

Page 1 of 16

)
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) Attorneys for Plaintiff

Now comes Plaintiff, JEFF RASAWEHR, by and through undersigned counsel, and for his Complaint against Defendants JEFF GREY, CHAD FORTKAMP, and MERCER COUNTY, states and avers as follows:

PARTIES

1. Plaintiff JEFF RASAWEHR is a citizen of the United States of America and a resident of Birmingham, Oakland County, Michigan.

2. At all times herein relevant, MERCER COUNTY, OHIO (hereinafter “County”) was and is a governmental entity that may be sued for declaratory judgment, injunctive, monetary or other equitable relief.

3. At all times herein relevant, JEFF GREY, Mercer County Sheriff, Mercer County, Ohio, was and is a governmental elected official that may be sued for declaratory judgment, injunctive, monetary or other equitable relief.

4. Defendant CHAD FORTKAMP is now, and at all times material to this action was, duly appointed, employed, and/or acting Officer of the County of Mercer, a municipal corporation and governmental subdivision of the State of Ohio.

JURISDICTION AND VENUE

5. Plaintiff incorporates the foregoing as if fully restated herein.

6. This action arises under the First, Fourth, and Fourteenth Amendments to the Constitution of the United States of America (U.S. Const. Amends. I, IV, XIV), and under the Civil Rights Act, Title 42 of the United States Code, Section 1983 (42 U.S.C. § 1983).

7. This Court has jurisdiction over all claims by virtue of Title 28 of the United States Code, Sections 1331, 1343 and 1367 (28 U.S.C. §§ 1331, 1343 and 1367).

8. Plaintiff's claims for declaratory and injunctive relief are authorized by 28 U.S.C §§ 2201 and 2202, by Rule 57 and 65 of the Federal Rules of Civil Procedure, and by the general legal and equitable powers of this Court.

9. Plaintiff's claims for damages are authorized under 42 U.S.C. § 1983 and by the general legal and equitable powers of this Court.

10. Venue is proper in this Court as all facts alleged in the Complaint occurred in Mercer County, Ohio within the territorial jurisdiction of this Court.

FACTS

11. Plaintiff incorporates the foregoing as if fully restated herein.

12. Plaintiff has been the victim of law enforcement and prosecutorial harassment in Mercer County for nearly six years.

13. On or about December 6th, 2015, the Plaintiff published an editorial in the Lima News stating that Sherriff Jeff Grey is ineffective and called for his resignation. See Exhibit A.

14. Starting in 2015, the Plaintiff began posting on the internet matters of public concern including the criticisms he had of the job being done by the Sherriff's Office generally, and Defendant Grey specifically, and his concerns over malfeasance in the office.

15. On or about July 6th, 2015, at the direction of Defendant Grey, Mercer County Prosecutor Matt Fox (“Prosecutor Fox”) wrote a letter to Plaintiff’s attorney stating that Plaintiff should not contact the Sherriff’s Office unless it was a “true 9-1-1 emergency”. See Exhibit B.

16. On October 25th, 2016, Plaintiff was charged in Celina Municipal Court case CRB-16-00942 with 13 counts of “Obstructing Official Business” purportedly in violation Ohio Revised Code (O.R.C.) § 2921.31.

17. On October 25th, 2016, Sheriff Grey told the Lima News that the First Amendment did not protect the Plaintiff, alongside a photo of the Plaintiff taken from his prior arrest. See Exhibit C.

18. The thirteen charges were filed by Defendant Fortkamp. See Exhibit D.

19. The charges were based solely upon speech directed at either an internet forum created by the Sheriff’s office to elicit public comment, and/or the Sheriff’s non-emergency phone line. See Exhibit B.

20. No threats or other instances of unprotected speech were made by Plaintiff or alleged to have been made by him. See Exhibit D.

21. A full jury trial was held in CRB-16-00942 from May 21st to May 24th, 2019, where Plaintiff was acquitted of all charges in CRB-16-00942. See Exhibit E.

22. At trial, deputies and other alleged victims and officials of Mercer County whom received Plaintiff’s speech testified that they were *not* hampered or impeded in the performance of their duties by Plaintiff’s communications.

23. At trial, Defendant Grey acknowledged that he had caused the complaints to be filed against Plaintiff, and further testified that he did so because of the content of Plaintiff’s speech (which was critical of the Sheriff and the department) to stand up to the bully and because Plaintiff had gotten into his head.

24. None of the complaints against Plaintiff alleged any acts other than Plaintiff's engagement in speech concerning matters of public interest which is fully protected by the U.S. First Amendment and as such, the complaints lacked indicia of probable cause that a crime occurred. See Exhibit D.

25. Defendant Sheriff Grey is an Elected Official of Mercer County and is the Chief Law Enforcement Officer of Mercer County under Ohio Law. See O.R.C. § 311.07.

26. Defendant Fortkamp is an appointed Deputy Sheriff under the supervision of Defendant Sheriff Grey. See O.R.C. § 311.04.

27. By reason of the illegal conduct of the Defendants, and each of them, in arresting, seizing and prosecuting the Plaintiff, the Plaintiff sustained the following injuries:

- a. Emotional distress; and
- b. Embarrassment and Humiliation; and
- c. Loss of Constitutional Right to Free Speech; and
- d. Significant reputational damage; and
- e. Unlawful physical confinement of liberty; and
- f. Significant defense costs.

28. By reason of the conduct of Defendants, and each of them, including Plaintiff's unlawful arrest, search and seizure and aforementioned injuries sustained, Plaintiff has sustained damages in a sum to be determined at trial, but not anticipated to be less than \$1,000,000.00.

COUNT #1

CLAIM UNDER 42 U.S.C. §1983

THE ATTEMPTED EXCLUSION OF THE PLAINTIFF FROM SPEAKING IN A PUBLIC, TAXPAYER FUNDED FORUM VIOLATED THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION.

1. Mercer County
2. Jeff Grey (In his Official and Individual Capacity)
3. Chad Fortkamp (In his Official and Individual Capacity)

29. Plaintiff incorporates the foregoing as if fully restated herein.

30. The Plaintiff has a constitutional right to exercise freedom of speech in public forums.

31. The Mercer County Sheriff's Website is public property which the State has opened for use by the public as a place for expressive activity and is, thus, a public forum.

