

FILED
IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO
25 AUG 13 PM 2:47

CINDY LAWSON,
Plaintiff
vs.

MUNICIPAL COURT
BY  DEPUTY

Case No.: 25: SPM 00100
Decision and Order

MARY JOYCE CHILTON (AKA Joyce M. Chilton),
Defendant

This matter came before the Court on the 13th day of August, 2025 for consideration of the RE: Criminal Complaint Against Joyce Chilton filed on August 7, 2025 by the Plaintiff. Plaintiff asserts the matter is being filed pursuant to Ohio Revised Code Section 2935.09 (A), (B) and (D). The stated purpose is to ask "the court to review this case and issue an arrest warrant or refer the matter for additional investigation so that Joyce Chilton can be brought to justice and the beneficiaries can be made whole." Bench Memorandum in Support of the Attached R.C. 2935.09 (A) and (D).

Ohio Revised Code Section 2935.10 and case law requires the Court to make two inquiries. The first is whether probable cause exists as to all elements of the alleged crimes and/or the claim is not meritorious. The second condition is "unless the Judge, clerk or magistrate has reason to believe that it was not filed in good faith." The first inquiry requires a determination as to whether the filing, on its face, establishes probable cause that an individual has committed a felony offense.

There is no indication in the filing that the matter has been investigated by any law enforcement agency which in this case could include the Clark County Sheriff's Office, the Springfield Police Division, the Clark County Prosecuting Attorney and/or the Clark County Municipal Court Prosecutor's Office.

The allegation set forth in the filing is that Ms. Chilton "submitted a signed affidavit (Exhibit A) under oath, declaring falsely that Paul Chilton had no children and died intestate, despite clear evidence to the contrary." The filing alleges the following crimes were committed: Perjury (O.R.C. 2921.13); Falsification (O.R.C. 2921.13); Theft (O.R.C. 2913.02); Fraud (O.R.C. 2913.04) and Will Concealment (O.R.C. 2107.10).

The Court first examines the potential charge of Perjury. The Plaintiff cites an inaccurate Revised Code Section as to the alleged Perjury charge. The correct notation should be Ohio Revised Code Section 2921.11. The Section states:

- (A) No person, in any official proceeding, shall knowingly make a false statement under oath or affirmation, or knowing swear or affirm the truth of a false statement previously made, when either statement is material.
- (B) A falsification is material, regardless of its admissibility in evidence, if it can affect the course or outcome of the proceeding.

Intestate refers to an individual who died without leaving a will. The Plaintiff's "Affidavit" maintains that there was a Will that was presented to her that was outside the required time period for presentation. She seems to allege that the "Will" indicates that the children of the deceased had been disinherited.

The Plaintiff's filing further references the transfer of "joint tenancy" properties and also alleges the decedent had three children. Ohio's Statute of Descent and Distribution (O.R.C. 2105.06) states the following:

- (C) If there is a spouse and one child of the decedent or the child's lineal descendants surviving, and all of the decedent's children who survive or have lineal descendants surviving and the surviving spouse is not the natural or adoptive parent of the decedent's child, the first twenty thousand dollars plus one-half of the balance of the intestate estate to the spouse and the remainder to the child or the child's lineal descendants, per stirpes;
- (D) If there is a spouse and more than one child or their lineal descendants surviving, the first sixty thousand dollars if the spouse is the natural or adoptive parent of one, but not all, of the children, or the first twenty thousand dollars if the spouse is the natural or adoptive parent of none of the children, plus one-third of the balance of the intestate estate to the spouse and the remainder to the children equally, or to the lineal descendants of any deceased child, per stirpes;
- (E) If there are no children or their lineal descendants, then the whole to the surviving spouse;

The Plaintiff filed three documents. The first is titled Criminal Complaint Against Joyce Chilton. The second is titled Bench Memorandum in Support of the Attached R.C. 2935.09 (A) and (D) – Criminal Charges of Cindy Lawson Against Joyce Chilton. The third document is titled Affidavit of Cindy Lawson. The first document references four Exhibits. The file presented to the Court by the Clerk contains no such Exhibits for the Court to examine. The Complaint also refers to an estate handled by the Clark County Court of Common Pleas, Probate Division. The Complaint also states "Probate court refused to reopen the case stating the request was untimely." Ohio Revised Code Section 2117.30 states:

- (A) No suit be brought against an executor or administrator by a creditor of the decedent or by any other party interested in the estate until after five months from the time of the appointment of the executor or administrator, or the expiration of the further time allowed by the probate court for the collection of the collection of the assets of the estate, except in the following cases:
 - (4) On account of fraud, conversion, or concealment of assets.

