IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHRISTOPHER KNECHT
Plaintiff
v.

CASE NO. 1:12 CV 763
HON. S. ARTHUR SPIEGEL
MAG. STEPHANIE BOWMAN

CITY OF CINCINNATI, OHIO, et al.,
Defendants.

PLAINTIFF'S MEMO CONTRA DEFENDANTS' REPLY

Defendant Springs[1] recently filed a reply memorandum (Doc.13) supporting her motion to dismiss (Doc. 9), reiterating basically the same things which were said before. For the reasons stated in the original complaint (Doc. 4), the recently submitting amended complaint (Doc.__), plaintiff's memo contra defendants' motion to dismiss (Doc. 12), as well as this response, the Court should deny defendant Springs' motion to dismiss.

The only purpose of the motion to dismiss is to determine whether or not the plaintiff has stated a claim upon which relief can be granted. Plaintiff has done that. It would be absurd for the defendants to suggest they are authorized to maintain, prepare, compile, and disseminate inaccurate criminal history information about the plaintiff and that the harm he suffered or would suffer is so insignificant that it shouldn't be entertained by the Court.

Defendant Springs has continuously used the word 'prepare' in defending her position that the plaintiff "…makes no allegations that the City had any role in preparing the allegedly inaccurate records at issue, rather he alleges that the City performs the technological function of maintaining the database with the information provided by various entities." (Doc. 13). That statement is incorrect and a very weak play on words.

[1] Defendant City of Cincinnati, Ohio purports to not having been properly served in this action and therefore plaintiff is only addressing issues raised by defendant Springs who has been properly served, until the Court issues an Order on this matter.

Plaintiff was only stating the functions of the defendants as it relates to *their* duties as outlined in *their* statements governing *their* functions. It's the defendants' words; not the plaintiff. He was merely demonstrating what the defendants duties were as they themselves provided, for the sake of clarity. It's no different than plaintiff describing the duties of a mechanic even though the mechanic is being subjected to litigation for acting as a carpenter outside the duties in which he performs or should perform as a mechanic.. Since the defendants have some form of sophomoric interpretation, plaintiff is specifically and has repeatedly stated that defendants created, prepared, molded, designed, or any other word synonymous with the word 'prepare' as it relates to the first Blue Sheet he received. And the proof is in the pudding because if you look at the first Blue Sheet (Doc. 12, Pltf's Ex. A-1) it has defendants' RCIC name and logo at the top and states below that it was a 'response' from RCIC. Then when you look at the second Blue Sheet (*Id*., at Pltf's Ex. A-3), it no longer has defendants' RCIC name or logo attached. Hmmm. And plaintiff took that curiosity to an inquiry with agents of the defendants when he submitted a public records request recently, specifically seeking records which would explain the removal of defendants' RCIC connection to the Blue Sheets (Plaintiff's Exhibit A-4). Defendants' agents responded and entirely ignored plaintiff's request by providing him with useless information inconsistent with his request (Plaintiff's Exhibit A-5, A-6). When plaintiff mentioned this issue, defendants' agents stated they provided plaintiff with everything he requested and if he had any further questions to contact counsel to the defendants herein (Plaintiff's Exhibit A-5). Defendants are hiding and concealing facts supporting plaintiff's claim that they did indeed prepare a criminal history background record on the plaintiff outside established policies and procedures governing their duties as plaintiff had outlined in his complaint.

If the Court will note, plaintiff informed the defendants that he would dismiss this suit if they could accurately point to the person or group/agency who prepared the inaccurate criminal history about the plaintiff. Defendants ignored that offer because they cannot point to anyone else especially since plaintiff has contacted every single agency in the State of Ohio who had any connection to plaintiff's felony convictions regardless of how

big or small and they all pointed fingers to the City of Cincinnati, Ohio, as being the perpetrators of the inaccuracy (Knecht Affidavit 2).

