

In The Supreme Court of Ohio

Crystal Lanier,
Appellant,

v.

Thomas Battle,
Appellee

Case No.

19-0887

On the Appeal from the
Franklin County Court of
Appeals, Tenth District
Appellate Court District

Memorandum In Support of Jurisdiction
of Appellant Crystal Lanier

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TABLE OF AUTHORITIES

Criminal efforts of mail tampering, falsifying court orders, court orders with false pretenses, falsified motions filed to the court, perjury being committed from presiding, and perjury being allowed are the various criminal offenses from Judge Terri Jamison, Magistrate Olga Bosques Milliken, Magistrate Brandi Cassone, Guardian ad litem Aria Daugherty Smith, and appellee Thomas Battle. Law enforcement lied about evidence, circumstances, and have not made some reports or pressed charges preventing prosecution.

STATEMENT OF FACTS

This is an emergency and a unique case of senselessness and felonies being committed against my son and I. I am filing at this time with the Supreme Court because a motion for reconsideration to the appellate court may or may not be decided upon because it was filed after the 10 days of time to file and I don't want to risk being past the time necessary to file with the Supreme Court. The appeal decision indicates that transcripts from the lower/trial court aren't in the record. I didn't know if that decision would be vacated for the appropriate decision or if the motion for reconsideration would be decided upon because they were in the record before the appeal decision and a clerk, Christy, didn't tell me I couldn't leave the note left with her for notifying the panel that the transcripts were filed as the presiding from the panel said to do for review. I was told after the appeal decision that a supplement the record motion needed to be filed for that notification. This is not the first time that hearings have been combined. Judge Terri Jamison, Magistrate Brandi Cassone, Magistrate Olga Bosques Milliken, and Guardian ad litem Aria Daugherty Smith have committed perjury, falsified documents, and allowed the same. I understand that Judge Jamison can access the appellate's court system from her chambers which means any decision can be accessed from someone so very dishonorable, unethical, and criminal like a decision from an previous appeal appealed from the lower court in 2017 (page 18) appellate case no. 17AP000813 that the decision shows to be other than said to be from the presiding Judge from the hearing/oral argument at the appellate court. <https://youtu.be/zc0p0m5XOy0> is a link of the oral argument for desperation because of the criminal offenses against us. These are the facts and the case of proof I'm attaching. The basis is a predator and psychopath, my son's father Thomas (Pernell) Battle, who is professed and has committed offenses that is not charged and unregistered has been given custody of my son through criminal efforts of falsifying court orders, court orders with false pretenses, falsified motions filed to the court, perjury being committed from presiding, and perjury being allowed with separate entities of offenses from Children's Services and law enforcement working together to prevent prosecution

not receiving legitimate legal court orders. Termination of parental rights is something I have pleaded for because supervised visitation of a person like him isn't safe, best, or comfortable to me for my son as supervised visitation has wrongfully been required of me and upon this perpetrator's/culprit's request while a protection order is what I am desperately seeking in addition to criminal charges for these crimes committed. Pernell has demanded that he not be spoken negatively about that was made a court order also upon his request from Magistrate Brandi Cassone that keeps the dangerous threatening actions of his not talked about because that is what we have tried to stay safe from in our life and primarily my son while I am fighting for our lives from this. My son well understands the demand and it has been a safety mechanism that prevents him from telling of offenses and being counseled by a therapist, that Pernell setup with Ohio Guidestone, for his safety. I had to make a police report because the therapist was told by my son that he was told to not talk about Pernell and that he threatened him. He is also very demanding to school staff and has been the threat that he is and professed to be any and all places, in person, and maintained over the phone. It was also insultingly said from Judge Jamison in I believe 6/2015 no name calling to us when I told her that he calls me bitch and offensive names and it is an insult because she said that to both of us when I told her that's what he does to me. The Court/Judge Jamison knows of the offenses and the continued name calling. The threat that he is and threats that he makes are known.

