

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

State of Ohio ex rel. Jermaine Spencer

Court of Appeals No. L-26-00087

Relator

v.

Aaron Logan, et al.

DECISION AND JUDGMENT

Respondents

Decided: August 28, 2026

* * * * *

Jermaine Spencer, pro se.

Dave Yost, Chadd McKittrick, and Marcy A. Vonderwell, for respondents.

* * * * *

OSOWIK, P.J.

{¶ 1} On March 30, 2026, relator, Jermaine Spencer, an inmate at the Ohio State Penitentiary, filed a complaint for writ of mandamus against respondents, Lieutenant Aaron Logan, Lieutenant T. Paisley, corrections officer Austin Ridgeway, and administrative assistant Derek Burkhart of the Toledo Correctional Institution. In the

complaint, relator contends that following an incident on May 23, 2024, between relator and charging officer, Sergeant Joseph Cunningham, respondents initiated a Rules Infraction Board (“RIB”) hearing where relator was charged with violating Institutional Rules 1.3 (causing, or attempting to cause physical harm to another person), and 5.1 (physical resistance to a direct order). *See* TOCI-24-004697. The facts of this incident are described in the Disposition attached to relator’s complaint,

On 5/23/2024 at approximately 2:37 pm I Sgt. Cunningham was returning the quartermaster cart I borrowed to deliver a few items to [Incarcerated Persons] around the institution. On my way through the B hallway side crash gate IP [S]pencer walked directly into my cart and then flipped it over. The IP puffed his chest out and I issued him a short burst of OC in an attempt to gain advantage over the much [l]arger and eager to fight IP [S]pencer. [H]e stepped away and attempted to gain a proper fighting stance when I issued another short burst of OC. He attempted to posture up and gain a fighting stance again and again I issue him a short burst of OC. It was at this time I attempted to gain ahold (sic) of him until responding staff arrived without success. Once staff arrived IP [S]pencer continued to fight but was taken to the ground and placed in handcuffs he was escorted out of the area.

Following the June 6, 2024 RIB hearing, the Board found relator guilty of all charges against him for the incident.

{¶ 2} Relator now alleges that (1) the RIB hearing did not take place on the day it was recorded to have taken place on and that the hearing was untimely, (2) the charging official for the RIB hearing, Sergeant Cunningham, was related to Lieutenant Logan, who was the sitting RIB chairman of the hearing, and therefore, Lieutenant Logan was required to remove himself from the RIB panel, (3) respondents failed to correct procedural errors involving the RIB hearing, and (4) respondents tampered with RIB hearing evidence. Additionally, relator believes that as a result of his RIB violation, he

was moved to the Ohio State Penitentiary and issued a 10-year flop at his parole hearing on July 1, 2025. Relator requests that this court issue a writ of mandamus ordering respondents to (1) overturn the RIB decision, (2) return his security classification to Level 4A, (3) produce the requested surveillance footage of the May 23, 2024 incident, and (4) correct relator's inmate file to reflect this decision.

{¶ 3} In response, respondents filed a motion to dismiss relator's complaint, arguing specifically that (1) the procedural deficiencies alleged by relator do not entitle him to clear legal relief under *State ex. rel. Larkins v. Wilkinson*, 79 Ohio St. 3d 477, 479 (1997), (2) the decision to change relator's classification, transfer relator to the Ohio State Penitentiary and to continue relator's parole eligibility by 10 years were not decisions made by respondents—they were made by separate boards and review processes, (3) relator's claims regarding access to the overhead camera footage fail because he had no right to review the overhead camera footage under the Ohio Administrative Code and because relator claims that a public records request was made by his attorney, therefore as the requester, only his attorney could seek the writ of mandamus compelling production of the public records request, and (4) any claim by relator that there is a violation of his Fourteenth Amendment to Procedural Due Process could be sought through a Section 1983 civil action, therefore providing relator with an adequate remedy in the ordinary course of law. Accordingly, respondents believe that relator's complaint should be dismissed because relator is not entitled to clear legal relief, nor do respondents have a clear legal duty to provide the relief relator seeks, and relator has an adequate remedy in the ordinary course of law.

{¶ 4} “Mandamus is a writ, issued in the name of the state to an inferior tribunal, a corporation, board, or person, commanding the performance of an act which the law specially enjoins as a duty resulting from an office, trust, or station.” R.C. 2731.01. To be entitled to a writ of mandamus, relator must establish (1) a clear legal right to the requested relief, (2) a clear legal duty on the part of respondent to provide that relief, and (3) the lack of an adequate remedy in the ordinary course of the law. *State ex rel. Waters v. Spaeth*, 2012-Ohio-69, ¶ 6; *State ex rel. Harris v. Rhodes*, 54 Ohio St.2d 41, 42 (1978). The Ohio Supreme Court has recognized that “Civ.R. 12(B)(6) dismissals may be based on ‘merits’ issues such as the availability of an adequate remedy in the ordinary course of law.” *State ex rel. Hummel v. Sadler*, 2002-Ohio-3605, ¶ 20.