32. The Defendants Mercer County and Grey sought to exclude Plaintiff's speech in this public forum without justifying their actions to the standard required for the particular forum at issue.

33. The Defendants do not have a compelling interest in limiting the Plaintiff's speech, nor is such a restriction on the Plaintiff's speech narrowly tailored to protect an important governmental interest.

34. Defendant Grey, in his supervisory role and as an elected official of Mercer County, directed Mercer County Prosecutor Matt Fox ("Fox") to send the offending letter to Plaintiff's counsel, and further, as he admitted in at trial under oath, directed that charges be filed against Plaintiff because of protected speech critical of Grey.

35. The Defendants' restriction was not content neutral: instead Defendant Grey and Mercer County solicited comment, and then chilled dissenting commentary with threats of criminal charges and the actual filing of criminal charges:

- a. any citizen can contact the Sheriff's office via Defendants' comment mechanism.
- b. according to Defendant Grey's testimony, favorable commentary would not trigger criminal charges, and critical commentary would.

36. The failed prosecution of Plaintiff in CRB-16-00942 was calculated to suppress and punish critical speech in a public forum and served no other purpose: the deputies and other officials involved testified that they were not hampered at all in the execution of their duties because of the critical speech.

37. By reason of the foregoing, the Defendants have deprived Plaintiff of a right, privilege, or immunity secured to him by the United States Constitution and/or other federal law, specifically

freedom of speech under the First Amendment as applied to the Defendants by incorporation through the Fourteenth Amendment.

38. At all times relevant to the allegations contained in this count, the Defendants were government employees and/or elected officials whose acts were made under color of law.

39. Plaintiff suffered and continues to suffer damages in a sum to be determined at trial, but not anticipated to be less than \$1,000,000.00, as a direct and proximate result of Defendants' unlawful conduct.

COUNT #2

CLAIM UNDER 42 U.S.C. 1983

THE SEIZURE OF THE PLAINTIFF IN RETALITION FOR THE CONTENT OF HIS SPEECH VIOLATED THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION

1. Mercer County
2. Jeff Grey (In his Official and Individual Capacity)
3. Chad Fortkamp (In his Official and Individual Capacity)

40. Plaintiff incorporates the foregoing as if fully restated herein.

41. The Defendants Grey and Fortkamp, in their individual and official capacities, acted under color of state law in depriving the Plaintiff of his First Amendment right to Freedom of Speech.

42. Defendant Grey as Sheriff is an elected official of Mercer County, and as such is the policy maker for the Sheriff's office, and did set a policy, according to his own testimony, that his office would retaliate by bringing criminal charges against citizens, specifically Plaintiff, engaging in speech critical of the Sheriff.

43. The Plaintiff was engaged in a protected speech, namely, speech regarding matters of public interest specifically criticizing the conduct and policies of government officials, dissenting from government policy, and expressing concerns of malfeasance.

44. Defendant Fortkamp, acting under the Sheriff's policy, did bring charges based upon Plaintiff's critical speech in case number CRB-16-00942 under the pretext of "obstructing official business."

45. Defendants Grey and Fortkamp were unable to adduce any testimony to support the pretext of "obstruction" and as such the complaints not only lacked probable cause, but were apparently false: no reasonable person could have believed that Plaintiff's acts as alleged were made with the purpose to hamper or impede an official in their official business, he was criticizing the Sheriff.

46. Defendant Grey then admitted under oath that it was the type of speech that caused the retaliation and that non-critical speech would not have been prosecuted, removing any legitimate question as to the retaliatory motivation of the charges.

47. Defendants, by threatening criminal action and bringing criminal charges based upon such protected speech deprived Plaintiff of rights secured by the U.S. Constitution, specifically Freedom of Speech and the right to petition the government for redress of grievances under the First Amendment as incorporated against the States through the Fourteenth Amendment.

48. After nearly three years of litigation, at great expense, humiliation, mental and emotional distress, Plaintiff was acquitted of all charges under CRB-16-00942.

49. At all times relevant to the allegations contained in this count, the Defendants were acting under color of state law.

50. The Defendants, in instituting, participating in and/or influencing the course of the Prosecution, exercised their authority for, among other reasons, personal motives in retaliation for perceived slights to their dignity.

51. The retaliation for the exercise of free speech had a significant chilling effect on the further exercise of free speech of the Plaintiff that continues unabated to this day and would chill any reasonable person from criticizing the Defendants.

52. Plaintiff suffered and continues to suffer damages in a sum to be determined at trial, but not anticipated to be less than \$1,000,000.00, as a direct and proximate result of Defendants' unlawful conduct

COUNT #3

CLAIM UNDER 42 U.S.C. 1983

THE CHARGING AND ENSUING PROSECUTION OF THE PLAINTIFF – BOTH LACKING PROBABLE CAUSE - VIOLATE THE PLAINTIFF'S FOURTH AMENDMENT RIGHTS

1. Mercer County
2. Jeff Grey (In his Official and Individual Capacity)
3. Chad Fortkamp (In his Official and Individual Capacity)

53. Plaintiff incorporates the foregoing as if fully restated herein.

54. At all times relevant hereto, Defendants were acting under the color of state law.

55. The Defendants initiated a criminal case against Plaintiff and subjected him to court process.

56. Defendant Grey, Mercer County and/or Defendant Fortkamp made, influenced or participated in the decision to prosecute Plaintiff.

57. By Defendant Grey's own admission in open court under oath, the charges were brought against Plaintiff for an illegal purpose - specifically because Plaintiff engaged in protected speech critical of the Sheriff.

58. Defendants caused Plaintiff to be charged with "Obstructing Official Business" for which no probable cause existed: despite vague assertions of hampering or impeding deputies in their

work, no sufficient evidence of this was adduced to support this claim, and no reasonable person would believe that Plaintiff's conduct was intended to hamper or impede any official.

59. After nearly three years of litigation, with Plaintiff subject to bond, numerous mandatory court appearances and incurring extensive legal fees, Plaintiff was acquitted of all charges against him.

60. Plaintiff's speech was regarding matters of public concern, specifically alleged malfeasance in office by Defendant Grey.

