

SUPREME COURT OF OHIO

State ex rel. Quinn v. Rastatter

2026-Ohio-1208 · No. 2025-0965 · Decided April 7, 2026

SUMMARY

The Supreme Court of Ohio addressed a mandamus action seeking to compel a trial judge to rule on a postconviction-relief petition and motions concerning a new trial. The court denied the request as moot regarding the postconviction petition, granted a writ directing the judge to rule on the motion for leave to file a motion for a new trial, and denied relief regarding the accompanying new-trial motion because the motions must be addressed sequentially.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Chief Justice Kennedy; Justice Fischer; Justice DeWine; Justice Brunner; Justice Deters; Justice Hawkins; Justice Shanahan
JURISDICTION	Supreme Court of Ohio
DECIDED	April 7, 2026
DOCKET	2025-0965
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original action in mandamus seeking to compel a common pleas judge to rule on a postconviction-relief petition and motions for leave to file a motion for a new trial and for a new trial.
STANDARD OF REVIEW	The court applied the mandamus standard requiring a clear legal right to relief, a clear legal duty to provide the relief, and the absence of an adequate remedy in the ordinary course of law. It evaluated undue delay under the totality of the circumstances, using Sup.R. 40(A)(3)'s 120-day guideline as general guidance rather than a strict deadline.
PRECEDENTIAL VALUE	published and precedential
PARTIES	James Quinn, relator v. Douglas Rastatter, Judge, respondent

TOPICS

- appellate procedure
- remedies
- post-conviction relief
- criminal procedure
- mootness

PRACTICE AREAS

appellate procedure

criminal procedure

post-conviction relief

extraordinary writs

QUESTIONS PRESENTED

1. Whether the request to compel a ruling on the postconviction-relief petition became moot after the trial court denied the petition.
2. Whether Quinn was entitled to mandamus relief compelling the trial judge to rule on his pending motion for leave to file a motion for a new trial.
3. Whether the trial judge could be compelled to rule on the included motion for a new trial before ruling on the motion for leave.
4. Whether the trial court's approximately two-year delay in ruling on the motion for leave was undue under the circumstances.

HOLDINGS

1. A request for mandamus relief to compel a ruling on a postconviction-relief petition is moot when the trial court has already ruled on the petition.
2. To obtain a writ of mandamus, a relator must establish a clear legal right to the requested relief, a clear legal duty on the respondent to provide it, and the lack of an adequate remedy in the ordinary course of law.
3. When a defendant seeks leave to file a delayed motion for a new trial based on newly discovered evidence, the trial court must first rule on the motion for leave; the motion for a new trial may be considered only if leave is granted.
4. A trial court's approximately two-year failure to rule on a six-page motion for leave, considered under the totality of the circumstances, constitutes undue delay warranting mandamus relief.
5. The writ requires the trial judge to rule on the motion for leave but does not direct the judge how to decide it.

KEY QUOTATIONS

“To be entitled to a writ of mandamus, a relator must establish a clear legal right to the requested relief, a clear legal duty on the part of the respondent to provide that relief, and the lack of an adequate remedy in the ordinary course of the law.” (¶ 10)

“a court with general subject-matter jurisdiction over a matter must eventually rule on motions or risk having a writ of procedendo granted.” (¶ 13)

“we order only that Judge Rastatter rule on the motion for leave; we do not direct him how to rule on that motion.” (¶ 15)

FACTUAL BACKGROUND

Quinn was convicted of multiple crimes in 2014 and sentenced to 20 years in prison. On April 1, 2024, he filed a petition for postconviction relief and a combined motion for leave to file a motion for a new trial and motion for a new trial, alleging that the State suppressed and modified exculpatory evidence. The filings remained pending for approximately two years, although the trial court later ordered the State to respond and ultimately denied the postconviction petition. The motion for leave remained undecided when the Supreme Court considered the mandamus action.

PROCEDURAL HISTORY

Quinn filed a postconviction-relief petition and combined motion for leave to file a motion for a new trial and motion for a new trial in the Clark County Court of Common Pleas on April 1, 2024. After the trial court failed to rule on the filings, Quinn filed this mandamus action on July 24, 2025. The trial judge later denied the postconviction petition, rendering that portion of the request moot, but the motion for leave remained pending. The Supreme Court of Ohio granted a writ directing the judge to rule on the motion for leave, denied the writ concerning the included motion for a new trial, and granted in part and denied in part the writ overall.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Judge Rastatter must rule on Quinn's motion for leave to file a motion for a new trial. The court may not be directed how to rule. The writ is denied as to the included motion for a new trial, and the request concerning the postconviction-relief petition is denied as moot.

