

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

State of Ohio

Court of Appeals No. {48}L-25-00245

Appellee

Trial Court No. CR-21-1960

v.

Alfred Johnson

DECISION AND JUDGMENT

Appellant

Decided: September 25, 2026

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and John A. Borell and Kevin A. Pituch, Assistant Prosecuting Attorneys, for appellee.

Alfred Johnson, pro se.

* * * * *

SULEK, J.

{¶ 1} Appellant Alfred A. Johnson, Sr., pro se, appeals the September 19, 2025 judgment of the Lucas County Court of Common Pleas denying his petitions for writs of mandamus and prohibition against Joseph V. McNamara, the Lucas County Common Pleas Court judge who presided over Johnson’s 2022 criminal trial, as well as two prosecutors who represented the State in the trial. Johnson, who filed his petitions in his 2022 criminal case, contends on appeal that the trial court should have issued a writ of mandamus compelling itself to vacate his 2022 conviction and a writ of prohibition

ordering itself to do the same. Johnson appears to maintain that the indictment in his 2022 case was defective for lacking specificity and the correct mens rea, the trial court constructively amended a count in the indictment by permitting the State to argue and offer evidence concerning an uncharged offense, and thus the trial court lacked subject matter jurisdiction to hear his criminal case. For the following reasons, the trial court's order denying the requested writs is affirmed.

{¶ 2} Johnson was convicted of robbery in violation of R.C. 2911.02(A)(2) and (B) following a jury trial in 2022. Johnson appealed, and this court affirmed his conviction in 2023. *State v. Johnson*, 2023-Ohio-2424 (6th Dist.). Since then, Johnson has filed several mandamus actions seeking to compel the trial court to vacate his 2022 conviction, all of which have been denied. *See, e.g., State ex rel. Johnson v. McNamara*, 2025-Ohio-2891; *State v. Johnson*, 2024-Ohio-1511, ¶ 1 (6th Dist.). In those actions, Johnson alleged, among other things, that the trial court lacked subject matter jurisdiction over his criminal case due to a defective indictment because the indictment lacked the appropriate mens rea. *Id.* In one of those actions, the Ohio Supreme Court held that a defective indictment does not deprive a trial court of subject matter jurisdiction, and because Johnson could have raised his contentions regarding the indictment in his direct appeal, he was not entitled to a writ of mandamus. *Johnson*, 2025-Ohio-2891, at ¶ 17-18.

{¶ 3} As a preliminary matter, Johnson's argument on appeal in this matter is limited to his contention that the trial court erred in failing to order itself to vacate his conviction, which he maintains was a void judgment. R.C. 2731.01 defines mandamus as "a writ issued in the name of the state to an inferior tribunal, a corporation, board, or

person, commanding the performance of an act...” Johnson does not argue that the trial court should have compelled or ordered the prosecutors to take any act, and therefore his arguments regarding mandamus are limited to the trial judge on appeal.

{¶ 4} As to respondent McNamara, the trial court did not have jurisdiction to consider a mandamus action against itself and therefore the trial court properly denied Johnson’s request for a writ of mandamus. *State v. Eisnaugle*, 2005-Ohio-5221, ¶ 10 (4th Dist.) (holding that a common pleas court lacked subject matter jurisdiction over a petition seeking a writ of mandamus compelling itself to act); *see also* R.C. 2731.01 (defining mandamus as “a writ, issued in the name of the state to an inferior tribunal”).

{¶ 5} Turning to Johnson’s request for a writ of prohibition against McNamara, “[p]rohibition will not lie unless it clearly appears that the court has no jurisdiction of the cause that it is attempting to adjudicate or the court is about to exceed it.” *Jacobs v. Cuyahoga Cty. Court of Common Pleas*, 2025-Ohio-2076, ¶ 12 (8th Dist.). Johnson contends that the trial court lacked subject matter jurisdiction to hear his 2022 criminal case and thus the trial court should issue a writ of prohibition. Although it is unclear how the trial court could prohibit itself from hearing a case for which it issued a final judgment years ago, the Ohio Supreme Court has previously concluded that the trial court had subject matter jurisdiction to hear Johnson’s criminal case even if his allegations regarding the indictment were true. *See Johnson*, 2025-Ohio-2891, at ¶ 17.

{¶ 6} Moreover, a writ of prohibition cannot issue against a prosecutor who does not act in a judicial or quasi-judicial manner, which Johnson has not alleged. *State ex rel. Watkins v. McNamara*, 2025-Ohio-979, ¶ 11 (“[B]ecause [the assistant prosecuting

attorney] does not exercise judicial or quasi-judicial power as an assistant prosecuting attorney, it is not possible for a writ of prohibition to be issued against her.”); *Baxter v. Erie Cty. Common Pleas Court*, 2003-Ohio-67, ¶ 7 (6th Dist.), citing *State ex rel. Gray v. Leis*, 62 Ohio St.2d 102 (1980) (“[T]he Supreme Court of Ohio has held that prohibition will not issue against a prosecuting attorney, because a prosecutor is not seeking to exercise judicial or quasi-judicial power.”).

{¶ 7} Because the trial court properly denied Johnson’s petition seeking a writ of mandamus and a writ of prohibition, Johnson’s assignments of error are found not well-taken. The judgment of the Lucas County Court of Common Pleas is affirmed. Pursuant to App.R. 24, the costs of this appeal are assessed to Johnson.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See also 6th Dist.Loc.App.R. 4.

Gene A. Zmuda, J.

JUDGE

Myron C. Duhart, J.

JUDGE

Charles E. Sulek, J.

CONCUR.

JUDGE

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:
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