

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE EX REL. WILLIAM F.B. VODREY,	:	
	:	
Respondent,	:	No. 116563
	:	
v.	:	
	:	
BRYAN KIDD,	:	
	:	
Relator.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: COMPLAINT DISMISSED

DATED: August 28, 2026

Writ of Mandamus
Motion No. 596694
Order No. 598439

Appearances:

Bryan Kidd, *pro se*.

Michael C. O'Malley, Cuyahoga County Prosecuting
Attorney, and Bridget E. Dever, Assistant Prosecuting
Attorney, *for respondent*.

LISA B. FORBES, P.J.:

{¶ 1} Relator Bryan Kidd, *pro se*, seeks a writ of mandamus ordering respondent Judge William F.B. Vodrey to (1) issue a ruling on a motion for jail-time credit he filed *pro se* on July 26, 2025, in Cuyahoga C.P. Nos. CR-23-679327-A, CR-

23-679661-A, CR-23-680487-A, CR-23-681428-A, and CR-23-681600-A (the “underlying cases”) and (2) grant him 179 days of jail-time credit.

{¶ 2} For the reasons that follow, we grant respondent’s motion to dismiss.

I. Factual and Procedural Background¹

{¶ 3} In December 2023, Kidd pled guilty to various offenses in the underlying cases and was sentenced to an aggregate prison sentence of six years. No jail-time credit was awarded in the sentencing entries. On February 2, 2024, Kidd, then represented by counsel, filed a motion seeking 293 days of jail-time credit. On February 5, 2024, the State filed a response to Kidd’s motion for jail-time credit in which it indicated it was not opposed to Kidd receiving 78 days of jail-time credit.

{¶ 4} No order ruling on the February 2, 2024 motion appears on the docket, but on June 4, 2024, a notice of calculation of sentence was docketed. No image of that filing is available on the court’s online dockets.

{¶ 5} On July 29, 2025, Kidd filed, pro se, the motion for jail-time credit at issue, in which he seeks 174 days of jail-time credit. On September 30, 2025, Kidd

¹ The discussion of the facts and procedural background in this opinion includes information obtained from review of the publicly available online dockets in the underlying cases. *See State ex rel. Fischer Asset Mgmt., LLC v. Scott*, 2023-Ohio-3891, ¶ 3, fn. 1 (8th Dist.) (observing, in original action, that “[t]his court is permitted to take judicial notice of court filings that are readily accessible from the internet”); *Patterson v. Cuyahoga Cty. Common Pleas Court*, 2019-Ohio-110, ¶ 2, fn. 1 (8th Dist.) (setting forth procedural history relevant to mandamus action based on review of “publicly available dockets”), citing *Cornelison v. Russo*, 2018-Ohio-3574, ¶ 8, fn. 2 (8th Dist.), citing *State ex rel. Everhart v. McIntosh*, 2007-Ohio-4798, ¶ 8; *see also Manning v. Gallagher*, 2025-Ohio-2781, ¶ 2, fn. 1 (8th Dist.). Judicial notice may also be taken of such matters in writ actions without converting a motion to dismiss into a motion for summary judgment. *State ex rel. Annayan v. Gall*, 2026-Ohio-2330, ¶ 2, fn. 1 (8th Dist.).

filed a motion to proceed with judgment for jail-time credit. These motions remain pending. On June 18, 2026, the State filed a response to Kidd’s motion for jail-time credit in which it indicated it was not opposed to Kidd receiving 194 days of jail-time credit.

{¶ 6} On June 2, 2026, relator filed the instant complaint for a writ of mandamus, requesting an order directing respondent to rule on his July 29, 2025 motion for jail-time credit and grant him 179 days of jail-time credit pursuant to R.C. 2967.191.²

{¶ 7} Respondent filed a motion to dismiss Kidd’s complaint pursuant to Civ.R. 12(B)(6) on the grounds that the complaint failed to state a claim for which relief could be granted because (1) respondent does not preside over the underlying cases; (2) respondent has no duty to rule on any pending motion; and (3) the complaint was “procedurally defective.”

