

**IN THE COURT OF COMMON PLEAS
FOR FRANKLIN COUNTY, OHIO**

KENNETH WOODSON,
Grafton Correctional Institution
2500 Avon Belden Rd.
Grafton, OH 44044,

and

LEONARD EVANS,
Marion Correctional Institution
940 Marion-Williamsport Rd. E
Marion, OH 43302,

Plaintiffs,

v.

OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION
4545 Fisher Road, Suite D
Columbus, OH 43228,

ANNETTE CHAMBERS-SMITH, Director
of the Ohio Department of Rehabilitation and
Correction, in her official capacity
4545 Fisher Road, Suite D
Columbus, OH 43228,

KEITH J. FOLEY, Warden of Grafton
Correctional Institution, in his official
capacity
2500 Avon Belden Rd.
Grafton, OH 44044,

and

LYNEAL WAINWRIGHT, Warden of
Marion Correctional Institution, in his official
capacity
940 Marion-Williamsport Rd. E
Marion, OH 43302

Defendants.

Case No. _____

Judge _____

Preliminary Relief Requested

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF,
OR IN THE ALTERNATIVE, PETITION FOR WRIT OF MANDAMUS**

Plaintiffs Kenneth Woodson and Leonard Evans bring this action for declaratory and injunctive relief against Defendants the Ohio Department of Rehabilitation and Correction (“ODRC”), Annette Chambers-Smith, Keith J. Foley, Lyneal Wainwright (collectively, “Defendants”). In the alternative, Plaintiffs bring this action in the name of the State and request a writ of mandamus. Plaintiffs allege as follows:

INTRODUCTION AND NATURE OF THIS ACTION

1. This case is a challenge under the equal protection clause of the Ohio Constitution to a discriminatory, illogical, and arbitrary policy under which ODRC, together with the wardens of Ohio prisons under ODRC’s direction, is garnishing and/or has garnished prisoners’ emergency COVID-19 relief funds to pay a variety of fines, fees, costs, and other debts to state agencies including to ODRC itself.

2. The Coronavirus Aid, Relief, and Economic Security (CARES) Act was established by the federal government to provide economic assistance for Americans in the wake of the coronavirus pandemic. The Ohio Attorney General has issued clear guidance that *all* Ohioans’ CARES Act relief funds are completely exempt from garnishment for any debts, public or private - with the sole exception of child support. Yet ODRC’s new policy limits the exemption for Ohio prisoners to \$500,—, such that ODRC will seize the relief issued to a prisoner above \$500 and subject it to garnishment.

3. CARES Act relief is intended to alleviate the devastating economic impact of the COVID-19 pandemic, the ripple effects of which will continue for years. Ohio prisoners, including

Plaintiffs, have been among the worst injured by the pandemic. They badly need this support, for example, to purchase basic necessities including food, medicine, and hygiene products from prison commissaries, and to communicate with and support their loved ones.

4. ODRC's policy denies Plaintiffs the equal protection of law, in violation of Article I, Section 2 of the Ohio Constitution, by irrationally treating people incarcerated in Ohio prisons differently from all other Ohioans.

5. ODRC has already seized Plaintiffs' relief checks. Upon information and belief, ODRC held these checks for weeks while it manufactured a basis, despite and contrary to the guidance of the Ohio Attorney General, to extract a portion of them. In late November 2020, ODRC instructed its wardens to make forms available to prisoners and to advise them that they could use these forms to claim limited exemptions within 14 days. In at least some instances, those forms were not distributed, or prisoners were told by prison staff that submitting them would be futile.

6. ODRC and prison cashier staff began processing these relief checks and distributing them to their intended recipients—but only after initiating internal proceedings, pursuant to its own unlawful policy, to garnish these funds. ODRC's policy has caused incorrect amounts to be withheld from prisoners all across the state, abridging Plaintiffs' rights to equal protection under the law.

7. Plaintiffs file this Complaint along with a Motion for Preliminary Injunction, seeking preliminary declaratory and injunctive relief to prevent ODRC and prison staff from wrongfully withholding prisoners' relief funds. In the alternative, Plaintiffs seek a writ of mandamus directing Defendants to return the full balance of Plaintiffs' funds and to reverse ODRC's unlawful policy.

PARTIES

8. Plaintiff Kenneth Woodson is an Ohio resident incarcerated at Grafton Correctional Institution, where his prisoner number is A770803. Mr. Woodson applied for, and was issued, relief under the CARES Act, but his check was intercepted and held by prison staff. Subsequently, \$869 was extracted from Mr. Woodson's check to pay for court costs, and only the remainder was deposited into his account. He does not owe any child support.

9. Plaintiff Leonard Evans is an Ohio resident incarcerated at Marion Correctional Institution, where his prisoner number is A518639. Mr. Evans applied for and was issued CARES Act relief, but his check was intercepted by prison staff as well. Subsequently, just over \$700 was extracted from his relief funds to pay for outstanding court costs and only the remainder was deposited into his account. Like Plaintiff Woodson, he does not owe any child support.

10. Defendant Ohio Department of Rehabilitation and Correction is the agency charged with supervising and operating the state's prison system. Under R.C. 5120.133, ODRC is empowered to transmit funds held in prisoners' accounts to courts for the payment of outstanding court fees, but it may not do so if those funds are "exempt from execution, garnishment, attachment, or sale" under any provision of law, including R.C. 2329.66.

11. Defendant Annette Chambers-Smith is the director of ODRC. In that capacity, Defendant Chambers-Smith is responsible for ODRC's operations and policies. The allegations made herein as to ODRC apply equally to Defendant Chambers-Smith.

12. Defendant Keith J. Foley is the warden of Grafton Correctional Institution. In that capacity, Defendant Foley is responsible for operations at Grafton, including but not limited to carrying out the disposition of CARES Act relief payments to Plaintiff Woodson.

13. Defendant Lyneal Wainwright is the warden of Marion Correctional Institution. In

that capacity, Defendant Wainwright is responsible for operations at Marion, including but not limited to carrying out the disposition of CARES Act relief payments to Plaintiff Evans.

JURISDICTION AND VENUE

14. This Court has jurisdiction over the subject matter of this action, including under R.C. 2721.02(A).

15. Venue is proper in this Court because ODRC is located in Franklin County, has its principal place of business there, and has conducted activity there that gave rise to the claim to relief. *See* Civ.R. 3(C)(1)-(4).

FACTUAL ALLEGATIONS

U.S. Congress Issues Emergency-Relief Checks to All Americans; Ohio Exempts These Funds from Garnishment

16. On March 27, 2020, President Trump signed into law the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. 116–136, 134 Stat. 281 (2020). Among other things, the CARES Act provided for emergency stimulus payments (Economic Impact Payments, here, “relief funds” or “relief checks” or similar) to eligible individuals nationwide. Eligible individuals were generally entitled to receive \$1,200 in relief money.

17. Ohio has an incarcerated population of approximately 44,000 people, fluctuating as people enter and exit the system daily. Upon information and belief, thousands—perhaps tens of thousands—of ODRC prisoners were eligible to receive relief funds.

18. This economic relief is vitally important to Plaintiffs and others who have been incarcerated during the COVID-19 pandemic. Although ODRC provides baseline subsistence, Plaintiffs and other prisoners require funds to provide fully for their own food, hygiene, medicine, other basic necessities, and means of communication with loved ones, all of which must be purchased from the prison commissary. They are often forced to rely on family members, who

themselves may be in difficult financial circumstances as a result of the pandemic, for support.

19. CARES Act relief was intended to “provide emergency assistance and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic.”¹

20. The CARES Act protects these emergency stimulus funds from certain forms of federal debt collection, but it does not explicitly exempt them from other types of garnishment.

21. To cure this “legislative oversight,” state attorneys general have clarified that the funds are exempt under state law.² Ohio Attorney General Dave Yost has taken this position.

