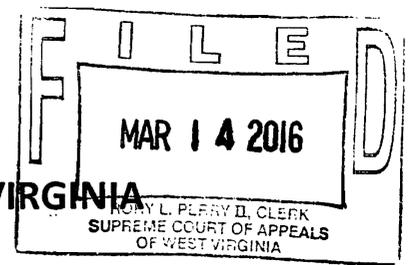


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA



State ex rel. Judicial Investigation Commission v. The Putnam County Board of Ballot Commissioners and Troy Sexton, No. 16-0223

Summary response pursuant to Rule 16(h) R.A.P. by Troy Sexton

The Judicial Investigative Committee obviously requests that I be removed from the ballot due to numerous misdemeanor convictions, some of which they believe involve moral turpitude.

I suspected the powers to be in Putnam County would try to have me removed from the ballot based upon their definition of moral turpitude and the misguided facts regarding my misdemeanor convictions. I admitted as such to Putnam County Court Clerk, Brian Wood. However, I deny any of my misdemeanor convictions involve crimes of moral turpitude. This document will lay out the **facts** and circumstances regarding such misdemeanor convictions.

The JIC argues that my misdemeanor convictions of domestic battery regarding my 2 sons from an incident at a football practice in early August 2009, involves moral turpitude. I strongly deny this claim. It is apparent the JIC is basing their argument upon a botched police report and false testimony by the police. I've admitted time and time

again my actions were inappropriate that day and I'm ashamed of my behavior that day. I've apologized for it, and have admitted over and over again what I did was wrong. However, as the days turned to weeks, then to months, and I was still separated from my family, I became openly critical about the blatant lies and misinformation that was presented and constantly reported by the press as fact. My open criticism was misconstrued and argued to assume I was unapologetic.

On the day in question, one of my sons was loitering on the 1st base side of a baseball field that was used for practicing football. My sons' lack of effort, not performance, got the best of me and I obviously reacted in a manner I shouldn't have. As the 1st son was towards me on the 1st base side of the field, my 2nd son was lying in center field crying. My sons had wrestled around together somewhat roughly and regularly at home and they agreed they wanted to play football. As the coach was trying to get my 2nd son to get up, that's when my misbehavior began. My 1st son was basically with me. There was a fence separating me from him. A not particularly high fence and I'm a tall man. Away from where the practice was actually taking place, I reached over and grabbed my 1st son by the upper arms and said something to the effect of "*why won't you guys try, why won't you be tough*" to which I regretfully extended my arms, shoving him down. I proceeded to go through an opening in the fence towards the coach who was by my 2nd son who was lying and crying in center field. I said something I'm extremely ashamed of to the coach about my sons lack of effort and that I was taking them home. My 2nd son, lying and crying on the ground, wouldn't get up. The way he was situated on the ground, I did in fact pick him up by the ankle and start taking steps toward the 1st

base line where my 1st son was, which also led to the parking lot where my vehicle was located. At the point I picked my 2nd son up, a lady started screaming at me, and I don't fault her for that, in retrospect. I took a few steps with my 2nd son and yelled something inappropriate to the lady about minding her own business and I let my 2nd son go. At this point, which was never documented, an assistant coach comes charging at me, hollering at me about not talking to his wife that way. The head coach is now yelling at the assistant to coach to *"let him go... just let him go."* The assistant coach approaches and with an open hand and hits me on the side of the head which I somewhat block. Others get the assistant away from me. My 2 sons and I go through the opening in the fence and head to my car. I bring up the assistant coach mostly to lay out that he wasn't concerned about what he saw in regards to my 2nd son. He was upset about what I said to his wife. I take my 2 sons and drive them over to a different field in the vicinity, where my 2 daughters are practicing cheerleading. I intended to let them conclude their practice then we'd head home. I'd say after 5 to 10 minutes of watching the girls practice, the President of the Football League approached, a lady, who told me she heard what had happened and I wasn't leaving there with my kids. I certainly didn't like the idea of some stranger telling me where I do or don't take my kids. So I motioned for the girls to come on, we're leaving. I wasn't waiting around till their cheerleading practice ended. At this point, when the five of us turned to head back to my car I noticed the police were there.