Respectfully and Desperately Thank You,

Crystal and Christian

Argument

Criminal efforts of mail tampering, falsifying court orders, court orders with false pretenses, falsified motions filed to the court, perjury being committed from presiding, and perjury being allowed are the various criminal offenses from Judge Terri Jamison, Magistrate Olga Bosques Milliken, Magistrate Brandi Cassone, Guardian ad litem Aria Daugherty Smith, and appellee Thomas Battle. Law enforcement lied about evidence, circumstances, and have not made some reports or pressed charges preventing prosecution.

Magistrate Brandi Cassone told me I was talking to the transcripts in July 2017 (to do with her decision on page 263), and allowed perjury telling me at the start of the hearing on July 19, 2017 to go to the prosecutor's office about the perjury committed that she allowed/was allowing. Her decision from a hearing on February 10, 2017 shows determination to accommodate a psychopathic predator who is a public or great general interest problem being the threat that he is. Magistrate Cassone also let him perjure regarding her at the hearing about these combined decisions appealed with the bottom of page 7 and the top of page 8 transcript proof attached on page 39 from 10/15/18 case number 10JU 01 718 when she gave no response at all about the referenced perjured statement. We are victims of mail tampering (page 273). There was one Objection filed that Judge Jamison made no decision at all about see attached (page 130) for falsifying documents and perjury suspiciously, incorrectly, and differently stated from the facts in the fraudulently suspected response letter from the OSBA see attached (page 273). I took my son to the ER after a delicate discussion see attached (page 255) that I wrote after the fact because I didn't want to forget such a significant incident in April 2013 before knowing by Pernell see attached in 2014 that he is a predator and the predatory perverted offenses committed of flashing my son, sitting on his face, making him sleep in his bed on his shoulder in his brief underwear he started calling panties that the Guardian ad litem knew about see attached and falsely reported in her report and recommendation and my son

thought he wanted him to be his wife or of gender swapping, and going into my son's room with his penis exposed peeing in a bottle instead of going to the bathroom. The Guardian ad litem told us when she was appointed that I had to talk to him even though he addressed me as bitch and he basically changed my name see attached.

Conclusion

Prosecutor Klein's office advised me of needing a protection order 7/2018 that I was seeking at that time in a United States Supreme Court Motion after the suspiciously decided upon denied appeal filed in 2017 appellate case no. 17AP000813. <https://youtu.be/zc0p0m5XOy0> is a link of the oral argument for (decision page 18) desperation because of the crimes committed against us. Thomas Battle admitted to his threatening behavior at my son's school bus stop that Thomas said it to be in 2012 and 2013 but it was daily which a threat to me by him in 2017 of my son's 4th grade school year prevented me from going to his bus stop location the 4th grade year. I appealed it and filed the motion to the US Supreme Court when Judge Jamison from the trial/lower court denied the protection order sought after he told her yes to her question of did you threaten her. I realize now that it was the Supreme Court of Ohio that the motion needed to be filed but I thought the Supreme Court level was the same and feared the same fraudulent tampering in Ohio because of those individuals. I couldn't file that appeal with the Supreme Court of Ohio because the time was exceeded. This appeal my son was threatened 9/22/18 the day after his birthday to be punched in his throat by his father if he called him dude again which worried my son tremendously being so respectful out of fear to a stalking and harassing predator so threatening and in his mode of survival to stay on the safe side of someone who doesn't have a safe side they say bro and dude all of the time. I filed for a protection order 10/3/18 and Judge Jamison denies. Judge Jamison told me to put the recording on something that Magistrate Cassone could hear it on in the upcoming hearing 10/15/18 and consistent to 8/10/18 etc and when she was the first assigned in June or August 2016 with her making sure evidence doesn't get heard and making hearings pre trials and not hearings on the day of. Page 23 is what is court known by admittance in testimony and some inflictions.

Cystal Daneri

CERTIFICATE OF SERVICE

I certify that a copy of this Merit Brief is sent by ordinary U.S. Mail to appellee Thomas Battle, 4450 Josephus Apt C Whitehall, OH 43213 and Guardian ad litem Guy Cook, 890 Oakland Park Ave Suite 102 Columbus, OH 43224 on June 28, 2019.



Crystal Lanier, Appellant

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

[C.L.]

:

Petitioner-Appellant,

:

v.

:

No. 18AP-887
(C.P.C. No. 18DV-1663)

[T.B.]