22. The States noted the U.S. Treasury’s characterization of relief checks as “relief” that should be “exempt from garnishment, as similar government payments (such as social security, disability and veterans’ benefits) are.”³

23. On April 13, 2020, Attorney General Yost issued public guidance clarifying Ohio law. He wrote: “The payments under the CARES Act are in the nature of emergency support, designed to support basic needs of tens of millions of Americans. . . . Although there is no explicit exemption for CARES Act payments under federal law, Ohio law protects them.”⁴

24. Citing R.C. 2329.66(A)(12)(d), which protects “[a] payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor’s dependents,” Attorney General Yost confirmed that the relief funds are fully exempt from all types of

¹ See <https://www.congress.gov/116/bills/hr748/BILLS-116hr748enr.pdf>.

² See Apr. 13 Letter from 26 States to the U.S. Treasury, available at <https://www.ohioattorneygeneral.gov/Files/Briefing-Room/News-Releases/04-13-20-multistate-letter-to-Treasury-re-garnishm.aspx>

³ *Id.*

⁴ Ohio Attorney General, *Notice of Applicability of State Law Exemption to Payments Under the Federal CARES Act*, https://www.ohioattorneygeneral.gov/Files/Briefing-Room/News-Releases/STATE_LAW_EXEMPTION_FOR_WEB.aspx (“Ohio Revised Code 2329.66(A)(12)(d) applies to payments under the CARES Act”)

garnishment other than for child support.⁵ He added that “the State of Ohio reserves the option of seeking intervention to enforce the state law exemption.”⁶

25. Critically, Attorney General Yost’s guidance did not limit this exemption to any particular class of people, nor did it exclude any particular class of people. All Ohioans—including retirees, people who are unemployed, and people who have remained fully employed throughout the pandemic—have their CARES Act relief protected under Attorney General Yost’s guidance.

26. Nothing in Attorney General Yost’s guidance, the similar positions of other States, or the CARES Act itself suggests any basis for prisoners to be treated differently than all other Ohioans under the law as it pertains to garnishment of CARES Act relief checks.

ODRC Intercepts Prisoners’ Relief Money and Withholds It

27. Most Americans began receiving their CARES Act relief checks in spring or summer 2020.

28. Virtually all U.S. citizens and U.S. resident aliens were eligible for the payments, so long as they were not claimable as a dependent and their incomes were not above certain thresholds, regardless of their employment status, tax filer status, or other criteria.⁷

29. Relief funds to incarcerated people nationwide, however, were delayed. On May 6, 2020, on its official website, the U.S. Internal Revenue Service (“IRS”) asserted, contrary to the CARES Act, that incarcerated people were ineligible for CARES Act relief checks.

30. Following a federal class-action lawsuit and entry of an injunction requiring it to do so,⁸ the IRS issued notices in October 2020, to be distributed to prisoners nationwide, stating

⁵ *Id.* (“Ohio Revised Code 2329.66(A)(12)(d) applies to payments under the CARES Act”)

⁶ *Id.*

⁷ See Internal Revenue Service, Economic Impact Payment Information Center, Topic A, updated Oct. 26, 2020, <https://www.irs.gov/newsroom/economic-impact-payment-information-center-topic-a-eip-eligibility>; see also 26 U.S.C. § 6428(a), (c).

⁸ See *Scholl v. Mnuchin*, Case No. 20-cv-05309-PJH (N.D. Cal.).

that prisoners could indeed apply to receive relief funds. The deadline was November 4. On its website, the IRS acknowledged that it “cannot deny a payment to someone who is incarcerated” so long as that person meets the general criteria.⁹

31. Upon information and belief, when it learned that Ohio prisoners were entitled to receive CARES Act relief funds—and despite the State’s position that these funds were exempt from garnishment—ODRC began to devise a way to extract money from these checks to cover court fees, state and federal filing fees, and certain debts to ODRC itself such as medical fees and punitive fines.

32. Upon information and belief, between approximately October 12–30, ODRC distributed notices to prisoners that they were eligible to apply for relief funds with a deadline of November 4. But even before that, on October 2, ODRC instructed prison wardens across the state to intercept the checks when they arrived, place them in a safe, and await further instructions. ODRC reiterated these instructions on October 15, advising wardens to wait “until further direction is received from legal.”

33. Upon information and belief, the IRS began sending CARES Act relief funds payable to prisoners in October and November 2020. Those prisoners who had directed that their checks be mailed to non-incarcerated people, such as family members or individuals with financial power of attorney, had their checks delivered undisturbed. As for the rest, prison staff intercepted the relief checks and withheld them, as ODRC had instructed them to do.

ODRC Enacts a Policy Arbitrarily Applying a Different Garnishment Exemption to Prisoners, Limiting the Protection Afforded Them

34. R.C. 2329.66(A)(12)(d), the provision previously cited by Attorney General Yost as applicable to all Ohioans, provides a total exemption from garnishment for any purpose other

⁹ Internal Revenue Service, *supra* note 7.

than child support. There is, in other words, no dollar amount cap to the exemption.

35. Instead of abiding by R.C. 2329.66(A)(12)(d) and the Attorney General’s direction, ODRC in late November 2020 arbitrarily enacted a policy that substitutes a different—and limited—exemption for prisoners. That provision, codified at R.C. 2329.66(A)(3), places a cap on the dollar amount of the exemption, allowing ODRC to garnish any amount above the cap for court-ordered collections and for debts to ODRC itself.

36. On or about November 24, ODRC sent a directive to all wardens in the state, advising them that their staff would be receiving further instructions relating to the seized CARES Act relief checks, including instructions on “how to perform collections” under its new policy.

37. To maximize the opportunity to extract funds, ODRC further instructed prison staff to refuse any prisoner’s request to have their CARES Act relief funds mailed to their families or attorneys, as “[d]oing so would allow them to subvert potential collections.”

38. ODRC also instructed prison staff to distribute notices advising prisoners that they could “seek an exemption of \$475 from court ordered collections.” ODRC later acknowledged that this number was wrong under even its own logic, and that \$500 was the relevant amount.¹⁰

39. In a Frequently Asked Questions (FAQ) guide that it provided to prison staff in furtherance of its new policy, ODRC stated that an incarcerated person who is “scheduled for release” may be given their relief check, apparently without garnishment. Upon information and belief, ODRC has not set specific temporal limits on which prisoners’ release dates would qualify

¹⁰ Nothing in current Ohio law provides for a \$475 capped exemption from garnishment. Rather, R.C. 2329.66(A)(3) has a cap that adjusts to the consumer price index (CPI). The current CPI-adjusted cap is \$500, not \$475. Ohio Judicial Conference, *Exemptions from Execution, Garnishment, Attachment, or Sale*, available at <http://www.ohiojudges.org/Document.aspx?DocGuid=a3fc30dd-e1fe-4d1d-b85f-9b3de8738710> (accessed December 8, 2020). In correspondence, ODRC Counsel acknowledged that \$500 was the appropriate amount.

them for this exception to the policy.

40. Further carrying out its policy, on November 24, ODRC instructed all incarcerated people that it had begun “processing Economic Incentive Payment checks – stimulus money from the IRS” using three categories for processing:

- a. For people with no debt, ODRC would deposit relief funds in prisoner accounts the week following November 24.
- b. For people with child-support debt, ODRC would deposit relief funds that same week, and those funds would be subject to child-support garnishment.
- c. For people with other court-ordered debts, prisoners would receive ODRC’s notice of “Court Order to Pay a Stated Obligation” form (DRC1598) and accompanying “Notice of Objection to Judgment for Payment” (DRC1599). They would not have their checks processed until they applied for an exemption from garnishment under ODRC’s garnishment policy and the application was ruled upon by ODRC’s “collection designee.” Pursuant to these forms and ODRC policy, prisoners were allotted 14 days to assert claims for any exemptions from garnishment, after which ODRC would begin processing relief checks pursuant to its policy.

41. ODRC also told prisoners that they were not allowed to direct that their checks be mailed instead to their attorneys or to family members.

