

**For Immediate Release:**

October 26, 2020

## **State Representative John Becker Calls for the Resignation of Attorney General Dave Yost** *Files motion for sanctions in Twelfth District*

UNION TOWNSHIP, CLERMONT COUNTY — State Representative John Becker, acting as a private citizen and with his own personal funds, formally filed a motion today with the 12<sup>th</sup> District Court of Appeals, to strike a brief submitted by Attorney General Dave Yost. Additionally, he asked the court to impose sanctions (under Ohio Rules of Civil Procedure Rule 11 and Ohio Revised Code 2323.51) against AG Yost for filing a frivolous court document.

Last week, AG Yost filed a friend of the court brief with the 12<sup>th</sup> District Court of Appeals exhibiting sloppy legal research, rookie errors, and using cartoonish language. The intent of the document was to harass, intimidate, and bully Representative Becker and the people of Ohio.

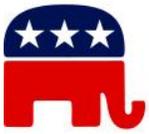
AG Yost asked the court to sanction Becker for exercising the statutory right of filing a Private Citizen Affidavit under Ohio Revised Code 2935.09(D). In addition to this statutory right, AG Yost is fully aware that case law prohibits any type of sanction against the citizen. (*See State v. Fraley, 2020-Ohio-3763.*) Statute and case law are clearly on the side of the people.

“This is a real head-scratcher,” Becker remarked. “The only thing that makes any sense about AG Yost’s brief, and his visions of werewolves, is that it appears to have been written during an extended happy hour.”

Referring to Ohio Revised Code 2935.10(A), AG Yost showed his contempt for the General Assembly and the laws of the State of Ohio that he is sworn to uphold when he stated, “It would be a strange proposition that a private citizen could compel action by a prosecuting attorney...”

“This is a chilling assault on the statutory right of the people to petition the court for justice after all other avenues have failed,” Becker said.

AG Yost filed the brief under the wrong rules of the court and incorrectly referred to Private Citizen Affidavits as “complaints.” “These are the kinds of rookie errors that show an alarming level of incompetence in Ohio’s chief attorney and law enforcement officer,” Becker commented.



Representative Becker continued with the following statement:

AG Yost's action is clearly an abuse of power and an embarrassment to the office of Attorney General. He has not only demeaned his own office but has shown contempt and made a mockery of the court.

Shocking, disrespectful, and insulting to the court, AG Yost invoked childish language such as "willy-nilly, hither and yon" and even referenced a "werewolf." Ohio's chief law enforcement officer reduced himself to the level of a ranting Twitter troll and exhibited all of the seriousness of a cartoon character in an appellate court legal brief. This is unprofessional, unbecoming, and far beneath the dignity of his office.

AG Yost refuses to recognize the plight of hurting Ohioans and continues to support dictatorial control rather than freedom and the rule of law.

Becker concluded as follows:

Rather than abusing his office and taxpayer dollars to act as Governor DeWine's chief defense attorney, AG Yost should spend some time meeting with the families of loved ones who have turned to drug abuse and/or committed suicide due to loneliness, isolation and depression caused by Governor DeWine. Additionally, he should meet with business owners who have had to permanently close their doors as well as the employees who have suffered the loss of irreplaceable wages and opportunities. Furthermore, AG Yost should meet with parents and children forced to suffer the humiliation, indignity, and potential harms of wearing face coverings in school.

It has become abundantly clear that AG Yost's overriding priority is to shelter Governor DeWine from the people and the courts rather than uphold the rule of law and his oath of office.

Becker also suggested that AG Yost compare the Covid death statistics for the working-age population (who died of it rather than with it), to traffic fatalities, to get an understanding of the manageability of the risk associated with the virus and get big government out of the way of the people.

For the reasons outlined in this document, Representative Becker calls on Attorney General Dave Yost to do the following:

1. Issue a public apology to the people of Ohio for bullying and intimidation.



2. Apologize to the 12<sup>th</sup> District Court of Appeals for his embarrassing and frivolous legal brief.
3. Resign immediately due to, but not limited to, the following:
  - Abuse of power
  - Incompetence
  - Making a mockery of the court
  - Using his office and taxpayer dollars to act as Governor DeWine's chief defense attorney
  - Reducing the office of Attorney General to the laughing stock of the state.

## Background Information

On September 28, 2020, Representative Becker filed a Private Citizen Affidavit (PCA) per Ohio Revised Code (ORC) 2935.09(D) in the Clermont County Municipal Court demanding the immediate arrest of Governor DeWine for 10 criminal charges.

The PCA includes felony (seven felony and three misdemeanor) charges. Therefore, and according to ORC 2935.10(A) and case law, the court MUST either issue an arrest warrant for Governor DeWine OR refer the PCA to a prosecutor who MUST conduct an investigation.

Clermont County Prosecutor, Vince Faris, failed to satisfy either requirement of state law and summarily dismissed the charges within hours of receiving the PCA.

If Becker's action is successful, the 12<sup>th</sup> District Court of Appeals will order Prosecutor Faris to either issue a warrant for Governor DeWine's arrest or properly investigate the charges outlined in the PCA. A writ of mandamus is a written command or order issued by a superior court compelling a government officer to perform a mandatory duty.

Representative Becker has encouraged citizens across Ohio, who care about the rule of law and want their freedoms restored, to file similar PCAs in their respective counties. So far, citizens have filed PCA's seeking charges against Governor DeWine in at least nine counties (Adams, Allen, Clermont, Lake, Lorain, Miami, Montgomery, Richland, and Wood).

Becker is happy to help citizens file PCAs in their respective counties. He can be reached at [John@BeckerGOP.com](mailto:John@BeckerGOP.com).