{¶ 8} Kidd has not filed a timely opposition to respondent’s motion to dismiss.

II. Law and Analysis

A. Standard for Dismissal under Civ.R. 12(B)(6)

{¶ 9} Dismissal of a mandamus action under Civ.R. 12(B)(6) for failure to state a claim upon which relief can be granted “is appropriate if, after presuming all

² Although in his July 29, 2025 motion for jail-time credit, Kidd requested 174 days of jail-time credit, in his mandamus complaint, he seeks 179 days of jail-time credit. No reason is given for the discrepancy.

factual allegations in the complaint to be true and drawing all reasonable inferences in the relator’s favor, it appears beyond doubt that he can prove no set of facts entitling him to a writ of mandamus.” *State ex rel. Roush v. Hickson*, 2024-Ohio-4741, ¶ 8, quoting *State ex rel. A.N. v. Cuyahoga Cty. Prosecutor’s Office*, 2021-Ohio-2071, ¶ 8. “[U]nsupported legal conclusions, even when cast as factual assertions, are not presumed true for purposes of a motion to dismiss.” *State ex rel. Roush* at ¶ 8, quoting *State ex rel. Martre v. Reed*, 2020-Ohio-4777, ¶ 12.

B. Standard for a Writ of Mandamus

{¶ 10} A writ of 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 specifically enjoins as a duty resulting from an office, trust, or station.” R.C. 2731.01. It is “an extraordinary remedy that is to be exercised with caution and only when the right is clear.” *State ex rel. Tobias v. Fuerst*, 2022-Ohio-3556, ¶ 5 (8th Dist.). To be entitled to mandamus relief, the relator must establish by clear and convincing evidence that (1) he or she has a clear legal right to the requested relief, (2) the respondent has a clear legal duty to provide that relief, and (3) the lack of an adequate remedy in the ordinary course of law. *State ex rel. Schwarzmer v. Mazzone*, 2025-Ohio-1246, ¶ 10.

{¶ 11} A writ of mandamus may be used to compel a court to act, but it cannot generally be used to dictate the action the court takes. *See* R.C. 2731.03 (“The writ of mandamus may require an inferior tribunal to exercise its judgment, or proceed to the discharge of any of its functions, but it cannot control judicial discretion.”).

Thus, although a writ of mandamus may be used to require a judge to issue a ruling on a particular matter, it cannot be used to control what decision is issued. *Wesley v. Cuyahoga Cty. Court of Common Pleas*, 2020-Ohio-4921, ¶ 10 (8th Dist.).

C. The Allegations of Kidd's Complaint

{¶ 12} After presuming the truth of all the material factual allegations of Kidd's complaint and drawing all reasonable inferences in his favor, it appears beyond doubt that Kidd cannot prevail on his mandamus claim. The allegations of Kidd's complaint do not state a claim for mandamus relief against respondent. Accordingly, we grant respondent's motion to dismiss.

{¶ 13} A review of the online dockets in the underlying cases shows that they were all assigned to Judge Shirley Strickland Saffold. Judge Saffold has retired from the bench and has been succeeded by Judge Joy Kennedy. Respondent Judge Vodrey was never assigned to preside over the underlying cases.

{¶ 14} Respondent Judge Vodrey does not have a clear legal duty to rule on motions for jail-time credit in criminal cases to which he was never assigned. "[A] writ of mandamus will not lie to require a common pleas judge to proceed on a pending motion when the underlying case was never assigned to him [or her]." *State ex rel. Boyers v. Stuard*, 2010-Ohio-6444, ¶ 7 (11th Dist.), citing *State ex rel. Chavis v. Griffin*, 91 Ohio St.3d 50, 50-51 (2001) (observing that once a case has been assigned to a common pleas judge pursuant to an individual assignment system, that judge is responsible for deciding every issue in the case until its termination); *cf. Page v. Geauga Cty. Probate & Juvenile Court*, 2023-Ohio-2491, ¶ 3 (dismissing

procedendo claim against judges who were not assigned to the underlying case); *State ex rel. Johnson v. Jensen*, 2014-Ohio-3159, ¶ 5-6 (where judge named as respondent could not perform the act requested in the complaint because he left the common pleas court before relator filed his mandamus complaint, respondent “cannot be under a clear legal duty, as required for a writ of mandamus to issue” and “[t]he case must be dismissed”).