61. Plaintiff suffered and continues to suffer damages as a direct and proximate result of Defendants' unlawful conduct.

62. The foregoing had a significant chilling effect on the further exercise of free speech of the Plaintiff that continues unabated to this day and would chill any reasonable person from criticizing the Defendants.

63. By reason of the foregoing, the Defendants have deprived the Plaintiff of a right, privilege, or immunity secured to him by the United States Constitution and/or other federal law, specifically his Fourth Amendment right to be free from unreasonable seizure.

64. Plaintiff suffered and continues to suffer damages in a sum to be determined at trial, but not anticipated to be less than \$1,000,000.00, as a direct and proximate result of Defendants' unlawful conduct.

COUNT #4

CLAIM UNDER 42 U.S.C. 1983 PRIOR RESTRAINT ON FREE SPEECH IN VIOLATION OF THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

1. Mercer County
2. Jeff Grey (In his Official and Individual Capacity)

65. Plaintiff incorporates the foregoing as if fully restated herein.

66. On or about July 26th, 2016, the Defendant Grey directed that a letter from the Mercer County Prosecutor's office be sent to Plaintiff's counsel seeking to limit the speech of the Plaintiff.

67. On or about October 25th, 2016, Defendant Grey commented in an article in the Lima News that "people have a First Amendment right to free speech", but that Plaintiff did not in this context.

68. Additionally, Defendant Grey stated in the same article that the "investigation was ongoing and additional charges could be filed", thus chilling future speech of the Plaintiff.

69. The purpose of the aforementioned actions was to forbid otherwise protected free speech in advance of it being communicated.

70. The restraint of Defendant's protected free speech had a significant chilling effect on the further exercise of free speech of the Plaintiff that continues unabated to this day.

71. Such behavior represents an impermissible prior restraint on free speech.

72. By reason of the foregoing, the Defendants have deprived the Plaintiff of a right, privilege, or immunity secured to him by the United States Constitution and/or other federal law under color of state law.

73. At all times relevant to the allegations contained in this count, the Defendants were government agents acting with governmental authority.

74. Plaintiff suffered and continues to suffer damages in a sum to be determined at trial, but not anticipated to be less than \$1,000,000.00, as a direct and proximate result of Defendants' unlawful conduct.

COUNT #5

CLAIM UNDER OHIO LAW
ABUSE OF PROCESS

1. Mercer County
2. Jeff Grey (In his Official and Individual Capacity)
3. Chad Fortkamp (In his Official and Individual Capacity)

75. Plaintiff incorporates the foregoing as if fully restated herein.

76. Plaintiff avers that Defendants instituted a legal proceeding against Plaintiff in such a way that it was perverted and used for impermissible purposes.

77. The prosecution of case number CRB-16-00942 was instituted to exact revenge for the dissenting content of Plaintiff's speech, and thus was an attempt to accomplish an ulterior purpose for which it was not designed.

78. The process was abused when the Defendants persisted in the prosecution of CRB-16-00942, despite knowing that the prosecution was violative of constitutional rights and not supported by evidence.

79. Plaintiff suffered and continues to suffer damages in a sum to be determined at trial, but not anticipated to be less than \$1,000,000.00, as a direct and proximate result of Defendants' unlawful conduct.

COUNT #6

CLAIM UNDER OHIO LAW
NEGLIGENT RETENTION, HIRING AND SUPERVISION

1. Mercer County
2. Jeff Grey (In his Official and Individual Capacity)

80. Plaintiff incorporates the foregoing as if fully restated herein.

81. Defendant Grey and Fortkamp were at all time relevant herein employees of Defendant Mercer County.

82. Defendant Grey was the direct supervisor of Defendant Fortkamp and had supervisory authority over the Mercer County Sheriff's Department.

83. At all times relevant to this action, Defendant Grey knew or reasonably should have known of and/or participated in, and/or condoned, and/or ratified:

- a. Defendant Fortkamp's filing of 13 separate criminal charges in CRB-16-00942; and
- b. The ongoing prosecution of CRB-16-00942.

84. Defendant Grey knew or reasonably should have known that these acts and/or failures to act would likely cause Defendants to inflict the constitutional injury that befell Plaintiff.

85. Defendant Grey and/or Mercer County had a duty to provide training, take action, or otherwise prevent Defendants from engaging in the above stated conduct.

86. Despite their collective knowledge of the above misconduct, Defendants took no action, failed to impose reasonable discipline or training, and/or otherwise abandoned his/their supervisory duty.

87. As a result of their incompetence, failures and/or abandonment of supervisory duties, Defendants created an environment that condoned misconduct and perpetuated and/or facilitated and/or aided the Defendants in the baseless and unconstitutional charging and prosecution of the Plaintiff.

88. Defendants engaged in acts or omissions that were the product of a reckless or callous indifference to the Plaintiff's constitutional rights.

89. Plaintiff suffered and continues to suffer damages in a sum to be determined at trial, but not anticipated to be less than \$1,000,000.00, as a direct and proximate result of Defendants' unlawful conduct.

COUNT #7

CLAIM UNDER OHIO LAW
R.C. §311.05

1. Mercer County
2. Jeff Grey (In his Official and Individual Capacity)

90. Plaintiff incorporates the foregoing as if fully restated herein.

91. Defendant Grey ordered and/or had knowledge of and/or participated in and/or acted in reckless disregard of and/or ratified the neglect of duty or misconduct of Deputy Chad Fortkamp.

92. Plaintiff suffered and continues to suffer damages in a sum to be determined at trial, but not anticipated to be less than \$1,000,000.00, as a direct and proximate result of Defendants' unlawful conduct.

DECLARATORY RELIEF

1. Plaintiff incorporates the foregoing as if fully restated herein.
2. Plaintiff is entitled to a declaratory judgment establishing that the charges filed against him in case number CRB-16-00942 were filed and prosecuted in violation of his constitutional rights.
3. Plaintiff is entitled to such additional declaratory relief as is necessary and appropriate to enforce his rights under Ohio law and the United States and Ohio constitutions.

INJUNCTIVE RELIEF

4. Plaintiff incorporates the foregoing as if fully restated herein.
5. The ongoing prosecution in CRB-16-00942 was undertaken in bad faith.
6. The ongoing prosecution in CRB-16-00942 was part of a pattern of harassment against the Plaintiff in retaliation for his use of protected speech.

