

IN THE SUPREME COURT OF OHIO

STATE OF OHIO <i>EX REL.</i>	)	CASE NO.
	)	
JUDGE DAVID L. ENGLER	)	
Trumbull County Family Court	)	
220 Main Ave. SW	)	
Warren, OH 44481	)	ORIGINAL ACTION IN
	)	MANDAMUS
Plaintiff/Relator,	)	
	)	
v.	)	
	)	
FRANK LAROSE,	)	
in his official capacity as Ohio	)	
Secretary of State	)	
180 S. Civic Center Drive	)	
Columbus, OH 43215	)	
	)	
and	)	
	)	
DAVE YOST,	)	
in his official capacity as Ohio	)	
Attorney General	)	
30 E. Broad Steet, 14 th Floor	)	
Columbus, OH 43215	)	
	)	
and	)	
	)	
THE OHIO BALLOT BOARD	)	
180 S. Civic Center Drive	)	
Columbus, OH 43215	)	
	)	
	)	
Defendants/Respondents	)	

VERIFIED PETITION FOR WRIT OF MANDAMUS

JUDGE DAVID L. ENGLER

Pro se Relator (0030264)

220 Main Ave. SW

Warren, OH 44481

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OHIO SECRETARY OF STATE

Respondent has not yet
established counsel of which
Relator is aware.

OHIO ATTORNEY GENERAL

Respondent has not yet
established counsel of which
Relator is aware.

OHIO BALLOT BOARD

Respondent has not yet
established counsel of which
Relator is aware.

Relator Judge David L. Engler, by and through undersigned counsel, for his Complaint against Respondents, states as follows:

I. INTRODUCTION

1. This original action presents a structural separation-of-powers dispute under Article IV of the Ohio Constitution concerning whether enforcement of Article I, Section 22 may, by implication and without express revision of Article IV, extinguish juvenile-court authority over judicial-bypass proceedings and thereby remove an entire class of adjudications from the courts of this State. Relator is a duly elected judge of the Trumbull County Court of Common Pleas, Domestic Relations & Juvenile Division. Ohio law has long assigned juvenile courts authority to conduct judicial-bypass proceedings under R.C. 2151.85. Following the adoption of Article I, Section 22 in November 2023, the Amendment is being applied to eliminate parental-consent requirements for minors and to render judicial-bypass proceedings unnecessary or unavailable, thereby stripping juvenile courts of jurisdiction over a class of cases without expressly amending Article IV.

II. JURISDICTION AND VENUE

2. This Court has original jurisdiction over mandamus, declaratory, and injunctive claims necessary to resolve a structural constitutional conflict affecting the judicial power vested in Ohio courts under Article IV. This action is filed as an original action in mandamus with requests for

declaratory and injunctive relief to preserve the judiciary's constitutionally assigned role.

III. PARTIES

3. Relator Judge David L. Engler serves as Judge of the Trumbull County Court of Common Pleas, Domestic Relations & Juvenile Division.
4. Respondents are the State of Ohio; the Ohio Secretary of State; the Ohio Attorney General; and the Ohio Ballot Board.

IV. STATEMENT OF FACTS

5. Under R.C. 2151.85, juvenile courts conduct confidential judicial-bypass proceedings that are adjudicatory in nature, including hearings, reception of sworn testimony, assessments of maturity and voluntariness, evaluations of coercion or abuse, and issuance of binding orders subject to appellate review.
6. Article I, Section 22 establishes a broad right to make reproductive decisions and restricts state interference, and it is being enforced to eliminate parental-consent statutes for minors, thereby treating judicial-bypass proceedings as obsolete.
7. As enforced, the Amendment removes a category of disputes from judicial review and reallocates authority away from the judiciary without an express amendment to Article IV and without disclosure of that structural consequence to voters.

**V. CLAIM ONE: MANDAMUS
(STRUCTURAL SEPARATION OF POWERS; PRESERVATION OF
JUVENILE-COURT JURISDICTION)**

8. Relator incorporates Paragraphs 1–7.
9. Relator has a clear legal right to the continued exercise of juvenile-court judicial power over judicial-bypass proceedings vested in the courts by Article IV, which cannot be silently displaced by implication. The enforcement of Article I, Section 22 is being applied to eliminate parental-consent requirements for minors and to render judicial-bypass proceedings unnecessary or unavailable, thereby stripping juvenile courts of jurisdiction over a class of cases.
10. Respondents have a clear legal duty to administer and enforce the Ohio Constitution in a manner that does not extinguish judicial power vested by Article IV, including by harmonizing Article I, Section 22 with Article IV and preserving juvenile-court jurisdiction under R.C. 2151.85. The Amendment reallocates authority away from the judiciary without an express amendment to Article IV and without disclosure of the structural consequence to voters.
11. There is no plain and adequate remedy in the ordinary course of law because the injury is structural and ongoing, affects the allocation of judicial power statewide, and requires immediate resolution by this Court. Voters were not informed that Article I, Section 22 would eliminate judicial-bypass proceedings or strip juvenile courts of jurisdiction, constituting a material omission.

