

[Cite as *In re C.T.*, 2010-Ohio-5150.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 95828

IN RE: C.T.

RELATOR

vs.

JUDGE ALLISON L. FLOYD

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Peremptory Prohibition, Prohibition, and Mandamus

Order No. 438335

RELEASE DATE: October 15, 2010

ATTORNEY FOR RELATOR

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ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor

By: Lisa Reitz Williamson
Assistant County Prosecutor
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1200 Ontario Street
Cleveland, Ohio 44113

SEAN C. GALLAGHER, A.J.:

{¶ 1} On October 8, 2010, C.T., the relator, filed a verified complaint for a peremptory writ of prohibition, a writ of prohibition, and a writ of mandamus. C.T. seeks to prevent Judge Alison L. Floyd, the respondent, from proceeding to trial in the underlying matter of *In re: C.T.*, Cuyahoga County Juvenile Court Case No. DL-10105410. C.T., through his request for mandamus, seeks an order from this court which requires Judge Floyd to dismiss the underlying juvenile action. For the following reasons, we decline to issue writs of prohibition and mandamus.

{¶ 2} On March 31, 2010, a complaint was issued against C.T. for an act of juvenile delinquency that allegedly occurred in Slidell, Louisiana, on December 26, 2009. C.T. argues that Judge Floyd does not possess the jurisdiction to proceed to trial, since the alleged act of delinquency occurred in Slidell, Louisiana.

{¶ 3} In order for this court to grant a writ of prohibition, C.T. must establish that Judge Floyd: (1) will or is about to exercise judicial or quasi-judicial power; (2) the exercise of such power is unauthorized by law; and (3) that the denial of the writ will cause injury for which no other adequate remedy exists in the ordinary course of the law. *State ex rel. White v. Junkin*, 80 Ohio St.3d 335, 1997-Ohio-2340, 686 N.E.2d 267; *State ex rel. Largent v. Fisher* (1989), 43 Ohio St.3d 160, 540 N.E.2d 239. Furthermore, a writ of prohibition must be employed with great caution and shall not be issued in doubtful cases. *State ex rel. Merion v. Tuscarawas Cty. Court of Common Pleas* (1940), 137 Ohio St. 273, 28 N.E.2d 641.

{¶ 4} The Supreme Court of Ohio, with regard to the second and third elements of a complaint in prohibition, has established that if a trial court possesses general subject-matter jurisdiction over a cause of action, the trial court possesses the authority to determine its own jurisdiction and an

adequate remedy at law, through an appeal, exists to challenge an adverse decision .

{¶ 5} The Supreme Court of Ohio, however, has established that “[w]here an inferior court patently and unambiguously lacks jurisdiction over the cause * * * prohibition will lie to prevent any future unauthorized exercise of jurisdiction and to correct the results of prior jurisdictionally unauthorized actions.” *State ex rel. Fogle v. Steiner*, 74 Ohio St.3d 158, 1995-Ohio-148, 656 N.E.2d 1288, citing *State ex rel. Lewis v. Moser*, 72 Ohio St.3d 25, 28, 1995-Ohio-148, 647 N.E.2d 155. Thus, if a trial court’s lack of jurisdiction is patent and unambiguous, the availability of an adequate remedy at law is immaterial. *State ex rel. Rogers v. McGee Brown*, 80 Ohio St.3d 408, 1997-Ohio-334, 686 N.E.2d 1126.

{¶ 6} In the case sub judice, C.T. has failed to demonstrate that Judge Floyd is patently and unambiguously without jurisdiction to proceed with the trial in Cuyahoga Juvenile Court Case No. DL-10105410. A juvenile court possesses exclusive initial subject-matter jurisdiction over any case involving a person alleged to be delinquent for having committed, when under the age of 18, any act that would constitute a felony if committed by an adult. *State v. Golphin*, 81 Ohio St.3d 543, 1998-Ohio-336, 692 N.E.2d 608. In addition, Juv.R. 10(A) provides that “[a]ny person having knowledge of a child who

appears to be a * * *, delinquent, * * * may file a complaint with respect to the child in the juvenile court of the county in which the child has a residence or legal settlement * * *.” See, also, R.C. 2151.27(A)(1) and R.C. 2152.021(A)(1).

Finally, Judge Floyd possesses the authority to determine her own jurisdiction, and C.T. is permitted to challenge jurisdiction by way of an appeal. *State ex rel. Shaffer v. Russo*, Cuyahoga App. No. 89822, 2007-Ohio-2220.¹

{¶ 7} Accordingly, we find that this court is prevented from issuing a peremptory writ of prohibition, a writ of prohibition, and a writ of mandamus.

C.T. to pay costs. It is further ordered that the clerk shall serve upon all parties notice of this judgment and date of entry pursuant to Civ.R. 58(B).

Writ denied.

SEAN C. GALLAGHER, ADMINISTRATIVE JUDGE

MARY EILEEN KILBANE, J., and
PATRICIA A. BLACKMON, J., CONCUR

¹C.T.’s claim for a writ of mandamus, in order to compel the dismissal of Cuyahoga County Juvenile Court Case No. DL-10105410, is premised upon the argument that Judge Floyd is patently and unambiguously without jurisdiction to proceed to trial with regard to the underlying complaint for delinquency. Having found that prohibition does not lie, as based upon the failure of C.T. to establish that Judge Floyd is patently and unambiguously without jurisdiction to proceed with trial, renders the request for mandamus moot.