7. The law being enforced, as applied, is utterly irredeemable and unconstitutional.
8. Plaintiff is entitled to a preliminary and permanent injunction preventing the County of Mercer from any future attempts at prosecution of alleged crimes based on those protected rights enumerated in the foregoing.

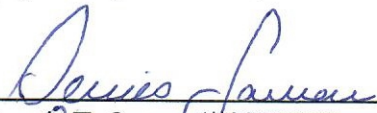
WHEREFORE, Plaintiff petitions this Honorable Court to:

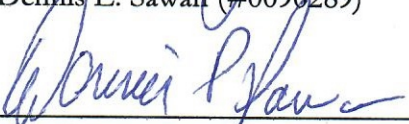
1. Assume jurisdiction over this matter; and
2. Enter a judgment and decree declaring Defendants' application of Ohio Revised Code 2921.12 unconstitutional for denying Plaintiff of First and Fourth amendment rights as applied; and
3. Enter a preliminary and permanent injunction enjoining Defendants from applying and enforcing Ohio Revised Code 2921.13 against Plaintiff as described above; and
4. Award Plaintiff monetary damages to compensate him for his past, present and continuing loss of free speech, and for all other actual injuries Plaintiff has suffered as a result of Defendants' conduct; and
5. Award punitive damages against Defendants; and
6. Interest on such damages awarded at the legal rate from date of judgment until paid; and
7. Declaratory judgment; and
8. Injunctive relief against all Defendants; and
9. Attorney's fees pursuant to 42 U.S.C.A. § 1988(b); and
10. Costs of suit; and
11. Such other and further relief as the court deems just and proper.


JURY DEMAND

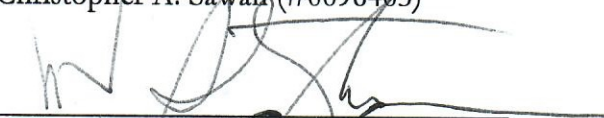
Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a trial by jury of all issues triable of right by a jury.


Respectfully submitted,


Dennis E. Sawan (#0090289)


Dennis P. Sawan (#0040117)


Christopher A. Sawan (#0096403)


William Stephenson (#0037839)


Michael Stahl (#0097049)

s/ Joseph Yamin /s
Joseph Yamin (MI #P33905)

Exhibit A

POSTED ON [DECEMBER 6, 2015](#)

Letter: Jeff Grey an 0-10 sheriff

LETTERS, OPINION

The question has to be asked what has happened in Mercer County. In the recent year heroin and violence have been epidemic. There is not a community in Mercer County that would not fire an 0-10 football coach. This disaster falls on the incompetent shoulders of Sheriff Jeff Grey. He has presided over this social debacle.

Jeff Grey should resigns now.

— Jeff Rasaweher, Celina

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COMMERCIAL VEHICLES

A LINEUP WITH A VEHICLE
FIT FOR ANY JOB



Boost Your Business

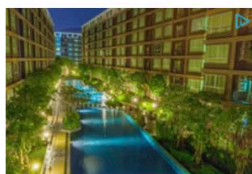
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Independent Senior Living in
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Before you renew Amazon
Prime, read this

Wikibuy



[Photos] A Girl Frozen for 500
Years Has Left Archaeologists
Shocked By How She Looked

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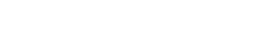
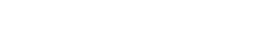
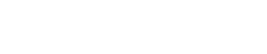
He Wins The Money, She Runs
His World

Golfweek | USA Today



HDPE SHEET - NATURAL HIGH
DENSITY POLYETHYLENE

InterstatePlastics



POLL

Were you familiar with Myth Busters host
Jessi Combs?

☐ Yes

☐ No

☐ Not sure

NEXT

0 Comments

Sort by Oldest

Exhibit B

Mercer County Prosecuting Attorney's Office

Matthew K. Fox, Prosecutor

119 North Walnut Street
Celina, Ohio 45822
Telephone: (419) 586-8677
Facsimile: (419) 586-8747
Email: prosecutor@mercercountyohio.org

Assistant Prosecutors
Andrew J. Hinders
Amy B. Ikerd
Joshua A. Muhlenkamp
Victim Assistance
Rhonda S. Helmer

July 26, 2016

Mr. Joseph Yamin, Esq.
Lambert Leser Attorneys at Law
755 W. Big Beaver Road, Suite 410
Troy, MI 48084

Via Certified Mail

Re: Mr. Jeff Rasawehr

Dear Mr. Yamin,

This letter is in response to our recent conversation regarding your client Jeff Rasawehr. Specifically, we discussed whether I could arrange for you to privately review documents in the possession of the Mercer County Sheriff's Office provided to you and/or Mr. Rasawehr that were responsive to previous records requests directed to the Mercer County Sheriff's Office. You provided me with copies of documents that are redacted and it is your desire to privately review those documents in their unredacted form with your goal of advising your client whether or not the documents were properly redacted and were responsive to your client's complaints regarding the Mercer County Sheriff and the Mercer County Sheriff's Office.

In our follow up conversation since your request, I mentioned to you that my office continues to receive inappropriate emails from Mr. Rasawehr.

I am unable to provide you access to unredacted Mercer County Sheriff's Office emails. I am, however, enclosing for your review copies of emails received by my office from Mr. Rasawehr.

In my opinion, the Mercer County Sheriff's Office properly redacted information in their response for the reasons they previously cited to you. Moreover, I specifically draw your attention to Ohio Revised Code 149.43 and the definition of "Confidential Law Enforcement Investigatory Record" contained therein as follows:

(2) "Confidential law enforcement investigatory record" (CLEIR) means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative

nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

- (a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;
- (b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;
- (c) Specific confidential investigatory techniques or procedures or specific investigatory work product;
- (d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

First, I ask that you review your request for review of the redacted documents in light of the emails that I have provided to you. Those emails refer to investigations that your clients insisted are pending or should be initiated by the Mercer County Sheriff's Office.

