

SUPREME COURT OF OHIO

State ex rel. Sevayega v. Gallagher

2017-Ohio-8369 (Ohio 2017) · No. 2016-1453 · Decided November 1, 2017

SUMMARY

The Supreme Court of Ohio affirmed the denial of Reginald D. Sevayega’s complaint for writs of mandamus and procedendo. The court held that whether the trial judge was required to vacate Sevayega’s sexual-predator classification was an issue that could be raised on direct appeal, making extraordinary relief unavailable. The court also held that additional claims concerning errors and constitutional violations at the classification hearing were waived because they were not raised in the original complaint.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; Maureen O'Connor, Chief Justice; Maureen O'Connor, C.J.; Sharon L. Kennedy, J.; Judith L. French, J.; William M. O'Neill, J.; Patrick F. Fischer, J.; Pat DeWine, J.
JURISDICTION	Ohio
DECIDED	November 1, 2017
DOCKET	2016-1453
DISPOSITION	affirmed
PROCEDURAL POSTURE	Sevayega appealed the Eighth District Court of Appeals' denial of his complaint for writs of mandamus and procedendo. He sought to compel Judge Gallagher to rule on, and grant, his motion to vacate his sexual-predator classification.
STANDARD OF REVIEW	A party seeking mandamus must establish by clear and convincing evidence a clear legal right to the requested relief, a clear legal duty on the respondent to provide it, and the absence of an adequate remedy in the ordinary course of law.
PRECEDENTIAL VALUE	Published opinion; precedential Ohio Supreme Court decision
PARTIES	Reginald D. Sevayega v. Shannon Gallagher, Judge

TOPICS

appellate procedure

post-conviction relief

criminal procedure

remedies

appellate jurisdiction

PRACTICE AREAS

Appellate procedure

Criminal procedure

Extraordinary writs

Sex-offender classification

QUESTIONS PRESENTED

1. Whether mandamus could compel the common pleas judge to declare Sevayega's sexual-predator classification void based on an allegedly improper judicial assignment.
2. Whether Sevayega had an adequate remedy by direct appeal, precluding extraordinary relief in mandamus.
3. Whether Sevayega could raise additional alleged errors and constitutional violations for the first time on appeal when they were not included in his complaint.

HOLDINGS

1. Mandamus is unavailable to compel a trial judge to correct a decision that allegedly ignores or misapplies governing law when the challenged issue may be raised on direct appeal.
2. Claims not raised in the complaint are waived on appeal.

KEY QUOTATIONS

“If mandamus were available to correct a trial court’s decision that ignores or misapplies governing law, then extraordinary relief would supplant direct appeal in nearly every case.” (§ 15)

“Whether Cole required Judge Gallagher to grant Sevayega’s motion to vacate is precisely the type of issue that may be raised on direct appeal.” (§ 15)

FACTUAL BACKGROUND

Reginald D. Sevayega was convicted of rape and other offenses in 1993. In 2003, Judge Richard J. McMonagle conducted a sex-offender-classification hearing and classified Sevayega as a sexual predator, although McMonagle was not the original sentencing judge or the immediate successor to that judge. Sevayega later sought to vacate the classification as void and attempted to use mandamus and procedendo to compel Judge Gallagher to grant that motion.

PROCEDURAL HISTORY

Sevayega was convicted in 1993 and classified as a sexual predator in 2003 by Judge Richard J. McMonagle. In 2015 he moved to vacate the classification, arguing that Judge McMonagle lacked jurisdiction because he was not the sentencing judge or successor judge. After Judge Gallagher denied the motion, the Eighth District granted Gallagher summary judgment and denied the writs, concluding that the request to compel a ruling was moot and that mandamus could not dictate the result of the ruling. The Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Waters v. Spaeth, 131 Ohio St. 3d 55, 2012-Ohio-69, 960 N.E.2d 452, ¶¶ 6, 13
- State v. McIntire, 130 Ohio App. 3d 463, 720 N.E.2d 222 (9th Dist. 1998)
- State v. Cole, 8th Dist. Cuyahoga No. 96687, 2011-Ohio-6283
- State ex rel. Black v. Forchione, 144 Ohio St. 3d 149, 2015-Ohio-4336, 41 N.E.3d 414, ¶ 4
- State ex rel. Key v. Spicer, 91 Ohio St. 3d 469, 746 N.E.2d 1119 (2001)
- State ex rel. DeGroot v. Tilsley, 128 Ohio St. 3d 311, 2011-Ohio-231, 943 N.E.2d 1018, ¶ 9