

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

Joseph Sobecki

Court of Appeals No. {48}L-26-00166

Relator

v.

Judge Stacey L. Cook

DECISION AND JUDGMENT

Respondent

Decided: October 16, 2026

* * * * *

Joseph Sobecki, pro se, relator.

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

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MAYLE, J.

{¶ 1} This matter is before the court on respondent, Judge Stacy L. Cook of the Lucas County Court of Common Pleas’ motion to dismiss relator Joseph Sobecki’s complaint for writ of prohibition. In Sobecki’s complaint, he alleges that Judge Cook ordered him to pay court reporter, Kelly Wingate, \$264.00 for a transcript in *State of Ohio v. Jacob Foxhuber*, case No. CR2026-00193—where Sobecki is the attorney of record—or face contempt. Sobecki argues that Judge Cook impermissibly relied on ex parte communications and that she lacked jurisdiction to issue this order. As such,

Sobecki requests this court to issue a writ of prohibition restraining Judge Cook from exercising any judicial authority relating to civil transcript payment disputes between himself and the Lucas County Court of Common Pleas in case No. CR2026-00193.

{¶ 2} In the motion, Judge Cook argues the complaint should be dismissed because Sobecki has an adequate remedy at law. Dismissal of an original action is “appropriate if after presuming the truth of all material factual allegations of [relator’s] petition and making all reasonable inferences in their favor, it appear[s] beyond doubt that they could prove no set of facts entitling them to the requested extraordinary relief in prohibition.” *State ex rel. Scott v. Cleveland*, 2006-Ohio-6573, ¶ 14.

{¶ 3} The purpose of a writ of prohibition is to restrain inferior courts from exceeding their jurisdiction. *State ex rel. Jones v. Suster*, 84 Ohio St.3d 70, 73 (1998). It is an “extraordinary remedy which is customarily granted with caution and restraint, and is issued only in cases of necessity arising from the inadequacy of other remedies.” *Id.*, citing *State ex rel. Henry v. Britt*, 67 Ohio St.2d 71, 73 (1981). It is intended to determine “solely and only” the lower court’s subject-matter jurisdiction. *Id.*, citing *State ex rel. Eaton Corp v. Lancaster*, 40 Ohio St.3d 404, 409 (1988).

{¶ 4} To be entitled to a writ of prohibition, a relator must establish that “(1) the [court or officer] 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 (2000).

{¶ 5} It is clear in this case that Judge Cook has exercised, and is prepared to continue to exercise, judicial power, thus satisfying the first requirement. Therefore, we must next determine whether that exercise of judicial power is unauthorized by law. Subject-matter jurisdiction is the judicial power of a court to entertain and adjudicate a particular class of cases. *Bank of Am. v. Kuchta*, 2014-Ohio-4275, ¶ 19. “A court’s subject-matter jurisdiction is determined without regard to the rights of the individual parties involved in a particular case.” *Id.* If a lower court does not patently and unambiguously lack jurisdiction, it is able to determine its own jurisdiction. *State ex rel. Bradford v. Trumbull Cty. Court*, 64 Ohio St.3d 502, 504 (1992).

{¶ 6} Here, Sobecki argues that Judge Cook’s exercise of judicial power is unauthorized by law because the “trial court does not have jurisdiction over non-parties in criminal proceedings and cannot issue orders to such individuals.” *State v. Hill*, 2024-Ohio-1213, ¶ 10 (11th Dist.). Sobecki argues that because he is not a party to *State v. Foxhuber*, Judge Cook lacks jurisdiction over any dispute between Sobecki and the court reporter regarding payment of transcript fees in that case.

{¶ 7} It is clear that the Lucas County Court of Common Pleas, with Judge Cook presiding, has subject-matter jurisdiction over the *defendant* in *Foxhuber*. That is, R.C. 2931.03 grants common pleas courts general original subject-matter jurisdiction over the prosecution of “all crimes and offenses,” excluding “minor offenses” which are vested in inferior courts. *See, e.g., State ex rel. Pruitt v. Donnelly*, 2011-Ohio-4203, ¶ 2. The question remains whether Judge Cook had subject-matter jurisdiction over the defendant’s *attorney* to issue such an order.

