

**MARTIN P. DESMOND
ATTORNEY AT LAW
CERTIFIED PUBLIC ACCOUNTANT**



**P.O. Box 14052
Youngstown, Ohio 44514
Telephone: (330) 559-4505
E-mail: mpmd4@hotmail.com**

April 22, 2024

Ohio House of Representatives
House Civil Justice Committee

**Re: House Bill 281
Opponent Testimony**

Chair Hillyer, Vice-Chair Mathews, Ranking-Member Isaacsohn, and members of the House Civil Justice Committee:

Thank you for the opportunity to testify in opposition to H.B. 281. My testimony will draw upon my experiences over the past 25 years as an assistant prosecuting attorney, civil attorney, and crime victim.

I. Background.

Growing up in a tough area of Youngstown's northside, I experienced firsthand the crippling effects that violence, drugs, gangs, and corruption have on our community. My earliest memories include a neighborhood friend being shot and killed when I was 6 years old; being offered drugs as I walked home from school when I was 9 years old; and seeing innocent people harmed on a regular basis.

I am a victim of violent crime myself having been kidnapped, robbed, and nearly murdered by a serial rapist who was stalking my mother. Based on these life-experiences, I am dedicated to helping our community, especially victims and those less fortunate; and working to ensure justice is served.

I have approximately 25 years of experience in the legal profession, including 7 years in private practice and 18 years in the criminal justice field.

During my 13 years as an assistant prosecutor, I prosecuted over 1,000 criminals, including capital cases, aggravated murders, murders, manslaughters, and rapes. I have handled all phases of a criminal prosecution, including investigations; grand jury proceedings; courtroom matters; motion writing and related hearings; victim/witness preparation; trials; appeals; and post-conviction relief proceedings.

In addition to prosecuting violent crimes, I was also assigned to the Mahoning Valley Law Enforcement Task Force, as well as the F.B.I.'s Mahoning Valley Violent Crime Task Force. In this position, I was the lead prosecutor on high-level, complex drug trafficking and gang-related prosecutions, including the investigation and prosecution of several federal and state wiretap cases. My work garnered awards from the F.B.I., Ohio Attorney General, and Mahoning Valley Chiefs of Police. I served on the National District Attorneys Association Marijuana Policy Panel. I was a part-time professor having taught several Criminal Justice classes at Youngstown State University.

Currently, I am working in private practice handling a variety of legal matters, including civil litigation; civil RICO; legal malpractice; accounting malpractice; medical malpractice; wrongful death; personal injury; constitutional rights; and criminal litigation. In my private litigations, I established federal case law advancing the rights of victims of crime and trauma, and established state case law advancing the protection of whistleblowers. I also pursued and litigated several complex civil cases exposing corruption, misconduct, constitutional violations, and criminal activity in local government and businesses.

II. H.B. 281 is not feasible for prosecutors.

As an assistant prosecutor, I exercised prosecutorial discretion when deciding whether to charge an individual with a crime and how to handle a case once charges were filed. Several factors went into this decision-making process, such as strength of the evidence, credibility of witnesses, and likelihood of success.

I also had to consider the availability of resources (or lack thereof) of the office, courts, and law enforcement. In my experience, it is not uncommon for all the elements of a crime to be met, but the individual still is not prosecuted because the matter is better suited for a civil lawsuit—not a criminal prosecution.

Under H.B. 281, when a prosecutor exercises his/her discretion and decides against a criminal prosecution, a victim is left without recourse and the ability to obtain justice under Ohio R.C. 2307.60.

Prosecutors have extensive power to pursue criminal charges. H.B. 281 now seeks to extend this power to the civil realm to decide who can be sued for criminal acts, which, to my knowledge, has never been within their authority—and should not be within their authority.

III. H.B. 281 promotes public corruption by eliminating private parties' ability to seek justice against public officials who engage in criminal acts.

Growing up in Youngstown and living in the Mahoning Valley most of my life, I have seen the decaying effects of public corruption on everyday life. Back in the 1990s, thanks to the efforts of law enforcement, the mafia's long-standing grip on our area was crippled. But, in my experience, when law enforcement rids a community of one type of criminal enterprise, it creates a vacuum, which tends to be filled with another criminal enterprise. In my experience, the demise of the mafia gave rise to another form of organized crime—public corruption.