Second, since 2012 the Mercer County Sheriff's Office has been receiving emails and phone calls from Mr. Rasawehr. I am told by the Sheriff that some of those contacts have been professional, some harassing, and some threatening. I am aware that the Mercer County Sheriff's Office has tried to respond to Mr. Rasawehr in a professional manner. Recently, the Mercer County Sheriff's Office has simply ignored his emails and phone calls, although keeping detailed records, including voice recording, video recordings, and copies of electronic correspondence of every contact Mr. Rasawehr has with the Mercer County Sheriff's Office. Mr. Rasawehr's stated goal is to provoke the Mercer County Sheriff's Office into an "over-reaction" situation so he can sue the Mercer County Sheriff's Office.

Third, I am aware that Mr. Rasawehr has lodged complaints against the Mercer County Sheriff's Office with the Federal Bureau of Investigation, the Ohio Organized Crime Commission, the Ohio Bureau of Adult Detention and the NAACP. It is my understanding that these agencies have all investigated and all have cleared the Mercer County Sheriff's Office of any wrong doing.

From the above it should be obvious that the CLEIR exception protects the produced records.

Moreover, Mr. Rasawehr continues to demand investigation be conducted by the Mercer County Sheriff's Office into matters that are unfounded. The Mercer County Sheriff's Office has advised me that they will no longer respond to these complaints. I refer you to Ohio Revised Code 311.07 which outlines the Sheriff's Duty regarding investigation of crimes. Despite Mr. Rasawehr's protests, the Mercer County Sheriff's Office is not required to respond to these complaints. Road patrol has continually and consistently been held by the courts to not be

considered an element of the Sheriff's duty of "preserving the public peace" specified in ORC Section 311.07. Consequently, road patrol is discretionary.

The Ohio Supreme Court held in *In re Sulzmann, Sheriff*, 125 Ohio St. 594 (1932), that the mandate to "preserve the public peace" does not require that a sheriff patrol the county as a policeman or ferret out crime as a detective. In examining this question the Federal District Court for the Northern District of Ohio stated in *Jones v. Wittenberg* (N.D. Ohio 1973), 357 F.Supp. 696, that "the weight of what little authority there is indicates that the Sheriff is only required to respond to calls. He does not have to serve as a patrolman for the County."

Lorain County Deputies Assoc v. Vasi, 1992 Ohio App. LEXIS 6392, 9th District Court of Appeals. The 9th District further held:

The legislative mandate to 'preserve the peace' only requires that a sheriff respond to calls and bring to justice those the Sheriff knows to have committed illegal acts. Any additional police protection the Sheriff provides ... is a discretionary matter...

The most recent case involving Geauga County was decided by the 11th District Court of Appeals in 2003. *Gauga Cty. Bd. of Commrs. v. Gauga Cty. Sheriff*, 2003-Ohio-7201, adopted the logic of *Vasi* concluding that:

Although the general scope of law enforcement services has increased through the years, the Ohio General Assembly has not chosen to change the 'preserve the peace' language in the statute. As a result, the narrow interpretation of R.C. 311.07(A), as originally stated by the Supreme Court of Ohio in *In Re Sulzmann*, must be followed. That is, when read in the context of the entire statute, the phrase 'preserving the public peace' must be interpreted to apply only to those violations of the peace which the sheriff has knowledge or takes place in his presence.

Of greater interest may be the *Gauga* Court's comments noting that the statutes provide for the ability by which townships and municipalities can contract for law enforcement services. The *Gauga* Court indicated that those provisions suggest that the General Assembly did not obligate county government to provide law enforcement services that go beyond the scope of the narrow definition of preserving the peace.

With the above in mind, please advise your client that in the event that your client is in Mercer County and has a legitimate emergency, he should call 9-1-1. The Sheriff's Office will assess the situation as they do with all 9-1-1 calls and send the proper response. You might consider cautioning Mr. Rasawehr regarding the penalties for misuse of 9-1-1 under Ohio law.

Please, however, advise your client to cease and desist all other contacts. Since Mr. Rasawehr consistently states that he is represented by you, that you are working to sue the Mercer County Sheriff's, the Sheriff's Office we will not discuss any allegations from him on any matter, except a true 9-1-1 emergency.

Please also direct your client to cease and desist all contact with my office, my staff and employees.

Cordially

A handwritten signature in black ink, appearing to read 'Matthew K. Fox', with a large, sweeping flourish extending to the right.

Matthew K. Fox
Mercer County Prosecuting Attorney

Certified Mail #7006 0100 0006 2492 3398

Exhibit C

Mercer County Sheriff charges man with online harassment, menacing

NEWS, TOP STORIES

By Craig Kelly - ckelly@civitasmedia.com



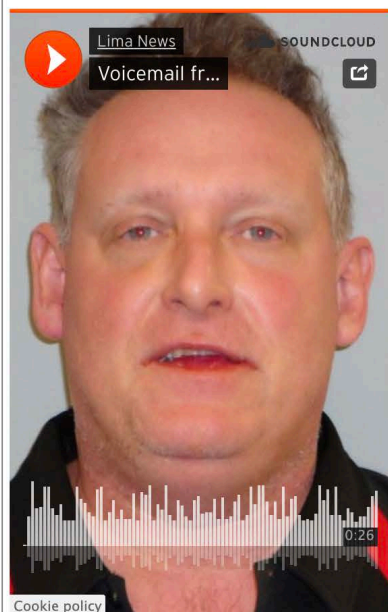
Jeffrey Rasawehr

CELINA — A former Mercer County resident who has repeatedly voiced complaints of racism and corruption against Mercer County Sheriff Jeff Grey has been charged with multiple counts of menacing and harassment by the Mercer County Sheriff's Office.

Jeffrey Rasawehr, 51, of Birmingham, Michigan, was charged Tuesday with five counts of menacing by stalking, a first-degree misdemeanor, eight counts of telecommunications harassment, also a first-degree misdemeanor, and 13 counts of obstructing official business, a second-degree misdemeanor. Each first-degree misdemeanor charge comes with a potential penalty of six months in jail, with the second-degree misdemeanor charges each carrying a penalty of three months in jail.

LISTEN TO A RECORDING

Check out a recording of Jeffery Rasawehr talking about his hopes to sue the Mercer County Sheriff's Office.



