

[Cite as *State ex rel. Martin v. Ohio Adult Parole Auth.*, 2010-Ohio-1582.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94645

**STATE OF OHIO, EX REL.
TRAMAIN E. MARTIN**

RELATOR

VS.

OHIO ADULT PAROLE AUTHORITY

RESPONDENT

**JUDGMENT:
COMPLAINT DISMISSED**

Writ of Prohibition
Motion No. 432062
Order No. 432459

RELEASE DATE: April 7, 2010

FOR RELATOR

Tramaine E. Martin, pro se

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MELODY J. STEWART, J.:

{¶ 1} On February 9, 2010, relator Tramaine Martin commenced this action in prohibition against the Ohio Adult Parole Authority (APA) in an attempt to terminate his post-release control. On March 16, 2010, the APA, through the Cuyahoga County Prosecutor, filed a motion to dismiss. For the following reasons, we grant the motion to dismiss.

{¶ 2} In order to be entitled to a writ of prohibition, Martin must establish that the APA will or is about to exercise judicial or quasi-judicial power; that the exercise of such power is unauthorized by law; and that the denial of the writ will

cause injury to relator for which no other adequate remedy in the ordinary course of law exists. *State ex rel. White v. Junkin*, 80 Ohio St.3d 335, 1997-Ohio-0202, 686 N.E.2d 267; *State ex rel. Largent v. Fisher* (1989), 43 Ohio St.3d 160, 540 N.E.2d 239. However, Martin cannot establish the necessary three prongs of the aforesaid three-part test.

{¶ 3} Martin was found guilty of theft and two counts of felonious assault and sentenced to four years in prison. Martin was also informed that he was subject to five years post-release control for the above offenses. This court has previously held that the APA is not a court or officer that is about to exercise judicial power. *Pratts v. Ohio Adult Parole Auth.*, Cuyahoga App. No. 79897, 2001-Ohio-4163. Furthermore, the authority to impose postrelease is not unauthorized. The authority actually comes from R.C. 2967.28(C) which authorizes the APA to impose postrelease control upon Martin once he is released from prison. Finally, Martin had an adequate remedy at law by way of appeal. Martin on appeal could have raised the issue of whether he was properly sentenced to a term of postrelease control. *Pratts, supra*; *State ex rel. McGrath v. Ohio Adult Parole Auth.*, Cuyahoga App. No. 82287, 2003-Ohio-1969. In light of the above, Martin failed to state a claim in prohibition.

{¶ 4} Accordingly, we grant the motion to dismiss. Costs to relator. It is further ordered that the clerk shall serve upon all parties notice of this judgment and date of entry pursuant to Civ.R. 58(B).

{¶ 5} Complaint dismissed.

MELODY J. STEWART, PRESIDING JUDGE

ANN DYKE, J., and
MARY J. BOYLE, J., CONCUR