

[Cite as *Turner v. Fitzsimmons*, 2015-Ohio-2525.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 102876

JOHN L. TURNER, JR.

RELATOR

vs.

**JUDGE DONNA CONGENI FITZSIMMONS,
ET AL.**

RESPONDENTS

**JUDGMENT:
COMPLAINT DISMISSED**

Writ of Mandamus
Motion No. 485201
Order No. 485702

RELEASE DATE: June 23, 2015

FOR RELATOR

John L. Turner, pro se
Rocky River Jail
21012 Hilliard Blvd.
Rocky River, Ohio 44116

ATTORNEYS FOR RESPONDENTS**For Judge Fitzsimmons**

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For Michael O'Shea

Michael O'Shea
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FRANK D. CELEBREZZE, JR., A.J.:

{¶1} Relator, John L. Turner, Jr., filed this action for a writ of mandamus. He seeks an order compelling respondent Judge Donna Congeni Fitzsimmons and the Rocky River prosecutor to dismiss the charges against him in numerous municipal court cases, *Rocky River v. John L. Turner, Jr.*, Rocky River M.C. Nos. 14 CRB 1651, 1652, 1653, 1654, 1655, 1656 due to an alleged violation of his rights to a speedy trial and trial by jury. Respondent Judge Fitzsimmons has filed a motion to dismiss for failure to comply with the requirements of R.C. 2969.25(C)(1) and (2). Turner opposed the motion to dismiss but did not dispute that he failed to comply with the statutory requirements. He argues that his constitutional rights outweigh the mandates of the statute. The motion to dismiss is granted for the reasons that follow.

{¶2} “The requirements of R.C. 2969.25 are mandatory and failure to comply with them requires dismissal of an inmate’s complaint.” *State ex rel. Hall v. Mohr*, 140 Ohio St.3d 297, 2014-Ohio-3735, 17 N.E.3d 581 ¶ 4. Turner failed to file the cashier’s statement required by the law. Accordingly, his failure to comply with R.C. 2969.25(C) requires the dismissal of this action.

{¶3} Further, mandamus is not the proper remedy for alleged speedy trial violations. *State v. Michailides*, 8th Dist. Cuyahoga No. 93006, 2009-Ohio-2733, ¶ 5, citing, *Jackson v. Wilson*, 100 Ohio St.3d 315, 2003-Ohio-6112, 798 N.E.2d 1086. (“A claim of lack of speedy trial can only be addressed through a direct appeal.”).

{¶4} Respondent's motion to dismiss is granted. The court directs the clerk of court to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{¶5} Petition dismissed.

FRANK D. CELEBREZZE, JR., ADMINISTRATIVE JUDGE

MELODY J. STEWART, J., and
ANITA LASTER MAYS, J., CONCUR