

[Cite as *Turner v. Roy*, 2015-Ohio-2958.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 102720

JOHN L. TURNER, JR.

RELATOR

vs.

YOLANDA ROY, PAROLE OFFICER, ETC.

RESPONDENT

JUDGMENT:
COMPLAINT DISMISSED

Writ of Mandamus
Motion No. 485699
Order No. 486886

RELEASE DATE: July 17, 2015

FOR RELATOR

John L. Turner, Jr., pro se
Lake County Jail
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Painesville, OH 44077

ATTORNEYS FOR RESPONDENT

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EILEEN A. GALLAGHER, P.J.:

{¶1} John L. Turner, Jr. has filed a complaint for a writ of mandamus. Turner seeks an order from this court that requires “Yoland Roy,” a parole officer with the Ohio Adult Parole Authority, to dismiss the postrelease control supervision imposed on May 6, 2014.¹ Specifically, Turner argues “that supervision of postrelease control be dismissed immediately for violating relator due process of law, prosecuting relator for a new felony that was not part of the original sentence of postrelease control, sanction or condition.” Roy has filed a motion to dismiss, which we grant for the following reasons.

{¶2} Turner argues that on May 6, 2014, his due process rights were violated when he was subjected to a postrelease control sanction pursuant to R.C. 2967.28(F)(4). Turner argues that the imposition of a postrelease sanction violated the Ohio Constitution and the United States Constitution vis-a-vis the denial of due process of law. Turner further argues that he is entitled to a writ of mandamus that requires the immediate dismissal of Adult Parole Authority supervision.

{¶3} A relator seeking a writ of mandamus must establish (1) a clear legal right to the requested relief, (2) a clear legal duty on the part of the respondent official or governmental unit to provide it, and (3) the lack of an adequate remedy in the ordinary course of the law. *State ex rel. O’Grady v. Griffing*, 140 Ohio St.3d 290,

¹Turner has named “Yoland Roy” as the respondent. However, “Yolanda Roy” is the respondent’s correct name.

2014-Ohio-3687, 17 N.E.3d 574, ¶ 11, citing *State ex rel. Waters v. Spaeth*, 131 Ohio St.3d 55, 2012-Ohio-69, 960 N.E.2d 452, ¶ 6. In addition, a relator is required to prove entitlement to the writ by clear and convincing evidence. *Id.*

{¶4} Herein, Turner is unable to establish a clear legal right to the relief that he seeks. Postrelease control is constitutional and does not violate due process guarantees. *Woods v. Telb*, 89 Ohio St.3d 504, 2000-Ohio-171, 733 N.E.2d 1103. *See also State v. Bell*, 8th Dist. Cuyahoga No. 96446, 2011-Ohio-5667; *State v. Mitchell*, 8th Dist. Cuyahoga Nos. 77679 and 77928, 2000 Ohio App. LEXIS 5596 (Nov. 30, 2000). In fact, the exhibits as attached to Turner's complaint for a writ of mandamus clearly demonstrate that he was afforded due process prior to and during his postrelease control violation hearing. (See Exhibits A, B, C, D, E, and F as attached to the complaint for a writ of mandamus.) Turner has failed to establish a clear legal right to immediate release from Adult Parole Authority supervision and the dismissal of the postrelease control sanction or that Roy possesses a clear legal duty to release Turner from Adult Parole Authority supervision and effect the dismissal of the postrelease control sanction.

{¶5} Finally, Turner possesses or possessed other adequate remedies at law, which prevents this court from granting a writ of mandamus on behalf of Turner. *State ex rel. Crabtree v. Franklin Cty. Bd. of Health*, 77 Ohio St.3d 247, 250, 673 N.E.2d 1281 (1997); *State ex rel. Sevayega v. McMonagle*, 122 Ohio St.3d 54, 2009-Ohio-2367, 907 N.E.2d 1180, ¶ 1. Turner possesses or possessed other legal remedies, such as a

declaratory judgment. *McGrath v. Ohio Adult Parole Auth.*, 8th Dist. Cuyahoga No. 84362, 2004-Ohio-6114.

{¶6} Accordingly, we grant Roy's motion to dismiss. Costs to Turner. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the docket as required by Civ.R. 58(B).

{¶7} Complaint dismissed.

EILEEN A. GALLAGHER, PRESIDING JUDGE

TIM McCORMACK, J., and
ANITA LASTER MAYS, J., CONCUR