I've just laid out the facts of my actions that day. Now for the facts of the aftermath. I did not beat my kids up. I did not put a mark on them. They did not have a bump, bruise, or scratch, from my

admittedly inappropriate actions. The police chief of Winfield, on the news, stated my kids were glad the cops showed up and they ran and jumped into their arms. This was an outright lie. There is not a grain of truth to that. The fact, which my 2 sons will tell you, is that they were not glad the cops showed up, they sure as heckfire didn't run and jump into their arms, and they were scared and concerned about what was going to happen to me. The presence of the police did nothing but make matters worse for my 2 sons, and confuse and scare my 2 daughters who had no idea what was going on. My sons were **not** hauled off in an ambulance from this matter, which one would think, because 6 and a half years later this incident is still constantly brought up by the press. My sons never went to see a doctor. They were not hurt. They never had to see psychologists over this. Not only did the police show up this day, Child Protective Services was at the scene. Obviously, I'm being hauled off in handcuffs. Police contact my wife who is at work at CAMC in Kanawha City. She's under the impression I've just beat our children up, and she's told if she doesn't show up at the police station by a certain time, our four children are going to be sent to some temporary home for the night. Naturally, she's freaking out as any Mother would. She doesn't want her children in some strange home. She calls my Dad who lives in Teays Valley, much closer to Winfield, knowing he could take possession of our kids and arrive much sooner. He's not answering the phone. My wife proceeds to break Lord knows how many laws frantically trying to get to Winfield before our children are taken away. In the meantime, my Dad sees where she has called, calls back at some point, and they basically arrive at the scene at approximately the same time. They had, indeed, made it in time. Naturally, my wife and Dad were in disbelief and shock that I

had just beaten the boys up, from the information given. Like my Dad had told me, before he and my wife witnessed our kids, he told her not to bail me out. To leave me in jail because my wife had been informed I had been arrested. One could only imagine the overwhelming relief of my wife and Dad, when they saw the boys and realized what they were told wasn't true. Physically and emotionally it was like nothing had ever happened. Like I stated, Child Protective Services was at the scene. They spent time alone with boys and even the girls. However, unfortunately, before Child Protective Services had even seen or talked to our children they had informed my wife at the scene that if she didn't get a protective order against me through the Family Court (*Judge Watkins*) the children would be taken away. Obviously and understandably, I'm the least of my wife's concerns at this point. Our children are all that matter and she most certainly did as instructed. Child Protective Services would eventually spend time with our children. Child Protective Services, being completely unbiased, filed a report claiming the allegations of abuse from the incident at the football practice against my 2 sons to be **FALSE!!**

The readers of this document have probably already been given misinformation regarding the football practice incident. And the reader of this document will undoubtedly continue to read or hear by way of oral argument statements that are 100% false. I'd like to now discuss lies and misinformation that will be used against me. The attorneys for the JIC are going to quote a botched police report. I don't feel the officer lied or did it intentionally. He obviously heard testimony regarding each child and combined one with the other. The 2nd son was NOT dragged across the field by his ankle and then thrown

over the fence, giving the reader or listener a false visual of me hammer tossing my son by the ankle over a fence. This falsity had greatly disturbed me for years. There are no witnesses that saw such a thing and no witnesses testified to such absurdity. Earlier I stated what actually happened in regards to my 2nd son. That being said, I'm unfortunately confident, attorneys against me will continue to present this false information as fact. The claim of me twisting and pinching my 2nd sons hip has always confused the heck out me. At practice, everyone was in full pads. There are huge hip bone protector pads that are worn. I don't really know how to answer that claim other than it defies logic. Another aspect that had greatly disturbed me for years is claim of bruising appearing. This was an outright lie and those involved against me know it's an outright lie. My family knows this wasn't true. Child Protective Services knows this wasn't true. And most disturbingly, the officers involved know this was not true. Each of my four children were at the police station. For 6 plus years my oldest daughter has said this, and she'll tell anyone reading this document this. My oldest daughter overheard and will testify that she listened to 2 officers talking and heard them discussing how they couldn't find any bruising on the boys. There were no forming bruises on either of my sons from that day. And it thoroughly disgusts me and I think it should be arguably criminal that these officers would put this outright lie in a police report.

It's been over 6 years, and to the chagrin of many I'm sure, it's been proven my kids are not abused. They do not live in an abusive household. I've mentioned this before in another document. I'm confident the array of structures at Winfield Middle & High Schools

would testify all 4 of my children are well adjusted and ideal students. In fact, my 4 children combined for all A's and just 2 B's on their mid-term report cards. Recently, I recorded a conversation where Scot Lawrence called me a child beater in court. Others in that courthouse have called me a child beater, including Travis Castle and former Judge, William Watkins. They are grossly mistaken.

I assume it's up to the Supreme Court to determine if my domestic battery conviction was a crime of moral turpitude. I implore the Court to please to take the facts into consideration as opposed to the falsities that will be used against me.