42. Upon information and belief, ODRC collected all available money to pay debts to state agencies, including fines, fees, or costs owed to courts and fines owed to ODRC itself.

43. Upon information and belief, on or about November 30, ODRC began distributing the seized CARES Act relief funds to the prisoners listed in Paragraphs 40(a) and (b) above.

44. Despite ODRC’s instructions, at least some prisons, including Grafton and Marion,

did not distribute Forms DRC1598 and DRC1599 to all prisoners in category (c) of Paragraph 40 above.

45. Under ODRC's unlawful policy, Ohio prisons applied the limited exemption of R.C. 2329.66(A)(3) to any such requests for exemption, instead of applying the unlimited exemption of R.C. 2329.66(A)(12)(d) that the Attorney General has deemed applicable to all Ohioans.

46. ODRC and Ohio prisons, including Grafton and Marion, have thus been garnishing the CARES Act relief money due to every incarcerated person who has court-ordered debts or debts to ODRC itself—upon information and belief, at least thousands of people—and distributing that money wrongfully to local courts across the state, or keeping it for itself.

47. In the meantime, while most Ohioans received their relief funds months ago, Plaintiffs and others in prison continue to be deprived of a significant portion of their federal relief funds.

48. The infection and death rates from COVID-19 have been substantial across Ohio and especially in ODRC facilities. As the economic hardships of the pandemic left Plaintiffs' families less able to provide support, Plaintiffs suffered from severe scarcity in food, medicine, basic hygiene products, access to correspondence, and other necessities. ODRC shut down all in-person visitation in response to the COVID-19 pandemic, which created a greater need for prisoners to use paid communications services in order to speak with their loved ones.

49. Moreover, although several prisons reduced their commissary prices beginning in the spring of 2020, by the summer they had raised those prices back to previous levels. Prison

commissaries—the sole, vital source for purchasing necessities—remain very expensive.¹¹ At times Plaintiffs are forced to choose between, for example, purchasing hygiene products or purchasing the ability to communicate with their families.

**Plaintiffs' Economic Impact Payments Have Been Wrongfully Garnished
Under ODRC's New Policy, Violating Their Right to Equal Protection**

50. Like many people incarcerated in Ohio prisons, Plaintiff Kenneth Woodson badly needs financial assistance. He receives \$18 per month as a porter at Grafton, which he needs to pay for basic needs at the prison commissary. For example, prisoners at Grafton are routinely not fed enough calories and are still hungry. Plaintiff Woodson is no exception, and he often buys soup, rice, or coffee to supplement his diet, as well as vitamins to ensure nutrition. He also must buy basic hygiene supplies, such as soap and toothpaste, and must purchase phone time to talk to his family. *See generally* Exhibit 1 (Affidavit of Kenneth Woodson).

51. He sometimes cannot pay for all the things he needs at the commissary. Frequently, he must choose between paying for phone time to talk to his family and paying for necessary hygiene supplies.

52. Plaintiff Woodson's family has struggled financially because of the COVID-19 pandemic. Two of his three sisters were laid off and have had difficulty finding work as a result of the pandemic's economic impact. Before they lost their jobs, his sisters were sometimes able to provide him financial support, but now they usually cannot afford to do so.

53. In these dire circumstances, the emergency relief provided by the CARES Act is essential for Plaintiff Woodson. Accordingly, he timely applied, and a check was issued by the

¹¹ For example, the current price of a tube of toothpaste at Grafton is \$2.14, the price for an 80-sheet notebook is \$1.23, and the price for a 5-pack of disposable razors is \$2.89. Markups for those items at the commissary, compared to comparable items at regular retailers can be 50% or greater.

federal government. As noted above, approximately \$869 was taken out of his relief payment to satisfy court debt and only the remainder was deposited.

54. Initially, it was not made clear to Plaintiff Woodson that he had the ability to request an exemption at all. At a town-hall meeting at Grafton, a deputy warden advised Plaintiff Woodson and others that any court costs owed would be taken out of their COVID-19 relief funds and that none of the funds would be exempt. Ultimately, Plaintiff Woodson learned that he was entitled to an exemption, and he obtained the form and submitted it within 14 days, requesting a full exemption for all CARES relief funds. He also filed a grievance seeking the same relief.

55. Both Plaintiff Woodson's exemption request, and his grievance, were denied. He appealed his grievance, and his appeal was denied on March 4, 2021.

56. Plaintiff Leonard Evans works as a laundry porter, making \$22 a month that is easily exhausted at the prison commissary. He spends that money on healthcare and hygiene products, food, and phone time. *See generally* Exhibit 2 (Affidavit of Leonard Evans).

57. Plaintiff Evans has a large family, some of whom used to visit him in person before COVID-19, but now cannot. As a result, he finds himself spending more money on phone time in order to keep in touch with his loved ones. His family's working hours have been cut down during the COVID-19 pandemic, making it more difficult for them to provide money for him to call them.

58. Plaintiff Evans contracted COVID-19 during the outbreak at Marion. He suffered from body aches, loss of taste, and vomiting. He still experiences respiratory symptoms, which he believes are exacerbated by the poor ventilation in his cell, as well as loss of appetite, cold sweats, and body aches. The commissary sells health-care products that he uses to treat his symptoms.

59. Plaintiff Evans needs the emergency relief afforded under the CARES Act in order to pay for healthcare products, to purchase phone time, and to pay for an attorney to advise him on

challenging his incarceration, which he is currently doing *pro se*. Accordingly, he timely applied, and a check was issued by the federal government.

60. In October or November 2020, Plaintiff Evans received a message from Marion staff stating that they were waiting for guidance from ODRC on what to do with his and others' relief checks. Plaintiff Evans was not given a form to request an exemption and was left with the understanding that he should do nothing except to wait for further instruction.

61. On December 14, Plaintiff Evans was told by Marion staff that the prison had his check but was holding it. He completed and submitted a request for exemption from garnishment, as well as a grievance objecting to ODRC's policy. Nevertheless, more than \$700 was garnished from his relief check, and his grievance was denied on December 30. He appealed that denial, and his appeal was denied on January 29, 2021.

62. Both plaintiffs have exhausted their internal administrative remedies and now seek the court's aid to vindicate their constitutional right to equal protection. *See* Exhibit 3 (grievance materials for Plaintiff Woodson); Exhibit 4 (grievance materials for Plaintiff Evans).

**COUNT ONE: DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF
FOR VIOLATION OF EQUAL PROTECTION, OHIO CONST. ART. I § 2**

63. Plaintiffs incorporate all foregoing paragraphs as if fully set forth herein.

64. Article I, Section 2 of the Ohio Constitution provides: "All political power is inherent in the people. Government is instituted for their equal protection and benefit"

65. ODRC's garnishment policy, as carried out by Defendants Foley and Wainwright, facially and intentionally discriminates, and has the effect of discriminating, against Plaintiffs and other people who are incarcerated by denying them the benefits of the full exemption from garnishment that is available to all other Ohioans under R.C. 2329.66(A)(12)(d). Instead, the policy affords Plaintiffs and other people who are incarcerated only the limited exemption

provided by R.C. 2329.66(A)(3).

66. Plaintiffs, and others who are incarcerated, are in all relevant respects alike to—or even more in need than—those who are being afforded the more advantageous garnishment exemption of R.C. 2329.66(A)(12)(d), but are nonetheless being treated differently under ODRC’s policy, to their detriment.

67. By Defendant ODRC’s enactment of its policy, and Defendants Foley and Wainwright’s execution of that policy, Defendants deny that Plaintiffs have a right to the same full garnishment exemption for relief funds as do other Ohioans to whom Plaintiffs are similarly situated in all relevant respects.

68. Defendant ODRC’s policy is not rationally related to a legitimate government interest. There is no reasonable basis for its distinction between ODRC prisoners and all other Ohioans.