CASES CITED

- State ex rel. Dehler v. Sutula, 1995-Ohio-268, ¶ 7
- State ex rel. Levin v. Sheffield Lake, 1994-Ohio-385, ¶ 22
- State ex rel. Culgan v. Collier, 2013-Ohio-1762, ¶¶ 7-11
- State ex rel. Roberts v. Hatheway, 2021-Ohio-4097, ¶¶ 5-6
- State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas, 1996-Ohio-117, ¶ 3
- State ex rel. Ames v. Summit Cty. Court of Common Pleas, 2020-Ohio-354, ¶ 6
- State ex rel. Brown v. Luebbbers, 2013-Ohio-5062, ¶¶ 10, 14-16
- State v. Hatton, 2022-Ohio-3991, ¶¶ 28-30
- State ex rel. Reynolds v. Basinger, 2003-Ohio-3631, ¶ 5
- State ex rel. Collins v. Pokorny, 1999-Ohio-343, ¶ 6
- State ex rel. Bunting v. Haas, 2004-Ohio-2055, ¶¶ 9-11
- State ex rel. Gilreath v. Cuyahoga Job & Family Servs., 2024-Ohio-103, ¶ 31

OPINION

PER CURIAM.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as State ex rel. Quinn v. Rastatter, Slip Opinion No. 2026-Ohio-1208.] NOTICE This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

SLIP OPINION NO. 2026-OHIO-1208 THE STATE EX REL. QUINN v. RASTATTER, JUDGE. [Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as State ex rel. Quinn v. Rastatter, Slip Opinion No. 2026-Ohio-1208.] Mandamus—Writ sought to compel rulings on motions pending before trial court— Request for writ granted to extent relator asks that trial-court judge be ordered to rule on motion for leave to file motion for new trial—Request for writ denied to extent relator asks that trial-court judge be ordered to rule on contemporaneously filed motion for new trial, because the two motions must be ruled on sequentially—Because trial-court judge denied the petition for postconviction relief after relator filed this mandamus action, that part of writ request is denied as moot—Writ granted in part and denied in part.

(No. 2025-0965—Submitted February 10, 2026—Decided April 7, 2026.) IN MANDAMUS. _____ The per curiam opinion below was joined by KENNEDY, C.J., and FISCHER, SUPREME COURT OF OHIO DEWINE, BRUNNER, DETERS, HAWKINS, and SHANAHAN, JJ. Per Curiam. {¶ 1} Relator, James Quinn, was convicted of multiple crimes in the Clark County Court of Common Pleas in 2014.

Respondent, Judge Douglas Rastatter of the Clark County Court of Common Pleas, presided over Quinn’s criminal case. In April 2024, Quinn filed in his criminal case a petition for postconviction relief and a “motion for leave to file motion for new trial instanter and motion for new trial instanter.” In July 2025, Judge Rastatter had not yet ruled on the petition or motions, and so Quinn filed this original action in mandamus seeking a writ ordering Judge Rastatter to rule on the filings. {¶ 2} Judge Rastatter has now denied Quinn’s petition for postconviction relief, so we deny as moot the writ as to the petition for postconviction relief.

But Quinn’s motion for leave to file a motion for a new trial and motion for a new trial remain pending. We issue a writ of mandamus directing Judge Rastatter to rule on Quinn’s motion for leave to file a motion for a new trial.

We deny the writ as to the motion for a new trial. I. FACTUAL AND PROCEDURAL BACKGROUND {¶ 3} In 2014, Quinn was convicted of multiple crimes and sentenced to 20 years in prison. See State v. Quinn, Clark C.P. No. 2013-CR-869.

On April 1, 2024, Quinn filed in his criminal case a petition for postconviction relief, see R.C. 2953.21 and 2953.23, and a motion for leave to file a motion for a new trial, which included a

motion for a new trial, see Crim.R. 33.

The motion for leave to file a motion for a new trial and the motion for a new trial were not filed as separate documents—rather, they were filed as a single “motion for leave to file motion for new trial instanter and motion for new trial instanter.” The postconviction-relief petition and the motions allege that the State suppressed and modified exculpatory evidence related to Quinn’s criminal case.

2 January Term, 2026 {¶ 4} As of July 24, 2025, the State had not yet responded to Quinn’s postconviction-relief petition or his motions and Judge Rastatter had not yet ruled on them. On that day, Quinn filed this action for a writ of mandamus. He seeks a writ ordering Judge Rastatter to rule on the April 1, 2024 filings. Judge Rastatter answered and stated that on August 7, 2025, he ordered the State to respond to Quinn’s filings by September 5.

