

[Cite as *Ambrose v. State ex rel. Holsey*, 2010-Ohio-6203.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 96065

COMMON PLEAS JUDGE DICK AMBROSE

RESPONDENT

VS.

**STATE OF OHIO, EX REL.
ROBERT HOLSEY**

RELATOR

**JUDGMENT:
COMPLAINT DISMISSED**

Writ of Mandamus

Order No. 439920

RELEASE DATE: December 15, 2010

FOR RELATOR

Robert Holsey, pro se
Inmate No. 0204702
Cuyahoga County Jail
P.O. Box 5600
Cleveland, Ohio 44101

ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

COLLEEN CONWAY COONEY, J.:

{¶ 1} Robert Holsey has filed a complaint for a writ of mandamus. Holsey argues that the denial of his right to a speedy trial, in *State v. Holsey*, Cuyahoga Cty. Court of Common Pleas Case No. CR-539402, requires Judge Dick Ambrose “to perform a constitutional duty clear and implement the appropriate procedure in law and give findings of facts and conclusions * * * therefore, order and all applicable relief.” For the following reasons, we sua sponte dismiss Holsey’s complaint for a writ of mandamus.

{¶ 2} Holsey’s claim, that he was denied the right to a speedy trial, is not cognizable in an extraordinary-writ proceeding. *State ex rel. Jackim v.*

Ambrose, 118 Ohio St.3d 512, 2008-Ohio-3182, 890 N.E.2d 324; *State ex rel. Pesci v. Lucci*, 115 Ohio St.3d 218, 2007-Ohio-4795, 874 N.E.2d 774; *State ex rel. Hamilton v. Brunner*, 105 Ohio St.3d 304, 2004-Ohio-1735, 825 N.E.2d 607; *Tisdale v. Eberlin*, 114 Ohio St.3d 201, 2007-Ohio-3833, 870 N.E.2d 1191. In addition, Holsey possesses or possessed an adequate remedy at law through a direct appeal. *State ex rel. Hughley v. McMonagle*, 121 Ohio St.3d 536, 2009-Ohio-1703, 905 N.E.2d 1220; *Pesci* at ¶6.

{¶ 3} Finally, we find that Holsey's complaint is procedurally defective. The complaint is improperly captioned. *Martin v. Woods*, 121 Ohio St.3d 609, 2009-Ohio-1928, 906 N.E.2d 1113. Holsey has also failed to comply with the requirements of R.C. 2969.21 to 2969.27 and Loc.App.R. 45(B)(1), which mandate that the complaint for a writ of mandamus must contain the following: (1) a sworn affidavit that specifies the details of the claim; and (2) a sworn affidavit that describes each civil action or appeal filed within the previous five years in any state or federal court. *State ex rel. Leon v. Cuyahoga Cty. Court of Common Pleas*, 123 Ohio St.3d 124, 2009-Ohio-4688, 914 N.E.2d 402; *Rust v. Lucas Cty. Bd. of Elections*, 108 Ohio St.3d 139, 2005-Ohio-5795, 841 N.E.2d 766; *State ex rel. Ridenour v. Brunsman*, 117 Ohio St.3d 260, 2008-Ohio-854, 883 N.E.2d 438.

{¶ 4} Accordingly, we sua sponte dismiss Holsey's complaint for a writ of mandamus. Costs to Holsey. It is further ordered that the Clerk of the Eighth District Court of Appeals serve notice of this judgment upon all parties as required by Civ.R. 58(B).

Complaint dismissed.

COLLEEN CONWAY COONEY, JUDGE

SEAN C. GALLAGHER, A.J., and
PATRICIA A. BLACKMON, J., CONCUR