Plaintiff is no lawyer and perhaps as such defendants are having a problem understanding what he is saying. In plain English, plaintiff is saying that defendants failed to comply with state and federal regulations governing the maintaining, compiling, and dissemination of criminal records when they caused the preparation of a criminal history record about the plaintiff outside those guidelines or regulations which indicated that he had been convicted of three felony offenses. That's what plaintiff is saying. Another thing plaintiff is saying is that the fake felony conviction defendants created has harmed the plaintiff, causing him to be deprived of liberty and defendants provide no method whatsoever in which notice and an opportunity to be heard is afforded when they decide to toss guidelines and regulations out the window and operate as if they have carte blanche. Plaintiff would assume, based on the above that he is raising both procedural and substantive due process claims against the defendants under the Fourteenth Amendment to the United States Constitution. Defendants apparently see it differently.

The Fourteenth Amendment to the United States Constitution states that no person shall be deprived of liberty without due process and the process due the plaintiff is that defendants comply with both state and federal laws concerning their record keeping practices. Surely defendants are not suggesting they have a right to prepare, compile, disseminate, and/or maintain inaccurate records about a person because that would infringe upon a person's privacy and due process rights.

In enforcing his Fourteenth Amendment right not to be deprived of liberty without due process of law, plaintiff's cause of action falls under 42 U.S.C. § 1983. A simple reading of 42 U.S.C. § 1983 states that the a person who operates under color of *any* statute, ordinance, regulation, custom, or usage, subjects or causes to be subjected, any citizen to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured. Congress passed 42 U.S.C. § 1983 in 1871 as section 1 of the "Ku Klux Klan Act." The statute did not emerge as a tool for checking

the abuse by state officials, however, until 1961, when the Supreme Court decided *Monroe v. Pape*, 365 U.S. 167 (1961). In *Monroe*, the Court articulated three purposes for passage of the statute: (1) "to override certain kinds of state laws"; (2) to provide "a remedy where state law was inadequate"; and (3) to provide "a federal remedy where the state remedy, though adequate in theory, was not available in practice." *Id*. at 173–75.

Defendants do not have a policy or procedure which affords the plaintiff an opportunity to dispute the inaccurate information they create. A person can challenge a public records request under whatever legal theory they want, but there is nothing affording individuals an opportunity to challenge the inaccurate records prepared by the defendants and disseminated by them to whoever wants them as previously mentioned.

The policy and/or procedure defendants used in preparing plaintiff's criminal record is inadequate and fails to comply with both state and federal statutes resulting in the unbridled discretion to act under any policy or procedure or lack thereof as the defendants wish. That failure to conform to existing regulations resulted in the defendants preparing a criminal history record about the plaintiff containing an inaccurate felony conviction amplifying the "fact" that plaintiff harmed a victim or victims during the commission of that bogus felony offense. The City of Cincinnati has a well established history in the courthouses in Ohio as having violated the rights of citizens over and over when operating outside of constitutionally permissible conduct and its actions here are no different.

The Due Process Clause has a procedural component and a substantive one. The two components are distinct from each other because each has different objectives, and each imposes different constitutional limitations on government power. A procedural due process limitation, unlike its substantive counterpart, does not require that the government refrain from making a choice to infringe upon a person's life, liberty, or property interest. It simply requires that the government provide "due process" before making such a decision. *Howard v. Grinage*, 82 F.3d 1343, 1349 -1353 (6th Cir. 1996). The goal is to minimize the risk of erroneous deprivation, to assure fairness in the

decision-making process, and to assure that the individual affected has a participatory role in the process. *Id*. Procedural due process requires that an individual be given the opportunity to be heard "in a meaningful manner." See *Loudermill v. Cleveland Bd. of Educ.*, 721 F.2d 550, 563 (6th Cir.1983). Procedural due process claims do not consider the egregiousness of the deprivation itself, but only question whether the process accorded prior to the deprivation was constitutionally sufficient. *Howard*, 82 F.3d at 1350. The existence of a protected liberty or property interest is the threshold determination. Once a protected interest is established, the focus of this inquiry centers on the process provided, rather than on the nature of the right.