69. Defendant ODRC’s policy violates the Equal Protection Clause of Article I, Section 2 of the Ohio Constitution.

70. There is a real and justiciable controversy between Plaintiffs and Defendants concerning Plaintiffs’ right to receive the benefits of the same garnishment exemption for relief funds as are received by all other Ohioans, to whom Plaintiffs are similarly situated in all relevant respects.

71. The rights, status, and other legal obligations of Plaintiffs and Defendants are uncertain and insecure, and the entry of a declaratory judgment by this Court will terminate the uncertainty and controversy which has given rise to this proceeding.

72. Immediate relief, including declaratory relief pursuant to the Declaratory Judgment Act, R.C. 2721.03, and injunctive relief pursuant to R.C. 2721.09, is necessary to preserve

Plaintiffs' rights.

73. Absent such relief, Plaintiffs will suffer irreparable injury from the violation of their constitutional rights to equal protection and lack an adequate remedy at law.

COUNT TWO: WRIT OF MANDAMUS

74. Plaintiffs incorporate all foregoing paragraphs as if fully set forth herein.

75. In the alternative, a writ of mandamus is necessary to provide relief in this case if Plaintiffs have no plain and adequate remedy available to them in the ordinary course of law.

76. Plaintiffs have a clear legal right to relief, as Defendants' policy violates the Equal Protection Clause of Article I, Section 2 of the Ohio Constitution.

77. Defendant ODRC has a clear legal duty to reverse implementation of its unlawful policy, and order all wrongfully garnished funds remitted to Plaintiffs. Defendants Foley and Wainwright have a clear legal duty to disburse to Plaintiffs the full amount of the emergency-relief payments issued to Plaintiffs by the federal government. Defendants have failed to perform their respective duties.

78. In the absence of an adequate remedy at law, Plaintiffs are therefore entitled to a writ of mandamus compelling Defendants Foley and Wainwright to perform their duties to disburse the remainder of Plaintiffs' emergency-relief payments to Plaintiffs. *See* R.C. § 2731.01 ("Mandamus is a writ ... commanding the performance of an act which the law specially enjoins as a duty resulting from an office, trust or station").

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Woodson and Evans demand judgment in their favor and against Defendants as follows:

1. A declaration by this Court that Defendants have, by their garnishment policy, violated Plaintiffs' rights to equal protection under the Ohio Constitution, Article I, Section 2;

2. Entry of a preliminary injunction, and/or permanent injunction pursuant to R.C. 2721.03 and 2721.09, requiring Defendants to cease and reverse implementation of their policy, including the processing of Ohio prisoners' relief funds under the garnishment exemption of R.C. 2329.66(A)(3) rather than R.C. 2329.66(A)(12)(d); or, in the alternative, issuance of a writ of mandamus requiring Defendant ORDC to reverse its policy and to order all wrongfully garnished funds to be remitted to Plaintiffs, and Defendants to remit to Plaintiffs the balance of their emergency-relief funds.
3. Award Plaintiffs their costs, expenses, and reasonable attorneys' fees under applicable law; and
4. Provide any further relief this Court deems just, necessary, or appropriate.

Respectfully submitted,

/s/ David J. Carey

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Counsel for Plaintiffs

Exhibit 1

AFFIDAVIT OF KENNETH WOODSON

STATE OF OHIO)
) SS:
COUNTY OF LORAIN)

Now comes affiant Kenneth Woodson, having been first duly cautioned and sworn, deposes and states as follows:

1. I am over the age of 18. I make these statements based on my personal knowledge.
1. I am currently incarcerated at Grafton Correctional Institution (GCI), a medium-security prison operated by the Ohio Department of Rehabilitation and Correction (ODRC) in Lorain County, Ohio. My prisoner number is A770803. I am approximately one year into a sentence of approximately six years. I am thirty-four years old.
2. I was assessed with court costs and fees in connection with my trial in the Richland County Court of Common Pleas. As of a few months ago, my remaining balance was \$869.
3. I do not owe any child support.
4. Several months ago, I learned that we could apply for emergency relief funds from the federal government because of the COVID-19 pandemic. I sent in my application before the deadline.
5. I need financial assistance very badly. I work as a porter in GCI for \$18 a month. I send money to my three sisters and my nieces when I can, but I also need the money to pay for my basic needs at the commissary.
6. For example, a lot of the time we don't get fed enough, so I'm still hungry and I have to buy more food from the commissary. Every two weeks or so I buy things like soup, rice, and coffee, and also vitamins to try to stay healthy. I go through that supply over the next couple of weeks.

7. I also need hygiene supplies, like soap, shampoo, deodorant, toothpaste, and laundry detergent. All of that has to be bought from the commissary. I don't usually need medicine, but the commissary is also where you get that. People buy things like allergy medicine, cough medicine, medicated shampoo, laxatives, and heartburn medicine there.
8. The commissary is also where I pay for phone time, to talk to my family. \$18 a month is barely enough to pay for my hygiene supplies, so I have to choose between sacrificing that or giving up talking to my family.
9. The commissary is generally very expensive. Back in April or May, when the COVID-19 pandemic got going, they lowered the prices for a while. But then they came back up, about a month or so later.
10. We also get charged for sick calls for the nurse, so if you go to the nurse, you then have less money to pay for food and hygiene at the commissary.
11. My family has been struggling financially because of the pandemic. One of my sisters is in college and still has her job at Amazon and FedEx, but my other two sisters both got laid off. One of them worked at an assisted living facility, and the other one worked at a telemarketing company. It's been really hard for both of them to find work, because of the pandemic.
12. Before they lost their jobs, my sisters sometimes were able to put money on my books when I needed it, to pay for things at the commissary and make sure I had phone time. Now they usually can't, and I don't want to ask them to, because it's hard for them to afford it. It's been hard for all of us.

13. A month or so after I sent in my application for the emergency government funds, my check was sent to me. The \$869 that I owed for court costs were taken out of it, and the rest of it was deposited into my account.

14. I am now aware that I have the ability to send in a form to request an exemption, but that wasn't made clear to me before. At a town hall meeting here at GCI, a deputy warden informed us that our court costs and fees would be taken out of our federal relief payments, and that they would not be exempt. I didn't even get an exemption form until probably a week after they had already taken the money out of my federal government payment.

15. When I got the form, I didn't fill it out right away because they had already told me I wouldn't be exempt. They told us we had 14 days to fill it out, and I did fill it out before the deadline. I submitted it on December 15, 2020. It was denied on December 17, 2020.

16. I also filed an informal complaint and grievance, which was denied on February 18, 2021. On February 19, 2021, I appealed. My appeal was denied on March 4, 2021.

FURTHER AFFIANT SAYETH NAUGHT.

Executed on March 19, 2021.

Kenneth Woodson
Kenneth Woodson

Sworn and subscribed before me this 19 day of March, 2021.

Elizabeth Osborne
Notary Public



ELIZABETH OSBORNE
Notary Public
In and for the State of Ohio
My Commission Expires
June 25, 2021

My commission expires 06/25/21

Exhibit 2

AFFIDAVIT OF LEONARD EVANS

STATE OF OHIO)
) SS:
COUNTY OF MARION)

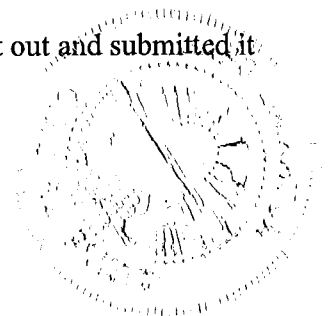
Now comes affiant Leonard Evans, having been first duly cautioned and sworn, deposes and states as follows:

1. I am over the age of 18. I make these statements based on my personal knowledge.
2. I am currently incarcerated at Marion Correctional Institution (MCI), a medium-security prison operated by the Ohio Department of Rehabilitation and Correction (ODRC) in Marion County, Ohio. My prisoner number is A518639. My date of birth is January 29, 1982.
3. I am currently serving an aggregate sentence of life. My first parole hearing is scheduled for early 2030.
4. I was assessed with court costs and fees in connection with my trial in the Hamilton County Court of Common Pleas. As of the end of December 2020, I believe I owed roughly \$7,900. As of February 9, 2021, the amount owed was roughly \$7,200, which I believe is because the prison took about \$700 out of my CARES Act emergency relief funds.
5. I do not owe any child support.
6. In 2020, I learned that I could apply for emergency relief funds from the federal government because of COVID-19. I sent in my application before the deadline.