He stated his intention to rule on the filings once the State had responded. We granted an alternative writ, setting the schedule for the filing of evidence and briefs. 2025-Ohio-4537. {¶ 5} After we granted an alternative writ, the State filed responses to the petition and motions in the trial court.

In December, Judge Rastatter denied Quinn’s petition for postconviction relief. But Quinn’s motion for leave to file a motion for a new trial and motion for a new trial remain pending. II. ANALYSIS {¶ 6} As an initial matter, we note that Quinn’s request is akin to a request for a writ of procedendo—an order directing Judge Rastatter to rule on the pending filings. “Although mandamus will lie in cases of a court’s undue delay in entering judgment, procedendo is more appropriate, since ‘[a]n inferior court’s refusal or failure to timely dispose of a pending action is the ill a writ of procedendo is designed to remedy.’” State ex rel.

Dehler v. Sutula, 1995-Ohio-268, ¶ 7, quoting State ex rel. Levin v. Sheffield Lake, 1994-Ohio-385, ¶ 22. But mandamus will also lie in cases of a court’s undue delay in entering judgment. See id.; State ex rel. Culgan v. Collier, 2013-Ohio-1762, ¶ 10. A. Quinn’s petition for postconviction relief {¶ 7} Quinn requested a writ ordering Judge Rastatter to rule on his petition for postconviction relief.

However, Judge Rastatter has now denied that petition. Quinn filed a motion for judicial notice alerting us to the denial. {¶ 8} “An action in procedendo becomes moot when the court performs the duty requested.” State ex rel. Roberts v. Hatheway, 2021-Ohio-4097, ¶ 5. 3 SUPREME COURT OF OHIO Similarly, “a ‘writ of mandamus will not issue to compel an act already performed.’” Id. at ¶ 6, quoting State ex rel.

Jerningham v. Cuyahoga Cty. Court of Common Pleas, 1996-Ohio-117, ¶ 3. Because Judge Rastatter denied Quinn’s petition for postconviction relief after Quinn filed his mandamus action, we deny that part of Quinn’s request as moot.

In addition, we grant Quinn’s motion for judicial notice. See *State ex rel. Ames v. Summit Cty. Court of Common Pleas*, 2020-Ohio-354, ¶ 6 (court may take judicial notice of trial-court entries when determining mootness).¹ B. Quinn’s motion for leave to file a motion for a new trial and motion for a new trial {¶ 9} Quinn also seeks a writ ordering Judge Rastatter to rule on Quinn’s *Crim.R.*

33 motion for leave to file a motion for a new trial and included motion for a new trial. Quinn filed the motions on April 1, 2024, and Judge Rastatter has not yet ruled on them. {¶ 10} To be entitled to a writ of mandamus, a relator must establish a clear legal right to the requested relief, a clear legal duty on the part of the respondent to provide that relief, and the lack of an adequate remedy in the ordinary course of the law.

Culgan, 2013-Ohio-1762, at ¶ 7. The elements for procedendo are analogous. See *id.*; *State ex rel. Brown v. Luebbers*, 2013-Ohio-5062, ¶ 10. Here, Quinn lacks an adequate remedy in the ordinary course of the law because he cannot compel Judge Rastatter to timely rule on his motions, and Judge Rastatter does not argue otherwise. 1. Quinn’s motion for judicial notice appears to ask that we also issue a writ of mandamus ordering the trial court to rule on several other motions that Quinn filed in 2025.

Quinn’s mandamus petition sought a writ of mandamus regarding only his April 1, 2024 filings. To the extent Quinn is asking for a writ ordering the trial court to rule on any other filings, we deny these requests. See *S.Ct.Prac.R. 12.02(B)(3)* (In an original action, “[a]ll relief sought... shall be set forth in the complaint”); *State ex rel. Gilreath v. Cuyahoga Job & Family Servs.*, 2024-Ohio-103, ¶ 31.

4 January Term, 2026 {¶ 11} Although Quinn and Judge Rastatter do not distinguish between Quinn’s motion for leave to file a motion for a new trial and the included motion for a new trial, under the Criminal Rules, these motions must be ruled on sequentially. See *Crim.R. 33(B)*.