The following examples are cases—in which I was either the actual plaintiff or plaintiff's attorney—where public officials were alleged to have engaged in criminal acts. In each example, the lawsuit could not have been brought in the manner it was without Ohio R.C.

2307.60. In each case, the allegations were against either the prosecutor and his/her statutory agents. Under *pro-public-corruption* H.B. 281, the lawsuits could not have brought unless the prosecutor first prosecuted him/herself and their statutory agents (county commissioners and employees) and obtained a conviction. Such a scenario is not reasonable or fair and undermines a victim's ability to seek justice.

A. Desmond v. Gains, et al., Mahoning County Common Pleas Case No. 2018-CV-00771

During my time as an assistant prosecutor, the Task Force and I investigated a local spa, which was engaged in prostitution. The investigation yielded evidence that a local attorney was engaged in the running of the business and its illicit services. The local attorney was a supporter of the county prosecutor (my boss) and held a fundraiser for his campaign.

During this same time period, the Task Force and I obtained evidence that another assistant prosecutor accepted bribes from a local businessman to fix a case. The matter was referred to the F.B.I. for further investigation. According to the F.B.I., funds from the illicit activity was being paid into the county prosecutor's campaign account. The F.B.I. approached me about the prosecuting.

During this same time period, I also learned of a questionable indictment by another assistant prosecutor of a witness in a murder case. The indictment was based on the witness's invocation of his Fifth Amendment privilege to remain silent.

I reported the information of which I was aware regarding the indictment to the county prosecutor. I also sought permission from the county prosecutor to prosecute the local attorney and assistant prosecutor mentioned above. The county prosecutor refused my request.

I reported the matters involving local attorney and assistant prosecutor to the Ohio Attorney General's Office. Within months of my reporting, I was suspended and then terminated. The county prosecutor held a press conference to trumpet my termination during which he made false, fraudulent, and defamatory statements about me.

Thankfully, I was able to file a civil lawsuit against the prosecutor, his assistant prosecutor, and the county alleging several claims under Ohio R.C. 2307.60, including intimidation, retaliation, interfering with civil rights, perjury, and falsification, as well as other civil claims for defamatory and false light. I simultaneously filed a whistleblower appeal to the Ohio State Personnel Board of Review. In the whistleblower appeal, the court of appeals found that I was a whistleblower. While in the civil case, I produced and obtained evidence supporting my claims.

After 5 years of litigation, we secured a settlement of \$550,000. Without Ohio R.C. 2307.60, I would not have been able to clear my name, restore my reputation, and expose the public corruption. The defamation and false light claims helped clear my name from the false and fraudulent allegations. But the Ohio R.C. 2307.60 claims further cleared my name, restored my reputation, and exposed the public corruption. Notably, a few months after the settlement, the prosecutor resigned in the middle of his term.

B. Morrison v. Mahoning County, et al.; N.D. Ohio Case No. 4:22-cv-02314.

On November 28, 2022, Ricky Morrison, a county maintenance worker who was battling cancer, attended a board of elections hearing on his own time. He sat and spoke with the challenger-candidate for Mahoning County commissioner. The incumbent-commissioner, who was also present, saw Morrison, questioned him, then stated, “You work for us. Unreal!” The incumbent-commissioner turned and abruptly walked away exclaiming “Wow!”

Three days later, on December 1, during a commissioners’ meeting, the incumbent-commissioner and a second-commissioner voted to terminate Morrison. The third-commissioner opposed the termination—“I told them this isn’t right”—and left the meeting. Morrison was notified of his termination the following morning.

The third-commissioner spoke to Morrison, the challenger-candidate, and, later, the media confirming the reason for Morrison’s termination was his attendance at the board of elections hearing, support of the challenger-candidate, and sitting and speaking with the challenger-candidate.

On December 9, Morrison’s attorney emailed a letter to the three commissioners demanding Morrison immediate and unconditional reinstatement from the unlawful termination in retaliation for his exercising his First Amendment rights.

On December 11, Morrison’s attorney emailed a letter to the sitting-county prosecutor demanding Morrison’s unconditional reinstatement and a demand to preserve evidence. The prosecutor agreed to look into the matter.