On page 15 of the JIC's petition, the JIC itself argues against me by citing what the federal courts say in regards to deportation cases and if domestic violence may be a crime of moral turpitude. It reads... *Simple assault or battery does not generally involve moral turpitude unless there is some aggravating factor indicative of moral depravity. The requisite element is satisfied where **the offense involves the infliction of serious injury** upon a person deserving special protection such as a family member or a peace officer.*

The JIC has essentially argued against themselves. My sons' suffered no injuries let alone any serious injuries. Based on the JIC's own argument, and everything I've presented, I ask the Supreme Court to find my domestic battery conviction was not a crime of moral turpitude.

The false 911 call was again a misdemeanor conviction the JIC argues is a crime of moral turpitude. Once again, I challenge this claim. The circumstances surrounding this conviction is somewhat complex and it actually originates from the football practice of 2009. I, and everyone who mattered, thought common sense would eventually prevail in regards to what happened at the football practice in 2009. On December 4, 2009, 4 months had passed and I was still separated from wife and children. I was going to court again. Me, my wife, my kids, my Dad, my Mom, my *Stepdad*, and my Mother-in-Law. We all thought this nightmare was ending. The nightmare was just beginning. We all thought I was going home that day. Finally!!! Guilty or not. I honestly didn't care. I just wanted home. Turns out no agreement had still been reached and this was going to go on for another month to 6 weeks. My kids were counting down the days till my return. I had assured them it was going to be December the 4th.

I had had enough. My mindset was... *whatever, I don't care, I'll go to jail for a week, I need to get home*. My attorney even verified my work schedule and me maybe going to jail for a couple weekends being a possibility. I'm fine with that. Whatever. I need home. I plead no contest and was sentenced to jail for a half a year by a Magistrate Kim Blair. I'm not coming home any time soon. My attorney appeals this.

Now I'm in the hands of the Circuit Court and Judge Spaulding. He assigns a lady to me. I think her name was Teresa Warner. Warner is the person who speaks to me, gets to know me, and relays information to Judge Spaulding. It was such a relief to have somebody

associated with the courts or system who finally talked to me and was able to see and understand the gravity of the situation and the adverse effects it was having on me, my wife, my family, and kids. She was genuinely a good person who truly did care about my kids as opposed to any Officer, Magistrate, or Prosecutor.

I think February 25th, 2010, was the date Judge Spaulding was to sentence me. Keep in mind, my wife and I were racking our brains trying to figure out why such a huge deal was being made out of something that wasn't as huge as it was made out to be. In early February part of that was answered. I'm living at my Mom's house in Charleston. I get to her home from work and there's this huge package waiting on me sent from Warner. The contents would completely fracture the family structure on my wife's side of the family forever. My wife will tell you this herself. On her Mother's side she comes from a family that's made disproportionately of women. My Mother-in-Law is the oldest of 6 females. These 6 grew up in less than ideal situations. The Dad was a drunk who couldn't hold a job and there Mother only had the education level to hold minimum wage type jobs. Children with estranged parents and substance abuse is common in that family. When I married my wife she already had a son who become my step-son. A year or so after marriage we had our 1st daughter. 2 years later we find she's pregnant with triplets. We were living in Poca. Our home was paid off. We'd amassed quite a bit in savings, so it was decided with 3 more babies coming at once it was time to move to a bigger home which we did. Fast forward a little bit. On the surface it appears we're living the quote/unquote American Dream. Both employed with good jobs. Living in a large home. Of course we had the older son, but

we had the 2 boys and 2 girls, in essence all the same age. It was obvious we had the financial capabilities to do what we wanted, yet we've always been frugal.

I've briefly mentioned the circumstances of my wife's Mother's side of the family. There's obviously some dysfunctionality there. I'm sure the reader of this document can imagine there would be some jealousy towards my wife from that side of the family. My wife is generally meek. Very uncontroversial. She never flaunted what she had to her family.

Back to early February 2010. I open the package. My wife's family was working behind the scenes against us. It's of my opinion, the mass jealousy of these people against us was eating at them so bad and when the football practice situation occurred it was their time to pounce. They found their opening. 2 Aunts and the Grandmother (*my wifes Mom's Mom*) wrote disturbing, vicious, untrue letters to the courts who, in turn, had forwarded them to me. At this point, I'm separated from my home for 6 months. Do you think these Aunts who lived in the Scott Depot area and who were acting as though they cared about the well being of our children were at our home, helping my wife out with the 4 children. Heck no they weren't. Just like the Officers, Magistrate, and Prosecutors, they never had the best interests of our children at heart.