:

(ACCELERATED CALENDAR)

Respondent-Appellee.

:

JUDGMENT ENTRY

The judgment entry filed on May 10, 2019, having been filed prematurely, the same is hereby vacated. A decision and corresponding judgment will be rendered in due course.

/S/

Judge William A. Klatt, P.J.

Tenth District Court of Appeals

Date: 05-13-2019
Case Title: CRYSTAL J LANIER -VS- THOMAS D BATTLE
Case Number: 18AP000887
Type: JEJ - JUDGMENT ENTRY

So Ordered

William A. Klatt  *Klatt*

/s/ Judge William A. Klatt

Electronically signed on 2019-May-13 page 2 of 2

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

[C.L.] :
Petitioner-Appellant, :
v. : No. 18AP-887
(C.P.C. No. 18DV-1663)
[T.B.], : (ACCELERATED CALENDAR)
Respondent-Appellee. :

JUDGMENT ENTRY


For the reasons stated in the decision of this court rendered herein on May 14, 2019, having overruled appellant's assignments of error, it is the judgment and order of this court that the judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch, is affirmed. Costs are assessed to appellant.



Judge William A. Klatt, P.J.



Judge Julia L. Dorrian



Judge Frederick D. Nelson

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

[C.L.] :
Petitioner-Appellant, :
v. : No. 18AP-887
[T.B.] : (C.P.C. No. 18DV-1663)
Respondent-Appellee. : (ACCELERATED CALENDAR)

D E C I S I O N

Rendered on May 14, 2019

On brief: C.L., pro se.

APPEAL from the Franklin County Court of Common Pleas
Division of Domestic Relations, Juvenile Branch

PER CURIAM.

{¶ 1} Petitioner-appellant, C.L., appeals from the judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch that denied her petition for a civil protective order. Because the record contains no transcript of the hearing that the trial court held on C.L.'s petition, we must overrule her assignments of error and affirm the judgment of the trial court.

{¶ 2} On October 15, 2018, C.L. filed a pro se petition seeking an ex parte domestic violence protection order against T.B. under R.C. 3113.31(D). In the addendum to the petition, C.L. alleged that T.B. had threatened and physically assaulted their child and threatened her; she also alleged that the child's guardian ad litem had not acted after hearing recordings of threats T.B. had made, and that the guardian ad litem had falsified documents and perjured herself before the trial court. (Oct. 15, 2018 Petition.)

{¶ 3} After a hearing, the trial court denied the petition. The trial court's entry stated: "Based upon testimony of Petitioner, the Court finds that the Petitioner has not

proven, by a preponderance of the evidence, that Respondent committed any of the acts necessary to support relief pursuant to Ohio Revised Code §3113.31." (Oct. 16, 2018 Entry.)

{¶ 4} C.L. filed a timely notice of appeal. Under App.R. 16(A), an assignment of error must identify "the place in the record where each error is reflected." Although the assignments of error asserted by C.L. do not comply with this requirement, we construe them all as asserting that the trial court erred in its decision denying her petition for a civil protection order under R.C. 3113.31. *See, e.g., State ex rel. Becker v. Ohio State Hwy. Patrol*, 10th Dist. No. 02AP-918, 2003-Ohio-1450, ¶ 15 (construing various arguments as an assignment of error challenging an entry of judgment on the pleadings in the "interests of justice" where pro se appellant failed to conform to requirements of App.R. 16(A)). We have reviewed C.L.'s brief and its attachments (some going back a period of years).

{¶ 5} "When granting a protection order [under R.C. 3113.31(D)], the trial court must find that petitioner has shown by a preponderance of the evidence that petitioner or petitioner's family or household members are in danger of domestic violence." *Felton v. Felton*, 79 Ohio St.3d 34 (1997), paragraph two of the syllabus. Because a trial court may only issue an ex parte protection order under R.C. 3113.31(D) if a preponderance of the evidence demonstrates the danger of domestic violence, C.L. must point to evidence in the record that shows she met this burden in order to demonstrate that the trial court erred.