According to the third-commissioner, he met with the prosecutor and “I told [the prosecutor] everything. She knew.” On December 3, despite the third-commissioner informing the prosecutor of “everything,” the prosecutor emailed Morrison’s counsel stating the termination was “void *ab initio*,” instructing Morrison to return to work, excusing the commissioners’ unconstitutional and retaliatory termination of Morrison, exonerating their role in the firing, and placing blame on the county administrator for supposedly acting alone and without authority in the termination.

Morrison filed a federal lawsuit against the commissioners, the county administrator, and the prosecutor alleging several claims, including intimidation, bribery, interfering with civil and statutory rights, and dereliction of duty under Ohio R.C. 2307.60.¹ The case settled almost immediately with the defendants paying \$175,000 to Morrison.

C. Mary Stone (pseudonym) v. Mahoning County, et al.; N.D. Ohio Case No. 4:23-cv-01138.

Mary Stone was a female deputy sheriff assigned to the county jail. While being held at the county jail, an inmate (Rondell Harris), who had a prior criminal record including gross sexual imposition against a social worker while being held in a juvenile detention facility, was placed in a disciplinary unit following disruptive and grotesque behavior. Harris was moved

¹ The Court granted the prosecutor’s motion for judgment on the pleadings dismissing her from the lawsuit on immunity grounds. The Court also found that the prosecutor was not involved in the decision to terminate Morrison.

to the less-secured medical unit and placed on suicide watch. When the watch was lifted, jail supervisors failed to move Harris back to the disciplinary unit where he belonged.

Harris continued to engage in further inappropriate conduct, including chronic masturbation, writing several notes to jail staff expressing a desire to engage in deviant sexual behavior, and attempting to smuggle contraband into the jail. In response, jail staff and supervisors moved Harris to another cell in the medical unit, which was out of the surveillance cameras' range.

The notes were entered into the jail's computer system, which is supposed to be reviewed by supervisors. Mary was not made aware of the notes, Harris's sexual advances to staff, or Harris's prior gross sexual imposition case.

When Mary went to Harris's cell to retrieve items that Harris was not permitted to have in the cell, Harris attacked her. Harris strangled Mary, threw her to the ground, ripped off her clothes, and violently raped her. Harris locked Mary in his cell and roamed the unit unattended for at least 10 minutes until other deputies finally arrived.

Harris was prosecuted by the Ohio Attorney General's Office. He was indicted, pled guilty, and sentenced to prison.

One jail supervisor was demoted and another was transferred. But that did little to help Mary, who was left permanently harmed physically, mentally, and economically. She is on disability with an uncertain future.

Mary filed a civil lawsuit against the county and jail supervisors alleging claims, including dereliction of duty and interference with civil and statutory rights under Ohio R.C. 2307.60. The case settled with the defendants paying \$650,000 to Mary.

D. Christopher Green v. City of East Liverpool, et al.; N.D. Ohio Case No. 4:23-cv-00445.

Christopher Green is a former East Liverpool police officer. During his time as a police officer, Green witnessed and learned of misconduct and criminal behavior by several officers within the East Liverpool Police Department. In January 2021, Green reported this information to the F.B.I., which launched an investigation. Within weeks, Green was placed on administrative leave and later terminated.

Green filed a federal lawsuit against the city, mayor, safety service director, and several officers alleging several claims, including intimidation, tampering with records, tampering with evidence, telecommunications harassment, interfering with civil rights, and falsification under Ohio R.C. 2307.60.

The case is still pending, but is set for mediation on May 2. Notably, the mayor did not seek re-election.

IV. H.B. 281 strips private parties' ability to seek justice against individuals who engage in criminal acts.

The following examples are cases—in which I was the plaintiff's attorney—where the prosecutor failed to prosecute the matter. These lawsuits could not have been brought in the manner they were without Ohio R.C. 2307.60. Under *anti-victim* H.B. 281, the victims would have been left with no means to seek justice.

A. Rotz v. Rotz, et al.; Mahoning County Common Pleas Case No. 2020-CV-00245.

When C.R. was 10-11 years, he was sexually molested by an older relative. C.R.'s memories of the abuse, which he repressed for 15 years, came flooding back when the molester put his hand on C.R.'s shoulders at a family event. C.R. later confronted the molester, who confessed. C.R. audio-recorded the conversation with the molester.

C.R. and his mother went to the police and prosecutor. Despite the audio-recorded confession, the prosecutor failed to indict the molester.