The procedures required in a specific situation depend on several factors: seriousness of the harm that might be done to the citizen; the risk of making an error without the procedures; and the cost to the government in time and money, in carrying out the procedures. According to past decisions of the Supreme Court, the primary reason for establishing procedural safeguards – once a life, liberty, or property interest is affected by government action – is to prevent inaccurate or unjustified decisions, just like in this instant action.

28 C.F.R. Part 20 – Criminal Justice Information Systems

Defendants failed to comply with 28 C.F.R. Part 20 *et seq*. Defendants claim that the Supreme Court's opinion in *Gonzaga University v. Doe*, 536 U.S. 273 (2002) –holding that the Family Educational Rights and Privacy Act [FERPA] doesn't provide any person rights to enforce under § 1983- is applicable here because 28 C.F.R. Part 20 *et seq*., is nothing more than part of a spending bill and doesn't provide a cause of action. *Gonzaga* simply reaffirms prior Supreme Court opinions that spending legislation drafted in terms resembling FERPA's can never confer enforceable rights, and its reliance here in this case is misplaced. 28 C.F.R. Part 20 *et seq*, is enforceable. *See*: *Study v. United States*, Case No. 3:08cv493/MCR/EMT (N.D. Florida, March 4, 2010), where the court heard arguments pertaining to the use of 28 C.F.R. Part 20 *et seq*, under a § 1983 cause of action.

§ 20.1 of 28 C.F.R. Part 20 states that it "…is the purpose of these regulations to assure that criminal history record information wherever it appears is collected, stored, and disseminated in a manner to ensure the accuracy, completeness, currency, integrity, and security of such information and to protect individual privacy." § 20.20(a) of 28 C.F.R. Part 20, Subpart B states that those regulations "…apply to all State and local agencies and individuals collecting, storing, or disseminating criminal history record information processed by manual or automated operations where such collection, storage, or dissemination has been funded in whole or in part with funds made available by the Law Enforcement Assistance Administration subsequent to July 1, 1973, pursuant to title 1 of the Act." 28 C.F.R. Subpart B, § 20.25 states also that "[a]ny agency or individual violating subpart B of these regulations shall be subjected to a civil penalty not to exceed $10,000 for a violation occurring before September 29, 1999, and not to exceed $11,000 for a violation occurring on [or] after September 29, 1999. In addition OJARS [Office of Justice Assistance, Research, and Statistics] may initiate fund cut-off procedures against recipients of OJARS assistance." (Material in brackets added by plaintiff). Further reading of Subpart B of 28 C.F.R. Part 20 describes the preparation of a criminal history record information plan, certification of compliance, approval by OJARS, and the state laws on privacy and security.

28 C.F.R. Part 20, *et seq,* provides the procedure in which defendants are to comply with when preparing and disseminating records about the plaintiff which deprives the plaintiff of liberty interests. The defendants have a vested interest in maintaining an accurate record keeping policy so to afford plaintiff the benefits of being governed as the Ohio and United States Constitutions mention. If government is being implemented for the equal protection and benefit of those being governed then it's wise to suggest that the protections and benefits plaintiff should enjoy from being governed be consistent with fair play.

Under state law, defendants have a duty to make only such records as are necessary for the adequate and proper documentation of the organization, functions, policies, decisions,

procedures, and essential transactions of the agency. § 149.40. Defendants failed their duty by making records that were inadequate, outside the functions, policies, decisions, procedures existing, which did nothing for the protection of plaintiff's rights when they failed to maintain a record keeping practice or system compatible with the dictates of 28 C.F.R. Part 20, *et seq*.

Liberty Interest

Defendants cannot deprive plaintiff of liberty without first affording him due process. Plaintiff has a right to seek and obtain employment, housing, social service assistance, participation in community and social events, interact with the police, and even file for a pardon or clemency concerning his two felony convictions. Plaintiff has both fundamental and statutory rights to liberty in this country. Plaintiff even has a right to ensure that myrmidons who allege to govern society and the citizens thereof follow the law as dictated. The Ohio Constitution states that government is enacted for the benefit of the People. Plaintiff isn't benefiting at all.

