

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)	
)	MEMORANDUM IN
Plaintiff/Relator,)	SUPPORT OF RELATOR'S
)	PETITION FOR WRIT OF
v.)	MANDAMUS
)	
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)	

JUDGE DAVID L. ENGLER

Pro se Relator (0030264)

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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
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INTRODUCTION

Relator seeks a writ of mandamus, together with declaratory and injunctive relief, to prevent the implied extinction of juvenile-court jurisdiction over judicial-bypass proceedings following the adoption of Article I, Section 22. The relief is narrowly tailored to preserve the judiciary's core adjudicatory function under Article IV and to remedy ballot-process defects that misled voters about material structural consequences.

QUESTIONS PRESENTED

1. Whether judicial-bypass proceedings constitute core judicial power under Article IV that cannot be extinguished by implication.
2. Whether enforcement of Article I, Section 22, as applied to minors, impermissibly reallocates judicial power by implied jurisdiction-stripping.
3. Whether structural limits and separation-of-powers principles require harmonization of Article I, Section 22 with Article IV rather than implied displacement.
4. Whether ballot-process defects render Article I, Section 22 unenforceable as applied to elimination of judicial-bypass proceedings.

BACKGROUND AND PROCEDURAL POSTURE

Relator is a duly elected judge of the Trumbull County Court of Common Pleas, Domestic Relations & Juvenile Division, and brings an original action in mandamus challenging the enforcement of Article I, Section 22 as extinguishing juvenile-court authority over judicial-bypass proceedings historically conducted under R.C. 2151.85. Following the November 2023 adoption of Article I, Section 22,

the Amendment is being applied to eliminate parental-consent requirements for minors, treating judicial-bypass proceedings as unnecessary or unavailable and stripping juvenile courts of jurisdiction without express revision of Article IV.

STANDARD OF REVIEW

This Court has original jurisdiction over mandamus and related claims necessary to resolve structural constitutional conflicts affecting the judicial power vested in Ohio courts under Article IV.

ARGUMENT

A. Judicial-bypass proceedings are core adjudications protected by Article IV.

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 . These proceedings involve individualized fact-finding and application of legal standards—functions that are quintessential exercises of judicial power vested by Article IV . Because bypass adjudications require evidence-taking, credibility assessments, and binding judgments, they fall squarely within the judiciary’s core constitutional role and cannot be removed by implication.

B. Article I, Section 22 cannot be enforced to extinguish judicial power by implication.

Article I, Section 22 has been applied to eliminate parental-consent statutes for minors and to render bypass proceedings obsolete, thereby removing a category of disputes from judicial review without an express amendment to Article IV .

When a constitutional provision operates to remove an entire class of cases from judicial review, it impermissibly interferes with judicial power; such jurisdiction-stripping cannot occur by implication where Article IV expressly vests adjudicatory

authority in the courts . The Constitution must be read to preserve, not silently reallocate, structural grants of judicial authority.

C. Structural limits and harmonization principles require preserving juvenile-court jurisdiction.

Ohio constitutional interpretation disfavors repeal by implication, with particular force where structural provisions are implicated, and requires harmonization of general provisions with specific structural grants to avoid conflict . Article I, Section 22 contains no express amendment to Article IV and therefore cannot be enforced to extinguish juvenile court jurisdiction over bypass proceedings. The Court should harmonize Article I, Section 22 with Article IV by preserving bypass adjudications as a judicial function while giving effect to the Amendment's substantive guarantees consistent with the Constitution's structure.

D. Separation of powers forbids elimination of judicial review.

Judicial review is inherent in judicial power, and Ohio recognizes separation of powers as implicit in its Constitution; permitting a ballot initiative to eliminate judicial review of minors' claims by implication would undermine judicial independence and permit structural alteration without constitutional process . The separation-of-powers doctrine protects the judiciary from implied displacement of its core adjudicatory role.

E. Ballot-process defects independently render the Amendment unenforceable as applied.

Article II, Section 1g requires ballot language that does not mislead voters about the substance and consequences of a proposed amendment, and this Court polices ballot language for accuracy and transparency. Voters were not informed

that Article I, Section 22 would eliminate judicial-bypass proceedings or strip juvenile courts of jurisdiction, a material omission that renders the Amendment unenforceable as applied to the elimination of bypass proceedings. The omission concealed a consequence essential to both advocates and opponents and prevented average voters from understanding that the measure would alter the judiciary's structure by removing a class of adjudications.

MANDAMUS REQUIREMENTS

Relator satisfies all prerequisites necessary for mandamus:

1. Clear legal right: Relator has a clear legal right to continued exercise of juvenile-court judicial power over bypass proceedings vested by Article IV, which cannot be displaced by implication.
2. Clear legal duty: Respondents have a clear legal duty to administer and enforce the Constitution in a manner that preserves judicial power, including harmonizing Article I, Section 22 with Article IV to maintain jurisdiction under R.C. 2151.85.
3. Lack of adequate remedy: There is no plain and adequate remedy in the ordinary course of law because the injury is structural and ongoing, affects statewide allocation of judicial power, and requires immediate resolution by this Court.

REQUESTED RELIEF

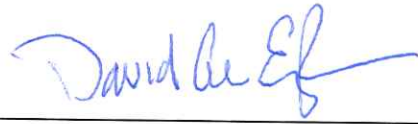
Relator respectfully requests:

1. A writ directing Respondents to administer and enforce 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.
2. 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 it must be harmonized with Article IV to preserve such jurisdiction.
3. Preliminary and permanent injunctions restraining Respondents from enforcing Article I, Section 22 in any manner that eliminates or interferes with juvenile-court jurisdiction over judicial-bypass proceedings.
4. Issuance of an alternative writ and a structured merits briefing schedule under S.Ct.Prac.R. 12.04–12.05.

CONCLUSION

This Court should grant the requested writ and associated relief to prevent the implied extinguishment of core judicial power and to remedy ballot-process defects. The Constitution does not permit structural reallocation of adjudicatory authority by implication. Narrow relief preserving juvenile-court jurisdiction over judicial-bypass proceedings is necessary to uphold Article IV and the separation of powers.

Respectfully submitted,



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