



David P. Joyce
Gauga County Prosecuting Attorney

Susan Daniels
9754 Thwing Road
Chardon, OH 44024

October 3, 2012

RE: R.C. §2935.09 Filing

Dear Ms. Daniels,

Our office received the affidavit you filed with the Geauga County Clerk of Courts on September 7, 2012, pursuant to Ohio Revised Code section 2935.09. The affidavit was forwarded to our office in accordance with R.C. §2935.10(A). Our office has reviewed your affidavit and determined there is no probable cause to believe President Barack Obama has committed the crime of Identity Theft, in violation of R.C. §2913.49.

Your affidavit alleges that President Obama is using a fraudulently obtained Social Security number because the number had previously been issued to another person. Therefore, the only applicable provision of the Identity Theft statute would be R.C. §2913.49(B)(2), which reads:

(B) No person, without the express or implied consent of the other person, shall use, obtain, or possess any personal identifying information of another person with intent to do either of the following:

(2) Represent the other person's personal identifying information as the person's own personal identifying information.

The statute requires us to prove, beyond a reasonable doubt, that President Obama is using a Social Security number that belongs to another person. You have not alleged to whom you believe this SSN actually belongs. The records you have filed with the Geauga County Court of Common Pleas in Case No. 12 M 653 show that the relevant Social Security Number, 042-**-**** returns to Barack Hussein Obama and no one else. Without a showing of an actual, identified person, other than Barack Obama, having been issued this number, there is no evidence to suggest that a crime has been committed.

You claim in your affidavit that there are suspicious elements surrounding President Obama's use of an SSN beginning with "042." You allege that the Social Security Administration assigns numbers on the basis of the applicant's state of residence and zip code. You also allege that numbers beginning with "042" were issued only to residents of Connecticut.



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Our investigation discovered these allegations not to be accurate. The Social Security Administration itself states that

the area number assigned has been based on the ZIP code in the mailing address provided on the application for the original Social Security card. **The applicant's mailing address does not have to be the same as their place of residence. Thus, the Area Number does not necessarily represent the State of residence of the applicant, either prior to 1972 or since."**

<http://www.socialsecurity.gov/history/ssn/geocard.html> (Emphasis added).

As our investigation of your allegations has not returned any evidence of a crime, our office will not be pursuing any charges against President Obama.

Sincerely,

Nicholas A. Burling
Assistant Prosecuting Attorney