

OHIO COURT OF APPEALS, SIXTH APPELLATE DISTRICT

State ex rel. Alexander v. Howe

2026-Ohio-1683 · No. L-26-00114 · Decided May 8, 2026

SUMMARY

The Sixth District Court of Appeals of Ohio sua sponte dismissed Reginald Bernard Alexander’s petition for writs of prohibition and mandamus. The court held that alleged defects in municipal housing-criminal complaints, including an incorrect file stamp and date of birth, were technical defects that did not deprive the Toledo Housing and Environmental Court of jurisdiction. The court concluded that Alexander could not prevail on the facts alleged and assessed costs against him.

CASE DETAILS

COURT	Ohio Court of Appeals, Sixth Appellate District
WRITING FOR THE COURT	Charles E. Sulek, J.; Thomas J. Osowik, P.J.; Christine E. Mayle, J.
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Lucas County
DECIDED	May 8, 2026
DOCKET	L-26-00114
DISPOSITION	dismissed
PROCEDURAL POSTURE	Relator filed an original action seeking writs of prohibition and mandamus against the judge of the Toledo Housing and Environmental Court. The court of appeals sua sponte dismissed the petition because relator could not prevail on the facts alleged.
STANDARD OF REVIEW	For a writ of prohibition, the relator must establish that the lower court exercised judicial power, that the exercise was unauthorized by law, and that denial of the writ would result in injury for which no adequate remedy exists in the ordinary course of law. For mandamus, the relator must establish a clear legal right to relief, a clear legal duty to provide it, and the lack of an adequate remedy. A court of appeals may sua sponte dismiss an extraordinary-writ complaint when, presuming the truth of material allegations and making reasonable inferences in the claimant's favor, the claimant obviously cannot prevail or can prove no set of facts entitling relief.
PRECEDENTIAL VALUE	published
PARTIES	Reginald Bernard Alexander v. Timothy J. Howe

TOPICS

appellate procedure

subject matter jurisdiction

standard of review

criminal procedure

remedies

PRACTICE AREAS

Ohio extraordinary writs

municipal and housing-court criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the alleged file-stamp defects and incorrect date of birth deprived the Toledo Housing and Environmental Court of jurisdiction over the criminal complaints.
2. Whether Alexander was entitled to writs of prohibition or mandamus to prevent enforcement of the bench warrant and compel dismissal of the underlying cases.
3. Whether the court of appeals could sua sponte dismiss the extraordinary-writ petition because Alexander obviously could not prevail on the facts alleged.

HOLDINGS

1. The complaints properly invoked the jurisdiction of the Toledo Housing and Environmental Court because they stated the essential facts constituting the offenses, identified the numerical designation of the applicable ordinance, and were sworn to before an authorized deputy clerk. Alleged file-stamp defects and an incorrect date of birth were technical defects that did not affect jurisdiction.
2. Alexander was not entitled to a writ of prohibition or mandamus because the complaints properly invoked the housing court's jurisdiction and the alleged technical defects did not establish an unauthorized exercise of judicial power, a clear legal right to dismissal, or a clear legal duty to dismiss.

KEY QUOTATIONS

“Such a dismissal is appropriate only if, after presuming the truth of all material factual allegations of the petition and making all reasonable inferences in the claimant’s favor, it appears beyond doubt that the claimant can prove no set of facts entitling him to the requested extraordinary relief.” (¶ 9)

“The complaints, therefore, meet all the essential requirements of Crim.R. 3. Any defects regarding the file stamp or incorrect date of birth do not impact the jurisdiction of the housing court.” (¶ 13)

FACTUAL BACKGROUND

Alexander was charged in two Toledo Housing Court misdemeanor cases with violating Toledo Municipal Code 1726.08(a) by failing to comply with orders to abate public nuisances. The complaints described the required corrective work, identified the applicable ordinance, and were sworn to before a deputy clerk, but contained allegedly erroneous file stamps and an incorrect date of birth. After Alexander failed to appear, the housing court issued a bench warrant and declined to quash it.

PROCEDURAL HISTORY

Alexander was the defendant in two Toledo Housing Court misdemeanor cases concerning alleged failures to comply with orders to abate public nuisances. After he failed to appear, the housing court issued a bench warrant and denied his motion to quash. Alexander then filed this original action seeking to prohibit enforcement of the warrant and to compel dismissal of the underlying cases.