C.R. filed a civil lawsuit against the molester and the molester's parents alleging several claims, including rape and sexual battery under Ohio R.C. 2307.60. The parties entered into a confidential settlement agreement.

B. Banna v. Perry, et al.; Mahoning County Common Pleas Case No. 2020-CV-1993.

On December 7, 2019, Kyle Banna went out with friends to a bar in downtown Youngstown. After his friends left, Kyle was attacked by several individuals inside the bar. The fight was broken up and the assailants were escorted out of the bar, then Kyle was escorted from the bar. The attack was recorded on the bar's surveillance cameras.

While outside, the assailants followed Kyle to a parking lot and attacked him again. Kyle was knocked unconscious and the assailants continued to kick, punch, and assault him. The parking lot attack was also recorded on a surveillance camera. Kyle knew one of the assailants, who was married to a family friend. Kyle later identified two of the other assailants.

Kyle did not provoke either attack. As a result of the attacks, Kyle suffered serious physical harm, including being knocked unconscious; a concussion; severe bruising to the face, upper body, back, chest, torso, and lower body; and tooth damage requiring a root canal. The prosecutor refused to file charges, despite Kyle's identification of the assailants and both attacks being recorded.

Kyle filed a civil lawsuit against three of the assailants and the bar, including claims for assault, felonious assault, and inciting to violence under Ohio R.C. 2307.60. While civil law provides causes of actions for assault and battery, civil law does not provide a similar cause of action for inciting to violence. Here, one of the assailants argued that he never struck Kyle, but could not viably defend the inciting to violence claim under Ohio R.C. 2307.60. The case settled with the assailants paying \$26,550 to Kyle. Kyle and the bar entered into a confidential settlement agreement.

V. Criminal statutes lacking civil counterparts.

Civil law does not provide claims that encompass all criminal statutes. So, any proponent-argument that civil law provides the same coverage as Ohio R.C. 2307.60 is not accurate. Below is a non-exhaustive list of criminal statutes, that in my opinion, do not have a civil law counterpart. The language of each statute can be found in the attached appendix.

- Importuning – Ohio R.C. 2907.07
- Bribery – Ohio R.C. 2921.02
- Intimidation – Ohio R.C. 2921.03
- Intimidation of attorney, victim, or witness in criminal case or delinquent child action proceeding – Ohio R.C. 2921.04
- Retaliation – Ohio R.C. 2921.05
- Perjury – Ohio R.C. 2921.11
- Tampering with evidence – Ohio R.C. 2921.12
- Falsification – Ohio R.C. 2921.13
- Theft – Ohio R.C. 2913.02
- Tampering with records – Ohio R.C. 2913.42
- Telecommunications harassment – Ohio R.C. 2917.21

VI. H.B. 281 conflicts with other criminal statutes that contain provisions for civil claims.

The criminal statutes for Intimidation and Falsification both provide for a civil cause of action that does not require a conviction.

Ohio R.C. 2921.03(C) [Intimidation] provides:

A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this division. A civil action under this division is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.

Ohio R.C. 2921.13(G) [Falsification] provides:

(G) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this division. A civil action under this division is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.

H.B. 281 directly conflicts with Ohio R.C. 2921.03 and 2921.13.

VII. Litigation issues caused by H.B. 281.

H.B. 281 inhibits judicial economy and a victim's ability to seek justice in an efficient manner by creating statute of limitations issues and requiring the filing of multiple/dual cases for the same matter.

Consider a factual scenario such as the *Desmond v. Gains, et al.*, case discussed above in which the claims included a mixture of civil claims such as defamation and 2307.60 claims. If the case were to be prosecuted, the likelihood of such a complex case being charged, indicted, litigated to guilty verdicts/pleas, and sentenced within 1 year is highly unlikely. Yet, the statute of limitations for defamatory and other intentional torts is only 1 year.

Instead of simply filing a single case with the civil claims and 2307.60 claims within the 1-year-defamation statute of limitations, the plaintiff would be hamstrung into one of these undesirable positions:

- The plaintiff could file two separate lawsuits—the first lawsuit with the civil/defamation claims and the second lawsuit with the 2307.60 claims (filed of course years later after the convictions). Such a scenario creates issue and claim preclusion arguments.
- The plaintiff could forego filing a lawsuit on the civil/defamation claims within the 1-year statute of limitations and then *hope* the prosecutor charges and convicts the defendant. If the prosecutor fails to do either, the plaintiff loses the 2307.60 claims and the civil/defamation claims.
- Conversely, the plaintiff could pursue the civil/defamation claims only and forego the 2307.60 claims.