{¶ 5} The dispositive issue here is whether relator has a clear legal right enforceable in mandamus. The Supreme Court has held that “prison regulations” such as those contained in Ohio Adm. Code Chapter 5120-9 “are primarily designed to guide correctional officials in prison administration rather than to confer rights on inmates.” *State ex rel. Larkins v. Wilkinson*, 79 Ohio St.3d 477, 479 (1997). Therefore, “[a]bsent evidence that the challenged institutional action would affect the inmate’s duration of confinement, an inmate has no liberty interest in being free of disciplinary or administrative segregation because such segregation does not impose an atypical and significant hardship on the inmate.” *Id.* Relator does not argue that he did not engage in the behavior that led to his infraction. Instead, all of relator’s claims in this action involve the procedures of his RIB hearing.

{¶ 6} Turning first to the timing issue, relator argues that the last day for a timely RIB hearing was May 30, 2024, and his hearing was not held until June 6, 2024. Relator does not argue that a timely hearing would have been more favorable to him. Adm. Code 5120-9-08(C) states that the “hearing of the rule infraction shall be held within seven calendar days of the referral to the RIB by the hearing officer, unless prevented by exceptional circumstances, unavoidable delays or reasonable postponements.” In *Larkins*, the Supreme Court was clear that “seemingly mandatory time limitations ‘imposed merely with a view to the prompt and orderly conduct of business, are directory and not mandatory.’” *State ex rel. Larkins* at 479, quoting *State ex rel. Smith v. Barnell*, 109 Ohio St. 246, 258 (1924). Additionally, the court noted that the Administrative Code does not mandate any particular result if the prison representative’s decision is untimely. *Id.* at 479. Here, the RIB hearing was continued because relator was receiving medical care—an “exceptional circumstance” or “reasonable postponement” pursuant to Adm. Code 5120-9-08(C). However, even if there was an issue with the timing of the RIB hearing, relator cannot establish that ODRC was under a clear legal duty to conduct a timely hearing, and cannot establish a clear legal right to relief.

{¶ 7} Next, relator claims that Lieutenant Logan is the “blood brother” of the charging officer, Sergeant Cunningham, and therefore Lieutenant Logan was required to recuse himself from the RIB panel. As noted by respondents, the Administrative Code says nothing about recusal for family members. Rather, Adm. Code 5120-9-08(B) only requires a staff member assigned to an RIB panel to “disqualify himself or herself from the panel if such a personal interest exists.” Relator does not argue that Lieutenant Logan

had a personal interest beyond simply alleging a familial relationship with the charging officer. Even so, assuming that a familial relationship is a “personal interest” requiring disqualification, the Administrative Code is silent on any mandated consequence for the failure to recuse oneself. Mandamus will not “lie to control the discretion confided in an officer, commission, or inferior tribunal, unless it clearly appears that such discretion has been abused.” *State ex rel. Breno v. Indus. Comm.*, 34 Ohio St.2d 227, 230 (1973).

Accordingly, relator cannot establish that Lieutenant Logan was under a clear legal duty to recuse himself and cannot establish a clear legal right to that relief.

{¶ 8} Relator additionally argues that he is owed the overhead camera footage of the incident allegedly used by the RIB panel to make their decision. Once again, the Administrative Code is silent on any rights of a defendant to review the evidence presented against them. ODRC policy 56-DSC-02(C), “Procedural Requirements of RIB Hearing,” requires only that, “[i]ncarcerated persons must have an opportunity to make a statement and present documentary evidence at the RIB hearing in addition to the rights set forth in OAC 5120-9-08 regarding the discipline process.” Like the Administrative Code, it is also silent about the right to review evidence presented by ODRC. Relator cannot establish that ODRC was under a clear legal duty to allow him to review the footage and cannot establish a clear legal right to that relief. Furthermore, Adm. Code 5120-9-06(D) instructs that “[n]o inmate will be found guilty of a violation of a rule of conduct without *some evidence* of the commission of an act and the intent to commit the act.” Because Sergeant Cunningham’s conduct report and the body worn camera footage were presented as evidence to the RIB panel, there is enough evidence to support relator’s

convictions without having to consider the alleged overhead camera footage.

Accordingly, relator has no legal right to have the determination of the RIB board vacated.

{¶ 9} Taking all of relator's allegations as true, we find that he is not entitled to clear legal relief. For these reasons, we grant respondents' motion and dismiss relator's complaint in its entirety. Relator is responsible for the costs of this action. The clerk is directed to serve upon all parties, within three days, a copy of this decision in a manner prescribed by Civ.R. 5(B).

{¶ 10} It is so ordered.

Thomas J. Osowik, P.J.

JUDGE

Myron C. Duhart, J.

JUDGE

Charles E. Sulek, J.

CONCUR.

JUDGE