The use of the inaccurate information prepared and disseminated by defendants has caused plaintiff to be harmed in the areas mentioned above and within the complaint and referred to in his first affidavit as well as the affidavit of Schroeder. The only reason the inaccuracy is not reflected on the second Blue Sheet is because plaintiff complained; not because the defendants were actually conforming to established regulations, and such shouldn't be suggestive that defendants will actually follow established regulations in the future. If they can create falsehoods and then remove them later, who is to say they won't do it again?

Qualified Immunity

Defendants established –as plaintiff mentioned in both complaints- a record keeping system in which inaccurate criminal information would be prepared and disseminated. Defendant Springs specifically established such a policy, practice, or procedure. Her duties as plaintiff reiterated in the descriptive portion of his complaint are not the same

duties she performed when preparing the criminal history of the plaintiff. Her actions and inactions are contrary to the dictates of 28 C.F.R. Part 20, Subpart B, as well as Ohio Revised Code § 149.40. In *Bryan v. Jones*, 530 F.2d 1210 (5th Cir. 1976), cert. denied, 429 U.S. 865 (1977), the Fifth Circuit held that a § 1983 claim for false imprisonment arising out of a typographical error in the jailer/defendants' warrant records would turn on whether the jailer, "negligently establishe[d] a record keeping system in which errors of this kind are likely." The court concluded that in such an event the jailer, "will be held liable." *Ibid*., p. 1215.

Qualified immunity "shields government officials performing discretionary functions from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known. *Barker v. Goodrich*, 649 F.3d 428, 433 (6th Cir. 2011). Plaintiff bears the burden of showing that a right is clearly established. *Everson v. Leis*, 556 F.3d 484, 494 (6th Cir. 2009). Defendants, however, bear the burden of showing that the challenged actions were objectively reasonable in light of the law existing at the time. *Id*.

Defendant Springs has offered nothing to suggest that she acted within the scope of her duties other than a self-serving statement here or there. She has failed to provide any reason whatsoever as to why her office where she claims she only performs the functions as plaintiff alluded to in his complaint had prepared and disseminated bogus information regarding the plaintiff's criminal history. She won't even explain where the fake conviction originated to save the tax payers of this City the costs of having to defend in this action when plaintiff indicated he would dismiss this suit if the defendants could simply and accurately point to the person or group/agency responsible. As for the latter, she simply cannot do so.

For defendant Springs to be immune from liability, she would have to demonstrate that she was performing her duties as mandated. She cannot do this. She hasn't done that. Her attorney even suggest that plaintiff never contacted defendant Springs about the inaccurate information prepared even though plaintiff did and if discovery is permitted

after denying defendants motion to dismiss, plaintiff will be more than happy to provide evidence that he did submit an electronic inquiry ('email', see: Doc. 12 at Pltf's Ex. A-2) to defendant Springs and that the email was received by defendant Springs or someone acting on her behalf. She would have to demonstrate that plaintiff has no right to expect her to comply with clearly established authority regulating the preparation and dissemination of criminal background histories of convicted individuals and that she was competent in her duties as performed herein.

Plaintiff's due process arguments above demonstrate that defendant Springs is not entitled to qualified immunity because 28 C.F.R. Part 20 et seq, and Ohio Revised Code § 149.40 were clearly established prior to and during the time in which defendants decided to act unconstitutionally by preparing and disseminating inaccurate, fake criminal history records about the plaintiff.

Plaintiff's liberty rights were clearly established well before defendants acted illegally. Plaintiff doesn't need a case opinion to support his position that a government agent cannot simply disseminate inaccurate criminal history information about the plaintiff to employers, social service agencies, the police, bourgeois media outlets, or anyone who seeks that information, which in turn deprives plaintiff of liberty interests typically and traditionally recognized by this Court in areas of housing, social service assistance, community and police interaction, employment, as well as privileges such as requesting a pardon or clemency from the Governor.