DISPOSITION

dismissed

CASES CITED

- State ex rel. Boyd v. Tone, 2023-Ohio-3832, ¶¶ 9-11
- State ex rel. Kerr v. Pollex, 2020-Ohio-411, ¶ 5
- State ex rel. Scott v. Cleveland, 2006-Ohio-6573, ¶ 14
- State v. Mbodji, 2011-Ohio-2880, ¶ 12
- Middletown v. Goldberg, 2017-Ohio-788, ¶ 14
- State v. Oree, 1996 WL 205586, *1 n.1 (11th Dist. Apr. 5, 1996)

OPINION

PER CURIAM.

[Cite as State ex rel. Alexander v. Howe, 2026-Ohio-1683.] IN THE COURT OF APPEALS OF OHIO SIXTH APPELLATE DISTRICT LUCAS COUNTY State ex rel. Reginald Bernard Court of Appeals No. L-26-00114 Alexander Relator v. Timothy J. Howe DECISION AND JUDGMENT Respondent Decided: May 8, 2026 ***** SULEK, J. {¶ 1} This matter is before the court on the petition of relator Reginald Bernard Alexander for (1) a writ of prohibition seeking to prohibit respondent Hon. Timothy C. Howe¹ from enforcing a bench warrant, and (2) a writ of mandamus to compel Judge 1 “Timothy C. Howe” is not a judge in Lucas County.

This court presumes that Alexander is referring to Hon. Joseph J. Howe, judge of the Toledo Housing and Environmental Court. Howe to dismiss the cases against him. Because Alexander obviously cannot prevail on the facts alleged, this petition is sua sponte dismissed.

I. Facts and Procedural Background {¶ 2} Alexander is the defendant in two cases before Judge Howe in the Toledo Housing Court. In both cases, case No. CRB-10494-0102 and case No. CRB-10494- 0202, housing complaints charged him with failure to comply with an order to abate a public nuisance in violation of Toledo Municipal Code 1726.08(a), misdemeanors of the first degree. {¶ 3} Relevant here, both complaints contain two file stamps: one dated January 5, 2025, and the other dated December 5, 2025.

The January 5, 2025 file stamp has another stamp overlaying it stating “FILED IN ERROR.” In addition, both complaints charged “Reggie Alexander” and listed his birthdate as May 19, 1962. {¶

4} The docket attached to Alexander's petition reflects that Alexander was summoned to appear before the housing court on January 14, 2026. He did not appear.

The housing court then ordered him to appear on February 17, 2026. Prior to that date, Alexander filed numerous documents with the housing court on February 13, 2026. He, however, did not appear before the housing court on February 17, 2026, and a bench warrant was issued. {¶ 5} On March 12, 2026, Alexander filed a "Notice of Fault and Opportunity to Cure" in which he proclaimed that the housing court was in administrative fault.

He referenced his February 13, 2026 filings in which he alleged that the complaints were void because of the "Jan 5 'ERROR' stamp" and because they listed a false name and 2. date of birth. He warned the trial court that if it did not remove the warrant within 48 hours and dismiss the cases against him, "formal complaints and evidence packets" would be sent to the "IRS CRIMINAL INVESTIGATION (CID)," "SEC WHISTLEBLOWER OFFICE," "FEDERAL TRADE COMMISSION (FTC)," "FBI TOLEDO RESIDENT AGENCY," and the "OHIO STATE AUDITOR." {¶ 6} The next day, March 13, 2026, the housing court entered on the docket, "No action taken as to defendant filings.

No motion filed or plea entered. Bench warrant to stand. Defendant must appear in-person or via counsel to remove bench warrant." {¶ 7} Thereafter, on April 15, 2026, Alexander filed a "MOTION TO QUASH AND NOTICE OF VOID JUDGMENT." The housing court denied his motion to quash that same day, and ordered "Bench Warrant to stand see 3/12 entry." On April 22, 2026, Alexander filed his present complaint for writs of prohibition and mandamus in this court.