In a statement sent Tuesday, the Sheriff's Office said that Rasawehr "has continually barraged his family and extended family and the Mercer County Sheriff's Office with threatening and condescending emails, [blog posts](#), voicemails, phone calls and texts."

The statement also said that Rasawehr filed complaints with the FBI, the Bureau of Adult Detention and Ohio Organized Crime.

"All have concluded there was no wrongdoing by the Sheriff's Office or its employees and have closed their cases," the statement continued.

"While people have a First Amendment right to free speech, the Ohio Revised Code prohibits menacing by stalking, telecommunications harassment, and obstructing official business," Grey said.

The Sheriff's Office also said the investigation was ongoing and additional charges could be filed. Because of the ongoing threat of litigation, the Sheriff's Office refused any further comment on the issue.

Rasawehr remains adamant that he will not accept any plea bargain, maintaining that every charge can be dismissed as an expression of his First Amendment rights. A self-avowed "hard core civil rights activist," Rasawehr calls his dispute with Grey a just one as he seeks to expose what he describes as a pattern of bigotry and racism in the department, citing a number of previous cases involving minorities and people with disabilities.

"I will not plead guilty to exercising my right to advocate for the rights of the disabled," he said. "If I have to go through this to expose what I know is going on, I am glad to do this for the minorities in that county, the disabled and all the people whose rights are being abused in that system. We've managed to do the right thing by getting the thug to overreact."

Reach Craig Kelly at 567-242-0390 or on Twitter @Lima_CKelly.

Exhibit D

CELINA MUNICIPAL COURT

CELINA, MERCER COUNTY, OHIO

WARRANT ON COMPLAINT

THE STATE OF OHIO

VS.

JEFFREY E RASAWEHR
221 BALDWIN RD
BIRMINGHAM, MI 48009

AKA:

CASE NO. 16CRB00942

SSN: 268-58-4616

DOB: 02-19-65

**SUMMONS
ONLY**

TO: SHERIFF JEFF GREY, or any Law Enforcement Officer

A complaint, a copy of which is attached hereto, has been filed in this Court charging violation(s) of
OBSTRUCTING OFFICIAL BUSINESS 2921.31 A (13 COUNTS)

~~OBSTRUCTING OFFICIAL BUSINESS 2921.31 A~~

~~OBSTRUCTING OFFICIAL BUSINESS 2921.31 A~~

~~OBSTRUCTING OFFICIAL BUSINESS 2921.31 A~~

~~OBSTRUCTING OFFICIAL BUSINESS 2921.31 A~~

~~OBSTRUCTING OFFICIAL BUSINESS 2921.31 A~~

of the Ohio Revised Code.

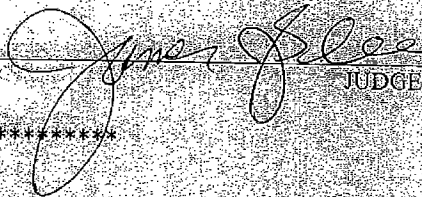
You are ordered to arrest JEFFREY E RASAWEHR, defendant, and bring said person before this Court without unnecessary delay.

You may/may not issue summons in lieu of arrest under Rule 4(A)(2) or issue summons after arrest under Rule 4(F) because

WITNESS my signature and seal of said Court on 10-25-2016

BOND SET: \$19,500

PLUS \$25.00 SURCHARGE


JUDGE

SUMMONS ENDORSEMENT

Use only when Summons is issued in lieu of arrest.

This warrant was executed by issuing the following summons:

To JEFFREY E RASAWEHR

You are hereby summoned and ordered to appear at 1:30 o'clock AM/PM on

Monday, November 7, 2016, at the above captioned Court

If you fail to appear at the time and place stated above you may be arrested.

Issuing Officer, Title

NOTICE TO DEFENDANT: For information regarding your duty to appear call 419-586-6491.

The address of the Court is: City Hall, 225 North Main Street, Celina, Ohio 45822

Regular court sessions are held Monday @ 1:30 P.M. & Friday @ 9:00 A.M. with exception of holidays.

THE STATE OF OHIO
VS.
JEFFREY E RASAWEHR

CELINA MUNICIPAL COURT
CASE NO. 16CRB00942

RETURN OF SERVICE

Received this warrant on _____, 20__ at _____ M.

RETURN OF EXECUTED WARRANT:

On _____, 20__, I arrested the person, served him/her with a copy of this warrant with complaint attached and brought him/her

- () to the Mercer County Jail because the Court was not in session,
() to Court.

FEES: Service, 1 person \$ _____
Mileage, _____ miles _____
Total \$ _____

Arresting Officer, Title _____

Agency _____

RETURN OF EXECUTION BY ISSUANCE OF SUMMONS BY OFFICER:

On _____, 20__, I executed this warrant by issuing JEFFREY E RASAWEHR a summons by personal/residence service which ordered said person to appear at _____ (time) on _____, 20__ at the captioned Court. The summons was endorsed upon the warrant and accompanied by a copy of the complaint.

FEES: Service, 1 person \$ _____
Mileage, _____ miles _____
Total \$ _____

Issuing Officer, Title _____

Agency _____

RETURN OF UNEXECUTED WARRANT:

On _____, 20__, I attempted to execute this warrant but was unable to do so because

(state specific reason and additional information regarding defendant's whereabouts)

FEES: _____ \$ _____
Mileage, _____ miles _____
Total \$ _____

Executing Officer, Title _____

Agency _____

IN THE CELINA MUNICIPAL COURT, MERCER COUNTY, OHIO

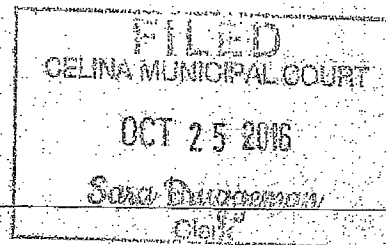
State of Ohio

CASE NO. 16CRB00942

VS.

Jeffery Edward Rasawehr
221 Baldwin Road
Birmingham, Michigan 48009
DOB: 02/19/1965
SSN: XXX-XX-XXXX
Defendant.

