

FEB 27 2009

IN THE COURT OF APPEALS  
OF BROWN COUNTY, OHIO  
TINA M. MERANDA  
BROWN COUNTY CLERK OF COURTS

State of Ohio *ex rel.* )  
)  
DENNIS J. VARNAU )  
7661 White Swan Road )  
Georgetown, Ohio 45121, )  
)  
Plaintiff-Relator, )  
)  
vs. )  
)  
DWAYNE WENNINGER, )  
7859 White Swan Road )  
Georgetown, Ohio 45121, )  
)  
Defendant-Respondent. )

No. 20090210

**COMPLAINT FOR WRIT OF QUO WARRANTO**

1. Relator is a resident and elector of Brown County, Ohio, and eligible to hold office as the Sheriff of said County.

2. At the November 2008 General Election, the Relator herein was a true and lawful candidate for the Office of Brown County Sheriff, and Relator's only opponent was the Respondent, and for the term of office that is currently in effect and not yet expired.

3. At the time of that General Election, the Respondent, Dwayne Wenninger, was not lawfully entitled to hold or therefore run for that Office in that Election, due to said Respondent lacking all proper statutory criteria for eligibility for the Office of County Sheriff, including but not limited to the lack of a proper certification to be a law enforcement officer, and/or lack of educational requirements, and potentially others, which are statutory requirements to hold said Office.

4. At the General Election in November, 2008, Relator herein was therefore the only lawful candidate for the Office of Brown County Sheriff, and as a result was the only eligible candidate for that Office that received any votes, and therefore Relator was elected by the electors of Brown County, Ohio, to the position and office of Brown County Sheriff, for the term which is currently in effect and not expired.

5. Respondent was then and is now in possession of such office, although ineligible to run for or hold said office.

6. Respondent now unlawfully holds said office and performs the duties and enjoys the privileges and emoluments thereof to the exclusion of Relator, who is entitled thereto.

7. Relator has no adequate remedy at law and is also entitled to a writ of *quo warranto* removing the Respondent from said office and placing Relator therein.

WHEREFORE, Relator prays for a peremptory and final writ of *quo warranto*, that said Respondent be required to show by what lawful authority and eligibility he holds said office, and that he be ousted therefrom, and Relator be given possession thereof and inducted therein, and for such further relief as may be necessary and proper, and that Relator recover his costs herein.

**THOMAS G. EAGLE CO., L.P.A.**



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