II. Analysis {¶ 8} To be entitled to a writ of prohibition, Alexander must show that "(1) the trial court has exercised judicial power, (2) the exercise of that power was unauthorized by law, and (3) denying the writ would result in injury for which no other adequate remedy exists in the ordinary course of the law." *State ex rel. Boyd v. Tone*, 2023-Ohio- 3832, ¶ 11.

To be entitled to a writ of mandamus, he must show "(1) a clear legal right to the requested relief, (2) a clear legal duty on the part of the respondent to provide it, and (3) the lack of an adequate remedy in the ordinary course of the law." *Id.* at ¶ 10.

3. {¶ 9} "A court of appeals may dismiss a complaint sua sponte 'if the complaint "is frivolous or the claimant obviously cannot prevail on the facts alleged in the complaint."'" *Id.* at ¶ 9, quoting *State ex rel. Kerr v. Pollex*, 2020-Ohio-411, ¶ 5, quoting *State ex rel. Scott v. Cleveland*, 2006-Ohio-6573, ¶ 14. "Such a dismissal is appropriate only if, after presuming the truth of all material factual allegations of the petition and making all reasonable inferences in the claimant's favor, it appears beyond doubt that the claimant can prove no set of facts entitling him to the requested extraordinary relief." *Id.*, quoting *Kerr* at ¶ 5. {¶ 10} Upon review, Alexander obviously cannot prevail on the facts alleged in the complaint.

Alexander takes issue with two alleged defects in the housing complaints: (1) the January 5, 2025 file stamp, and (2) the incorrect date of birth. To the extent that either of those are defects, they are technical defects that do not affect the jurisdiction of the housing court. {¶ 11} “The filing of a complaint invokes the jurisdiction of the municipal court.” *State v. Mbodji*, 2011-Ohio-2880, ¶ 12. “Crim.R.

3 defines what constitutes a valid complaint. It states, ‘The complaint is a written statement of the essential facts constituting the offense charged.’ In addition, the rule requires that the complaint ‘state the numerical designation of the applicable statute or ordinance’ and that it ‘be made upon oath before any person authorized by law to administer oaths.’” *Id.* {¶ 12} Here, the complaint in case No. CRB-25-10494-0102 listed the facts of the offense as Alexander was ordered to “Cut tall grass & weeds (overgrowth).

Remove junk, debris, trash, litter, auto parts, brush, graffiti and inoperable/unlicensed vehicle(s) 4. including trailers,” and he failed to do so within the 72 hours granted in the order. In case No. CRB-25-10494-0202, the facts were described as Alexander was ordered to “Repair/replace doors, roofing, windows and gutters/spouts on building. Scrape & paint all exposed wood on building,” and he failed to do so within the 30 days granted in the order.

Both complaints stated the numerical designation of the applicable ordinance as Toledo Municipal Code 1726.08(a). Further, both complaints were sworn to and subscribed in the presence of the Toledo Municipal Court Deputy Clerk on December 5, 2025. {¶ 13} The complaints, therefore, meet all the essential requirements of Crim.R. 3. Any defects regarding the file stamp or incorrect date of birth do not impact the jurisdiction of the housing court.

See *Middletown v. Goldberg*, 2017-Ohio-788, ¶ 14 (12th Dist.) (complaint properly invoked jurisdiction where although it was not notarized it satisfied the requirements of Crim.R. 3); *State v. Oree*, 1996 WL 205586, *1, fn. 1 (11th Dist. Apr. 5, 1996) (noting that although complaint was incorrectly date-stamped, it clearly indicated when the offense occurred and provided the defendant “with sufficient and adequate notice of the charge”).

III. Conclusion {¶ 14} Accordingly, because the complaints properly invoked the jurisdiction of the housing court, Alexander can prove no set of facts entitling him to relief in prohibition or mandamus. His petition is not well-taken and is hereby dismissed. Costs of this action are assessed to Alexander.

5. {¶ 15} The clerk of court is directed to serve upon all parties, within three days, a copy of this decision in a manner prescribed by Civ.R. 5(B). It is so ordered. Writ dismissed. A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See also 6th Dist.Loc.App.R. 4. Thomas J. Osowik, P.J. JUDGE Christine E. Mayle, 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: <http://www.supremecourt.ohio.gov/ROD/docs/>. 6.

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