show on Shelby Municipal Court Docket (Case CRA2200121) nor does it show on Richland County Common Pleas Court Docket for case (2022 CR 0280 N STATE OF OHIO VS MCCLAIN, JR, DANNY L).

State v. Myers (1997), 119 Ohio App. 3d 642, 645 -- "Because a court speaks through its journal, it is imperative that the court's journal reflect the truth...All 'litigants have a clear legal right to have the proceedings they are involved in correctly journalized'...Therefore, making an incorrect journal entry is a clear abuse of discretion by the trial court."

April 11th & 12th, 13th, 2022 ; No Search Warrant record on Case CR2200134 Docket. (Abduction Charge Case CRA22000121 Incident Report #22-04790) Or Lauren McClain's Disorderly Conduct charge which was the result of accepting a "Plea" which stemmed from a Drug Paraphernalia charge where Shelby PD had found Multiple Quartz Crystal Marijuana Pipes and Cigarette Style Marijuana Pipe in her belongings from their "Illegal Search" they served and executed on April 12th 2022 at 11:59 AM. There is an incident report #22 05175 showing that they "served" the Search warrant No Firearms or Receipts / Bill of Sales / or any documentation relating to the whereabouts of Danny McClain's firearms were recorded or avail to him.

April 20th, 2022 (Wrongful Arrest, Illegal Detainment, Abduction, Violation of 4th Amendment right to be free from Illegal Search and Seizure, violation of Due

Process, violation of Equal Protection of the law, selective enforcement, dereliction of duty, abuse of process, failure to investigate) Approximately 10:00AM Richland County Violent Fugitive Task Force "aka" Marshals had arrived at 9 Grove Avenue Ext. Mr. and Mrs. McClain had awoken to the loud banging on the front exterior door. Upon viewing the Wyze camera, they witnessed a man holding up a photo with Danny McClain's photo on it. Lauren McClain had proceeded to the front door in which she had opened and asked to see an "Arrest Warrant". She was told that they didn't have to show her a warrant. She had proceeded to step outside the threshold of the door and shut it behind her but was grabbed by the arm and pulled outside the threshold while officer told her to "Quit Obstructing". Danny McClain, was in threat of arrest by 5 armed men. Danny had remembered the phone conversation between Officer Aaron Bushey of the SPD where he was told "the marshals are looking for you, we wouldn't want anything "bad" to happen to you". Out of fear for harm, Danny had walked out to the living room with his hands held up. Danny had given the 700\$ in his pocket to his wife, one of the marshals had cuffed Danny and pulled his hoodie over him, he kissed his wife and was then placed in an SUV and transported to the Shelby Justice Center where he was then transported by SPD Officer Cody Baker to Huron County Jail.

April 22nd, 2022 Danny McClain had been transported back to Shelby Justice Center from the Norwalk County Jail by Cody Baker which he was given the opportunity if he wished to write a statement. He was transported back to Norwalk County Jail where he remained until April 27th, 2022.

April 27th, 2022 Preliminary Hearing at Shelby Municipal Court. This was a Sham legal Process, a grand display of a Kangaroo Court in process, tainted with prosecutorial and judicial misconduct, violations of first amendment when being silenced by the shouting of "Shut up" from Judge Sheree Studer, PB Officer Mindy Dumbeck, and Former Shelby PD officer Joeseph Artrip, 4th amendment (Right to due process, unreasonable search/seizure, and probable cause), 6th amendment right to impartial jury, right to competent counsel, but instead I was subjected to ineffective assistance of counsel and witnessed Matt Metcalf violating the Brady Rule by not providing "Exhibit 1" to Public Defender Dale M. Musilli until denied my ability to confront my accuser which falls under the Confrontation Clause), 8th amendment (Excessive Bail Clause), and his 13th amendment right.

May 13th, 2022 Admitted to OhioHealth Neuroscience Behavioral and Mental Health unit (Psychiatric Ward) 8:29 PM Officer Sean Nolen had pink slipped Lauren McClain and she was transferred to Mansfield hospital Psych Ward for Evaluation due to visible cuts on her wrist from self harming. Medical documents supplied from this event state, "Patient reports that she has been feeling depressed for a couple of months now. She reports that it has gotten worse since her husband is now in jail for something he did not do. She reports that on 4/4/22 they got into an argument during which she went to the bedroom to retrieve a firearm that was in a locked case because she said she was going to kill herself. Her husband wrestled the gun away from her and she had bruises on her arms from this. She ended up making a statement to the

police that he threw her around but she states in reality he was trying to save her from herself. He has been in jail since this occurred and there is a no contact order between her and her husband as well as her husband's mother. She feels that they are the only one's supportive of her and now she has no one." (NO INCIDENT REPORT RECORDED for Police Encounter with SPD Officer Sean Nolen).