7. I need this emergency relief. I work as a laundry porter at MCI making \$22 per month. That money is easily exhausted at the commissary, where I buy health-care products, hygiene products, food, and phone time. There are many things there that I need but can't afford. Although prices went down when COVID-19 first hit, it's back to normal prices now, which are high. There is no other place that I can purchase any of these supplies from — the commissary is my only option.
8. I buy health-care products like vitamins, cough syrup, or pain relievers at the pharmacy. For the moment I can afford these things because of the money I did receive from the federal government, but when that runs out, I will not be able to afford these things.
9. In April 2020, I tested positive for COVID-19 during the outbreak at MCI. I had body aches, could not taste, and was throwing up for about a week. I still have symptoms here and there. In my cell, it is sometimes hard for me to breathe; the ventilation is bad. I have a dry cough that hardly ever goes away. I also still sometimes have body aches and wake up in cold sweats. My appetite isn't the same as it used to be before I got sick. The commissary sells cough syrup and nasal spray that I use for my symptoms. But when my money runs out, I won't be able to afford these things again.
10. For hygiene, I buy supplies like toothpaste, soap, and body wash. I also buy food to supplement what we get from the prison to try to make sure I am getting enough nutrients.
11. Phone time is also very expensive. I have a large family, and I like to call my sisters, brothers, and a couple friends. My family used to come visit me before COVID-19, but I haven't had a visit now since January 2020. Because visitation is closed, I find myself

spending more money on phone time — I can run through about \$50 in four days, which is more than double what I make in a month.

12. My family helps me by putting money on my phone account when they can. But it's expensive for them. They have bills to pay and have to provide for themselves as well, and my family members' working hours have been cut because of COVID-19. Everything is harder now financially because so much is shut down. I have been trying to help my family members by sending money home, including money that I received from the federal government.
13. If I had the full \$1,200 in emergency relief funds, I would use it to buy additional health-care products I need, put money on my phone, and also help me hire an attorney to help me with challenging my incarceration, which I am currently doing pro se. I would also try to help my family more.
14. Sometime in October or November, we got a message from MCI telling us that they were waiting for guidance from ODRC's legal department on what to do with our emergency-relief checks. They did not give me a form to request an exemption and my understanding was that there was nothing I could do or should do besides wait for further instruction.
15. On December 14, 2020, I sent a message to the cashier to ask about my check and was told that the prison had it but was holding it.
16. On December 31, I received a copy of a form that I believed would allow me to claim an exemption from garnishment of my emergency-relief funds. I filled it out and submitted it.



on January 3, 2021. I discovered on January 8 that I had forgotten to sign it, so I resubmitted it that same day.

17. On January 12, I was told that I had submitted the wrong form. I requested the correct form. On January 13, I became aware that the prison had put approximately \$500 on my account and taken the rest for court costs. I filed the new exemption form anyway.
18. I also filed a grievance on December 24, 2020, because my equal protection rights are being violated by ODRC's policy and MCI's actions. I filed my informal complaint on December 24. My informal complaint was denied that same day, so I filed a formal grievance later that day as well. My grievance was denied on December 30. On December 31, I appealed. In early February, I learned that my appeal had been denied on January 29, 2021.
19. Around the turn of the new year, I know that the federal government sent out new, \$600 checks. On or around January 23, 2021, the full \$600 was posted to my account. To my knowledge, none of that money was taken by ODRC or MCI, but they've still taken the \$700 from the original check.

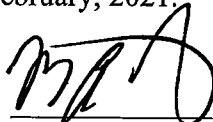
FURTHER AFFIANT SAYETH NAUGHT.

Executed on February 11, 2021.



Leonard Evans

Sworn and subscribed before me this 11 day of February, 2021.



Notary Public



Michael A Laytart
Notary Public
State of Ohio
My Commission Expires
NOVEMBER 2021

Exhibit 3

Notice of Objection to Judgment for Payment

Inmate Name: Woodson JR	Inmate Number: 770 803	Court Case #: 2019 CR 0674
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To: Warden's Collection Designee (Name and Job Title)
Wardens Hanley BA1

I object to the withdrawal of money from my personal account based on the judgment ordering me to pay a stated obligation. In my opinion, some or all monies in my account are exempt from collection (cannot be taken from me) under Ohio Revised Code section 2329.66, as explained below. Alternatively, other laws of Ohio or the United States provide a defense(s) to the validity of the judgment itself, as explained below. I (circle one) **do** or **do not** need to further discuss my exemption(s) or defense(s).

To be Considered, Objections Must be Delivered to the Warden's Collection Designee by the following Due Date: 12/15/2020

My Carcs act funds are exempt under section A&D in the Alternatively I claim all possible exempt including section A3.

You Responded in Court to date 12/1/2020 to take Court Cost & Post Remains to your account & This was done & funds have been sent to Court to MRS Hanley 12/17/2020

RECEIVED
DEC 17 2020

If more space is needed attach additional sheets.

Inmate Signature: Kenneth Woodson	Inmate Number: 770803	Date: 12-15-20
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Ref# GCI0221000816	Housing:A30134T	Date Created:02/04/2021
ID#: A770803	Name:WOODSON JR,KENNETH	
Form:Appeal	Subject:Cashiers Office	Description:Improper charge
Urgent:No	Time left:n/a	Status:Closed

Original Form

2/4/2021 12:49:50 PM : (a770803) wrote

I believe that ODRC is denying me or intends to deny me the full exemption under ohio rev. code 2923.66 (A) (12) (D) that the attorney general says applies to my CARES ACT FUNDS. This violates my rights under that statute and denies me equal protection of the law. Deputy Warden Black told me to let the cashiers office know to take my court cost out of my CARES ACT FUNDS because it is not exemption.. I feel Deputy Warden Black mislead me with her information.

Communications / Case Actions

2/4/2021 12:49:50 PM : (a770803) wrote

Form has been submitted

2/4/2021 1:15:11 PM : (Ronald Armbruster) wrote

Per AR 5120-9-31 you should file your complaint with the department or supervisor most reasonable for your issue. In this case that would be Mrs. Blacks supervisor. The Cashiers Office sent you information and you responded to what you wanted done.

2/4/2021 1:15:17 PM : (Ronald Armbruster) wrote

Closed inmate form

2/4/2021 6:50:06 PM : (a770803) wrote

Escalated to Grievance

2/4/2021 6:50:06 PM : (a770803) wrote

I believe that ODRC is denying me or intents to deny me the full exemption under ohio rev. code 2923.66 (A) (12) (d) that the attorney general says applies to my CARES ACT FUNDS. This violates my right under that statute and denies me equal protection of the law.

2/18/2021 4:28:27 PM : (Robbyn Ware) wrote

This office is in receipt of your grievance filed on February 4, 2021 where you state the following: You believe that the Ohio Department of Rehabilitation and Correction is denying you or intents to deny you full exemption under the Ohio Revised Code 2923.66 (A) (12) (d), where the Attorney General's Office said this exemption applies to your Cares Act Funds. The withdrawal of your funds from your stimulus check to pay your court fees is a violation of your rights under this statute and denies you equal protection of the law. Ms. Black, Deputy Warden of Operations told you to let the Cashiers Office know to take your court cost out of your Cares Act Funds since it was not exempt. You feel that Deputy Warden Black mislead you with her information.

To get a better understanding of your concern I reviewed the following: Administrative Rule (AR) 5120-9-31 (Inmate Grievance Procedure), AR 5120-9-04 (Appropriate Supervision, Discrimination and Racial Issues) and Ohio Revised Code (ORC) 2329.66. I also discussed this complaint with you.