That family, just like anyone else who doesn't like me, throws around that child beater nonsense in the letter. For the most part I can deal with it. The Grandmother was certain in her letter to the courts that my step-son feared for his life. That's why he wanted a Bowie hunting knife for his birthday or Christmas at some point. Keep in mind I've flown my step-son, just me and him, to Vero Beach, FL, Glendale AZ, and Los Angeles, CA to see the Dodgers. Just the 2 of us had driven to cities all over the Eastern United States to see the Dodgers. Cities including Cincinnati, Pittsburgh, Atlanta, Washington DC., St. Louis, Philadelphia, Detroit, and Cleveland. Some of those cities on multiple occasions. Now to state to the courts that there was this belief my step son needed some sort of knife for protection from me is downright crazy, but even I can deal with that for the most part.

There was one aspect of the letters that crossed the line and I didn't handle it well at all. I've touched on the dysfunctionality on my wife's side of the family. There have been instances of child molestation in that family that I will not get into any details about. I had 4 kids in diapers at once. As my oldest daughter was getting to the point she really didn't need the diapers, she'd sometimes wear them to mimic her 3 younger siblings. She could actually put a diaper on and off herself. Turns out this Grandmother sent statements to the courts accusing me of sexually molesting my oldest daughter. I don't remember, but I probably did laugh at one point when my oldest daughter would put her own diaper on. According to the Grandmother's letter to the courts, she caught me laughing and that somehow translated to sexual molestation concerns. 1 of the Aunts was attempting to substantiate the Grandmother's claims of sexual

molestation in her letter. This Aunt even went on a wild tangent claiming to the courts I was watching pornographic movies with my step son when he was boy. There are some sick minded people out there.

They crossed a line you do not cross, and I think most would agree with me on that. Child beater... whatever. Bowie knife... whatever. Sexual molestation of children is not something one can just throw out there. My initial reaction was shock. I called my wife. She used language on the phone I've never heard before or since. My mother-in-law lived in Charleston. The one *good* Aunt and her Husband lived in Charleston. I was in Charleston. My wife had to work that night. I showed up at the *good* Aunts home with her, her husband, and my mother-in-law for them to read the stuff for themselves. I can remember the *good* Aunt apologizing over and over and over again to me. She was in disgust and disbelief at what her own mother and sisters would do. Then my Mother-in-Law made 3 phone calls on that early February night in 2010. 2 were answered. These family members had no idea these letters would be forwarded to me. She told her Mother she loved her but she will never talk to her again. She said the same thing to the one sister that answered. It's been over 6 years now. My Mother-in-Law has kept her word. She still hasn't spoken to her own Mother or those 2 sisters for what they did.

The day I received the package and met up with those just mentioned I wasn't angry. I was more in shock and disbelief. The anger eventually came. I determined these people needed confronted. I

called the one Aunt. When she said hello, I started reading her own words.... *Grandmother Xxxxxxxx suspected sexual abuse on the eldest daughter Xxxxxxxx when Troy.....* She hung up. I tried to call back. She wouldn't answer. I would call the 2nd Aunt. She never would answer. The Grandmother would falsely claim I tried to call her. I didn't know her number. I called my wife for it. My wife would not give it to me. If she had, yes, I would have called her too. The 2nd Aunt who I didn't get a hold of had one daughter who was obviously jealous of the situation my wife married into and the number of beautiful, healthy kids we had. And I know good and well those family members, especially her, that didn't write letters knew good and well what was going on and most likely enjoyed and encouraged it. This would be my wife's cousin. I call and finally I'm talking to someone who would actually talk back to me. I'm angry and heated and basically asking *what did me and Kristie ever do you to people... what did we ever do to you people... why would you do it.. why why why why.* I'd get a heated response back and then she'd hang up. So I'd call right back give her a piece of my mind about the crap they pulled to which she'd mumble something incoherent off and hang up.

A week later, my wife's calling me in hysterics, because there's a search and arrest warrant for me over the phone calls. The police refused to believe I wasn't there. She was too upset to go into work that night. Thankfully, our 4 children were staying at my Dad's home that night. They were not awakened in the night by cops looking in their bedroom closets for me.