July 17th, 2022 (Incident #: CFS2210007) Location: 877 Ashland CO RD 30A, Ashland Ohio 44805 Lauren physically assaulted her husband Danny. Lauren choked him while he had been sitting in chair filling out Dissolution Papers so Danny and Lauren could separate. Lauren Called Ashland PD and lied again, told Ashland PD the truck which belongs to Danny was her truck, said she had traveled to Ashland to bring Divorce papers to Danny yet it was Danny who printed them from the "Sponsors" HP Printer. Lauren pulled him up from chair and hip tossed him on the pavement resulting in injuries. Lauren made a false police report yet again which was discovered upon Records Retrieval from Ashland County Sheriffs Department. Danny had been told that he wasn't going to jail, the Ashland sheriffs just came to take pictures of his wounds and they had told Danny that Lauren said Danny didn't do anything to her, that it was her who choked and hip tossed Danny. The Sheriffs deputies advised Danny that if he call his Pretrial Supervisor and leave a message letting them know what happened so they aren't caught by surprise in the morning with paperwork having his name on it cross their desk and spontaneously act by sending someone out to arrest him. Shortly after Males in unmarked SUV's pulled into 877 CO Line Rd 30A, Ashland Ohio and arrested Danny. Danny asked for Medical, and

stated due to all the injustice, malicious prosecution, and the mental and physical abuse, he was having a difficult time dealing with it. Lauren had also been telling Danny that she was "pregnant", as they were actively trying to have a child together since February 14th, 2022. Danny being assaulted by Lauren, her being able to go back to his fathers residence with no consequences and where she continued to sell his Tools and belongings without permission, while taking his only means of transportation, what he had used to provide home Improvement Services as "Endever Home Improvement LLC."

The bench warrant for the bond revocation was signed by Judge Philip Naumoff.

July 18th, 2022 - Location : Ashland 877 Co Line Rd 30a, Ashland Ohio. After an alleged assault by defendants Wife upon him at the location in which he was forced to be at and Electronically Monitored (GPS) under Extensive Pre Trial Supervision, Andrew Armstrong revoked defendants bond and Richland County's "marshals" AKA "Violent Fugitive Task Force" were sent to arrest him and return him to the jail. Defendant was denied medical and psych even after asking and with visible signs of injury after being assaulted. PO Andrew Armstrong, John Doe #1, and John Doe #2 neglected to do their jobs impartially and without bias. There was clear visible wounds such as the skin missing from Danny's elbow and the asphalt burn all the way up his arm after being choked and hip tossed on the pavement by Lauren. Danny had also begged to be taken to the hospital for Medical and for Psychological Evaluation because of what he believes is PTSD and the psychological strain he was having trying to cope with everything but could not make any sense out of anything

after the constant abuse, "gaslighting", and the complete disregard for human life he felt from the Shelby Police Department, Shelby Municipal Court, Richland County Common Pleas Court, Pre Trial Supervisor Lisa Snayy, and PO Andrew Armstrong. They made sure Danny felt completely helpless, without any rights, and hopeless. Lauren had been supportive of Danny in the beginning, she knew she had made a mistake but the court imposing the "No Contact" and "Distance" in their already delicate state was enough to cause Danny and Lauren both severe mental stress which eventually lead to Lauren telling Danny to "take a plea and get home" because she took her plea for Disorderly over her Drug Paraphernalia Charge. Lauren told Danny if he didn't accept a plea and "get home", that "he wouldn't have a marriage to come home to". Lauren had also told Danny that if he didn't leave his sponsors (Gina Rochii) at 870 County Line Rd 30A in Ashland, Ohio that their marriage was over. Danny tried to make arrangements with Lisa Snayy to relocate to 32 Clark Ave, Shelby, Ohio due to his mental state and the negative environment he was facing. Danny stated he was even contemplating ending his life because of Lisa Snayy's careless remarks and threat to Danny that if he step foot in Shelby he would be "Immediately Arrested". Danny had asked Lisa Snayy what the distance requirement was for the "No contact order" and she replied "We typically require you to be 5 miles away from the victim". Danny stated, "I was told if it was not in writing than it is not part of the order". Lisa Snayy replied, "Who told you that?" Danny replied, "My Public Defender, Ben Zushin." Lisa Snayy replied, "We make the rules..." Totally disregarding Danny's serious cry for help, Snayy rudely told Danny, "Go sit in the lobby and I'll get to you when I get to you." Danny had no other