While other scenarios exist, these three give a glimpse of the legal ramifications created by such an unreasonable bill as H.B. 281.

While all parties have an interest in protecting their rights, the insurance industry has better ways to protect itself than gutting the rights of crime victims. Insurance companies can exercise due diligence throughout the process to observe when cases should be settled or when fees are becoming excessive versus those that should be litigated to the end. Insurance companies can seek indemnification from the public officials and insured parties who engage in criminal acts and are liable under Ohio R.C. 2307.60. Insurance companies can increase their premium for counties or companies that habitually engage in criminal acts, or drop their coverage. Insurance companies can also seek sanctions, such as attorneys' fees and costs, for the filing of frivolous lawsuits. Any of these options are better than victimizing crime victims a second time with H.B. 281.

VIII. Conclusion.

As a former prosecutor and crime victim, I believe that no legislator can claim to be tough on crime and vote for this bill to undermine a tool to enforce criminal law.

As a former prosecutor and crime victim, I believe that no legislator can claim to be anti-public-corruption and vote for this bill that strips away the rights of those battling corruption and abuse.

As a former prosecutor and crime victim, I believe that no legislator can claim to be a law-and-order candidate and vote for this anti-law-and-order bill.

As a former prosecutor and crime victim, I believe that no legislator can claim to support crime victims—including victims of sexual abuse—and vote for this pro-crime bill.

Please vote a resounding no and send a message to those who engage in criminal acts that you will give them no aid and comfort. Please vote a resounding no and send a message to crime victims that you still care about them.

Thank you for your time and attention. I am available to answer your questions and address your concerns.

Sincerely,

/s/ Martin P. Desmond

Martin P. Desmond
Attorney at Law

Appendix of criminal statutes:

Importuning – Ohio R.C. 2907.07:

(A) No person shall solicit a person who is less than thirteen years of age to engage in sexual activity with the offender, whether or not the offender knows the age of such person.

(B)(1) No person shall solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, and the other person is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of the other person.

(2) No person shall solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, the other person is sixteen or seventeen years of age and a victim of a violation of section 2905.32 of the Revised Code, and the offender knows or has reckless disregard of the age of the other person.

(C) No person shall solicit a person who is less than sixteen years of age to engage in sexual activity with the offender when the person who is less than sixteen years of age is substantially impaired because of a mental or physical condition.

(D) No person shall solicit another by means of a telecommunications device, as defined in section 2913.01 of the Revised Code, to engage in sexual activity with the offender when the offender is eighteen years of age or older and either of the following applies:

(1) The other person is less than thirteen years of age, and the offender knows that the other person is less than thirteen years of age or is reckless in that regard.

(2) The other person is a law enforcement officer posing as a person who is less than thirteen years of age, and the offender believes that the other person is less than thirteen years of age or is reckless in that regard.

(E) No person shall solicit another by means of a telecommunications device, as defined in section 2913.01 of the Revised Code, to engage in sexual activity with the offender when the offender is eighteen years of age or older and either of the following applies:

(1) The other person is thirteen years of age or older but less than sixteen years of age, the offender knows that the other person is thirteen years of age or older but less than sixteen years of age or is reckless in that regard, and the offender is four or more years older than the other person.

(2) The other person is a law enforcement officer posing as a person who is thirteen years of age or older but less than sixteen years of age, the offender believes that the other person is thirteen years of age or older but less than sixteen years of age or is reckless in that regard, and the offender is four or more years older than the age the law enforcement officer assumes in posing as the person who is thirteen years of age or older but less than sixteen years of age.

Bribery – Ohio R.C. 2921.02:

(A) No person, with purpose to corrupt a public servant or party official, or improperly to influence a public servant or party official with respect to the discharge of the public servant's or party official's duty, whether before or after the public servant or party official is elected, appointed, qualified, employed, summoned, or sworn, shall promise, offer, or give any valuable thing or valuable benefit.