Shortly thereafter, it's sentencing day in front of Spaulding. Technically, Spaulding sentenced me to jail for 30 days for domestic battery. But in reality he didn't. I *snuck* home for Christmas in 2009. I broke the terms of my bond agreement. I don't regret that and I don't apologize for it. I will never apologize for it. I parked in our windowless garage on December 24th and planned to leave December 26th. My mother-in-law, the *good* Aunt and her Husband, and the Grandmother would venture over for a couple hours on Christmas Day. The next day, the day I was leaving, my wife and kids start screaming.. *the cops are here.. the cops are here*. I high-tail it to my bedroom closet and climb into a small attic. They had no search warrant. I spent Christmas with my family, all who wanted me there, the only people that mattered.... and this is my wife's family's Christmas present to her and our children. My Dad would come and back his car into my garage, and, comically, my overweight body would hide in the back seat floor as I escaped from my own home. The next day or so, my wife's Grandmother would console my wife telling her what a good man I was and that things would be alright. That woman is the definition of evil. My wife, like her Mother, has never spoken to her Grandmother since I received the package.

There's no doubt my alleged transgressions from the time I was sentenced to jail in Magistrate Court to the time of my sentencing by Spaulding was held against me. I strongly believe it was the phone calls that Spaulding justified for actually sending me to jail for 30 days.

It's taken awhile but now I'm getting to the gist of the fake 911 call. There was no intent to intentionally deceive. I was being a drunken smart ass. I'm obviously one of those people who shouldn't drink the beer. I haven't delved into it, but much happened between my release from jail in 2010 and the 911 call of January 2014. At this point, I acknowledge I've had discussions with cops, but I had never under any circumstances called 911. I've never faulted the officers for arresting me for taking me to jail for the 911 call. I asked them to do it. I've never contacted the authorities since, nor do I ever intend to. Theoretically, when the 2 officers showed up, the one in charge could have told me if I ever did this again he's going to haul my butt off to jail. And I assure you, I'd never do it again. But he arrested me and took me to jail which I do not fault him for. Admittedly, my argument may be considered weak regarding the 911 call. I was drunk. I was upset. I was stupidly engaged in some project which had me reliving the nightmare. It took a solid 5 years for me to finally accept the ordeal from the football practice and the wickedness displayed from my wife's family. It opened my eyes to a World I didn't know existed. On that date in January 2014, I hadn't accepted it. I felt I went to jail based on lies by cops and those calls to that family. I was mad people could send letters falsely claiming child molestation without recourse, and then I get in trouble for calling them about it. I was mad about all the pointless police raids. There's really no excuse or explanation other than being drunk and upset. I called 911. Told them I threw my kids over a fence and they were dead and I molested them too. I guess in my drunken state of mind I was thinking if it's OK for the cops to lie about me hammer tossing my kid over a fence and it's OK for people to falsely accuse another of child molestation to the courts than I should

be able to make the same outrageous false claims, too. It was wrong. I took responsibility. I wasted the time of 2 officers. I paid for it. However, in the grand scope of things there was no negative impact on any citizen of the County or society in general. Once again, I'm stating what I did was 100% wrong but honestly; cops get called out for petty arguments, scuffles, and differences everyday. Essentially wasting their time. As I did. This crime caused nobody any physical, mental, or financial harm, however. (*My fines covered any monetary expenses*) In the grand scheme of things, this sort of crime is actually quite frivolous. I fail to see how this minor infraction from the past makes me incapable of being a successful Magistrate.

The JIC argues other convictions alone may not constitute misdemeanors involving moral turpitude but the sheer numbers of them do.

People that know me know I'm a die-hard Los Angeles Dodgers fan. In June of 2008 the Dodgers were in Cincinnati for a 3 game series. There was a large crowd. They were honoring Ken Griffey Jr, who would be traded to the Chicago White Sox shortly thereafter. I was sitting about 10 rows back down the 3rd baseline halfway between the 3rd base bag and the left field foul pole on an aisle seat. And yes, I was drinking that godforsaken beer. I tend to enjoy myself at the ballgames. Always being the visiting fan in the home teams ballpark doesn't sit too well with some. I had developed an awkward celebrity status within the Dodgers organization because of a Youtube video I made talking about a lesser known pitcher named Joe Beimel in January