12. An alternative writ is appropriate where the relator states a prima facie claim for relief and the matter turns on constitutional interpretation rather than disputed facts; R.C. Chapter 2731 and S.Ct.Prac.R. 12.04–12.05 authorize issuance of an alternative writ and scheduling order to structure briefing and adjudication in an original action.

VI. CLAIM TWO: DECLARATORY JUDGMENT

13. Relator incorporates Paragraphs 1–12.

14. An actual, justiciable controversy exists regarding whether Article I, Section 22 may be enforced to eliminate judicial-bypass proceedings and thereby extinguish juvenile-court jurisdiction without express revision of Article IV.

15. A declaration is necessary and proper to resolve the parties' rights and duties and to preserve the structural allocation of judicial power.

16. Relator seeks a declaration that Article I, Section 22 is unenforceable to the extent it is construed or applied to eliminate or interfere with juvenile-court jurisdiction over judicial-bypass proceedings, and that Article I, Section 22 must be harmonized with Article IV to preserve such jurisdiction.

VII. CLAIM THREE: INJUNCTIVE RELIEF

17. Relator incorporates Paragraphs 1–16.

18. Irreparable harm arises from the ongoing structural impairment of judicial authority and the removal of adjudicatory proceedings from the courts.

19. The balance of equities and the public interest favor preserving judicial power and maintaining access to adjudicatory processes historically assigned to juvenile courts.
20. Relator seeks injunctive relief preventing Respondents from enforcing Article I, Section 22 in a manner that eliminates or interferes with juvenile-court jurisdiction over judicial-bypass proceedings.

VIII. BALLOT-PROCESS DEFECTS AS INDEPENDENT GROUNDS (AS-APPLIED)

21. Relator incorporates Paragraphs 1–20.
22. Article II, Section 1g requires ballot language that does not mislead voters regarding the effects of a proposed amendment, and this Court polices ballot language for accuracy and transparency.
23. Voters were not informed that Article I, Section 22 would eliminate judicial-bypass proceedings or strip juvenile courts of jurisdiction, constituting a material omission that renders the Amendment unenforceable as applied to the elimination of judicial-bypass proceedings.

IX. PRAYER FOR RELIEF

Relator respectfully requests that the Court:

- a) Issue a writ of mandamus directing Respondents to perform the acts required by the Ohio Constitution by administering and enforcing Article I, Section 22 in a manner that preserves and does not eliminate or interfere with juvenile-court jurisdiction over judicial-bypass proceedings under R.C. 2151.85;

b) Enter a declaratory judgment that Article I, Section 22 is unenforceable to the extent it is construed or applied to eliminate or interfere with juvenile-court jurisdiction over judicial-bypass proceedings, and that Article I, Section 22 must be harmonized with Article IV to preserve such jurisdiction; Relator specifically seeks narrow, structural relief preserving the judiciary's constitutionally assigned role.

c) Enter preliminary and permanent injunctive relief restraining Respondents from enforcing Article I, Section 22 in any manner that eliminates or interferes with juvenile-court jurisdiction over judicial-bypass proceedings;

d) Grant such other and further relief as the Court deems just and proper to protect the structural allocation of judicial power under Article IV; and

e) Tax costs to Respondents.

X. REQUEST FOR ALTERNATIVE WRIT OF MANDAMUS AND SCHEDULING ORDER

Relator incorporates Paragraphs 1–23.

Relator moves the Court, pursuant to Article IV, R.C. Chapter 2731, and S.Ct.Prac.R. 12.04–12.05, to issue an alternative writ directing Respondents to perform the acts required by the Constitution or to show cause why such relief should not be granted.

Relator requests that the Court establish a structured briefing schedule under S.Ct.Prac.R. 12.05 for the submission of any evidence and for merits briefing on the constitutional issues presented.

Proposed Schedule:

a) Record/Evidence: Within 14 days of the alternative writ, the parties shall submit any evidentiary materials limited to jurisdictional and justiciability issues, if any.

b) Relator's Merit Brief: Within 21 days after the evidence deadline.

c) Respondents' Merit Briefs: Within 21 days after Relator's merit brief.

d) Relator's Reply Brief: Within 10 days after Respondents' merit briefs.

e) Oral Argument: At the Court's discretion on the first available calendar after briefing.

Respectfully submitted,



Judge David L. Engler
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Pro se Relator