De minimis non curat lex

Imminent Fear of Being Harmed

Defendants counsel offers the belief that one more felony conviction –albeit bogus- would impose and has imposed no significant harm upon the plaintiff considering he has two legitimate felony convictions anyway, and the Court shouldn't entertain such trivial matters. Clinically speaking for the purposes of self-preservation, plaintiff's fake criminal history record created by defendants would count towards any existing form of a 'three-strike' law existing in Texas, Washington, California, Colorado, Connecticut,

Indiana, Kansas, Maryland, New Mexico, North Carolina, Virginia, Louisiana, Wisconsin, Arkansas, Florida, Georgia, Montana, Nevada, New Jersey, North Dakota, Pennsylvania, South Carolina, Tennessee, Utah, Vermont, Arizona, or Massachusetts, if plaintiff were to be convicted of another felony offense. In Ohio, plaintiff could have a 'repeat violent offender' specification attached to him if he is indicted for another violent offense according to Ohio Revised Code § 2941.149, and a court could impose, in addition to the longest prison term authorized or required for the offense, an additional definite prison term of anywhere from 1 to 10 years. The enhancement of imprisonment based upon a bogus conviction created by the defendants is most certainly not *de minimis*.

Just last year, ohio attorney general Mike Dewine had a study conducted by Deanna L. Wilkinson; an Associate Professor of the Human Development and Family Science Department of the Ohio State University, for the ohio attorney general's Violent Crimes with Guns Advisory Task Group,[2] which he had publicly indicated was to support proposed legislation to increase prison sentences for those individuals convicted of violent offenses. Defendants have plaintiff listed as having been convicted of two violent offenses and even make reference to him inflicting harm upon one of his victims or maybe even all the victims of that crime since it's a creation of the defendants and not part of reality. Another felony conviction of violence and the passage of that legislation coupled with already existing repeat violent offender laws aren't contrite especially if plaintiff's sitting in the gulag for decades based on the fabrication of the defendants. Thus, plaintiff is being and would be subjected to imminent harm if the fake felony conviction created by the defendants remained in his criminal history. Such would not be considered *de minimis*.

So what if the inaccurate conviction has now been removed? That doesn't alleviate the harm plaintiff suffered nor does it suggest that defendants would actually comply with existing regulations concerning their record keeping practices. How many other

[2] "*Thirty-Six Years Of Weapons And Serious Violent Offending In Ohio: How Data Can Inform Policy*" (Final Report), April 9, 2012.

individuals have inaccurate information in the records in which the defendants create and disseminate? How is plaintiff supposed to know whether or not defendants will act in accordance with established procedure if they have demonstrated that they cannot do so in the past and provide no method in which an individual can be heard concerning the record keeping practices of the defendants when the defendants decide to regulate record keeping practices based on whatever day it is?

Plaintiff has a well founded fear that he will be subjected to harm by the defendants who cannot perform simple instructions. They already smeared plaintiff's name with another felony conviction; one that refers to him harming a person during the course of a felony offense, why wouldn't they do it again if they go unchecked?

Actual Harm

1. When plaintiff filled out an application to rent an apartment in 2006 and paid twenty-five dollars ($25.00) for the background check, he was told; as he mentioned in his affidavit in this case, by the property manager that his application was being denied because he was in prison for assaulting someone. Plaintiff's first Blue Sheet indicates that he was convicted of aggravated burglary and inflicted harm on his victim or victims. That case number also indicates that plaintiff went to prison for that crime. A reasonable inference can be drawn that plaintiff was denied housing based on the erroneous information contained in the first Blue Sheet which indicates that he was convicted of an offense where he inflicted harm on a victim or victims. There's absolutely nothing else floating around anywhere to make a suggestion that plaintiff had been convicted of a crime where an individual or individuals were harmed, except for the Blue Sheet defendants molded. Being denied housing isn't a trivial event.

