

To: Office of Disciplinary Committee, Ohio Supreme Court
From: William Easton Horner
Regarding: Grievance against Judges Anthony J. Russo and Laura J. Gallagher of the Cuyahoga County Probate Court
Date: August 23rd, 2021

To Whom it May Concern,

I hereby lodge a formal complaint against Judges Anthony J. Russo and Laura J. Gallagher for 1) failing to uphold the law impartially, 2) failing to perform judicial duties without bias, prejudice, or harassment, and 3) failing to uphold the integrity of the judiciary.

To frame the context of this complaint, please refer to the "Defendant Affidavit" provided as exhibit. I am not going to restate the systemic failures present across the entire involuntary commitment process of Cuyahoga County. You can read a detailed account of the entire event for more information and supporting evidence of my claims.

But in summary, a man was hauled out of his attorney's office by SWAT without a valid probate order in hand while quoting the Fourth Amendment against illegal search and seizure and demanding to speak to his attorney citing Miranda. He was then told, "you're meeting with him is at 3pm, so he's not your attorney yet." Upon obtaining a copy of the probate order from the police department that served it, there is obvious digital forensic evidence the order was at best improperly executed and at worst an outright forgery.

The probate order was then "expunged" from the Probate Court so that the "case never existed." These were the exact words conveyed by Heather of the Probate Court as reason I couldn't have copies of the Probate Order and it's supporting documentation as part of my divorce defense where this order is being used at the primary reason I can have no visitation with my children for more than a year.

According to the Ohio Legal Rights Service's brief on "A Comparison of the Affidavit and Emergency Hospitalization Methods" (attached for convenience) the Ohio Revised Code 5122 empowers the Probate Court to involuntarily commit a Citizen provided very stringent conditions are met. They can do this through either 1) filing an affidavit or 2) emergency hospitalization. Most importantly, "Regardless of which method is utilized, the court cannot issue an order to commit the individual unless the court first finds that the highest civil evidentiary standard — clear and convincing evidence — has been met to show that the individual is a person with a mental illness subject to hospitalization by court order." Further, "The law prefers that the hearing be held prior to detention of the individual, where possible."

None of that happened. There was no hearing. The probate order itself on its face is out of order. I was given no opportunity to defend myself or explain my side of the story. I was simply incarcerated in a mental institution after being hauled out of my attorney's office and illegally searched. Once locked up, my estranged Wife who filed the affidavit then loaded the Domestic Relations Court with lies and slanders using this probate order as her main argument for my mental health making me unfit to have any visitation with my children.

Then conveniently enough for her...all records of the incident including, 1) her perjurious affidavit 2) emails she stole from password protected email accounts, and 3) private text message content she stole from illegally hacking a national telecommunications carrier all provided as the "credible evidence" to issue the probate order in the first place was erased "so that the case never existed." Again, these are the official words of Heather as conveyed by the Magistrate of the Court.

Is this really how it works in Cuyahoga County? The Probate Court can just roll SWAT to lock someone up without evidence so an estranged wife can take a man's children from him and then the Court erases all record of it? No wonder my story as a wrongfully incarcerated husband/father wasn't unique on the St. Vincent's psych ward.

Exhibit L

Moving onto the digital forensic evidence, I submit the following Probate Order obtained by the Westlake Police Department as the official record on file that they rolled on. Notice the following digital forensic signs of obvious tampering:

1. Pg. 3 of the order is a hospital document and has a timestamp which occurs ten minutes before the probate order itself was signed. Exactly how did the hospital have a copy of the probate order before the magistrate signed it?
2. Pg. 3 has "hospital copy" marked in handwriting which I witnessed the nurse write on the page once I was already at St. Vincent's. Again, how were the police able to detain me on the order in the first place before I was at the hospital?
3. Pg. 3 is missing the magistrate signature. Does a Clerk have the power to lock someone up without the signature of a Magistrate?
4. Pg. 3 has a different deputy clerk signature (JCS) vs. the signature in the first two pages (JAB). This inconsistency screams of doctored documents. Why on Earth would two Clerks be involved in the same case for a single Magistrate?
5. Pg. 3 is clearly a photocopy which was part of a larger document indicated by the staple scar. The first two pages do not have this scar indicating these pages have been cobbled together from different sources.
6. Pgs. 1 and 2 are duplicates. Tell me, is it standard practice for the Probate Court to duplicate pages in their official police orders? What is the procedural reason for this duplication?
7. The Probate Order itself is marked "Confidential Property of Cuyahoga County Probate Court This is not to be duplicated or distributed." If the order is confidential and not to be duplicated, exactly how did my estranged wife have a copy on station when speaking with the dispatch officer as documented in the Police Log? (Also provided as exhibit.)