choice than to relocate to John Gushard's-brother-Timmothy Gushard's residence (A trailer park in Sandusky Ohio) since Lisa Snayy the Pretrial Supervisor would not allow him to relocate to 32 Clark Avenue in Shelby so he could be closer to his family and friends. Because of Danny being forced out of Richland County, he even missed his dear friend Nate Adkin's Funeral which was in Shelby, Ohio at the funeral home located directly behind his fathers residence on 9 Grove Avenue Ext. Being the residence still resided in Danny's fathers name, no property rules/laws relating to Marital Status should have applied to Danny and Lauren and the property of 9 Grove Avenue Ext. Danny should have been able to reside at his fathers residence where he had been since Early 2019. This way Danny would have been able to obtain his truck and tools and continue doing work under his LLC. He wouldn't have lost the items he had worked so hard for. Danny had just started his business in in 2019-2020. Danny had been building a name for himself and his business until this completely destroyed his will and his ability to do such work stripped from him by his wife Lauren McClain, her mother Rita Back and husband Emery Back. This could have been prevented if the Shelby Police Department would have investigated and followed proper procedures, acted without bias and impartially, and if the officers had not discriminated against Danny McClain based solely on Hearsay from Lauren McClain. Lauren has a DV conviction and an Investigatory Report filed January 1st, 2017 by Willard Police Department labeled (Incident #3-17-000012). These red flags would have caused any reasonable person to question Lauren's credibility and would have warranted further investigation. The Shelby Municipal Court would have followed the Rules of Judicial Conduct and acted impartially and without bias, and

Assistant Matt Metcalfe from the Richland County Prosecutor's Office would have investigated the matters, read the affidavit thoroughly, and looked into the background as well as taken into consideration the mental health diagnoses of PTSD, Anxiety, Depression, and Bipolar Disorder Stage 2 that Lauren McClain had stated to him when she had a meeting with him.

In the context of police custody, denying medical attention can violate constitutional rights under the Eighth Amendment (which prohibits cruel and unusual punishment) and potentially the Fourteenth Amendment (which ensures due process and equal protection under the law).

On July 19th, 2022, the Richland County Common Pleas Court held a bond revocation hearing. Magistrate Jill M. Cochran presided over the hearing. Danny McClain was never made aware of the proceeding and was denied the chance to speak. Despite being at the required "sponsor's" residence, his bond was revoked. During this time, Lauren walked up behind Danny as he sat in a lawn chair, put him in a reverse "MMA style" chokehold, pulled him up, and hip-tossed him onto the pavement. Photos documented his injuries, which included skin abrasions from his elbow to his wrist.

Danny was not notified of the bond revocation hearing, nor given any opportunity to attend. He was not allowed to defend himself against the bond revocation or add any information to the record. No proper hearing was conducted where he could contest the evidence against him or be heard by a neutral judge. By denying Danny notice and attendance at the hearing, as well as the ability to participate, the court infringed upon his Sixth Amendment

right to a fair hearing under the law.

Moreover, Danny's Ohio constitutional rights were violated when he was repeatedly denied medical and psychological care, despite his visible wounds and multiple requests. Instead, he was subjected to solitary confinement. This treatment is in direct violation of his rights under the Ohio Constitution, which protects individuals from cruel and unusual punishment and guarantees due process and equal protection under the law.

This systematic failure to provide necessary medical care and fair legal proceedings, compounded by the repeated physical assaults by his wife—who would have faced her fourth domestic violence incident if prior events were recorded—demands urgent redress and justice.

This gross miscarriage of justice not only calls for immediate rectification but also highlights the need for stringent oversight and training to prevent such egregious violations of rights in the future.

United States v. Diaz, 777 F.2d 1236 (7th Cir. 1985): The 7th Circuit held that due process requires notice of alleged bond violations and an opportunity to be heard at a revocation hearing to rebut the government's evidence.

United States v. Gotti, 794 F.2d 773 (2d Cir. 1986): The 2nd Circuit ruled that a bond revocation without notice or a hearing at which the defendant could contest the evidence violated due process.

United States v. Smith, 87 F.3d 249 (8th Cir. 1996) - The

8th Circuit ruled the defendant did not receive due process when he was not informed of the alleged violations or given a chance to be heard at his revocation hearing.

July 27th, 2022 (Case: CRB2200321) Danny was never notified of a Plea hearing in Shelby nor was he given the opportunity to be present at this proceeding. Danny was in the Richland County Jail.

At the Court proceeding in which a charge for Menacing was issued and conviction made. This is in violation of his constitutional right to Due Process. A 4th and 14th amendment Violation.

Boykin v. Alabama, 395 U.S. 238 (1969): The Supreme Court ruled that a valid guilty plea requires an affirmative showing that it was intelligent and voluntary, including advising the defendant of their rights. Without this on the record, any conviction is invalid.

State v. Bishop, 753 N.E.2d 171 (Ohio 2001): The Ohio Supreme Court vacated a conviction where the defendant did not personally enter a plea in open court. Due process requires the plea be made by the defendant himself on the record.