{¶ 6} As with some of C.L.'s appeals previously to this court, however, she has not provided a transcript of the trial court's hearing on her petition. *See, e.g., C.L. v. T.B.*, 10th Dist. No. 17AP-813, 2018-Ohio-1074, ¶ 7-8 ("C.L. had the responsibility to provide a transcript of the trial court proceedings because C.L. bears the burden of showing error by reference to matters in the record * * * the absence of a transcript prevents us from discerning whether C.L. introduced any evidence substantiating her claims"); *In re C.B.*, 10th Dist. No. 17AP-142, 2017-Ohio-4413, ¶ 7 ("mother has failed to provide this court with an adequate record to determine the merits of her appeal as it pertains to the court's entry of February 14, 2017").

{¶ 7} Our review of a trial court's decision to grant or deny a civil protection order is governed by an abuse of discretion standard. *Parrish v. Parrish*, 95 Ohio St.3d 1201, 1204 (2002). If there is no transcript of the proceedings in the record, "there is no basis upon which this court can make any finding with respect to the evidence." *Eble v. Emery*, 10th

Dist. No. 06AP-1007, 2007-Ohio-4857, ¶ 9 (affirming the dismissal of a civil protection order where the appellant failed to "cause a transcript of the proceedings to be transmitted to this court"). Again, it is the obligation of an appellant to provide the appellate court with a transcript of the proceedings in the trial court. App.R. 9(B); *C.L. v. T.B.* at ¶ 7; *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199 (1980). Without a transcript to review the proceedings before the trial court, an appellate court must "presume the validity of the lower court's proceedings, and affirm." *Knapp* at 199.

{¶ 8} Without an adequate record, we are compelled to presume the regularity of the trial court's actions. We overrule the assignments of error, and affirm the judgment of the trial court.

Judgment affirmed.

KLATT, P.J., DORRIAN, J. and NELSON, J., concur.

All decisions of which Judge Terri Jamison could have accessed.

about this emergency motion

Decision on appeal the day after a power outage and evacuation/ building dismissed

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

[C.L.],

v.

[T.B.],

Petitioner-Appellant,

Respondent-Appellee.

No. 17AP-813
(C.P.C. No. 17DV-1617)

(ACCELERATED CALENDAR)

DECISION

Rendered on March 23, 2018

On brief: C.L., pro se. Argued: C.L.

APPEAL from the Franklin County Court of Common Pleas,
Division of Domestic Relations, Juvenile Branch

LUPER SCHUSTER, J.

{¶ 1} Petitioner-appellant, C.L., pro se, appeals from an entry of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch, denying C.L.'s petition for a civil protection order ("CPO") against respondent-appellee, T.B. T.B. did not file a brief in this action. For the following reasons, we affirm.

I. Facts and Procedural History

{¶ 2} On November 6, 2017, C.L. filed a petition for a CPO against T.B., the father of her minor child. That same day, the trial court granted C.L. a temporary ex parte CPO effective until the full hearing on C.L.'s petition, scheduled for November 15, 2017.

{¶ 3} On November 15, 2017, the trial court conducted a full hearing, and both C.L. and T.B. appeared without counsel. Following the hearing, the trial court concluded C.L. did not prove, by a preponderance of the evidence, that T.B. committed any of the acts necessary to support granting a CPO under R.C. 3113.31. Thus, the trial court denied C.L.'s

Decision not as discussed on disc of oral argument / link on page 1 of emergency motion

This decision isn't now pleaded and decided in the link of oral argument

Supreme Court

about this emergency motion

11 pages

petition for a CPO, journalizing its decision in a November 15, 2017 entry. C.L. timely appeals.

II. Assignments of Error

{¶ 4} C.L. assigns the following errors for our review:

[1.] The Judge allowed me to be threatened by a man that answered yes to her asking if he threatened me, it was a protection order hearing 17DV-11-1617 on November 15, 2017, and it is overdue needed with the complete psychopathic threat and predator that he has been.

[2.] A document entry decision that the Judge falsified and Magistrate [] and the Guardian ad litem carried out is the error made that we are unable to fathom.

[3.] Judge [], Magistrate [], and the Guardian ad litem have to do with perjury and falsifying documents. Those same mentioned and Magistrate [] have to do with endangering.

(Sic passim.)