of 2008. The Dodgers are winning 2-0. It's the bottom of the 7th. The bases are loaded and there is only 1 out. Things are getting tense. I'm proudly sporting my Joe Beimel jersey. Joe Torre decides the starting pitcher, Chad Billingsley has had enough. He calls on Joe Beimel. Beimel gets out of the jam with the Dodgers still on top and I'm pumped. I turn around, face the crowd. Remove my jersey with Beimel on the back, hold it up to the crowd and am excitedly hollering *Joe Beimel.. Joe Beimel...* Next thing I know I'm being showered with peanuts and ice cubes. So then I stupidly raised each of my middle fingers as I was grasping the jersey. A man comes up behind me tugging my arm telling me to put my fingers down. He was right. I should have just put my fingers down and sat down. I guess I didn't like the idea of being pelted with stuff, so I told the guy to get off my arm. He kept tugging. I gave this man the opportunity to get off me. When he didn't I physically pushed him and he fell. After I pushed him and he fell I turned to sit down. Before I got a chance, I was tackled on the concrete steps by fans. I could feel numerous bodies on me. I was still grasping my Beimel jersey in my left hand. It was being tugged at and eventually I lost the grasp of it. Later a Dodger fan at another venue who was there would tell me the jersey was being thrown throughout the stands. The one guy directly on top of me has me in a choke hold. I'm completely immobilized. I can't get up. I can't move. Then I notice the weight on top of me is lessening. The cop that was there was a big big man. I guess he got the bodies off me and I stood up. Other cops are converging and I can see they are about to arrest me. I brought my video camera with me. It was sitting under my seat at that time. I can see the cop is arresting me but I'm telling him I need my camera. When it was all said and done about 7 cops whisked me up to the concourse

and then under the stadium. I was never able to retrieve my camera or jersey. I was the only person arrested. I can understand the disorderly conduct charge because of the middle finger but that resisting arrest is something I don't agree with at all. I was just telling the cop I wanted my camera. It's right over there. Those are the facts regarding that.

I've already touched on the situation regarding the harassing phone calls. I've typed for quite a while now and I've been completely honest and I will continue to be honest even if it's not in my best interest. I do not apologize for making those phone calls. I will never apologize for making those phone calls. If the Supreme Court wants to hold that against me, so be it.

First time DUI's aren't that uncommon. I got one. I have no excuses. The timing of it was just unfortunate. After the 911 call, I started taking steps to stop the drinking once and for all. I stayed beer free for until the day before I went to court over the 911 call. My attorney calls and tells me the prosecution is going for a conviction and the full 6 months in jail and we'll then appeal it to the Circuit Court. In my mind, I'm like, here we go again. Unlike the football practice, the facts in this case are accurate. I wasn't going to be kicked out of my house for this, but I didn't feel like dealing with it all. I didn't handle it well and I drank that night. Turns out the information I received wasn't true. I guess the Prosecutors and Magistrate knew an appeal on a 6 month sentence would likely be altered to no jail time at all in Circuit Court. So they didn't do it. But drinking that god awful beer the night before kind of opened up the bad habits. It was fairly late. Baseball

season had just begun. I'm watching the Dodgers. I'd been drinking. I got a hankerin' for some hot wings and decided to drive over to Little Caesars in Teays Valley. I got a DUI which I deserved.

It seems the beer has been the source of many of the convictions. I kindly ask the Supreme Court to take into account I take the steps necessary to stay away from the alcohol and strongly believe those days are behind me forever.

Great American Ballpark. June 10, 2014. It's true I was told not to go back to the GABP after what happened in 2008. Once again, I'll continue to be completely honest. In 2011 the Dodgers had this unbelievably awesome, comeback extra inning win against the Reds on a Saturday. I was so pumped when that game ended I told my wife I'm going to Cincinnati for the Sunday afternoon game. So I drove up Saturday night. I bought me a Cincinnati Reds cap, was wearing a red colored shirt, and proceeded to commit the criminal act of trespassing that Sunday afternoon. I was sitting behind the Dodgers dugout on the front row. I have video evidence to prove this. The game ended and I went home. No lives were shattered by me going to that baseball game. In 2013 I would once again commit the criminal act of trespassing. This time I would commit this criminal act in the presence of minors, wearing the same Reds hat, and red colored shirts. The minors were my 2 sons. Despite committing the criminal act of trespassing on 2 different days with my sons, they seemed to suffer no psychological trauma from my criminal act those days. As in 2011, no

lives were shattered by me attending 2 baseball games in 2013. Because of water issues and many school closings, school was still in session when the Dodgers made their yearly trip to Cincinnati in 2014. My boys wanted to be at school for the final days so I went to Cincinnati alone. I discussed with my wife and Dad about sitting in the Diamond Club which is kind of risky considering my ban. We agreed it had been 6 years, who would remember anyway. When I get ready to head to a city to see the Dodgers I post about it on Facebook. This time I thought it would be funny to poke fun at this victimless crime of trespassing. The girl I work directly with took a goofy picture of me peeking around a cabinet with my Reds hat on. We thought it was funny. I made the post with the picture. I broke absolutely no laws with that Facebook post. I had only 200 Facebook friends when I made the post. The post was set to where only those 200 people could see it. Nobody else. I bought a ticket in the Diamond Club over StubHub. I printed the ticket off. The ticket would even have my full name on it. Because of where I was sitting, I assured my family if I were to get recognized I wasn't going to challenge anything. I was just going to leave. I hadn't even bought tickets for the final 2 games to be safe. I didn't want to spend money for games I possibly couldn't go to. The gates open at 5:40. I arrived outside the gates at 5:00 PM with my Reds hat and a red colored shirt. I entered at 5:40 by way of a ticket I purchased that had my name on it. The Diamond Club is where the best seats in the stadium are. Right behind the home plate area. Nobody can get into that area unless they have tickets for that area. The Diamond Club has a restaurant/bar that features all the awesome food you can eat, and drinks, that are included at no extra charge. Shortly before 1st pitch at 7:10 here comes the rain. The game doesn't