In summary, on August 20th, 2020 the Cuyahoga County Probate Court illegally incarcerated me in a mental institution in violation of the Ohio Revised Code 5122 and it's subsections. This was based solely on the statements sworn to by my estranged wife without meeting even the lowest civil evidentiary standard, let alone the clear and convincing evidence demanded by law. There was no hearing, I was given no opportunity to explain my side of the story, and I was held for five days, 2.5 times longer than the 48 hours explicitly permitted in black letter law. Then, when I asked to see the evidence and probate order on which I was locked up, I was told by the Court all documents associated with my case were "expunged, so that the case never existed."

Any Court which has the power to lock someone up and then destroy all the records associated with the lockup so the incarcerated can't defend themselves isn't a Court. It is simply a criminal enterprise subject to bribery, extortion, harassment, abuse, racketeering, and obfuscation. I am one of this Court's victims and I demand Justice.

Unfortunately, since all records associated with the case have been "expunged" I am unable to tell you which Judge is responsible for these affronts to civil rights. I therefore request an investigation into both Judges Russo and Gallagher be conducted to determine who was responsible. Once determined, I request the appropriate disciplinary actions be taken for failing to uphold the law, illegal incarcerating me, and then destroying all evidence.

These Judges are the captains of the Probate Court ship. Their ship ran aground. Now there must be consequences.

William Easton Horner

2899 Blue Ridge Dr. Morristown, TN 37814

865.322.9331

willamehorner@gmail.com

Notary Public (SEAL)

Name: _____

Commission Exp. Date: _____

Disciplinary Counsel
THE SUPREME COURT OF OHIO

DISCIPLINARY COUNSEL
JOSEPH M. CALIGIURI

CHIEF ASSISTANT
DISCIPLINARY COUNSEL
DONALD M. SCHEETZ

SENIOR ASSISTANT
DISCIPLINARY COUNSEL
AMY C. STONE



ASSISTANT DISCIPLINARY COUNSEL
KAREN H. OSMOND
MICHELLE R. BOWMAN
AUDREY E. VARWIG
LIA J. MEEHAN
ADAM P. BESSLER
MATTHEW A. KANAI
KELLI G. SCHMIDT
MARTHA S. ASSEFF
MICHELLE A. HALL

SPECIAL ASSISTANT DISCIPLINARY COUNSEL
LORI J. BROWN

November 4, 2021

PERSONAL AND CONFIDENTIAL

William E. Horner
2899 Blue Ridge Dr
Morristown, TN 37814

Re: Hon. Anthony J. Russo
Our File No. C1-1786J

Dear Mr. Horner:

Our office received your grievance against Judge Russo on August 26, 2021.

This office's authority is limited to investigating alleged violations of the Ohio Rules of Professional Conduct and the Code of Judicial Conduct. Our office can only address violations of specific rules governing attorneys and judges. We cannot provide legal assistance, offer legal advice, or answer questions of a legal nature.

After reviewing your grievance, there is no substantial, credible evidence that Judge Russo violated the Code. While you are obviously dissatisfied with Judge Russo's decision, as there is no substantial, credible evidence that he engaged in ethical misconduct in making that decision, we lack the probable cause to investigate this matter further.

For the reasons stated above, we have dismissed your grievance and closed our file.

Sincerely,

Amy C. Stone
Senior Assistant Disciplinary Counsel

ACS/lkj

cc: Hon. Anthony J. Russo

Exhibit M

Disciplinary Counsel
THE SUPREME COURT OF OHIO

DISCIPLINARY COUNSEL
JOSEPH M. CALIGIURI

CHIEF ASSISTANT
DISCIPLINARY COUNSEL
DONALD M. SCHEETZ

SENIOR ASSISTANT
DISCIPLINARY COUNSEL
AMY C. STONE



ASSISTANT DISCIPLINARY COUNSEL
KAREN H. OSMOND
MICHELLE R. BOWMAN
AUDREY E. VARWIG
LIA J. MEEHAN
ADAM P. BESSLER
MATTHEW A. KANA
KELLI G. SCHMIDT
MARTHA S. ASSEFF
MICHELLE A. HALL

SPECIAL ASSISTANT DISCIPLINARY COUNSEL
LORI J. BROWN

November 4, 2021

PERSONAL AND CONFIDENTIAL

William E. Horner
2899 Blue Ridge Dr
Morristown, TN 37814

Re: Hon. Laura June Gallagher
Our File No. C1-1787J

Dear Mr. Horner:

Our office received your grievance against Judge Gallagher on August 26, 2021.

This office's authority is limited to investigating alleged violations of the Ohio Rules of Professional Conduct and the Code of Judicial Conduct. Our office can only address violations of specific rules governing attorneys and judges. We cannot provide legal assistance, offer legal advice, or answer questions of a legal nature.

After reviewing your grievance, there is no substantial, credible evidence that Judge Gallagher violated the Code. While you are obviously dissatisfied with Judge Gallagher's decision, as there is no substantial, credible evidence that she engaged in ethical misconduct in making that decision, we lack the probable cause to investigate this matter further.

For the reasons stated above, we have dismissed your grievance and closed our file.

Sincerely,

Amy C. Stone
Senior Assistant Disciplinary Counsel

ACS/lkj

cc: Hon. Laura June Gallagher