People v. Turner, 840 N.W.2d 690 (Mich. 2013): Michigan's

high court overturned a conviction where the defendant was not present for the plea hearing and the record did not

State v. Walsh, 643 A.2d 254 (N.J. Super. Ct. App. Div. 1994): New Jersey appellate court found a plea invalid where the defendant was not questioned by the court and did not acknowledge pleading guilty himself.

August 8th, 2022

August 9th, 2022 (Released from Richland County Jail) Defendant (Danny) had been called over the intercom by a CO who said "McClain, Pack it up". Proceeded to "Book In" area where he was given his things and fingerprinted. Upon Danny McClain's arrival home to 9 Grove Avenue Ext Shelby, Ohio 44875 on , he noticed all these items missing:

1. Diamondback AR10 Assault Rifle .308 with Illuminated Scope 3in1
2. Custom Built Side Action AR15 16" Barrel Bearcreek Side Loaded Upper with Omega E3 Arms Poly Lower Receiver Custom Painted Rail (Purple Sunrise:*Color Shifting *Shifts from Purple to Blue)
3. Henry "Big Boy" .44mag Lever Action Rifle
4. Springfield 1911A1 TRP .45 Handgun
5. Stevens 12g Single Shot (Shotgun)
6. 6x Metal Military Style Ammunition Cases

7. 120 9mm Rounds
8. 70 .45cal Rounds
9. 360 .308cal Rounds
10. 100 .22cal Rounds
11. 220 .223/.556 Rounds
12. 55 .44 magnum Rounds
13. 1box qty 12 Rounds (12gauge Buckshot)
14. AR15 Omega E3 ARMS Poly lower receiver
15. 2x Flashlight Baton Tasers

September 9th, 2022 (Dereliction of Duty (ORC 2921.44)
Officer Hall arrived at 9 Grove Avenue Ext, SPD appeared to have received a call from Lauren's X-Boyfriend Nathen Bailey for a welfare check. Lauren had dialed her x-boyfriends number and activated the call on speaker phone. She had been starting arguments for no real reason to leave and not come back till afternoon the next day. This lasted almost 2 weeks, multiple times "left her wedding ring by the sink when she did the dishes", or "left it on the bed while going through jewelry." Danny recognized the patterns and evidence clearly proved adultery committed by Lauren. Danny had tried to find the easiest way to separate from the relationship without causing any hate towards one another. Danny said they "could just chalk it up to being incompatible," that it

wasn't about whose fault it was. Lauren couldn't take the thought of being "rejected", and stated she loved Danny, however she still continued to call multiple X Boyfriends anytime Danny would leave to work a job, or when she would take her kid to school in the morning. (NO INCIDENT REPORT RECORDED)

September 26th, 2022 8:19 PM (Dereliction of Duty (ORC 2921.44) (Bias-Based Policing (ORC 2927.02) Shelby Police Officer John Reed and Officer Tim Scott of the Shelby Police Department (Dereliction of Duty) (failed to record an Incident Report. Video/Photographic Evidence of them on 9 Grove Avenue Ext due to a dispute is available to prove they had been on site. Incident was over Lauren screaming, "F**k your phone, F**k your F**king phone" and smashing Danny's Samsung Galaxy Android Phone against the wall and then proceeded to stomp on it. Danny's concern has always been Maddy and unfortunately she had witnessed the incident. Lauren then proceeded to push Danny out the front door shouting "Get out, get the F**K out". Danny then proceeded to leave with John O. Gushard and went to his mothers house where he had tried deciding whether or not the incident should be handled by Police, especially after the malicious prosecution he had been subjected to. Danny told Lauren he was going to call the police, but letting her know first incase she was wishing to take her daughter somewhere prior so she doesn't have to observe the interaction with police and feel uncomfortable. Lauren then replied that she had called as soon as Danny said he was going to call, so Danny told her that it was fine and that he was in route to the residence then so he could speak with the officers. There is video footage of the interaction. Creating a timeline of events would have been more revealing to who was actually being abused.

Shelby Police Officers failed to follow proper procedures. They should always file incident reports for reasons such as this. Being selective of when and when not to file their incident reports also leads to Malicious Prosecution, Wrongful Arrests, and shows their failure to take accountability, failure to act in a professional manner. (NO INCIDENT REPORT RECORDED)