2. Even when plaintiff attempted to receive social service assistance with housing for his pregnant girlfriend and himself he was denied due to a background check indicating that he had a violent background (Doc. 12 at Knecht & Schroeder Affidavits). Defendants are in possession of records pertaining to the plaintiff which incorrectly suggest that plaintiff

is indeed a violent offender who has harmed a person or persons during the commission of an offense. The Hamilton County Clerk's Office doesn't reflect any infliction of harm by the plaintiff upon victims to his crime; the defendants' records do. The Ohio Department of Rehabilitation and Correction likewise has never prepared any record whatsoever listing plaintiff as having harmed another person or persons during the commission of a violent felony. The City of Forest Park; the arresting agency of plaintiff's 1987 felonies, as well as the Ohio Bureau of Identification and Investigation, also did not provide or prepare any record indicating that plaintiff had harmed a victim or victims during a bogus felony offense, only the defendants (See: Plaintiff's Exhibits A-7 and A-8)

3. Plaintiff couldn't file for a pardon or clemency with the Governor back in June, 2012, because the Ohio Adult Parole Authority wanted plaintiff to attach a copy of his adult criminal history with his application. Kind of hard to do so when the criminal record defendants created indicates that plaintiff had been convicted of three felonies; two being violent felonies with reference to him inflicting harm upon a victim or victims.

4. Plaintiff will never fully know how far the records prepared by the defendants went as it relates to employment. But reasonable inference can be drawn from the facts in this case that plaintiff had probably been denied employment based on the inaccurate information contained in the criminal record prepared by the defendants.

A violation of constitutional rights is never *de minimis*. *Lewis v. Woods*, 848 F.2d 649, 651 (5th Cir. 1988).

Declaratory Judgment Act

Still going unchallenged is plaintiff's cause of action under the Declaratory Judgment Act of 1934 where he is requesting the Court to declare his rights and the rights of others

similarly situated as it relates to basic due process requirements when dealing with a government agency's record keeping practices as alleged here in plaintiff's complaints. Since defendants haven't contested this portion of plaintiff's complaint, they have effectively waived a defense to such.

Conclusion

Defendants actions and inactions "shock the conscience" and fall outside the standards of civilized decency. *Rochin v. California*, 342 U.S. 165 (1952).

Plaintiff's reliance on cases such as *Tarlton v. Saxbe*, 507 F.2d 1116 (D.C. Cir. 1974), and *Menard v. Mitchell*, 430 F.2d 486 (D.C. Cir. 1970), are hardly inapposite in that they both address due process issues in favor of the complaints. In *Menard v. Mitchell, supra*., the court reversed the lower court's decision and remanded for trial, 328 F.Supp. 718 (D.C. 1971), and on appeal; 498 F.2d 1017 (D.C. Cir. 1974), the court found that a criminal justice agency has a positive duty to maintain criminal history records in an accurate and reliable manner. *Id*., at 1026. Later that same year the District of Columbia Court of Appeals strongly implied that any statutory authorization to collect and disseminate criminal history records inherently required the agency to collect and disseminate those records in an accurate manner. *Tralton v. Saxbe, supra*; expanding the decision in *Menard*. The court implied that even in the absence of a statutory obligation, agencies have constitutional and common law obligations to ensure accuracy in the collection and dissemination of criminal justice information. In *Shadd v. United States*, 298 F. Supp. 721 (W.D. Pa. 1975), *aff'd*, 535 F.2d 1247 (3rd Cir. 1976), *cert. denied*, 431 U.S. 919 (1977), the court there held that the failure of the fbi to reflect an acquittal entered 27 months prior to the lawsuit constituted a breach of the fbi's duty to maintain accurate records. In *Test v. Winquist*, 451 F. Supp. 388 (D.R.I. 1978), the plaintiffs brought a civil action against East Providence police agents for deprivation of constitutional rights and for various state tort claims. The police agents had acted on out-of-date information, and in turn sued the regional administrator of the NCIC. The court decided that the police agents –if found liable to the plaintiff- have a cause of action

against the regional administrator of the NCIC for breach of a duty to provide accurate information. *Id*., at 394.