III. Analysis

{¶ 5} C.L.'s three assignments of error are interrelated and we address them jointly. Taken together, C.L.'s assignments of error assert the trial court erred when it denied her petition for a CPO against T.B. Generally, the decision of whether or not to grant a CPO lies within the sound discretion of the trial court. *Martin v. Martin*, 10th Dist. No. 13AP-171, 2013-Ohio-5703, ¶ 6, citing *Daughtry v. Daughtry*, 10th Dist. No. 11AP-59, 2011-Ohio-4210, ¶ 5. An abuse of discretion connotes a decision that was unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983).

{¶ 6} "The 'statutory criterion to determine whether or not to grant a [CPO] pursuant to R.C. 3113.31 is the existence or threatened existence of domestic violence.' " *J.R. v. E.H.*, 10th Dist. No. 16AP-431, 2017-Ohio-516, ¶ 15, quoting *Thomas v. Thomas*, 44 Ohio App.3d 6, 8 (10th Dist.1988). To the extent C.L. intends to challenge the trial court's factual conclusions regarding C.L.'s allegations of threatened domestic violence, we note that C.L. did not provide this court with a transcript of the trial court's evidentiary hearing of November 15, 2017.

{¶ 7} "[A] bedrock principle of appellate practice in Ohio is that an appeals court is limited to the record of the proceedings at trial." *Morgan v. Eads*, 104 Ohio St.3d 142,

2004-Ohio-6110, ¶ 13. Thus, C.L. had the responsibility to provide a transcript of the trial court proceedings because C.L. bears the burden of showing error by reference to matters in the record. *Kidane v. Gezahegn*, 10th Dist. No. 14AP-892, 2015-Ohio-2662, ¶ 10, citing *Rose Chevrolet, Inc. v. Adams*, 36 Ohio St.3d 17, 19 (1988). "When portions of the transcript necessary for resolution of assigned errors are omitted from the record, the reviewing court has nothing to pass upon and thus, as to those assigned errors, the court has no choice but to presume the validity of the lower court's proceedings, and affirm." *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199 (1980).

{¶ 8} Here, the absence of a transcript prevents us from discerning whether C.L. introduced any evidence substantiating her claims. Thus, because we lack the means to assess C.L.'s argument, we must presume that no error occurred. *Kidane* at ¶ 11 (concluding the appellate court could not assess the validity of the appellant's arguments that the trial court overlooked evidence of child abuse in denying a CPO because the appellant did not file a transcript on appeal).

{¶ 9} We are mindful that C.L. attached to her brief various email and text message correspondences alleged to be between herself and T.B. in an effort to demonstrate T.B.'s threatening behavior. "However, '[a]n exhibit merely appended to an appellate brief is not part of the record, and we may not consider it in determining the appeal.'" *Kidane* at ¶ 12, quoting *Cashlink, LLC v. Mosin, Inc.*, 10th Dist. No. 12AP-395, 2012-Ohio-5906, ¶ 8. Consequently, we must exclude these materials from our review.

{¶ 10} Because C.L. did not provide this court with an evidentiary transcript of the proceedings before the trial court, we must reject the arguments made in her three assignments of error. Therefore, we overrule C.L.'s first, second, and third assignments of error.

IV. Disposition

{¶ 11} Based on the foregoing reasons, the trial court did not abuse its discretion in denying C.L.'s petition for a CPO. Having overruled C.L.'s three assignments of error, we affirm the judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch.

Judgment affirmed.

DORRIAN and HORTON, JJ., concur.



U.S. Department of Justice

Criminal Division

Washington, DC 20530-0001

March 16, 2018

**Crystal Lanier
P.O. Box 272031
Columbus, OH 43227**

Dear Crystal Lanier:

Thank you for your letter to the Attorney General. We have been asked to respond to you on his behalf.

If you believe that this matter may constitute federal criminal activity, you should contact the Federal Bureau of Investigation (FBI), the investigative arm of the Department of Justice. The FBI will determine whether a federal investigation may be warranted. If appropriate, the FBI will refer the matter to a United States Attorney for a final determination regarding legal action.

Again, thank you for writing the Attorney General. We hope this information is helpful.

Sincerely,

**Correspondence Management Staff
Office of Administration**