COMPLAINT



STATE OF OHIO, MERCER COUNTY, SS:

The undersigned, Detective Chad Fortkamp, Mercer County Sheriff's Office, being duly sworn complains that **Jeffery E. Rasawehr**, Defendant, at Mercer County Ohio did,

Count One: On or about February 14, 2015 did without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties. TO WIT: Jeffery Rasawehr did call the Mercer County Sheriff's Office on February 14, 2015 and wanted to report that his kids were kidnapped. A detective from the Sheriff's Office was called in on overtime due to deputies being tied up on traffic crashes. Mr. Rasawehr was advised by his ex-wife (Pam Rasawehr) the day prior that she has the kids in events and they would not be available for visitation. Mr. Rasawehr knew that his mother (Becky Rasawehr) had the children when he reported them "kidnapped". This report of a crime was false.

In violation of **ORC Section 2921.31(A) Obstructing Official Business**, being a Misdemeanor of the **Second (M-2)** degree.

Count Two: On or about September 12, 2016 did without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties. TO WIT: after numerous complaints of misconduct, hateful e-mails and website posting by Jeffery Rasawehr, The Mercer County Sheriff's Office via the Mercer County Prosecutor's Office had sent a letter to Jeffery Rasawehr and his attorney (Joseph

Yamin) requesting that he cease calling the Mercer County Sheriff's Office, unless it was an emergency. It was requested that any non emergency contact be communicated through his attorney (Yamin). This letter was sent on July 26th, 2016 and received by his attorney a few days later. On September 12th, 2016 Mr. Rasawehr called the Mercer County Sheriff's Office and stated that he wanted to file a complaint of theft involving taxes. Mr. Rasawehr went on to advise that Bertke filed a false tax return without letting him claim his daughter.

In violation of **ORC Section 2921.31(A) Obstructing Official Business**, being a **Misdemeanor** of the **Second (M-2)** degree.

Count Three: On or about October 2, 2016 did without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties. TO WIT: Jeffery Rasawehr did call the Mercer County Sheriff's Office to report that a family member filed a false IRS tax return. This family member has also been harassed by Mr. Rasawehr in the past. Mr. Rasawehr has been advised to not contact the Mercer County Sheriff's Office unless there is a true emergency.

In violation of **ORC Section 2921.31(A) Obstructing Official Business**, being a **Misdemeanor** of the **Second (M-2)** degree.

Count Four: On or about October 2, 2016 did without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties. TO WIT: Jeffery Rasawehr did send a message to the Mercer County Sheriff's Office that states the following: "I have been reading your legal work—are you really this stupid—-damn you are pathetic—if you were in the real world you would be an absolute failure good thing you can hide behind a badge like the little man you are". This is after Mr. Rasawehr had been warned not to contact the Mercer County Sheriff's Office anymore unless it is an emergency.

In violation of **ORC Section 2921.31(A) Obstructing Official Business**, being a **Misdemeanor** of the **Second (M-2)** degree.

Count Five: On or about October 2, 2016 did without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers

or impedes a public official in the performance of the public official's lawful duties. TO WIT: Jeffery Rasawehr did send a message to the Mercer County Sheriff's Office that states the following: "check out editorial in lima news---your culture of death and corruption is catching up with you---how can you look in the mirror at your CORRUPT and arrogant disgusting excuse for a human being---I would bet you visibly sat in church today---yet you are a fraud as a human being---I am preparing a press conference with the NAACP to call for your investigation and your resignation---YOU ARE NOT FOOLING ME I KNOW YOU ARE CORRUPT". This is after Mr. Rasawehr had been warned not to contact the Mercer County Sheriff's Office anymore unless it is an emergency.

In violation of **ORC Section 2921.31(A) Obstructing Official Business**, being a **Misdemeanor** of the **Second (M-2)** degree.

Count Six: On or about October 1, 2016 did without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties. TO WIT: Jeffery Rasawehr did send a message to the Mercer County Sheriff's Office that states the following: "compiling papers on you again today---will you cover for mike boley and go down with him or will you tell the truth---wait I know the answer a snake and a racist scumbag like you will never tell the truth---the pic does nothing I know the MONSTER that you are---your phone records from earlier fioa request trace to your threats and posts-----we got you caught you WEASEL". This is after Mr. Rasawehr had been warned not to contact the Mercer County Sheriff's Office anymore unless it is an emergency.

In violation of **ORC Section 2921.31(A) Obstructing Official Business**, being a **Misdemeanor** of the **Second (M-2)** degree.

Count Seven: On or about September 29, 2016 did without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties. TO WIT: Jeffery Rasawehr did send a message to the Mercer County Sheriff's Office that states the following: "sleep well tonight we are narrowing in on you---you may fool some but you know that I know that you are a corrupt fraud---this is not going away we are going to take this to federal court to expose how corrupt you and yours are". This is after Mr. Rasawehr had been warned not to contact the Mercer County Sheriff's Office anymore unless it is an emergency.

In violation of **ORC Section 2921.31(A) Obstructing Official Business**, being a **Misdemeanor** of the **Second (M-2)** degree.

Count Eight: On or about September 29, 2016 did without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties. TO WIT: Jeffery Rasawehr did send a message to the Mercer County Sheriff's Office that states the following: "hey marty been working on filing the case against mercer county---you really enjoyed finally being a man in your life when you framed me didn't you-----in the email it is apparent you are really a small human being with an important job---when you framed me you sure acted like little big man---IF YOU WERE A REAL MAN YOU WOULD ADMIT WHAT YOU HAVE DONE---SEE IN COURT". This is after Mr. Rasawehr had been warned not to contact the Mercer County Sheriff's Office anymore unless it is an emergency.

In violation of **ORC Section 2921.31(A) Obstructing Official Business**, being a **Misdemeanor** of the **Second (M-2)** degree.

Count Nine: On or about October 6, 2016 did without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties. TO WIT: Jeffery Rasawehr did send a message to the Mercer County Sheriff's Office that states the following: "Do you have any SHAME for the death of Jaxxon Baker???? That blood-like the blood of many other innocence is on your hands-----IF YOU WERE A HUMAN BEING INSTEAD OF AN AROGANT BUFFOON YOU WOULD RESIGN NOW". This is after Mr. Rasawehr had been warned not to contact the Mercer County Sheriff's Office anymore unless it is an emergency.