As I investigate your complaint, it is determined that there is no merit to your grievance. Ms. Black did not supervise the Cashier's Office, so she was not a subject matter expert on the stimulus check and your court cost. As an incarcerated adult, it was your responsibility to kite the Cashier's Office to get a better understanding of how your court cost would be affected by your stimulus check.

The incarcerated adults also received information on the GTL tablets regarding the IRS stimulus checks. Your court cost is paid in full and if you believe that you deserve a refund due to an error, you mail the Richland County Clerk of Courts to voice your concerns and request a refund.

There is insufficient evidence that said AR's or ORC 2329.66 was violated regarding the payment of your court cost from your stimulus check.

Therefore, this grievance is DENIED.

2/18/2021 4:28:47 PM : (Robbyn Ware) wrote

Closed inmate form - Disposition: Denied

2/19/2021 10:15:38 AM : (a770803) wrote

Escalated to Appeal

2/19/2021 10:15:38 AM : (a770803) wrote

Everything previously stated in the ICR and grievance is incorporated herein as if it were rewritten here.

The answer from the inst. Inspector is incorrect and insufficient. This grievance is not just against Deputy warden Black, and specifically states the ODRC as representative of all ODRC employees involved in taking my stimulus check funds. That includes those in the main ODRC office in Columbus, those here at GCI, and everyone involved everywhere, in both their official and individual capacities. The inst. insp. states that I should have contacted the cashier if I objected to the unauthorized confiscation of my stimulus check funds. Has she done an investigation she would have found that I did contact th cashier and object. The ODRC does not have the authority to decide to take my stimulus check funds without court authorization. Furthermore, the inst. insp. told me to contact the court to get my money back, but the court did not take it. They accepted the money from the institution and had no reason to suspect the institution had acquired the funds illegally. The ODRC is liable for replacing the funds they illegally deducted from my account.

3/4/2021 1:09:06 PM : (Marc Bratton) wrote

The office of the Chief Inspector is in receipt of your Appeal to the Chief Inspector. A thorough review of your appeal has been completed that included application of the following factors:

- Procedural requirements
- Proper investigation of your grievance
- Applicable policies, procedures, administrative rules, directives and ODRC operating manuals
- Documentation and related evidence
- Additional or refuting information presented in your appeal to support your claim

Based on this review, the decision rendered by the Inspector is hereby: **AFFIRMED**

Comments: The Inspector investigated your complaint which did not yield proof that staff violated policy, rule or procedure with respect to your claim. There is a process in place to verify, process and perform collections on checks for incarcerated adults. Administrative Rule (AR) 5120-9-31 clearly indicates your complaint is outside of the inmate grievance procedure. Please send your issues or concerns in an electronic kite to the IRS stimulus section for review. No further action will be taken regarding this appeal at this time.

3/4/2021 1:09:18 PM : (Marc Bratton) wrote

Closed inmate form - Disposition: Affirmed

Ref# GCI0121001086	Housing:A30134T	Date Created:01/07/2021
ID#: A770803	Name:WOODSON JR,KENNETH	
Form:Informal Complaint	Subject:Cashiers Office	Description:Other
Urgent:No	Time left:n/a	Status:Closed

Original Form

1/7/2021 4:50:25 PM : (a770803) wrote

The cashier office took money out my account but my cares act fund are exempt under section a12d in the alternait. I clam all possbile exempt including section a3

Communications / Case Actions

1/7/2021 4:50:25 PM : (a770803) wrote

Form has been submitted

1/8/2021 8:39:12 AM : (Colette Ramey) wrote

The Cashiers is following procedures put in place by Operation Support center. , Fiscal office.

we are told these checks are allowed an exemption of up to 500.00 . the previous documents would have said 400.00 but during the transition for these checks , the amount was updated to 500.00.

Mrs Ramey Ba1

1/8/2021 8:39:17 AM : (Colette Ramey) wrote

Closed inmate form

Exhibit 4

Leonard Evans #

MCI

P.O. Box 57

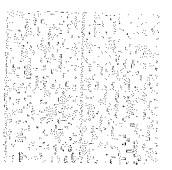
Marion, OH 43301
Michael Zuckern

FEB 13 2021

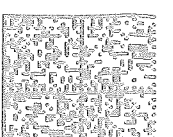
Ohio Justice and Policy
215 East 9th Street
Suite 601
Cincinnati, OH 45201

INMATE MAIL
MARION CORRECTIONS

518-639



US POSTAGE & FINES BONES
ZIP 43302 \$ 000.50
02 APR 0009 0406 FEB 09 2021



Ref# MCI1220002675	Housing:MAG29A	Date Created:12/14/2020
ID#: A518639	Name:EVANS,LEONARD	
Form:Kite	Subject:Cashiers Office	Description:Cashiers Office
Urgent:No	Time left:n/a	Status:Closed

Original Form

12/14/2020 4:27:19 PM : (a518639) wrote

Can you let me know i my stimulus check got here yet thank you.

Communications / Case Actions

12/14/2020 4:27:19 PM : (a518639) wrote

Form has been submitted

12/16/2020 11:52:14 AM : (Patty Fitch) wrote

Your check is here, but you owe court costs. We are still waiting for guidance from OSC legal on how to post checks for inmates who owe collections.

12/16/2020 11:52:20 AM : (Patty Fitch) wrote

Closed inmate form

Admin Log

12/15/2020 9:48:03 AM : (Rebecca Bauer) wrote

Form was viewed by Rebecca Bauer and the status was changed to Pending.

12/16/2020 11:52:14 AM : (Patty Fitch) wrote

Responded to inmate

Ref# MCI1220004645	Housing:MAG29A	Date Created:12/25/2020
ID#: A518639	Name:EVANS,LEONARD	
Form:Kite	Subject:Inspector	Description:Inspector
Urgent:No	Time left:5 Day(s)	Status:Pending

Original Form

12/25/2020 9:26:01 PM : (a518639) wrote

can you send me a copy of my kite MIC1220002675 think you.

Communications / Case Actions

12/25/2020 9:26:01 PM : (a518639) wrote

Form has been submitted

Ref# MCI1220004504	Housing:MAG29A	Date Created:12/24/2020
ID#: A518639	Name:EVANS,LEONARD	
Form:Appeal	Subject:Cashiers Office	Description:Funds lost/not posted
Urgent:No	Time left:Overdue	Status:Pending

Original Form

12/24/2020 1:52:40 PM : (a518639) wrote

Why is my CARES Act Funds being inappropriately placed on an illegal-hold status when my CARES Act funds are exempt under (A)(12)(d) OF THE Ohio Revised Code 2923.66, as explained by the Ohio Attorney General?

I believe that your office and the ODRC are denying me or intends to deny me the full exemption under ORC 2923.66(A)(12)(d) that the Attorney General says applies to my CARES Act funds. This violates my rights under that statute and denies me equal protection of the law.

Take th illegal-hold status off my CARES Act funds and IMMEDIATELY deposit my CARES Act funds into my account and honor the full expection under ORC 2923.66(A)(12)(d).

Communications / Case Actions

12/24/2020 1:52:40 PM : (a518639) wrote

Form has been submitted

12/24/2020 3:18:13 PM : (Lori Benhase-Wolf) wrote

if and when we receive a check for you, it will be processed in a timely manner. lbw

12/24/2020 3:18:47 PM : (Lori Benhase-Wolf) wrote

Closed inmate form

12/24/2020 6:54:58 PM : (a518639) wrote

Escalated to Grievance

12/24/2020 6:54:58 PM : (a518639) wrote

Today, I filed my ICR to the Cashier's Office, and because I am dissatisfied with their response, I continue this complaint to your office.

First and foremost, for the sake of brevity and argument, I simply would incorporate by reference my initial ICR to this continuous process, and add that I was already told previously that my check was here, and now they are saying "if or when" the check comes. Which is it?

