

IN THE SIXTH DISTRICT COURT OF APPEALS
OTTAWA COUNTY, OHIO

STATE OF OHIO)	
)	Ca. No. OT-06-046
Appellee,)	
)	REGULAR CALENDAR
v.)	
)	
ELSEBETH BAUMBARTNER)	
)	
Appellant.)	

BRIEF OF APPELLANT ELSEBETH BAUMGARTNER

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STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. Whether or not the Ohio indirect criminal contempt standard is void for vagueness under Fifth and Fourteenth Amendments to the United States Constitution and under Article I, Section 16 of the Ohio Constitution because they do not give “fair notice” to the average citizen of what conduct is prohibited?
2. Whether or not the Ohio indirect criminal contempt standards violate the First Amendment and Section 11, Article I of the Ohio Constitution because they are overbroad, vague and content-based, facially and/or as applied?
3. Whether or not the prosecution and 4-month incarceration of Appellant for statements she made within legal filings violates her right of access to the courts, due process, the privileges and immunities clause, her right to petition for redress of grievances and constitutes an Equal Protection violation involving retaliation for her First Amendment related activities?
4. Whether or not Appellant was denied counsel in violation of the Sixth Amendment to the United States Constitution without a constitutionally required waiver and whether or not she was denied the ability to defend herself during critical stages of the criminal contempt proceedings?
5. Whether or not Appellant’s convictions on 27 counts of indirect criminal contempt violate the double jeopardy clauses of the United States Constitution and the Ohio Constitution?
6. Whether or not Appellant was denied her Sixth Amendment right to confront witnesses against her by the admission of hearsay statements by non-testifying witnesses and whether or not she was denied a fair trial?
7. Whether or not Appellant’s convictions must be reversed because the State failed to prove her guilt beyond a reasonable doubt and/or the convictions were against the manifest weight of the evidence?
8. Whether or not Appellant was denied due process by virtue of the fact that the presiding judge and fact finder was a retired visiting judge who had a pecuniary interest in the outcome of the case?