

**IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
PORTAGE COUNTY**

STATE OF OHIO ex rel.
ISAAC CHESTER,

Relator,

- vs -

THE HONORABLE:
BECKY L. DOHERTY,

Respondent.

CASE NO. 2023-P-0081

Original Action for Writ of Mandamus

**PER CURIAM
OPINION**

Decided: January 22, 2024
Judgment: Complaint dismissed

Isaac Chester, pro se, PID# A791-522, Trumbull Correctional Camp, 5701 Burnett Street, P.O. Box 640, Leavittsburg, OH 44430 (Relator).

Victor V. Vigluicci, Portage County Prosecutor, and *Theresa M. Scahill*, Assistant Prosecutor, 241 South Chestnut Street, Ravenna, OH 44266 (For Respondent).

PER CURIAM.

{¶1} Pending before this court are: respondent, the Honorable Becky L. Doherty's, Motion to Dismiss filed on December 6, 2023; and relator, Isaac Chester's, Motion to Dismiss Respondent's Motion to Dismiss filed on December 22, 2023.

{¶2} On October 11, 2023, Chester filed a Complaint for Writ of Mandamus.

{¶3} According to the Complaint, Chester is the defendant in Portage County Court of Common Pleas Case No. 21CR00462, presided over by respondent, the

Honorable Becky L. Doherty. It is further alleged that, in the course of the criminal proceedings, Judge Doherty has denied him jail time credit. Chester asks this Court to grant him “an order to compel the Respondent to grant Relator the owed jail time credit, and/or notify ODRC of the proper number of days of incarceration that he was confined *prior* to his sentence for Portage County Court of Common Pleas Case No. **2021-CR-462**, or be granted such other relief as the court deems necessary, and appropriate to the Relator[']s complaint.”

{¶4} Pursuant to R.C. 2969.25(A): “At the time that an inmate commences a civil action or appeal against a government entity or employee, the inmate shall file with the court an affidavit that contains a description of each civil action or appeal of a civil action that the inmate has filed in the previous five years in any state or federal court.”

{¶5} “Compliance with R.C. 2969.25(A) is mandatory, and failure to comply will warrant dismissal.” (Citation omitted.) *State ex rel. Swanson v. Ohio Dept. of Rehabilitation & Correction*, 156 Ohio St.3d 408, 2019-Ohio-1271, 128 N.E.3d 193, ¶ 6.

{¶6} Chester did not file an affidavit of prior civil actions with his Complaint. “[T]he affidavit required by R.C. 2969.25(A) must be filed at the time the complaint is filed, and an inmate may not cure the defect by later filings.” *State ex rel. Hall v. Mohr*, 140 Ohio St.3d 297, 2014-Ohio-3735, 17 N.E.3d 581, ¶ 4. Accordingly, the Complaint must be dismissed.

{¶7} For the foregoing reasons, Judge Doherty’s Motion to Dismiss is granted and Chester’s Complaint is dismissed.

MARY JANE TRAPP, J., MATT LYNCH, J., JOHN J. EKLUND, J., concur.