start until 9:15. I talked to only one person that whole time at the game. A Mexican fellow who flew out from LA wearing Dodgers gear. I confided in him I was really a Dodgers fan and we had a good long talk throughout the delay. Because of the rain, there wasn't much of a crowd when the game began. The game starts. The Dodgers are rolling, winning big. It's approaching 11:00 PM. More fans had left the stadium. I decide I want to move from my more expensive seat in the Diamond Club and move to the lesser valued seat behind the Dodgers dugout. I may have sat there 10 minutes before I was recognized. I'd learn later, the cops actually have an usher check my ticket. It wasn't my seat. I don't really care. I'll just move back behind home plate. As I'm following the usher up the stairs toward the concourse I get approached by a cop. I know I'm busted. The cop takes me out to the concourse where other cops are waiting. I realize my Cincinnati trip is over. The cop asks me my name. I tell him my name is *John and I'm leaving* and I do start to head towards the exit. The cop says *no, you are not leaving. We've got all night for you to tell us who you really are.* As he's saying this he adjusts his cellphone to where I can see it and there's that picture of me the girl I work with took earlier in the day. I say *Ok, my name is Troy Sexton and I'm leaving* and I turn to leave. He says *no you are not. You're under arrest for trespassing and obstruction because you said your name was John.* I was in shock. They put me in handcuffs and took me underneath stadium. I just remember saying over and over again. *My wife is not going to believe this. My Dad is not going to believe this.* At one point on the walk I asked them who the victim was. I get angry responses of the *Cincinnati Reds...the Cincinnati Reds...* to which I'm thinking to myself that Joey Votto doesn't give a darn I'm at this baseball game. I'm under the stadium. Cops are

everywhere at a huge table. They already have my information pulled up from the arrest in 2008. I'm completely cooperative with them. I verified all my information was correct. But during this process, the cop that arrested me left and came back and menacingly sits beside and states, *You came here to hurt people, didn't you?* I looked at him kind of funny as said, *No*. To which he said, *I think you came here to hurt people*. I didn't respond to that. I was just thinking to myself what is wrong with this guy. It wasn't until the next morning I realized what was going on. I was honestly clueless. It was crazy. A day or so later, the original charges are dropped. My inner cheeks are now getting swabbed because I'm being charged with a felony burglary which has me totally lost. My family and my 1st attorney are telling me I'm all over the press in Cincinnati, back here locally, and not only that it's a national news story. I just went to a baseball game at a stadium I obviously shouldn't have, but I tried to leave. I didn't bother anybody. I didn't do anything. Next thing I know there's a reality television show filming at the jail. Thank God for that. That made things so much easier for me. The threats and taunts from the staff at the jail towards me stopped when the film crew showed up. As can be witnessed on my episode of MSNBC's Lockup, I got indicted on a felony burglary. On the show you can also see I got the \$75,000 bond reduced to 10% and left the jail after 17 days of being falsely incarcerated on a bogus charge of burglary. I would make 2 trips to back to Cincinnati. The 1st trip I didn't even go in a courtroom. I was in the hall. The 2nd trip was on 10/28/14. My attorneys were in disbelief. They couldn't look me in the eye. Hamilton County, Ohio was pursuing a guilty verdict on the felony burglary charge. Typing this I still can't understand how fellow Americans could attempt this. Put an innocent man in prison. My

attorney wanted to know what was going on in my home town of Putnam County. I was like *I don't know*. He's telling me the prosecutors office in Putnam County have been in contact with the prosecutors in Hamilton County. He stated prosecutors were like a fraternity. They look after one another and this Prosecutor is going after a guilty verdict and 3 full years in prison. My attorney states the Judge wants me to sign a form waiving my right to a jury trial and we're doing a bench trial right now. I still to this day can't believe it.