{¶ 8} Two statutes govern payment of transcript fees—R.C. 2301.24

“Compensation for making transcripts and copies” and R.C. 2301.25 “Cost of transcripts.” The relevant portion of R.C. 2301.24 states that the compensation of reporters for making written transcripts “shall be paid by the *party* for whose benefit a transcript is made.”¹ (Emphasis added.). Additionally, R.C. 2301.25 states, in relevant part:

When ordered by the prosecuting attorney *or the defendant* in a criminal case or when ordered by a judge of the court of common pleas in either civil or criminal cases, the costs of transcripts shall be taxed as costs in the case, collected as other costs, whether the transcripts have been prepaid or not, as provided by section 2301.24 of the Revised Code, paid by the clerk of the court of common pleas quarterly into the county treasury, and credited to the general fund. If, upon final judgment, the costs or any part of the costs are adjudged against a defendant in a criminal case, the defendant shall be allowed credit on the cost bill of the amount paid for the transcript the defendant ordered and, if the costs are finally adjudged against the state, the defendant shall have the defendant’s deposit refunded....

(Emphasis added.).

{¶ 9} Notably, the statutes designate the parties—specifically, the defendant—as responsible for the payment of the transcript. There is no duty assigned to the defense attorney for the payment of such costs. Furthermore, to this court’s knowledge, there is no case law or governing rule assigning such a duty to a non-party attorney in a criminal matter.

¹ In either criminal or civil cases, where the transcript is requested by the trial court, and in criminal cases, where the transcript is requested by the prosecuting attorney or an indigent defendant, the transcript “shall be paid from the county treasury and taxed and collected as costs.” Such is not the case in this criminal action.

{¶ 10} This court does note that the trial court has the “inherent power to regulate the practice before it and protect the integrity of its proceedings...” including the “authority and duty to see to the ethical conduct of attorneys...” *Mentor Lagoons, Inc. v. Rubin*, 31 Ohio St. 3d 256, 259 (1987), quoting *Royal Indemnity Co. v. J.C. Penney Co.*, 27 Ohio St.3d 31, 33-34 (1986). This includes the authority of “dismissal or disqualification from a case if an attorney cannot, or will not, comply with the Code of Professional Responsibility when representing a client,” *id.*, as well as the imposition of disciplinary proceedings, contempt sanctions, and court revocation of pro hac vice privileges, among other methods to address attorney misconduct, *id.* at 34; see also R.C. 2705.02. However, this power to regulate is distinguishable from the actions taken by Judge Cook in the matter before this court. In this instance, the court is not addressing duties already governing Sobecki as the attorney of record, it is attempting to assign new duties to Sobecki not authorized by statute, case law, or rule. The law is clear, the defendant—as the requesting party and the beneficiary of the transcript—not defendant’s attorney, is the person responsible for the payment of the transcript costs.

{¶ 11} Accordingly, we find that Judge Cook lacks jurisdiction to order Sobecki to pay transcript fees in case No. CR2026-00193. A writ of prohibition is therefore warranted, regardless of any right of appeal which may later be available to relator. *State ex rel. Largent v. Fisher*, 43 Ohio St.3d 160, 163 (1989) (Citations and internal quotations omitted) (“[W]here a lower court has no jurisdiction to act, we have said that . . . the availability or adequacy of a remedy of appeal the prevent the resulting injustice is

immaterial to the exercise of supervisory jurisdiction by a superior court to prevent usurpation of jurisdiction by the inferior court.”).

{¶ 12} For the foregoing reasons, we deny Judge Cook’s motion, and we grant Sobecki’s complaint and issue this writ of prohibition. Judge Cook 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).

{¶ 13} It is so ordered.

Thomas J. Osowik, P.J.

JUDGE

Christine E. Mayle, J.

JUDGE

Gene A. Zmuda, 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: http://www.supremecourt.ohio.gov/ROD/docs/.
