

**For Immediate Release:**

October 6, 2020

## **State Representative John Becker Announces Filing of Complaint for Writ of Mandamus**

### ***Doubles-Down on Demand that Elected Officials Follow the Law***

UNION TOWNSHIP, CLERMONT COUNTY — State Representative John Becker, acting as a private citizen and with his own personal funds, formally filed a complaint for a writ of mandamus today in the Twelfth District Court of Appeals.

On September 28, 2020, Representative Becker filed a Private Citizen Affidavit (PCA) per Ohio Revised Code (ORC) 2935.09(D) in the Clermont County Municipal Court demanding the immediate arrest of Governor DeWine for 10 criminal charges.

The PCA includes felony (seven felony and three misdemeanor) charges. Therefore, and according to ORC 2935.10(A) and case law, the court MUST either issue an arrest warrant for Governor DeWine OR refer the PCA to a prosecutor who MUST conduct an investigation.

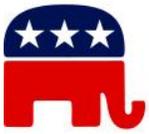
Clermont County Prosecutor, Vince Faris, failed to satisfy either requirement of state law and summarily dismissed the charges within hours of receiving the PCA. “I’m very disappointed by Prosecutor Faris’ failure to perform his clear legal duty under the law,” Becker said. “He must have been very busy that day.”

If Becker’s action is successful, the 12<sup>th</sup> District Court of Appeals will order Prosecutor Faris to either issue a warrant for Governor DeWine’s arrest or properly investigate the charges outlined in the PCA. A writ of mandamus is a written command or order issued by a superior court compelling a government officer to perform a mandatory duty.

Representative Becker has encouraged citizens across Ohio, who care about the rule of law and want their freedoms restored, to file similar PCAs in their respective counties.

Becker made the following observations and comments:

I’ve been getting reports that some county Clerk of Court offices are refusing to accept a Private Citizen Affidavit (PCA) and saying something like, “we don’t do that here.” Or, “we don’t file complaints here.” Additionally, the citizens are being sent to the prosecutor’s office or to the sheriff’s office.



It is likely that many customer service employees in the Clerk's offices are not familiar with PCAs and simply don't know what to do with them.

You might want to explain that a PCA is a sworn statement seeking charges rather than bringing charges. It would accompany a complaint (charges) that a prosecutor could choose to move forward with.

In Ohio, a citizen can't file a criminal complaint (charges). The PCA is the mechanism created by law – Ohio Revised Code 2935.09(D) – that allows citizens to seek criminal charges.

If the Clerk of Court's office is refusing to accept the PCA, gently point out ORC 2935.09(D). It states in part, "...A private citizen may file an affidavit charging the offense committed with the clerk of a court..." Simply ask to see the office manager or the elected Clerk of Courts. Ask for the PCA to be filed, presented to the administrative judge, and ask for a case or docket number.

If the Clerk's office continues to be "less than cooperative," take the PCA directly to a judge or to the prosecutor's office. (Do not go to the sheriff's office.)

Gently point out that the PCA seeks felony offenses and pursuant to Ohio Revised Code 2935.10(A), this court shall "(1) issue a warrant for the arrest of the person charged in the affidavit, or (2) refer the matter to the prosecuting attorney for investigation." See *State v. Fraley*, 2020-Ohio-3763, citing *State ex rel. Brown v. Nusbaum*, 2017-Ohio-9141. Ohio Revised Code 2935.10(A) mandates that this court cannot summarily dismiss the affidavit. See *Hicks v. State*, 2018-Ohio-5298.

Representative Becker is happy to help citizens file PCAs in their respective counties. He can be reached at [John@BeckerGOP.com](mailto:John@BeckerGOP.com).