October 14th, 2022 1:03 PM Danny received a message from his friend "Morales", or whom he thought was his friend, who had indulged in sexual acts with Lauren while he was being held in jail and on Electronic Monitoring device and forced out of home and County. Danny had asked Lauren about it and she had become angry and aggressive. Morales also told Danny that he was sorry, that he felt horrible about it, and that he had Danny's PlayStation 4 VR headset and controls and offered to bring them back to Danny, but said Lauren had gave it to him. Danny said he appreciated it, Items were returned. Danny had been told that Lauren had even tried selling Danny's 36Ft Extension Ladder for \$50.00 , but Morales took it back and returned the money to the man who was trying to purchase it. It was explained to Danny that Lauren had set up a Garage Sale in Danny's front yard, and was selling his tools and possessions "dirt" cheap. Lauren had also stated to multiple people (Morales, & Powers) that she was debating whether to just leave Danny in jail and to take the money she had from selling Danny's company tools, firearms, and the \$700.00 (Seven Hundred Dollars) Danny handed her the morning of April 20th, 2022 and purchase a car with it instead of bonding him out. Lauren had also stated this on Bodycam Footage April 4th 2022 to Sean Nolen in which he stated it was marital property and enticed her to do so. However his failure to follow protocol when dealing

with firearms Danny had handed Lauren the \$700.00 (Seven Hundred Dollars) to help with bonding him out after Richland County Fugitive Task Force came to 9 Grove Avenue Ext to arrest him with no warrant documentation or formal charging documents, none were presented at the time they had arrested Danny. Lauren was selling the companies tools and Danny's personal belongings to buy herself a car, so she said. Danny purchased a 2008 Pontiac G6 for Lauren from his uncle Randy McClain for a price of \$1,500.00 (Fifteen Hundred Dollars) which \$1,000 (One Thousand Dollars) of it was paid by Danny himself. Lauren was suppose to take the \$1,450 (Fourteen hundred and fifty Dollars) she received from an Insurance Claim where she had gotten into an accident and give it to Randy McClain once it had been processed and received. Not only did she never pay the money to randy or Danny back, she had kept it for herself, along with the \$750.00 (Seven Hundred and Fifty Dollars) she received from selling the car after it was wrecked. The Chevy Cavalier was "traded" to her by her mother Rita Gayle Back and Emery Back after they were (without Danny's authorization) allowed to go through Danny's Shed which had all his LLC's Tools stored in it and take whatever they wanted. Not only did they take far more than the "Lemon" Cars value, they cared not that they were taking from Danny's ability to provide for Lauren and Maddilyn, and for himself. Lauren promised Danny when he returned home August 9th, 2022 that she would help replace Danny's tools and that she would convince his mother that she wouldn't have to worry about Lauren having another "episode" that would result in false reporting to the police. Lauren had went to Ashland with her friends and purchased 400\$ (Four Hundred Dollars) worth of Marijuana with the money Danny had given her to get him out. Lauren

proceeded to go to restaurants such as Olive Garden where she invited her friend to get drunk, and Danny's friend "Morales" whom she had cheated on Danny with. She had asked him to be a "Designated Driver" so she could get intoxicated with her friend on the money that was suppose to secure Danny's Bail. Danny handed Lauren over \$700.00 (Seven hundred Dollars) cash the morning of April 20th, 2022 when Richland County Fugitive Task Force arrested Danny at 9 Grove Avenue Ext. Danny couldn't make sense as to why over \$7,000.00 (Seven-Thousand Dollars) of his tools were missing, and over \$7,000.00 (Seven-Thousand Dollars) in firearms and ammunition were missing, a dump Tractor, drone, and even Maddilyn's Large 65 OLED HDTV and her Xbox One S was also missing. Lauren tried to alienate Maddilyn against Danny, saying he "spends all his F**king money" which was witnessed in a Video of Lauren and her daughter arriving at 9 Grove Ave Ext after dropping Danny off on Clark St. Lauren also told her daughter to call Danny from her cell phone just moments after they ended their and say "Leave us alone or I'll kill you" after Danny and Lauren had just ended a consensual telephone conversation with one another. in Shelby to install a new strut mount on the Pontiac G6 Lauren was to purchase from Danny's Uncle that Danny ended up paying \$1,000 (One Thousand Dollars) of and Lauren never paid anything. Lauren allowed her mother and her step dad to rummage through Danny's tools and take whatever they wanted, she said she needed to get a car so she could keep Danny "out of jail". That was a lie, Danny was still giving Lauren any money he had, he had even bought her scrubs for her job she had received at Crestwood Care center. when she received her Insurance Claim for \$1450.00 (Fourteen-Hundred Fifty Dollars). Instead, Danny had ended up paying for it and Lauren

avoided it, even sold the wrecked car and pocketed the \$750 (Seven Hundred and Fifty Dollars). Lauren still owed Danny's Uncle 500\$ (Five Hundred Dollars) and never paid him.

October 31st, 2022 (Incident #: 22-14480) Dereliction of Duty (ORC 2921.44) Bias-Based Policing (ORC 2927.02) Failure to Aid a Victim of Domestic Violence (ORC 2935.03) (All Bodycam Footage) F1 Aggravated Burglary: Rita Back, Brianna Back, Aden Back, Lauren McClain (Breznicki) and Nathen Bailey (Lauren's X Boyfriend). Charges were filed against Lauren McClain (Breznicki), her Mother Rita Back, and her Sister Brianna Back. For reasons unknown Nathen Bailey and Aden Back were never charged but were accomplices to the Crime.