Again, I stand on what I have previously written, I believe that ODRC is denying me or intends to deny me the full exemption under ORC 2329.66(A)(12)(d) that the Attorney General says applies to my CARES Act funds. This violates my rights under that statute and denies me equal protection of the law.

Lastly, please have the Cashier's Office take the illegal-hold status off my CARES Act funds and IMMEDIATELY deposit my CARES Act funds into my account and honor the full exemption under ORC 2329.66(A)(12)(d) accordingly.

12/30/2020 3:14:38 PM : (Kasey Plank) wrote

This office is in receipt of your complaint in reference to your stimulus check not being posted to your account.

This office has reviewed your complaint and ICR response. I have reviewed 24-CAS-08, the Cashier's manual, 75-MAL-01, your demand statement, your kite history and directive from OSC regarding EIP checks. I have spoken with Cashier Supervisor L. Wolfe.

The Operation Support Center staff sent directive to all institutional Business Administrators on November 2, 2020 that EIP checks were not to be posted until further notification. Any EIP checks that were received were held. Beginning the week of December 7, 2020 checks that had been received were posted.

Once your check is received, it will be processed.

12/30/2020 3:14:44 PM : (Kasey Plank) wrote

Closed inmate form - Disposition: Denied

12/31/2020 1:10:05 PM : (a518639) wrote

Escalated to Appeal

12/31/2020 1:10:05 PM : (a518639) wrote

According to Ms. Plank, IIS, she stated that when my money come, they will post such funds on my account; however, as I have stated beforehand, I was told that my check was already here, and now I would ask that you ORDER this institution to post my funds onto my account as soon as possible. Thank you for your time, and prompt reply to this transmittal.

1/29/2021 3:06:24 PM : (Kelly Riehle) wrote

The Office of the Chief Inspector is in receipt of your Appeal; a thorough review of your appeal has been completed that included the application of the following factors:

- Procedural requirements
- Proper investigation of your grievance

Ref# MCI1220004504

Housing:MAG29A

Date Created:12/24/2020

- Applicable policies, procedures, administrative rules, directives and ODRC operating manuals
- Documentation and related evidence
- Information presented in your appeal

Based on the aforementioned review, the decision rendered by the Inspector is AFFIRMED.

Per your demand statement your stimulus check money was posted to your account.

K. Riehle

Assistant Chief Inspector

Ref# MCI0121001467	Housing:MAG29A	Date Created:01/08/2021
ID#: A518639	Name:EVANS,LEONARD	
Form:Kite	Subject:Cashiers Office	Description:Cashiers Office
Urgent:No	Time left:n/a	Status:Closed

Original Form

1/8/2021 11:02:57 PM : (a518639) wrote

I had forgot to sign my notice of objection to judgment for payment. I had made a copy of it so I had resent it today with it sign this time thank you for your time.

Communications / Case Actions

1/12/2021 2:20:30 PM : (Lori Benhase-Wolf) wrote

I received your signed paperwork. You need to explain on your paperwork that you would like the 500.00 exemption so that we can process the check. You do not have the choice to object to the court costs as you already had that chance. this is only for you to express your desire to have an exemption of up to 500.00. Please send up the paperwork expressing this so we can get your check processed. lbw

Ref# MCI0121002139	Housing:MAG29A	Date Created:01/12/2021
ID#: A518639	Name:EVANS,LEONARD	
Form:Kite	Subject:Inspector	Description:Inspector
Urgent:No	Time left:6 Day(s)	Status:Pending

Original Form

1/12/2021 8:38:18 PM : (a518639) wrote

can you send me a copy of my kite number MCI121001467 thank you for you time.

KITE PROCEDURE

1. Check with your Sergeant or Case Manager to see if this communication can be handled without a kite.
2. Write only to the Department that handles the problem you have. Others will merely forward your kite.
3. State your problems clearly and completely and thereby get immediate attention.
4. Avoid duplication of Kites, Writing to more than one office about the same thing will not obtain any faster attention.
5. Kites are to be used only for communication between inmates and Institutional Staff and not for any other purpose.

Number:	518-639	Name:	Evans	Date:	1/13/21
Unit:	Maple	Lock:	G-29	Assignment:	Laundry
To: Cashier's Department					

FOLD HERE

CASE MANAGER	WARDEN	QUARTERMASTER
CLASSIFICATION	DEPUTY WARDEN ADMINISTRATION/SPECIAL SERVICES/PROGRAMS	RECORDS
COMMISSARY	DEPUTY WARDEN OPERATIONS	RECOVERY SERVICES
DENTAL	INST. INSPECTOR	RECREATION
USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS DENTAL CARE	INVESTIGATOR	RELIGIOUS SERVICES
MEDICAL	JOB COORDINATOR	UNIT MANAGER
USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS MEDICAL CARE	LIBRARY	EDUCATION
MAJOR MENTAL HEALTH	MAIL ROOM	FOOD SERVICE
		OTHER _____

KITE PROCEDURE

1. Check with your Sergeant or Case Manager to see if this communication can be handled without a kite.
2. Write only to the Department that handles the problem you have. Others will merely forward your kite.
3. State your problems clearly and completely and thereby get immediate attention.
4. Avoid duplication of Kites, Writing to more than one office about the same thing will not obtain any faster attention.
5. Kites are to be used only for communication between inmates and Institutional Staff and not for any other purpose.



Court Order to Pay a Stated Obligation

MA-G-29A

Date: 12/29/20

Inmate Name: <u>Leonard Evans</u>	Inmate Number: <u>A518639</u>	Court Case Number: <u>130510014</u>
From: Warden's Collection Designee, (Name and Job Title): <u>Lori Wolf - 4A8</u>		

I am notifying you that this institution has received the enclosed certified copy of a judgment of a court of record in an action in which you were a party that orders you to pay a stated obligation. The amount of that obligation is \$ 7899.72 as indicated by an attached document. Also enclosed is a copy of any related documentation received with the judgment. Pursuant to Administrative Rule 5120-5-03, I am required to notify the cashier to place a hold on your account for the amount of the stated obligation.

R.C. section 2329.66 provides that certain funds cannot be taken from you to pay a debt. That law exempts from execution your interest in or right to specified property as described in R.C. section 2329.66. The substance of this statutory provision is attached to this notice. Other laws of Ohio and the United States may provide additional defenses challenging the judgment itself.

If you believe that some or all of the money in your account should not be withdrawn due to an exemption under R.C. section 2329.66 or because of a defense(s) in other provisions of law, then you may explain such belief by filling out the enclosed DRC form 1599, or a substantially similar form. Your written explanation shall be delivered to my office prior to the end of the fourteenth day after the above-stated date. If your written explanation is not delivered to my office by (1/15/21) due date then you waive your privilege to object or assert reasons why some or all of your account money should not be used for payment of the above-stated debt.

If you are unable to fully explain your exemption and/or defense, in writing, then you may request an informal discussion with me. This discussion shall be limited to a consideration of what portion, if any, of monies in your account cannot be taken from you to satisfy all or part of the debt owed as well as any defense to the validity of the court judgment itself.

If my office does not receive a timely asserted exemption or defense then the cashier may proceed to withdraw monies from your account.

If my office timely receives a claim for an exemption or defense, then I shall review it and determine, within fourteen days of such receipt, what portion, if any, of your personal account may be retained under R.C. section 2329.66 or other provisions of such law. Once a decision is made, the hold will either be removed and no money withdrawn or payments initiated. The cashier will notify you each time money is withdrawn.

If you dispute the validity of the enclosed judgment, it is your responsibility to have the judgment or order stayed, vacated or modified by the appropriate court. My office will determine whether you are entitled to one of the exemptions under R.C. section 2329.66. While we will attempt to consider defenses, we may be unable to determine the validity of defenses attacking the judgment itself. In that event, I will forward your defense to the clerk or other appropriate authority for their consideration. However, I cannot assure you that the clerk/other authority will respond in any particular manner.

If you have any questions concerning this matter, you may contact my office.