Those cases demonstrate that there are due process issues involved when a government agency and its agents decide to prepare and create for dissemination inaccurate criminal history records, actionable under § 1983. While they may address the fbi's failure to conform, it all comes down to what process is due in cases where inaccurate information is being disseminated, compiled, prepared, or maintained by individuals acting under color of law.

For the reasons stated, plaintiff respectfully moves the Court to deny defendant Springs' motion to dismiss; Order the U.S. Marshal to serve defendant City of Cincinnati, Ohio, unless the Court believes as plaintiff does that service has been perfected absent the actions and inactions of the defendants in accepting service; Issue a Scheduling Order setting the time frames to conduct discovery and/or to prepare dispositive/nondispositive motions or pleadings for consideration; and finally issuing a date for trial.

Respectfully submitted,

Christopher Knecht
[redacted]
Plaintiff in Pro Se

Certificate of Service

A copy of the foregoing was sent electronically to counsel for defendants at jessica.powell@cincinnati-oh.gov, this 19th day of February, 2013.

Plaintiff

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FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHRISTOPHER KNECHT
Plaintiff
v.

CASE NO. 1:12 CV 763
HON. S. ARTHUR SPIEGEL
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CITY OF CINCINNATI, OHIO, et al.,
Defendants.

STATE OF OHIO
COUNTY OF HAMILTON **AFFIDAVIT OF CHRISTOPHER KNECHT**

Christopher Knecht deposes and attests that he has personal knowledge of the below statements and is competent to testify to the same, and states:

1. I am the plaintiff in the above-entitled case;

2. I contacted the City of Forest Park, Ohio, regarding my criminal history as it relates to the two felony convictions I have. Forest Park was the investigating and arresting agency in January, 1987, and ultimately charged me with two counts of aggravated burglary and two counts of felony theft;

3. Prior to charging me, I was duped into signing a statement describing my criminal conduct relating to the charges issued by the City of Forest Park. That statement provided absolutely no information whatsoever that I had harmed anyone at anytime during the commission of any of the offenses stated within that statement to the City of Forest Park, Ohio;

4. The investigation conducted by Officer Lori Bellos in 1987, as well as other law enforcement agents of the City of Forest Park, Ohio, concerning said felony conduct never, ever produced any evidence whatsoever indicating that I had harmed anyone or any person or persons during the commission of any of the felony offenses later charged by the City of Forest Park, Ohio;

5. When I contacted the City of Forest Park, Ohio, I asked what type of information do they enter into whatever databases they use or share regarding my two felony convictions and my exhibit (Pltf's Exhibit A-7) is the response from the City of Forest Park, Ohio, which demonstrates to me that the City of Forest Park, Ohio did not prepare, compile, maintain, or disseminate any information ever about me with regards to the inaccurate information that the defendants prepared about me and disseminated;

6. I even submitted a complaint to the ohio attorney general and when they did not respond within a reasonable amount of time I called and inquired about my complaint and was told that they do not have the authority to decide my complaint against the City of Cincinnati, Ohio, because of some home rule provision which I assume means the City of Cincinnati can do whatever they want as long as it's in compliance with State and Federal law. I emailed to receive some confirmation or acknowledgement of my complaint for evidence purposes (Pltf's Exhibit A-8) but received no response in return;

7. The Hamilton County, Ohio, prosecutor's office maintains records in which I have already examined and nothing in those records have any mentioning that I was convicted of three felonies and inflicted harm on a person or persons during the commission of one of those violent felony convictions, albeit bogus;

8. Further, I sayeth naught.

I declare under penalty of perjury that the foregoing is both true and correct to the best of my knowledge.

Respectfully submitted,

February 19, 2013

Christopher Knecht
[redacted]
Affiant/Plaintiff