November 6th, 2022 Dereliction of Duty (ORC 2921.44) Bias-Based Policing (ORC 2927.02) Ohio Revised Code §2921.04 - Intimidation of attorney, victim or witness. Lauren McClain (Breznicki) Sent defendant's (X Girlfriend) Lisa Bittinger (Maiden Name) to 9 Grove Ave Ext to speak to defendant in hopes of influencing him to "drop" the charges for the Aggravated Burglary. Ofc Sean Nolen had told Lisa she could be charged for "Intimidating a Witness" but never charged her. The call originated by John O. Gushard, family friend who arrived on scene and noticed Lisa being confrontational with Danny so he had called Shelby Police Department to assist with the matters. NO INCIDENT REPORT recorded by Ofc Sean Nolen. Officer Ben Chambers was also present during this incident.

November 9th, 2022 (Brady Violation) (U.S. Supreme Court case Brady v. Maryland) Danny McClain and Phyllis Blanton

was subpoenaed to Shelby Municipal Court for Preliminary Hearing regarding (F1) Aggravated Burglary charges against Lauren McClain, Rita Back, and Brianna Back. Upon arrival they were escorted to a room adjacent from the EMPTY Court Room in which they had spoken with Richland County Prosecutor (Assistant) Teri Burnside, and Officer Sgt Sean Nolen (#502) of the Shelby Police Department. The Officials told the victims that they placed Victims and Defendants in different rooms since it was a sensitive situation. This is a violation of Due Process Rights, Confrontation Clause, and is a violation of Rules of Judicial Conduct as well as Rules of Professional Conduct in which the Supreme Court of Ohio has implemented and upholds.

March 9, 2023 3:36PM Received Email from Sean Nolen Email Address: "seannolen@shelbycity.oh.gov" contents read.. "Call me asap about Lauren's case"

March 10, 2023 1:56 PM Sent Email to Sean Nolen Email Address: "seannolen@shelbycity.oh.gov" Danny said "Nice of you to use your email all of a sudden." Told him I wanted my tasers back and needed to request some bodycams and such.

March 11, 2023 2:52 PM Dereliction of Duty (ORC 2921.44) Sent Email to OFC Sgt Sean Nolen SPD Email Address: "seannolen@shelbycity.oh.gov"

March 12, 2023 6:21 PM Dereliction of Duty (ORC 2921.44) Sent Email to OFC Sgt Sean Nolen SPD Email Address: "seannolen@shelbycity.oh.gov"

April 17, 2023 8:38 AM Dereliction of Duty (ORC 2921.44)

Sent Email to OFC Sgt Sean Nolen SPD Email Address:
"seannolen@shelbycity.oh.gov"

May 12th, 2023 4:25 PM Dereliction of Duty (ORC 2921.44)
Bias-Based Policing (ORC 2927.02) Sent Email to OFC Sgt
Sean Nolen SPD Email Address:
"seannolen@shelbycity.oh.gov" Provided Photographic
Evidence of Lauren, Rita, and Brianna violating their
Community Control. The defendants were openly violating
their Felony Community Control Photos posted to Facebook.
Six of the violations were recorded, Dates: 4/29/2023,
05/08/2023, 05/13/2023, 5/29/2023, 6/10/2023, 7/13/2023.

April 17, 2023 1:00 PM The Court ordered Defendants
Lauren McClain, Rita Back, and Brianna Back to each pay
\$250 in court costs stemming from the criminal charges.
No separate fines or penalties were imposed. 18 months,
however the 18 months were suspended. 3 years Community
control, 2 years post release control, but found out upon
reporting their violations which 6 of them are recorded,
community control is not being enforced and no Mugshots
for any of the 3 (Lauren McClain, Rita Back, Brianna
Back) exist nor were able to be located on the Internet.
A man with the Richland County Common Pleas Court had
approached the 3 of them in the waiting area before the
proceedings began and told them that they were to report
to Book-In at the Richland County Sheriffs Office to get
their Fingerprints and Mugshots taken, then once finished
return back to the court room. Clearly the court order
was ignored and so has allowed them to practically evade
any real consequence, yet if it was Danny McClain who had
acted as the 3 of them did on October 31st, 2022 he would
have surely been given a sentence with years
incarcerated. This shows the gender bias, favoritism,

discrimination, and that no equal and fair treatment of the law exists when seen from the Shelby Police Department, Shelby Municipal Court, Richland County Prosecutors office, Richland County Common Pleas Court and their Domestic Relations Division. It is clear that these court and their officials along with the peace officers that are involved have violated multiple civil rights granted by the United States Constitution on a large scale.