O.R.C. Section 2329.66 List of Exemptions

According to R.C. Section 2329.66 the following property, not to exceed the listed amount, are exempt from execution, garnishment, attachment or sale to satisfy a judgment or order:

1. \$145,425 in real or personal property that is used as a residence;
2. \$4,000 in one motor vehicle;
3. \$500 in cash, money due, tax refunds, and money on deposit with a bank;
4. \$13,400 in household goods;
5. \$1,700 in jewelry;
6. \$2,550 in professional books or "tools of the trade";
7. Beneficiary fund;
8. Life or endowment insurance or annuities;
9. Group insurance policy or the proceeds therefrom;
10. Proceeds from a fraternal benefits society;
11. Proceeds from health and accident insurance policies;
12. Worker's compensation benefits;
13. Unemployment compensation benefits;
14. Aid to dependent children;
15. Disability assistance payments;
16. Living maintenance payments applies only to a handicapped person;
17. Health aids;
18. Burial plots;
19. With certain exceptions, pension or annuity payments;
20. With certain exceptions, payments under an individual retirement account or annuity, Keogh or "H.R. 10" plan;
21. Spousal and child support payments;
22. Monies received during the preceding twelve months from reparations (crime victims award), loss of future earnings, wrongful death, or up to \$25,175 from a civil action or appeal against a government entity or employee due to personal bodily injury. This injury exemption neither applies to an inmate nor includes pain and suffering or compensation for actual pecuniary loss;
23. With certain exceptions, personal earnings for services rendered;
24. With certain exceptions, pension, annuity, retirement benefits, deferred compensation and certain death benefits;
25. Tuition credit payment;
26. Certain partnership property;
27. Notary public seal and register;
28. Any other property specifically exempted by federal statutes; and
39. \$1,325 for any kind of property, but only in bankruptcy proceeding.

I hope this information is helpful. However, this list is not intended to be exhaustive, and there may be other exemptions to which you are entitled that are not included in this list. R.C. section 2329.66 delineates what type of property and in what amounts a party may hold property exempt from execution, garnishment or attachment. That section further provides statutory cross references which qualifies a particular exemption.

Notice of Objection to Judgment for Payment

Inmate Name: Leonard Evans	Inmate Number: B18-639	Court Case #: 12010014
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To: Warden's Collection Designee (Name and Job Title) Lori B. [unclear] # [unclear]
--

I object to the withdrawal of money from my personal account based on the judgment ordering me to pay a stated obligation. In my opinion, some or all monies in my account are exempt from collection (cannot be taken from me) under Ohio Revised Code section 2329.66, as explained below. Alternatively, other laws of Ohio or the United States provide a defense(s) to the validity of the judgment itself, as explained below. I (circle one) do or do not need to further discuss my exemption(s) or defense(s).

To be Considered, Objections Must be Delivered to the Warden's Collection Designee by the following Due Date: 1/15/21.

My CARES Act funds are exempt under Ohio Revised Code 2329.66(A)(12) (d), as explained by the Ohio Attorney General.

In the alternative, I claim all possible exemptions, including the exemption under R.C. 2329.66(A)(3) that ODRC says applies.

If more space is needed attach additional sheets.

Inmate Signature: Leonard Evans	Inmate Number: B18-639	Date: 1/13/21
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MA

Notice of Objection to Judgment for Payment

Inmate Name: Leonard Evans	Inmate Number: A518639	Court Case #: 130510014
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To: Warden's Collection Designee (Name and Job Title)
Lori D Wolf AAS

I object to the withdrawal of money from my personal account based on the judgment ordering me to pay a stated obligation. In my opinion, some or all monies in my account are exempt from collection (cannot be taken from me) under Ohio Revised Code section 2329.66, as explained below. Alternatively, other laws of Ohio or the United States provide a defense(s) to the validity of the judgment itself, as explained below. I (circle one) do or do not need to further discuss my exemption(s) or defense(s).

To be Considered, Objections Must be Delivered to the Warden's Collection Designee by the following Due Date: 1/15/21


My CARES Act funds are exempt under Ohio Revised Code 2329.66(A)(12) (d), as explained by the Ohio Attorney General.

I believe that ODRC is denying me or intend to deny me the full exemption under O.R.C. 2329.66(A)(12)(d) that the Attorney General says applies to my CARES Act Funds.

This violates my rights under that statute and denies me equal protection of the law.

Deposit my CARES Act Funds into my account and honor the full exemption under O.R.C. 2329.66(A)(12)(d) accordingly.

If more space is needed attach additional sheets.

Inmate Signature: 	Inmate Number: 518-639	Date: 1-05-21
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01/05/2021

Marion Correctional Institution

Inmate Demand Statement

Inmate Name: EVANS, LEONARD

Number: A518639

Lock Location: MCI,MA,G,,,29A

Date Range: 01/05/2021 Through 01/06/2021

Beginning Account Balances:

Ending Account Balances:

	Saving	Debt	Payable		Saving	Debt	Payable
Court Costs	\$0.00	(\$7,899.72)	\$0.00	Court Costs	\$0.00	(\$7,899.72)	\$0.00
Begin Totals	\$0.00	(\$7,899.72)	\$0.00	End Totals	\$0.00	(\$7,899.72)	\$0.00

Transaction Date / Inst.	Transaction Amount	Description	Comment	Saving Balance	Debt Balance	Payable Balance

Outstanding Debts:

Start Date	Description	Case	Agency	County	Total Debt	Paid to Date	Balance Owed
06/17/2008	Court Costs	B0510014	HAMILTON COUNTY CLERK OF COURTS		(\$8,071.35)	\$171.63	(\$7,899.72)
Total Outstanding Case Balances					(\$7,899.72)		

Outstanding Holds:

Start Date	Description	Case	Agency	County	Total Debt	Paid to Date	Balance Owed
Total Outstanding Case Holds					\$0.00		

Outstanding Investments / EPC:

Investment Type	Investment Type Description	Invest Company	Company Description	Balance



Department of
Rehabilitation & Correction

Mike DeWine, Governor
Annette Chambers-Smith, Director

DATE: 01/25/2021

Clerk of Courts (or other appropriate authority)

TO: HAMILTON COUNTY CLERK OF COURTS

Cost-Desk - 1000 Main St., Cincinnati OH 45202-1206
Inmate/Prisoner Accounts Room 315

RE: EVANS, LEONARD MCI,MA,G,,29A A518639

HAMILTON COUNTY CLERK OF COURTS B0510014

Court Order to Pay a Stated Obligation

Dear Clerk of Courts/Other Authority:

Enclosed please find our check # 124087 in the amount of \$697.00

This check represents Partial payment of the court ordered debt for the above inmate and case number. According to our records, the balance due from this inmate on the above case is \$7202.72 .

If you have any questions concerning this matter, please notify me. Thank you

Sincerely,

Cashier: sterlingnl

Institution: Marion Correctional Institution

Address: 940 Marion-Williamsport Rd., P.O. Box 57, Marion, OH 43302

Inmate EVANS, LEONARD

A518639

The Notice of Objection paperwork is not for objecting to the court costs, you had that opportunity the first time you received the paperwork. This paperwork is allowing you to claim an exemption of up to 500.00 out of the Stimulus check before money is taken for court costs. If you object to the whole check being sent to court costs. Please, if you are wanting an exemption of up to 500.00 then annotate this on the Notice of Objection paperwork and send back to me here in the Cashiers office. Once I get this paperwork back, we can get the stimulus check posted. Thanks, LBW



Department of
Rehabilitation & Correction

Mike DeWine, Governor
Annette Chambers-Smith, Director

DATE: 01/25/2021

Clerk of Courts (or other appropriate authority)

TO: HAMILTON COUNTY CLERK OF COURTS

Cost-Desk - 1000 Main St., Cincinnati OH 45202-1206
Inmate/Prisoner Accounts Room 315

RE: EVANS, LEONARD MCI,MA,G,,,29A A518639

HAMILTON COUNTY CLERK OF COURTS B0510014

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Inmate EVANS, LEONARD

A518639