(B) No person, either before or after the person is elected, appointed, qualified, employed, summoned, or sworn as a public servant or party official, shall knowingly solicit or accept for self or another person any valuable thing or valuable benefit to corrupt or improperly

influence the person or another public servant or party official with respect to the discharge of the person's or the other public servant's or party official's duty.

(C) No person, with purpose to corrupt a witness or improperly to influence a witness with respect to the witness's testimony in an official proceeding, either before or after the witness is subpoenaed or sworn, shall promise, offer, or give the witness or another person any valuable thing or valuable benefit.

(D) No person, either before or after the person is subpoenaed or sworn as a witness, shall knowingly solicit or accept for self or another person any valuable thing or valuable benefit to corrupt or improperly influence self or another person with respect to testimony given in an official proceeding.

(E) No person, with purpose to corrupt a director, officer, or employee of a municipal school district transformation alliance established under section 3311.86 of the Revised Code, or improperly to influence a director, officer, or employee of a municipal school district transformation alliance with respect to the discharge of the director's, officer's, or employee's duties, whether before or after the director, officer, or employee is appointed or employed, shall promise, offer, or give the director, officer, or employee any valuable thing or valuable benefit.

(F) No person, either before or after the person is appointed or employed as a director, officer, or employee of a municipal school district transformation alliance established under section 3311.86 of the Revised Code, shall knowingly solicit or accept for self or another person any valuable thing or valuable benefit to corrupt or improperly influence the person or another director, officer, or employee of a municipal school district transformation alliance with respect to the discharge of the person's or other director's, officer's, or employee's duties.

Intimidation – Ohio R.C. 2921.03:

(A) No person, knowingly and by force, by unlawful threat of harm to any person or property, or by filing, recording, or otherwise using a materially false or fraudulent writing with malicious purpose, in bad faith, or in a wanton or reckless manner, shall attempt to influence, intimidate, or hinder a public servant, a party official, or an attorney or witness involved in a civil action or proceeding in the discharge of the person's the duties of the public servant, party official, attorney, or witness.

Intimidation of attorney, victim, or witness in criminal case or delinquent child action proceeding – Ohio R.C. 2921.04:

(A) No person shall knowingly attempt to intimidate or hinder the victim of a crime or delinquent act in the filing or prosecution of criminal charges or a delinquent child action or proceeding, and no person shall knowingly attempt to intimidate a witness to a criminal or delinquent act by reason of the person being a witness to that act.

(B) No person, knowingly and by force or by unlawful threat of harm to any person or property or by unlawful threat to commit any offense or calumny against any person, shall attempt to influence, intimidate, or hinder any of the following persons:

(1) The victim of a crime or delinquent act in the filing or prosecution of criminal charges or a delinquent child action or proceeding;

(2) A witness to a criminal or delinquent act by reason of the person being a witness to that act;

(3) An attorney by reason of the attorney's involvement in any criminal or delinquent child action or proceeding.

Retaliation – Ohio R.C. 2921.05:

(A) No person, purposely and by force or by unlawful threat of harm to any person or property, shall retaliate against a public servant, a party official, or an attorney or witness who was involved in a civil or criminal action or proceeding because the public servant, party official, attorney, or witness discharged the duties of the public servant, party official, attorney, or witness.

(B) No person, purposely and by force or by unlawful threat of harm to any person or property, shall retaliate against the victim of a crime because the victim filed or prosecuted criminal charges.

Perjury – Ohio R.C. 2921.11:

(A) No person, in any official proceeding, shall knowingly make a false statement under oath or affirmation, or knowingly swear or affirm the truth of a false statement previously made, when either statement is material.

Tampering with evidence – Ohio R.C. 2921.12:

(A) No person, knowing that an official proceeding or investigation is in progress, or is about to be or likely to be instituted, shall do any of the following:

- (1) Alter, destroy, conceal, or remove any record, document, or thing, with purpose to impair its value or availability as evidence in such proceeding or investigation;
- (2) Make, present, or use any record, document, or thing, knowing it to be false and with purpose to mislead a public official who is or may be engaged in such proceeding or investigation, or with purpose to corrupt the outcome of any such proceeding or investigation.

Falsification – Ohio R.C. 2921.13:

(A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

- (1) The statement is made in any official proceeding.
- (2) The statement is made with purpose to incriminate another.
- (3) The statement is made with purpose to mislead a public official in performing the public official's official function.
- (4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits or health care coverage from a state retirement system; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury.
- (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.
- (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.
- (7) The statement is in writing on or in connection with a report or return that is required or authorized by law.
- (8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.

