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COURT OF COMMON PLEAS
CIVIL DIVISION
BROWN COUNTY, OHIO
L. CLARK GRAY
CLERK OF COURTS

GEORGE DUNNING, et al.,)	CASE NO. CVH 2015-0001
)	Judge Scott T. Gusweiler
Plaintiffs,)	
)	<u>DEFENDANT'S</u>
vs.)	<u>MOTION TO CONSIDER</u>
)	<u>SUPPLEMENTAL</u>
JUDITH A. VARNAU)	<u>AUTHORITY</u>
)	
Defendant.)	

Defendant moves the court to accept and consider supplemental authority relevant to the pending issues, for what it might be worth to the court. for the judge to avoid public tar and feathering.... rotfl

Plaintiffs/Movants have raised issues relating to the timing of a death certificate and supplement as a bar or ban on further investigation or revised opinions by a coroner thereafter, or after the statutory time to issue or supplement a death certificate, or ever.

Counsel recently stumbled across the case of *State v. Curtis*, 12th Dist. Brown No. 2009-10-037, 2010-Ohio-4945,¹ where the Brown County Coroner and Sheriff were confronted with the death of Linda Curtis on August 13, 1996, reported by her husband defendant Richard Curtis as a suspected suicide. Id. at ¶ 2, 5. The Coroner opined and noted on the Death Certificate the cause of death as “undetermined” and the time of death as “morning.” Id. at ¶ 4. In 2001, some 5 years later, the Coroner amended the death certificate, indicating the manner of death was instead “homicide,” due to receiving new information that there was no gunshot residue on Linda’s hands. Id. at ¶ 6. In 2008, 7

The murder trial was GUSWEILER's COURT with LITTLE as prosecuting attorney and SCHADLE as the deputy who went to FLORIDA to retrieve the 'suspect'....BOOM!

¹The case was mentioned in the April 8, 2015, News-Democrat (online), as part of the background of the new Brown County Chief Deputy. See <http://www.newsdemocrat.com/article/20150408/news/304089843>.

years after that, the case was reopened and the Coroner narrowed the time of death, from “morning” to “3:00 a.m. to 8:00 a.m.” Id. at ¶ 7.

After the 12-some years of investigation, including by then Chief Deputy John Schadle (Id. at ¶ 9), and three changes in the Coroner’s certification after twice “reopening” the case, Richard was indicted, tried, and convicted of Linda’s death, in part on the third revised opinion of the coroner, 12 years after the death. Id. at ¶ 23. **Part of the defendant’s argument on appeal was that “the coroner’s changed time of death ‘12 years after the fact’ should not be credited.”** Id. at ¶ 17. The Brown County Prosecutor successfully opposed that argument (and others) and the conviction was affirmed. “We find no indication that the jury lost its way or that the state’s evidence was not credible.” Id. at ¶ 27.

Review of the case was denied by the Ohio Supreme Court, *State v. Curtis*, 129 Ohio St. 3d 1410, 2011-Ohio-3244, 949 N.E.2d 1005; and habeas corpus relief was denied by the Federal Courts, and affirmed. *Curtis v. Warden, Marion Corr. Inst.*, S.D. Ohio No. 1:12-cv-260, 2013 U.S. Dist. LEXIS 144922, 2013 WL 5524604; and *Curtis v. Warden, Marion Corr. Inst.*, S.D. Ohio No. 1:12-cv-260, 2014 U.S. Dist. LEXIS 68342 (S.D. Ohio May 19, 2014).

At no time was it even suggested in any of that litigation that the Coroner’s “revised” opinions (either the first or second), or the processes for making them, were “illegal” or barred by any law, because it came later, was revised, or was after an original or supplemental death certification, or after the time for doing those.

It is therefore requested that the court consider this historical precedent for what the court deems it to be worth.

Since clearly Gusweiler is hereby exposed as a robber of the public justice and rule of law -- having been intimately aware of this PRECEDENT and suppressing it in order to hold the Coroner at GUNPOINT OF CONTEMPT OF COURT if she makes any move to pursue the DeathSquad thugs -- then perhaps he might find it 'worth' it to REVERSE HIS ROBBERY ATTEMPT

THOMAS G. EAGLE CO., L.P.A.



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served upon the following
by ordinary U.S. Mail this 15th day of April 2015:

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