Defendant Rita Back was solely obligated to pay \$1,400 in restitution within three years for damages to a front door, security camera, and stolen items resulting from the offenses at 9 Grove Avenue Extension, Shelby, Ohio on October 31, 2022.

As the statutory duty to provide restitution without undue delay is not fulfilled by a three-year repayment period, the timeframe allotted for Ms. Back's restitution falls short of the prompt redress required by law. While a victim advocate informed the injured party of the three-year timeframe, the code provisions unequivocally mandate swift restoration to remedy financial harms without protracted delay.

Other incidents exist, and will be further noted in the coming lawsuit. A Formal document with all detailed information will be delivered amongst all those named herein in the coming days, you can consider this a "Notice of Intent" in which Danny McClain is bringing a Civil Suite, and once contact is made with the proper Authority, Criminal Charges against those responsible for the Malicious Prosecution, Intentional Infliction of Emotional Distress, Civil Rights violations (1st, 4th,

5th, 6th, 8th, and 14th amendment rights.) These rights are granted to him by the United States Constitution. For those involved, "Qualified Immunity" was revoked the moment you violated my rights.

Ohio Revised Code Violations - Done so by Officer Sean Nolen and his accomplices (Officers, Judicial officials, Prosecutors, Public Defenders)

Ohio Revised Code 2921.45 - Interfering with civil rights: this statute makes it a crime for a public servant to deny someone their constitutional or statutory rights through intimidation, coercion, or retaliation.

Ohio Revised Code 2921.44 - Dereliction of duty: this prohibits a public servant from recklessly failing to perform their lawful duties, which could encompass failing to properly investigate complaints.

Ohio Revised Code 2921.43 - Falsification: filing false reports or testimony is a crime, which could apply if an investigation was deliberately tainted.

Ohio Revised Code 2921.03 - Intimidation: threats aimed at obstructing someone's official duties or justice process are illegal.

Ohio Revised Code 2921.31 - Obstructing justice: interfering with investigations, courts, or officers through deception faces criminal liability.

Ohio Revised Code 2921.46 - Coercion: using one's authority to compel another's action or inaction violates this statute.

Ohio Revised Code 2921.11 - Perjury: Making false statements under oath constitutes first-degree misdemeanor perjury. Knowingly making inconsistent statements with one intended to mislead faces third-degree felony charges.

Ohio Revised Code 2921.12 - Tampering with evidence: Destroying, altering or concealing physical evidence commits the offense of tampering with evidence, a third-degree felony.

Ohio Revised Code 2921.04 - Intimidation of attorney, victim or witness: No person shall knowingly attempt to intimidate a witness or attorney in a criminal case, whether before, during, or after legal proceedings, to corrupt, hinder or influence the outcome. This is a third-degree felony.

Ohio Revised Code 124.34 - Removing public officials for misconduct: this establishes procedures and penalties for disciplining or terminating employees for cause.

Federal Gun C Officer Aaron Bushey was the officer who filed the charge for Domestic Violence on December 22, 2010.

Conflict Of Interests - Ben Zushin (Court Appointed Attorney) / (Public Defender) for Danny McClain. Zushin is a friend of Matt Metcalf Assistant Prosecutor. Zushin and Metcalf were both sworn in as Assistant Prosecutors in late 2017 by Richland County Prosecutor Gary Bishop.

Asst. Prosecutor Matt Metcalf was recognized with the

"Trial Dog" award for 2022 in 2023.

Shelby Police Officer Sean Nolen was promoted to Sergeant April 22, 2022, two days after Danny's Arrest.

<https://www.mansfieldnewsjournal.com/story/news/2022/04/26/shelby-police-officer-sean-nolen-officially-sworn-sergeant/7450831001/>

Shelby police officer promoted to sergeant
Nolen joined the Shelby City Police Department via a lateral transfer from the Crestline Police Department in April of 2018.

www.mansfieldnewsjournal.com

Ineffective Assistance of counsel - (Public Defender)
Dale M. Musilli not receiving Lauren's Affidavit In Support of Probable Cause from Prosecutor or the Court prior to the Preliminary hearing. About 30 minutes into the Preliminary hearing, Assistant Prosecutor Metcalfe mentions "Exhibit 1" and Danny McClain's Court Appointed Public Defender states vocally that the court never gave him a copy of it. Lauren had stated she lied about being held against her will, the physical acts, and stated she had attended counseling for the behavior in the past, but didn't know why she does it. Dale M. Musilli had a paper delivered to Danny which introduced himself and explained the process. Within that document, it states Musilli would remain McClain's Public Defender even after Bind-over and up until a Grand Jury decides whether or not to indict. If indicted by a grand jury that a new Public Defender would then be appointed. However, when Danny was bound over to Richland County (April 27th, 2022) he was then appointed Benjamin Zushin a Public Defender whom was a Richland County Assistant Prosecutor

just 2 months prior, and had been sworn in 2018 at the same time with Assistant Prosecutor Metcalf which they have worked alongside one another for 5 years. Multiple Photos exist of the two together alongside or practically standing against one another. Dale Musilli had witnessed the Prosecutorial Misconduct and Judicial Misconduct on April 27th, 2022 during the preliminary hearing, Musilli failed to file a Motion to Dismiss on the grounds of "Lack Of Evidence" when there were multiple inconsistencies. The alleged victim also stated on the record multiple times that she had lied on her written affidavit in support of probable cause.