Ohio Revised Code Section 2305.09 provides "Except as provided for in division (C) of this section, an action for any of the following causes shall be brought within four years after the cause thereof accrued: For relief on the ground of fraud, except when the cause of action is a violation of section 2913.49 of the Revised Code, in which case the action shall be brought within five years after the cause thereof accrued.

Ohio Revised Code Section 2901.13 provides: (A) (1) Except as provided in division (A) (2), (3), (4), (5) or (6) of this section or as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:


- (a) For a felony, six years;

The Court has extreme difficulty in determining what occurred in this matter. The materials do not clarify issues necessary for the Court to find probable cause exists for the requested criminal charges. First, if the properties that were transferred were "joint tenancy" properties as alleged in the Complaint,

the properties would have simply transferred by the terms of the joint tenancy and would not have been part of the probate estate – hence any statements would have been irrelevant and not material. Second, the Court has no way of knowing, without Exhibits and the Probate record being made a part of the record, whether distributions were made in the estate pursuant to the referenced Will, pursuant to Ohio Revised Code 2117.30 based on inaccurate statements in court filed documents or through the referenced “joint tenancies” established by property deeds and/or accounts. If distributions were made by Will – the referenced statements would be irrelevant and not material. The same is true if distributions were made pursuant to the law of joint tenancy. If distributions were made pursuant to Ohio Revised Code 2105.06 (D), the Court has no way of evaluating from the materials whether the estate had any assets that would not have gone to the Defendant pursuant to the statute. Such knowledge would have to be established by further investigation outside the four corners of the Complaint. Such information is necessary for the Court to make, even a preliminary determination, as to whether any misstatements were material and had any impact as to the questioned proceedings. Such information is also necessary to make any preliminary determination as to whether the requisite mens rea requirements of the requested charges is present even if distributions were made due to alleged intestate status. Such investigation is outside of the Court’s role under Ohio Revised Code Section 2925.10. The Court must make its determination solely from the filed documents. Third, the acts listed in the Complaint allegedly occurred in January and February of 2019 which would be outside the Statute of Limitations and the Court has nothing in record to establish an exception to the six year limitation. Fourth, Ohio Revised Code Section 2107.10 does not establish a criminal offense but indicates the effect of a Will that is not presented in the estate. Fifth, there is reference to Ms. Chilton’s attorney and any role the attorney may or may not have had may be relevant to these proceedings.

In addition to requiring the Court to make a determination that probable cause exists, the statute also indicates the Court is to make a second determination centered around the phrase “unless the Judge, clerk or magistrate has reason to believe that it was not filed in good faith.” The Court is not making a finding that the Plaintiff’s filings are made in bad faith. The Court is, however concerned that this matter was filed on August 7, 2025 concerning alleged action by the Defendant in January and February of 2019. While there is not sufficient information presented by the filings to definitively opine as to the statute of limitations issue the Court is concerned that the Plaintiff may be attempting to invoke the criminal process when the Plaintiff may be barred from taking any civil action due to her own inaction to appropriately bring this matter before a court at an earlier time.

The Court finds, based on the information provided in the three documents filed in this matter by Ms. Lawson, that probable cause DOES NOT EXIST as to the requested charges. The Court also finds that the Court has reason to believe that the action was not filed in good faith. The Court therefore finds, pursuant to Ohio Revised Code Section 2935.10 (A) that the claim is “not meritorious” at this time. Having made the above findings, Ohio Revised Code Section 2935.10 leaves this Court with only one option. The Court hereby refers the matter to the Clark County Prosecuting Attorney for investigation.



Stephen A. Schumaker, Judge