In violation of **ORC Section 2921.31(A) Obstructing Official Business**, being a **Misdemeanor** of the **Second (M-2)** degree.

Count Ten: On or about October 6, 2016 did without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties. TO WIT: Jeffery Rasawehr did send a message to the Mercer County Sheriff's Office that states the following: "MARTY-----I have in my possession a document that purports that your office has arrested and falsely charged me with

multiple offences I have contacted the posting party and they say they got it from your office-----I request this be investigated----I KNOW YOU ARE CORRUPT AND WILL DO NOTHING but when I get the answer I will do all I can to FIRE your corrupt----- ignorant hide----you and I both know you are too dumb to make it in the real world". This is after Mr. Rasawehr has been warned not to contact the Mercer County Sheriff's Office anymore unless it is an emergency.

In violation of **ORC Section 2921.31(A) Obstructing Official Business**, being a **Misdemeanor** of the **Second (M-2)** degree.

Count Eleven: On or about October 19, 2016 did without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties. TO WIT: Jeffery Rasawehr did call the Mercer County Sheriff's Office at approximately 0842 hrs and told the working Dispatcher "fuck you". Mr. Rasawehr has been advised to not contact the Mercer County Sheriff's Office unless there is a true emergency.

In violation of **ORC Section 2921.31(A) Obstructing Official Business**, being a **Misdemeanor** of the **Second (M-2)** degree.

Count Twelve: On or about October 22, 2016 did without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties. TO WIT: Jeffery Rasawehr did call the Mercer County Sheriff's Office at approximately 1339 hrs and wanted to know about coming to the Mercer County Citizens Academy. Mr. Rasawehr advised that he was going to be there whether he was allowed to be or not. Mr. Rasawehr then advised to tell the Sheriff that he said Hi. Mr. Rasawehr has been advised to not contact the Mercer County Sheriff's Office unless there is a true emergency.

In violation of **ORC Section 2921.31(A) Obstructing Official Business**, being a **Misdemeanor** of the **Second (M-2)** degree.

Count Thirteen: On or about October 2, 2016 did without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties. TO WIT: Jeffery Rasawehr did call the Mercer County Sheriff's Office at approximately 1503

hrs and requested to know Ms. Eishen's phone number. He then advised that he wants to contact her to pay for her lawsuit against the Mercer County Sheriff's Office for the death of her son. Mr. Rasawehr has been advised to not contact the Mercer County Sheriff's Office unless there is a true emergency.

In violation of **ORC Section 2921.31(A) Obstructing Official Business**, being a **Misdemeanor** of the **Second (M-2)** degree.


Detective Chad Fortkamp

Sworn to before me by Detective Chad Fortkamp, Mercer County Sheriff's Office
on this the 25th day of October, 2016.


JUDGE / Clerk / Notary Public

Exhibit E

IN THE CELINA MUNICIPAL COURT

EMERSON COUNTY, OHIO
CELINA MUNICIPAL COURT

STATE OF OHIO

JUL 12 2019*

CASE NO. 16CRB00942
16CRB00943

v.

Sara Buggeman
Clerk

JEFFREY E. RASAWEHR

*

JUDGMENT ENTRY ON
JURY TRIAL

This matter came before the Court upon the verdict of the jury returned on May 24, 2019 after the jury concluded deliberating in this matter this same day.

In Case No. 16CRB00942, the jury found the defendant not guilty of the following offenses:

Counts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12, Ohio Revised Code §2921.31(A);(B), Obstructing Official Business, Misdemeanors of the Second (M-2) degree;

In Case No 16CRB00943 The jury found the defendant guilty of the following offenses:

Count 5, Ohio Revised Code §2903.211(A)(1);(B)(1), Menacing by Stalking, a Misdemeanor of the First (M-1) degree, and

Count 6, Ohio Revised Code §2917.21(A)(6);(C)(2), Telecommunications Harassment, a Misdemeanor of the First (M-1) degree.

The jury found the defendant not guilty of the following offenses:

Count 7 Ohio Revised Code §2917.21(A)(6);(C)(2), Telecommunications Harassment, a Misdemeanor of the First (M-1) degree, and

Count 10 Ohio Revised Code §2917.21(A)(6);(C)(2), Telecommunications Harassment, a Misdemeanor of the First (M-1) degree.


David C. Faulkner, Judge by Assignment

Copies sent to: Det Chad Fortkamp

Attorney Dennis E. Sawan

Pros Atty Matthew K. Fox

Attorney Yamin

Judge David C Faulkner

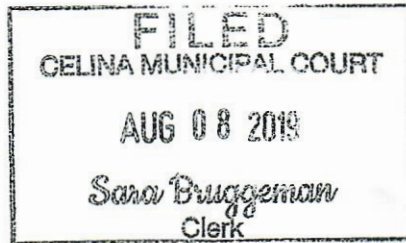
CELINA MUNICIPAL COURT

P.O. BOX 362
CELINA, OH 45822-0362
TEL. (419) 586-6491

STATE OF OHIO
Plaintiff

VS.

JEFFERY E RASAWEHR
Defendant



JOURNAL ENTRY

Case No. 16CRB00943
16CRB00943

The following charge was dismissed on case 16CRB00942 during the Jury Trial: Count 3 - 2921.31 A, Obstructing Official Business, Misdemeanor of the Second (M-2) degree, and On the request of the State of Ohio, count 13 - 2921.31 A, Obstructing Official Business, Misdemeanor of the Second (M-2) degree is nolle.

The following charges were dismissed on case 16CRB00943 during the Jury Trial: Counts 1,2,3,4 - 2903.211, Menacing by Stalking, Misdemeanors of the first (M-1) degree, and Counts 8, 9, 11, 12, 13 - 2917.21, Telecommunications Harassment, Misdemeanors of the first (M-1) degree

IT IS SO ORDERED

Date: 8-8-19

A handwritten signature in black ink, appearing to read "David Faulkner", written over a horizontal line. Below the line, the text "JUDGE DAVID FAULKNER" is printed in a bold, sans-serif font.

JUDGE DAVID FAULKNER

CC: DET CHAD FORTKAMP
ATTY SAWAN
PROS FOX
ATTY YAMIN
JUDGE FAULKNER
DEFENDANT