Brady Violations - Assistant Prosecutors Matt Metcalf and Teri Burnside from the Richland County Prosecutors Office. Officer Sgt Sean Nolen and Officer Sgt Aaron Bushey from the Shelby Police Department. Most likely to find more instances of this furthering investigation.

Richland County assistant prosecutor presented with Trial Dogg award

Matt Metcalf tried more cases than anyone else in the Richland County Prosecutor's Office in 2022.

<https://www.mansfieldnewsjournal.com/story/news/local/2023/02/11/assistant-prosecutor-earns-trial-dogg-title-tried-six-felonies-in-2022/69891951007/>

(U.S. Supreme Court case Brady v. Maryland)

Federal Laws -

18 U.S. Code § 242 - Deprivation of rights under color of law

42 U.S. Code § 1983 - Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officers judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

42 U.S. Code 1985 - Conspiracy to interfere with civil rights (2&3)

(2)Obstructing justice; intimidating party, witness, or juror

(3)Depriving persons of rights or privileges

18 U.S. Code 1621 - Perjury generally

(1)Whoever having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be

administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2)in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

18 U.S. Code 1622 - Subornation of perjury

"Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both."

18 U.S. Code 3102 - Authority to issue search warrant(Rule)

Federal, State or Territorial Judges, or U.S. magistrate judges authorized to issue search warrants, Rule 41(a).

18 U.S. Code 3771 - Crime victims rights

(6)The right to full and timely restitution as provided in law.

(7)The right to proceedings free from unreasonable delay.

Rules of Judicial Procedures

The Richland County Common Pleas Court and Shelby Municipal Court have violated Criminal Rule 43 (requires the defendant's presence "at every stage of the trial" including any change of plea. Transferring the case and accepting a plea in their absence would contravene this.)

Additionally, Criminal Rule 11 sets forth strict procedures the court must follow before accepting a guilty plea, including determining the defendant understands the nature of the charges and consequences of pleading. Failure to do so risks rendering the plea involuntary.

Holding a defendant for 29 days without any hearing, charges filed, or opportunity to contest detention would violate the right to prompt judicial determination of probable cause under the 4th Amendment. *Gerstein v. Pugh* established this must occur within 48 hours of arrest.

It is true that the statute of limitations does not apply to a suit in equity to vacate a void judgment. (*Cadenasso v. Bank of Italy*, *supra*, p. 569; *Estate of Pusey*, 180 Cal. 368, 374 [181 P. 648].)

When rule providing for relief from void judgments is applicable, relief is not discretionary matter, but is mandatory, *Orner v. Shalala*, 30 F.3d 1307, (Colo. 1994).

“An officer who acts in violation of the Constitution ceases to represent the government”. *Brookfield Const. Co. v. Stewart*, 284 F. Supp. 94. •

"Ignorance of the law does not excuse misconduct in anyone, least of all in a sworn officer of the law." In re McCowan (1917), 177 C. 93, 170 P. 1100,

"Kangaroo court. Term descriptive of a sham legal proceeding in which a person's rights are totally disregarded and in which the result is a foregone conclusion because of the bias of the court or other tribunal." Black's Law Dictionary, 6th Edition, page 868

Here are some additional examples of successful challenges to ultra vires acts by municipal courts in Ohio:

State v. Spicer (1985) - Court held a preliminary hearing on felony charge without authority. Conviction overturned.

State v. Nelson (1977) - Defendant bound over on felony after invalid municipal hearing. Dismissed for lack of jurisdiction.

Cleveland v. Call (1965) - Court convicted on misdemeanor originally charged as felony. Reversed as exceeding statutory power.

State v. Payne (2012) - Court accepted felony plea bargain without consent. Vacated for acting beyond jurisdiction.

Avon Lake v. Anderson (1983) - Court convicted on minor misdemeanor despite no statutory authority. Invalidated conviction.

State v. Brown (1988) - Court conducted felony jury trial improperly. Appellate court found clear jurisdictional overreach.

State v. Golphin (1981) - Invalid preliminary hearing tainted subsequent proceedings. Charges dismissed with prejudice.

Cowens Vs California: You have the right to say whatever you want

Huston Vs Hill: you have the right to interrupt police

(BRADY V. MARYLAND 1963) Prosecutor Withholding Evidence in favor of Defendant.

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