

IN THE COURT OF APPEALS OF OHIO  
SIXTH APPELLATE DISTRICT  
LUCAS COUNTY

State, ex rel. Goldy Thompson

Court of Appeals No. L-23-1158

Relator

v.

Hon. Alfonso J. Gonzales,  
Judge Linda J. Jennings, Judge  
Lori L. Olender & Lucas County  
Court of Common Pleas  
Administrative Judge

**DECISION AND JUDGMENT**

Respondents

Decided: July 31, 2023

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Goldy Thompson, Pro se.

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**MAYLE, J.**

{¶ 1} This matter is before the court upon a complaint for writ of prohibition and mandamus filed on June 29, 2023 by relator, Goldy Thompson, against respondents, Hon. Alfonso J. Gonzales, a former judge of the Lucas County Court of Common Pleas, Hon.

Linda J. Jennings and Hon. Lori L. Olender, current judges of the Lucas County Court of Common Pleas, and the unnamed Administrative Judge of the Lucas County Court of Common Pleas.

{¶ 2} Thompson claims that Judges Olender and Jennings have improperly exercised authority or will improperly exercise authority over his criminal case, Lucas County case No. CR0201902316. He asks that we enter a writ of prohibition or mandamus (1) to prohibit Judge Olender from deciding his pending motion to correct the record; (2) to compel the administrative judge to lawfully assign a judge to his case; and (3) to vacate an August 29, 2019 judgment issued by Judge Jennings “without authority.”

{¶ 3} “The purpose of a writ of prohibition is to restrain inferior courts from exceeding their jurisdiction.” *State ex rel. Kerr v. Kelsey*, 6th Dist. Wood No. WD-19-047, 2019-Ohio-3215, ¶ 5, quoting *State ex rel. Jones v. Suster*, 84 Ohio St.3d 70, 73, 701 N.E.2d 1002 (1998). To be entitled to a writ of prohibition, a relator must establish that “(1) the [respondent] is about to exercise judicial or quasi-judicial power, (2) the exercise of that power is unauthorized by law, and (3) denial of the writ will cause injury for which no other adequate remedy in the ordinary course of law exists.” *State ex rel. Henry v. McMonagle*, 87 Ohio St.3d 543, 544, 721 N.E.2d 1051 (2000). Sua sponte dismissal of a complaint for a writ of prohibition “is generally inappropriate,” however, “dismissal is warranted when the complaint is frivolous or the claimant cannot prevail on the facts alleged in the complaint.” *State ex rel. Jones v. Garfield Hts. Mun. Ct.*, 77 Ohio

St.3d 447, 447-448, 674 N.E.2d 1381 (1997), citing *State ex rel. Cossett v. Executive State Governors Federalism Summit*, 74 Ohio St.3d 1416, 655 N.E.2d 737 (1995).

{¶ 4} To be entitled to a writ of mandamus, the relator must demonstrate that (1) he has a clear legal right to relief, (2) respondents have a clear legal duty to provide that relief, and (3) he has no adequate remedy at law. *State ex rel. Culgan v. Collier*, 135 Ohio St.3d 436, 2013-Ohio-1762, 988 N.E.2d 564, ¶ 7, citing *State ex rel. Taxpayers for Westerville Schools v. Franklin Cty. Bd. of Elections*, 133 Ohio St.3d 153, 2012-Ohio-4267, 976 N.E.2d 890, ¶ 12. Sua sponte dismissal of a complaint for writ of mandamus is also generally inappropriate, but may be warranted if the complaint “is frivolous or the claimant obviously cannot prevail on the facts alleged in the complaint.” (Internal citations and quotations omitted.) *State ex rel. Neal v. Mandros*, 162 Ohio St.3d 154, 2020-Ohio-4866, 164 N.E.3d 418, ¶ 8.

{¶ 5} Here, Thompson argues that Judge Olender has not been lawfully assigned to preside over his case and that Judge Jennings issued an August 29, 2019 order in his case without authority. He claims that Judge Olender “will undoubtedly proceed to exercise judicial power” over his case without legal authorization. He claims that Judge Jennings “usurp[ed]” power by “presid[ing] over a hearing without assignment and subject matter jurisdiction.”

{¶ 6} Lucas County Local Rule 5.02 provides that “[a]ny judge appointed or elected to succeed another shall take over the cases of the predecessor judge.” Under Evid.R. 201(B)(1), we are permitted to take judicial notice of facts generally known

within our territorial jurisdiction, and under Evid.R. 201(B)(2), we are permitted to take judicial notice of facts capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Here, it is generally known—and can be easily confirmed by reference to the Ohio Secretary of State website—that Judge Olender was elected to succeed Judge Gonzalez, the judge originally assigned to Thompson’s criminal case. Judge Olender, therefore, properly took over the cases originally assigned to Judge Gonzalez and is lawfully authorized to preside over Thompson’s case.

{¶ 7} As for Judge Jennings’ involvement, it is also “well established that we may take judicial notice of judicial opinions and public records accessible through the Internet.” *State ex rel. Harris v. Capizzi*, 2022-Ohio-3661, 199 N.E.3d 31, ¶ 18 (2d Dist.), *aff’d sub nom. State ex rel. Harris v. Bruns*, 2023-Ohio-2344, ¶ 18). Our review of the docket in Thompson’s case reveals that Judge Jennings signed one pretrial order on August 29, 2019, setting a pretrial date and a trial date (which was eventually vacated) and continuing bond. Judge Jennings signed the order “on behalf of Judge Alfonso J. Gonzalez.” In other words, the order was issued by Judge Gonzalez; Judge Jennings merely signed it for him. Nothing in the record indicates that Judge Jennings did not have authority from Judge Gonzalez to sign the order on his behalf.

{¶ 8} Accordingly, Thompson is unable to show that Judge Olender is about to exercise judicial power that is unauthorized by law. He is also unable to show that he has a clear legal right to the relief he requests given that Judge Jennings did not exercise

jurisdiction over his case without authority. Accordingly, we dismiss Thompson's complaint.

{¶ 9} The costs of this complaint are assessed to Thompson.

{¶ 10} It is so ordered.

Christine E. Mayle, J.

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JUDGE

Gene A. Zmuda, J.

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JUDGE

Myron C. Duhart, P.J.  
CONCUR.

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JUDGE

<p>This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: <a href="http://www.supremecourt.ohio.gov/ROD/docs/">http://www.supremecourt.ohio.gov/ROD/docs/</a>.</p>
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