

SUPREME COURT OF OHIO

State ex rel. Fraley v. Ohio Department of Rehabilitation and Correction et al.

State ex rel. Fraley v. Ohio Dept. of Rehab. & Corr., 2020 Ohio 4410 (Ohio 2020) · No. 2019-0834 · Decided September 15, 2020

SUMMARY

The Supreme Court of Ohio granted Charles Fraley a writ of mandamus concerning the Ohio Department of Rehabilitation and Correction's calculation of his prison sentence. The court held that the sentencing entries required the sentences in two cases to run concurrently, including the firearm-specification sentences, and that the department could not independently correct an alleged legal error in the entries. The state's failure to appeal the sentencing entries required the department to execute them as written.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Maureen O'Connor, Chief Justice; Maureen O'Connor; Lynn W. Kennedy; Jennifer Brunner French; Pat DeWine; Patrick F. Fischer; Michael P. Donnelly; Melody J. Stewart
JURISDICTION	Ohio
DECIDED	September 15, 2020
DOCKET	2019-0834
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original mandamus action in the Supreme Court of Ohio seeking to compel the Ohio Department of Rehabilitation and Correction to recalculate and execute the relator's prison sentence according to the sentencing entries.
STANDARD OF REVIEW	A mandamus relator must establish by clear and convincing evidence a clear legal right to relief, a clear legal duty on the respondent's part, and the absence of an adequate remedy in the ordinary course of law.
PRECEDENTIAL VALUE	published
PARTIES	Charles Fraley, relator v. Ohio Department of Rehabilitation and Correction, Annette Chambers-Smith, Director of the Ohio

TOPICS

criminal procedure sentencing remedies statutory interpretation appellate procedure

PRACTICE AREAS

criminal procedure mandamus sentencing appellate procedure

QUESTIONS PRESENTED

1. Whether a declaratory-judgment action was an adequate alternative remedy that precluded mandamus to challenge the Department's interpretation of the sentencing entries.
2. Whether the Department of Rehabilitation and Correction could disregard sentencing entries ordering the sentences in two cases to run concurrently and impose what it viewed as the legally required consecutive firearm-specification terms.
3. Whether the sentencing entries were ambiguous or instead unambiguously required the sentences in the two cases to run concurrently.

HOLDINGS

1. A declaratory-judgment action is not an available remedy for seeking a declaration of the meaning of a sentencing order or challenging the Department's interpretation of a sentencing entry; therefore, it did not preclude mandamus.
2. The Department of Rehabilitation and Correction may not correct a sentencing court's alleged legal error or impose the sentence it believes the court should have imposed; it must execute the sentence imposed by the court.

KEY QUOTATIONS

“A court speaks through its journal entries, State v. Miller, 127 Ohio St.3d 407, 2010-Ohio-5705, 940 N.E.2d 924, ¶ 12, and the entries in Fraley’s cases are not ambiguous: they order his sentences to be served concurrently and do not separately address the sentences for the firearm specifications.” (¶ 17)

“If the entries contained a legal error favoring Fraley, then the state should have appealed the error. But it failed to do so. DRC’s role is not to correct a sentencing court’s errors and impose the sentence it believes the court should have imposed.” (¶ 17)

“To the contrary, DRC is obliged to execute the sentence imposed by the court.” (¶ 17)

FACTUAL BACKGROUND

Fraley was convicted of aggravated murder and aggravated robbery in 1979 and later received parole. After committing new offenses, he pleaded guilty in two cases to aggravated robbery offenses, including firearm specifications. The sentencing entries ordered the sentences in the two cases to run concurrently, but the

Department calculated the two firearm-specification terms as consecutive, producing an aggregate thirteen-year sentence instead of the ten-year sentence reflected by the entries.

PROCEDURAL HISTORY

Fraley filed a mandamus petition after the Department of Rehabilitation and Correction calculated his aggregate sentence as thirteen years rather than ten years. The Supreme Court of Ohio denied the Department's motion to dismiss and issued an alternative writ; following stipulated facts, exhibits, and briefing, the court granted the writ.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Ohio Department of Rehabilitation and Correction must correct its records and recalculate Fraley's sentence to execute the sentence imposed in the trial-court entries.

CASES CITED

- State ex rel. Love v. O'Donnell, 150 Ohio St.3d 378, 2017-Ohio-5659, 81 N.E.3d 1250, ¶ 3
- State ex rel. Manley v. Walsh, 142 Ohio St.3d 384, 2014-Ohio-4563, 31 N.E.3d 608, ¶ 29
- State ex rel. Norris v. Wainwright, 158 Ohio St.3d 20, 2019-Ohio-4138, 139 N.E.3d 867, ¶ 18
- State ex rel. Miller v. Bower, 156 Ohio St.3d 455, 2019-Ohio-1623, 129 N.E.3d 389, ¶¶ 11-13
- State ex rel. Oliver v. Turner, 153 Ohio St.3d 605, 2018-Ohio-2102, 109 N.E.3d 1204, ¶¶ 10, 16
- State v. Moore, 154 Ohio St.3d 94, 2018-Ohio-3237, 111 N.E.3d 1146, ¶ 8
- State ex rel. Thompson v. Kelly, 137 Ohio St.3d 32, 2013-Ohio-2444, 997 N.E.2d 498, ¶ 10
- Young v. Bunting, 3d Dist. Marion Nos. 9-13-46 and 9-13-47, 2014-Ohio-3671, ¶¶ 1-4, 9-10, 14, 17, 19, 25, 38, 40, 44
- State v. Miller, 127 Ohio St.3d 407, 2010-Ohio-5705, 940 N.E.2d 924, ¶ 12
- State v. Grimes, 151 Ohio St.3d 19, 2017-Ohio-2927, 85 N.E.3d 700, ¶ 21
- State v. Harper, State v. Harper, 2020-Ohio-3849