{¶ 15} Accordingly, Kidd’s complaint fails to state a claim for a writ of mandamus against respondent and is subject to dismissal.

{¶ 16} Further, Kidd’s complaint is subject to dismissal based on his failure to fully comply with R.C. 2969.25(C)(1). Kidd is incarcerated. When an inmate files in the court of appeals a civil action against a government entity or employee and seeks a waiver of the prepayment of the court of appeals’ filing fees, as Kidd has done here, R.C. 2969.25(C)(1) requires that the inmate submit an affidavit that contains “[a] statement that sets forth the balance in the inmate account of the inmate for each of the preceding six months, as certified by the institutional cashier.” An inmate must strictly comply with R.C. 2969.25(C). *State ex rel. Martin v. McCormick*, 2025-Ohio-4398, ¶ 10, citing *State ex rel. Townsend v. Gaul*, 2024-Ohio-1128, ¶ 8. Noncompliance with R.C. 2969.25(C) cannot be cured by amendment after a complaint is filed. *State ex rel. Robinson v. Page*, 2025-Ohio-623, ¶ 8.

{¶ 17} Kidd’s affidavit of indigency does not comply with R.C. 2969.25(C)(1) because it does not contain a certification from the institutional cashier stating the

balance in his inmate account for the six-month period preceding the filing of Kidd's complaint. Because Kidd has failed to strictly comply with R.C. 2969.25(C)(1), his complaint is properly dismissed. *See, e.g., State ex rel. Martin* at ¶ 14-15; *State ex rel. Martre v. N. Cent. Corr. Complex*, 2026-Ohio-162, ¶ 3, 6-12 (Court of appeals may dismiss a complaint sua sponte for noncompliance with R.C. 2969.25(C)(1) “because the requirements of R.C. 2969.25 are mandatory and failure to comply with them requires dismissal.”), quoting *State ex rel. Young v. Clipper*, 2015-Ohio-1351, ¶ 8.

{¶ 18} Kidd's complaint is also procedurally deficient because it was not captioned in the name of the State on the relation of the person applying as required under R.C. 2731.04 and fails to include mailing addresses for the parties in the caption for service of process as required under Civ.R. 10(A).³

{¶ 19} Despite the deficiencies that warrant dismissal of Kidd's complaint here, we acknowledge that Kidd's most recent motion for jail-time credit has been pending for more than a year. We expect that a ruling will be promptly issued on that motion. Should that not be the case, Kidd could correct the procedural deficiencies with his complaint and refile, naming the proper respondent, to obtain appropriate relief.⁴

³ Kidd's complaint was captioned as “State ex rel. Respondent William F.B. Vodrey Common Pleas Court v. Bryan Kidd Relator.”

⁴ To the extent Kidd seeks to compel the judge in the underlying cases to grant him a certain amount of jail-time credit (as opposed to simply ruling on his motion), such relief is not available in mandamus. *See, e.g., State ex rel. Whittington v. Sutula*, 2023-Ohio-1486, ¶ 7 (8th Dist.) (where respondent had ruled on the motions for jail-time credit in

{¶ 20} We, therefore, grant respondent’s motion to dismiss. Costs assessed against relator; costs waived. The clerk is directed to serve on all parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

{¶ 21} Complaint dismissed.

LISA B. FORBES, PRESIDING JUDGE

EILEEN T. GALLAGHER, J., and
ANITA LASTER MAYS, J., CONCUR

relator’s criminal cases, this was “all the relief that relator may attain” in his mandamus action; “[t]his court may not direct respondent to award a certain amount of jail-time credit”).