

IN THE COURT OF COMMON PLEAS
- GENERAL DIVISION -
TRUMBULL COUNTY, OHIO

AUG 08 2013

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CASE NUMBER: 2013 CV 897

DENNIS WATKINS,
Trumbull County Prosecuting Attorney,

PLAINTIFF.

vs.

JUDGE W. WYATT MCKAY

ERIC PORTERFIELD,

DEFENDANT.

JUDGMENT ENTRY

This matter comes before this Court on the Plaintiff's Motion for Summary Judgment filed by the Plaintiff, Dennis Watkins, in his official capacity as Trumbull County Prosecuting Attorney. The Court has reviewed the Motion and all Responses.

Since 2001, Defendant Porterfield has deluged this Court with affidavits and letters, motions and petitions, all of which are stated in the Plaintiff's Motion for Summary Judgment and are a matter of record before this Court. Mr. Porterfield does not deny filing the documents asserted by the Plaintiff to constitute vexatious conduct and reasonable minds can only conclude that he did in fact file those referenced documents. The Plaintiff brings this action under authority of O.R.C. §2323.52 (B).

On June 23, 2000, Mr. Porterfield and two cohorts attacked the residence of Dave Harper, intending to rob him of money and drugs. *State v. Porterfield*, 11th Dist. No.2002-T-0045, 2004-Ohio-520, at ¶ 2. In the course of the robbery, Mr. Harper was seriously injured by three gunshots, while Chuck Mathey and Gary Bell were killed. *Id.* at ¶ 3, 829 N.E.2d 690. Mr. Porterfield was eventually arrested, and indicted. *Id.* at ¶ 4, 829 N.E.2d 690. The charges against him included two counts of aggravated murder, with aggravating circumstances and firearm specifications; one count of attempted aggravated murder with a firearm specification; two



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counts of kidnapping with firearm specifications; one count of aggravated burglary with a firearm specification; and, one count of aggravated robbery with a firearm specification. *Id.* See *State v. Porterfield*, 11th Dist. No. 2010-T-0005, 2010 -Ohio- 4287, 2010 WL 3528925, ¶2.

After an elongated pre-trial period, Porterfield entered into a plea agreement in which the state agreed to eliminate all death penalty specifications in the indictment. Appellant then entered a plea of guilty to five felony offenses, including the two aggravated murder counts and one attempted aggravated murder count.

Upon accepting the guilty plea, this Court ordered Porterfield to serve an aggregate prison term of 35 years to life, consistent with the terms of the plea agreement. Although appellant pursued a direct appeal from the sentencing judgment, his conviction and sentence were eventually upheld by the Supreme Court of Ohio in *State v. Porterfield*, 106 Ohio St.3d 5, 829 N.E.2d 690, 2005-Ohio-3095.

After the disposition of his Supreme Court appeal, Porterfield submitted a series of post-judgment motions before this Court. In turn, the rulings on his motions led to the filing of six additional appeals before the Court of Appeals. However, notwithstanding the amount of his post-judgment litigation, appellant has not obtained any modification of his conviction or sentence. See *State v. Porterfield*, 11th Dist No. 2012-T-0039, 2013 -Ohio- 14, 2013 WL 57883, ¶2-¶4.

R.C. 2323.52(A)(3) defines a “vexatious litigator” as:

...any person who has habitually, persistently, and without reasonable grounds engaged in vexatious conduct in a civil action or actions, whether in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court, whether the person or another person instituted the civil action or actions, and whether the vexatious conduct was against the same party or against different parties in the civil action or actions. “Vexatious litigator” does not include a person who is authorized to practice law in the courts of this state under the Ohio Supreme Court Rules for the Government of the Bar of Ohio unless that person is representing or has represented self pro se in the civil action or actions.

R.C. 2323.52(A)(2) defines "vexatious conduct" as follows: (a) The conduct obviously serves merely to harass or maliciously injure another party to the civil action.(b) The conduct is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

Having reviewed the Motion for Summary Judgment and the attached filings and having taken judicial notice of the case docket of this Court, the result in this case is abundantly clear. The Court finds that reasonable minds can come to only one conclusion, and, having weighed matters in a light most favorable to the Defendant, Eric Porterfield, the Court finds that Summary Judgment is appropriate in this matter in favor of the Plaintiff, Dennis Watkins, Trumbull County Prosecutor.

NOW THEREFORE, pursuant to R.C. §2323.52, the Court hereby declares the Defendant, Eric Porterfield, a vexatious litigator, and hereby enters an Order as follows:

Defendant, Eric Porterfield, is hereby prohibited from the following unless having first obtained proper leave of this Court and upon proper service of any and all affected parties:

1. Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court.
2. Continuing any legal proceedings that he has instituted in any of the aforesaid courts prior to the entry of this Order; and
3. Making any application, other than an application for leave to proceed under division (F)(1) of R.C. §2323.52, in any legal proceedings instituted by the vexatious litigator (Porterfield) or another person in any of the courts specified in division (D)(1)(a) of R.C. §2323.52.

The Plaintiff's Motion for Summary Judgment is hereby GRANTED. Case concluded.
Costs to the Defendant, Eric Porterfield. This is a final appealable order and there is no just
cause for delay.

SO ORDERED.

W. Wyatt McKay

JUDGE W. WYATT MCKAY

TO THE CLERK OF COURTS:
YOU ARE ORDERED TO SERVE COPIES OF THIS JUDGMENT
ON ALL COUNSEL OF RECORD OR UPON THE PARTIES
WHO ARE UNREPRESENTED FORTHWITH
BY ORDINARY MAIL.

W. Wyatt McKay

JUDGE W WYATT MCKAY

KAREN INFANTE ALLEN
CLERK OF COURTS
TRUMBULL COUNTY
2013 JUL 05 AM 9:52
TRUMBULL COUNTY
CLERK OF COURTS

7/9/13
Copies to:
PRCS
E. PORTERFIELD

8/16, 2013
This is a true and correct copy of the original
Judgment Entered
KAREN INFANTE ALLEN, Clerk
SAB
Deputy