

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio

Court of Appeals No. L-12-1188

Appellee [Respondent]

v.

Darrell A. Reid

DECISION AND JUDGMENT

Appellant [Relator]

Decided: August 20, 2012

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Darrell A. Reid, pro se.

* * * * *

HANDWORK, J.

{¶ 1} Darrell A. Reid, pro se, has filed an “Emergency Writ of Prohibition Notice to Stay all Proceedings Pending Court of Appeals Dispositions [sic] Pursuant of Lucas County Common Pleas Void Indictment, under Oregon Court Legal Sham/Process, Procedural Default, etc.” In this document, Reid claims that Lucas County Common Pleas Court lacks subject-matter jurisdiction in a case currently in progress in that court, “No. 12-1538.” Reid requests that this court stay “all proceedings” in that case.

{¶ 2} Initially, we find that Reid’s “petition” for writ of prohibition is defective on its face since it is improperly captioned. Reid does not include a judge of the Lucas County Court of Common Pleas as a respondent nor include an address in the caption. See 6th Dist.Loc.App.R. 6. Reid’s failure to properly caption his petition constitutes sufficient reason for dismissal. See *Maloney v. Court of Common Pleas of Allen Cty.*, 173 Ohio St. 226, 181 N.E.2d 270 (1962); *Adams v. State*, 11th Dist. No. 2004-T-0116, 2004-Ohio-7225. Despite this procedural defect, however, a review of the petition fails to establish that Reid is entitled to a writ of prohibition.

{¶ 3} For a writ of prohibition to issue a relator must establish “(1) that the court or officer against whom the writ is sought is about to exercise judicial or quasi-judicial power, (2) that the exercise of that power is unauthorized by law, and (3) that denying the writ will result in injury for which no other adequate remedy exists in the ordinary course of law.” *State ex rel. Ruessman v. Flanagan*, 65 Ohio St.3d 464, 465, 605 N.E.2d 31 (1992).

{¶ 4} A court of common pleas, as a court of general jurisdiction, has the authority to determine its own jurisdiction over both the person and subject matter of an action. *Ruessman, supra*, at 466. Generally, a party challenging a court’s jurisdiction possesses a remedy at law by means of a direct appeal of the court’s decision. *Id.* However, a writ of prohibition is appropriate where the court’s lack of jurisdiction is “patent and unambiguous.” *Id.* Nevertheless, absent evidence of such patent unambiguity, a writ of prohibition will not be granted to a party challenging a court’s general jurisdiction.

Goldstein v. Christiansen, 70 Ohio St.3d 232, 235, 638 N.E.2d 541 (1994), citing *State ex rel. Bradford v. Trumbull Cty. Court*, 48 Ohio St.3d 37, 597 N.E.2d 116 (1992).

{¶ 5} It appears from the documents filed by Reid that he was charged with the crime of forgery in the writing of checks. Reid’s allegations in support of his application for a writ of prohibition relate to errors in the indictment and the validity of any “waivers of indictment or of counsel,” both of which may be appealed on direct appeal. Nothing in the petition demonstrates a patent and unambiguous lack of subject-matter jurisdiction of the court over Reid or his alleged offenses. Therefore, even presuming Reid had filed in the correct format, on its face, the petition fails to establish that the Lucas County Court of Common Pleas is about to exercise unauthorized judicial power over him and that Reid does not have an adequate legal remedy at law.

{¶ 6} Accordingly, Reid’s application for a writ of prohibition is not well-taken and is denied. Costs of this proceeding are assessed to Darrell A. Reid.

Writ denied.

Peter M. Handwork, J.

JUDGE

Thomas J. Osowik, J.

JUDGE

Stephen A. Yarbrough, J.
CONCUR.

JUDGE

<p>This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.sconet.state.oh.us/rod/newpdf/?source=6.</p>