(9) The statement is made with purpose to commit or facilitate the commission of a theft offense.

(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report.

(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law.

(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

(14) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a concealed handgun license or is made in an affidavit submitted to a county sheriff to obtain a concealed handgun license on a temporary emergency basis under section 2923.1213 of the Revised Code.

(15) The statement is required under section 5743.71 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

Theft – Ohio R.C. 2913.02:

(A) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat;
- (5) By intimidation.

(Note: Civil fraud is not similar to criminal theft. The elements of civil fraud are: (1) a representation or concealment of fact when there is a duty to disclose; (2) that is material to the transaction; (3) made falsely, with knowledge of its falsity or with such utter disregard and recklessness as to whether it is true or false that knowledge may be inferred; and (4) with intent to mislead another into relying upon it; (5) justifiable reliance; and (6) injury proximately caused by the reliance. Similarly, civil conversion is not similar to criminal theft. Elements of conversion are: (1) plaintiff's ownership or right to possession of the property at the time of the conversion; (2) defendant's conversion by a wrongful act or disposition of plaintiff's property rights; and (3) damages.)

Tampering with records – Ohio R.C. 2913.42:

(A) No person, knowing the person has no privilege to do so, and with purpose to defraud or knowing that the person is facilitating a fraud, shall do any of the following:

- (1) Falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record;
- (2) Utter any writing or record, knowing it to have been tampered with as provided in division (A)(1) of this section.

Telecommunications harassment – Ohio R.C. 2917.21:

(A) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit a telecommunication to be made from a telecommunications device under the person's control, to another, if the caller does any of the following:

- (1) Makes the telecommunication with purpose to harass, intimidate, or abuse any person at the premises to which the telecommunication is made, whether or not actual communication takes place between the caller and a recipient;
- (2) Describes, suggests, requests, or proposes that the caller, the recipient of the telecommunication, or any other person engage in sexual activity, and the recipient or another person at the premises to which the telecommunication is made has requested, in a previous telecommunication or in the immediate telecommunication, that the caller not make a telecommunication to the recipient or to the premises to which the telecommunication is made;
- (3) During the telecommunication, violates section 2903.21 of the Revised Code;
- (4) Knowingly states to the recipient of the telecommunication that the caller intends to cause damage to or destroy public or private property, and the recipient, any member of the recipient's family, or any other person who resides at the premises to which the telecommunication is made owns, leases, resides, or works in, will at the time of the destruction or damaging be near or in, has the responsibility of protecting, or insures the property that will be destroyed or damaged;
- (5) Knowingly makes the telecommunication to the recipient of the telecommunication, to another person at the premises to which the telecommunication is made, or to those premises, and the recipient or another person at those premises previously has told the caller not to make a telecommunication to those premises or to any persons at those premises;
- (6) Knowingly makes any comment, request, suggestion, or proposal to the recipient of the telecommunication that is threatening, intimidating, menacing, coercive, or obscene with the intent to abuse, threaten, or harass the recipient;
- (7) Without a lawful business purpose, knowingly interrupts the telecommunication service of any person;
- (8) Without a lawful business purpose, knowingly transmits to any person, regardless of whether the telecommunication is heard in its entirety, any file, document, or other communication that prevents that person from using the person's telephone service or electronic communication device;
- (9) Knowingly makes any false statement concerning the death, injury, illness, disfigurement, reputation, indecent conduct, or criminal conduct of the recipient of the telecommunication or family or household member of the recipient with purpose to abuse, threaten, intimidate, or harass the recipient;
- (10) Knowingly incites another person through a telecommunication or other means to harass or participate in the harassment of a person;
- (11) Knowingly alarms the recipient by making a telecommunication without a lawful purpose at an hour or hours known to be inconvenient to the recipient and in an offensive or repetitive manner.

(B)(1) No person shall make or cause to be made a telecommunication, or permit a telecommunication to be made from a telecommunications device under the person's control, with purpose to abuse, threaten, or harass another person.

(2) No person shall knowingly post a text or audio statement or an image on an internet web site or web page for the purpose of abusing, threatening, or harassing another person.