Because Quinn was found guilty over 120 days ago, Quinn must first file a motion for leave to file a motion for a new trial based on newly discovered evidence. See *id.*; see also *State v. Hatton*, 2022-Ohio-3991, ¶ 28-30. If Judge Rastatter finds by clear and convincing proof that Quinn was unavoidably prevented from discovering the evidence on which his request relies and so grants the motion for leave, Quinn must then file a motion for a new trial within seven days of the court’s ruling on his motion for leave.

See *Hatton* at ¶ 28. Thus, at this time, Judge Rastatter can consider only Quinn’s motion for leave to file a motion for a new trial. We therefore deny Quinn’s request for a writ as to his motion for a new trial. But, as discussed below, we grant the writ as to his motion for leave to file a motion for a new trial. {¶ 12} “[M]andamus will lie when a trial court has refused to render, or unduly delayed rendering, a judgment.” *Culgan* at ¶ 10, quoting *State ex rel.*

Reynolds v. Basinger, 2003-Ohio-3631, ¶ 5. Quinn filed his motion for leave two years ago. Sup.R. 40(A)(3) provides that motions shall generally be ruled on within 120 days from the date of filing. Sup.R. 40 “does not give rise to an enforceable right in mandamus or procedendo,” Culgan at ¶ 8, but “the rule does guide this court in determining whether a trial court has unduly delayed ruling on a motion for purposes of ruling on a request for an extraordinary writ,” id. at ¶ 11.

We have relied on this 120-day guideline when granting a writ of procedendo ordering a lower court to rule on a defendant’s postconviction motions. See Luebbbers at ¶ 14-16. {¶ 13} A court is generally not required to issue findings of fact and conclusions of law when denying a Crim.R. 33 motion for a new trial. State ex rel. Collins v. Pokorny, 1999-Ohio-343, ¶ 6.

But just as a court must rule on a petition 5 SUPREME COURT OF OHIO for postconviction relief even if the ruling will be a denial without findings of fact or conclusions of law, see State ex rel. Bunting v. Haas, 2004-Ohio-2055, ¶ 9-11, so too must a court eventually rule on a Crim.R. 33 motion for leave to file a motion for a new trial.

As we have stated, “a court with general subject-matter jurisdiction over a matter must eventually rule on motions or risk having a writ of procedendo granted.” Luebbbers, 2013-Ohio-5062, at ¶ 15. Judge Rastatter undisputedly has general subject-matter jurisdiction over Quinn’s criminal case, and he must eventually rule on the motion for leave. {¶ 14} Judge Rastatter argues that he has not unreasonably delayed in deciding Quinn’s motion.

He states that Quinn has submitted multiple filings raising complex factual assertions and procedural arguments and that “[n]othing in Ohio law requires a judge to issue immediate rulings or elevate a single litigant’s filings over the rest of the court’s docket.” He states that he has taken appropriate steps to resolve the motion, including ordering the State to respond.

There is no strict rule governing how quickly a court must rule on a motion before a writ of procedendo or mandamus is justified, see Luebbbers at ¶ 15, but the Rules of Superintendence provide general guidance that motions should be ruled on within 120 days, Sup.R. 40(A)(3).

Here, Quinn’s filing that includes his motion for leave and motion for a new trial totals six pages (excluding exhibits) and has been pending for two years. Based on the totality of the circumstances, we conclude that Judge Rastatter has unduly delayed in ruling on Quinn’s motion for leave.

We grant a writ of mandamus directing Judge Rastatter to rule on Quinn’s motion for leave to file a motion for a new trial. {¶ 15} Judge Rastatter also argues that Quinn seeks a writ ordering him not just to rule on the motion but also to grant the motion.

We do not view Quinn’s request as attempting to control the judge’s discretion. But, to avoid confusion, we order only that Judge Rastatter rule on the motion for leave; we do not direct him

how to rule on that motion. 6 January Term, 2026 III. CONCLUSION {¶ 16} Quinn filed his motion for leave to file a motion for a new trial in April 2024, and Judge Rastatter has not yet ruled on it.

We grant a writ of mandamus ordering Judge Rastatter to rule on the motion. However, we deny Quinn's requested writ ordering Judge Rastatter to rule on the motion for a new trial that accompanied Quinn's motion for leave. And because Judge Rastatter has now ruled on Quinn's petition for postconviction relief, we deny as moot the requested writ of mandamus as to that petition.

We also grant Quinn's motion for judicial notice. Writ granted in part and denied in part. _____ The Behal Law Group, L.L.C., and John M. Gonzales, for relator. Daniel P. Driscoll, Clark County Prosecuting Attorney, and Louis A. Zambelli III, Assistant Prosecuting Attorney, for respondent. _____ 7