The JIC claims I pled no contest to trespassing. That is not true. Three cops took the stand and committed felony perjury. One lie each cop told is that I was kicked out of the Diamond Club. If that were true, where in the World was I supposed to sit? That lie made not a bit of sense. It was lie to persuade the judge I was acting up or snuck into the Diamond Club or who knows what. My ticket was in the Diamond Club. The one cop who told me that he thought I was there to hurt people took the stand and lied and was saying that I stated to *go ahead and arrest me, I'll just come back to tomorrow's game*. He said he thought I was going to jump on the field and attack players. That man is the devil. He has no right being a police officer. His name is Kenneth Kober. It was hard, but I kept my composure throughout. I was not even called to speak. In an instance the Judge was ready for his verdict. I was found not guilty of the burglary, obviously. I was found not guilty of menacing. Not guilty of disorderly conduct. It was like the Prosecution was shooting darts seeing what might stick. I was found guilty of the trespassing. The Prosecution was wanting the full 6 months sentence, I believe it was, for the trespassing. The Judge wasn't having any of it. He gave me credit for time served

and I swear the Prosecutor stomped out of there. She was mad. She was unsuccessful in falsely imprisoning an innocent man for 3 years, and the Judge wouldn't even throw her a bone of 6 months. I can only imagine the disappointment in the Putnam County's Prosecutor's office when they received the "bad news" from the prosecutor in Cincinnati. What I experienced in Cincinnati, Ohio should never happen in the United States of America. **NEVER!!!** Willfully and knowingly falsely charging, falsely indicting, and falsely prosecuting an innocent man in this Country is inexcusable. I suffered enough from attending a silly baseball game. Because of that I have no desire to apologize for it. I did nothing wrong at that game. I bothered no one. When recognized, I didn't fight it, I tried to leave. And if you think they took that Facebook post seriously you're grossly mistaken. It took them 6 hours to find me. Seriously, at what point was I going to commit this life shattering crime with my cars keys and can of Copenhagen. It was 11:00 PM. If not for the rain the game would have done ended by then. There's my response in regards to the arrest in Cincinnati, Ohio in 2014. I ask the Supreme to Court to take into consideration I went to a baseball game. It had no negative impact on anyone.

In conclusion, when I look at my history of misdemeanor convictions, the ones I feel regret for are the DUI, the domestic, the 911 call, and the disorderly conduct of 2008. I kindly ask the Supreme Court to take only these into serious consideration. Based on the facts of these misdemeanor convictions the only one that may reasonably be argued, in my opinion, as going against moral turpitude is the 911 call. It was a dishonest phone call, but I am an honest person. I've been

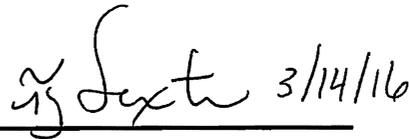
completely honest throughout this lengthy document, even when my honesty could be used against me.

I would hope those reading this would now have a better understanding as to why I'm running for Magistrate of Putnam County. The thought of running originated while I was talking to a fellow inmate at the Western Regional Jail in the summer of 2014. Sentenced male misdemeanors take up such a small fraction of the overall population of the jail. Yet, for the 65 days I was there that summer, 50% or more of sentenced male misdemeanors housed at any given time were coming out of Putnam County. When you consider the other County's that send inmates to WRJ, and if all things were equal, this 50% plus figure is a statistical improbability if not a statistical impossibility. And I challenge anyone to search the jails records from July 8, 2014 to September 11, 2014, who may doubt my claim. I've had a calling so to speak. You want change, do it yourself. So I paid my money and am making an effort to win. The fact that they want me removed from the ballot so bad makes me believe they acknowledge there's a problem with the Judiciary in Putnam County and there's concern many folks are fed up, who realize I'm the man to vote for. Otherwise, I think they'd just laugh at me for wasting my time and money and allow me to remain on the ballot knowing full well I stand no chance. Admittedly, there are many folks employed at that courthouse who I don't like. And probably each and every one of them don't like me. As Magistrate, I'd have dealings with these folks on a professional level, obviously. And I'd keep it professional. Just keep it honest and real in the courtroom and I'm not going to hold any grudges. I'll do the job properly and I promise you I would do the job fairly. I'm running for

the right reasons. It's not for power. It's not to make a mockery of the courts. I'm running to improve things.

Thanks for taking the time to read this. I reckon I'll be seeing some of you folks Tuesday morning. I presented my arguments, answers, and explanations. I've been completely honest with you. If the Supreme Court decides to take me off the ballot, I'll accept that and move on with my head held high knowing I tried.

Respectfully Submitted.


A handwritten signature in cursive that reads "Troy Sexton" followed by the date "3/14/16". The signature is written above a solid horizontal line.

Troy Sexton