

**IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO  
CIVIL DIVISION**

Shayla D. Favor, Prosecuting Attorney  
Franklin County, Ohio  
373 South High Street  
Columbus, Ohio 43215

Case No.:

Judge

Plaintiff,

v.

Colton J. Smith  
4285 Ellery Drive  
Columbus, Ohio 43227

Defendant.

**COMPLAINT  
INCLUDING REQUEST FOR INJUNCTIVE RELIEF  
(Preliminary Injunction Hearing and Consolidation with Trial on Merits Requested)**

**FIRST CLAIM (PERMANENT INJUNCTION)**

1. Plaintiff, Shayla D. Favor, is the Prosecuting Attorney of Franklin County, Ohio serving under the authority of R.C. Ch. 309, and brings this action seeking preliminary and permanent injunctive relief pursuant to R.C. 2950.034.
2. Defendant committed either a sexually oriented offense(s) that is not a registration-exempt sexually oriented offense and/or a child-victim oriented offense(s) after July 1, 2007.
3. Defendant was convicted of, or has pleaded guilty to Corruption of a Minor, R.C. 2907.04(A), which is defined as a sexually oriented offense.
4. Defendant is a resident at certain real property known as 4285 Ellery Drive, Columbus, Ohio 43227, Tax district City of Columbus, Parcel No. 010-089617-00, located in Franklin County, where said Defendant establishes and conducts the violation which is the subject of this Complaint.

5. The property described in paragraph four of this Complaint is located within 1,000 feet of Leawood Elementary School and CDCFC Leawood Head Start, defined as school(s), preschool(s) and/or child day-care center(s) premises for the purposes of R.C. 2950.034.
6. Defendant, on the property described in paragraph four above, has violated the provisions of R.C. 2950.034 in the following particular, to wit: Defendant, having been convicted of or having pleaded guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense resides in a location that is within 1,000 feet of Leawood Elementary School and CDCFC Leawood Head Start.
7. Defendant has refrained from abating and removing the said violation and persists in continuing the said violation by remaining at that address.
8. Plaintiff requests that this Court permanently enjoin and restrain the Defendant from maintaining his residence at 4285 Ellery Drive, Columbus, Ohio 43227, in violation of R.C. 2950.034.
9. Plaintiff specifically requests this Court to order Defendant to immediately and permanently vacate the premises at 4285 Ellery Drive, Columbus, Ohio 43227. By reason of the foregoing, Plaintiff has no adequate remedy at law.

**SECOND CLAIM (PRELIMINARY INJUNCTION)**

10. Plaintiff reavers the allegations contained in paragraphs 1 through 9 of this Complaint as if expressly rewritten herein.
11. Plaintiff submits that unless Defendant is immediately restrained by this Court, pending the final hearing and determination of this action, Defendant will continue to maintain a residence at 4285 Ellery Drive, Columbus, Ohio 43227, Tax district City of Columbus, Parcel No. 010-089617-00, located in Franklin County, in violation of R.C. 2950.034, to wit: maintaining a

residence within 1,000 feet of Leawood Elementary School and CDCFC Leawood Head Start.

12. Plaintiff submits that such action by the Defendant will result in damage or prejudice to others and to the public.
13. Plaintiff submits that the issuance of a preliminary injunction by this Court pending the final hearing and determination of this action will not cause undue inconvenience or loss to the Defendant.

**WHEREFORE**, Plaintiff prays for the following relief:

- a. The issuance of an order for a preliminary injunction enjoining the Defendant, pending the final hearing and determination of this action, from maintaining the violation of R.C. 2950.034 as set forth herein; and
- b. The issuance of an order consolidating the hearing upon the application for preliminary injunction with a trial on the merits; and
- c. The issuance of orders containing mandatory injunctions that the Defendant be perpetually enjoined from maintaining in any manner contrary to R.C. 2950.034 the violations set forth herein, and that the Defendant be ordered to prevent, abate, and remove said violations; and
- d. The issuance of orders requiring the Defendant to immediately vacate the premises and imposing substantial sanctions for noncompliance; and
- e. The issuance of orders that all costs of this action be assessed against the Defendant.

**[Signature block to follow]**

Respectfully submitted,

**SHAYLA D. FAVOR  
PROSECUTING ATTORNEY  
FRANKLIN COUNTY, OHIO**

/s/ Nickole K. Iula

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Attorney for Plaintiff

### **INSTRUCTIONS FOR SERVICE**

TO THE CLERK OF COURTS:

You are instructed to make service by Sheriff to the Defendant at the address set forth in the caption of this Complaint.

/s/ Nickole K. Iula

Nickole K. Iula 0099895

Assistant Prosecuting Attorney