

SUPREME COURT OF OHIO

State ex rel. Sands v. Coulson

State ex rel. Sands v. Coulson (Slip Opinion), 2021 Ohio 671 (Ohio 2021) · No. 2020-0836 · Decided March 11, 2021

SUMMARY

The Ohio Supreme Court held that a prosecutor has no clear legal duty to unilaterally vacate a criminal conviction, and therefore mandamus cannot compel such action. The court affirmed dismissal of a mandamus complaint seeking to require a prosecutor to dismiss convictions based on alleged perjured testimony. The decision underscores that a prosecutor’s duty to ensure a fair trial does not extend to having authority to vacate convictions, and that a relator must establish a clear legal right and duty for mandamus relief.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	O'Connor, C.J.; Kennedy, J.; Fischer, J.; DeWine, J.; Donnelly, J.; Stewart, J.; Brunner, J.
JURISDICTION	Ohio
DECIDED	March 11, 2021
DOCKET	2020-0836
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the dismissal of a complaint for writ of mandamus.
STANDARD OF REVIEW	De novo review of a dismissal under Civ.R. 12(B)(6) for failure to state a claim upon which relief can be granted.
PRECEDENTIAL VALUE	published
PARTIES	Joseph A. Sands v. Charles E. Coulson, Lake County Prosecuting Attorney

TOPICS

- criminal procedure
- prosecutorial misconduct
- standard of review
- appellate procedure
- civil procedure

PRACTICE AREAS

- Mandamus
- Criminal Law

QUESTIONS PRESENTED

1. Whether a prosecutor has a clear legal duty to dismiss a criminal conviction based on alleged perjured testimony.

HOLDINGS

1. A prosecutor has no clear legal duty to perform an action that he has no legal authority to undertake; a prosecutor does not have the authority to unilaterally vacate a conviction.

KEY QUOTATIONS

“Coulson is not under a clear legal duty to perform an action that he has no legal authority to undertake.” (¶ 7)

“Mandamus—Prosecutor has no clear legal duty to perform an action that he has no legal authority to undertake—Court of appeals’ judgment dismissing complaint affirmed.” (Syllabus)

FACTUAL BACKGROUND

In December 2006, Sands was convicted in the Lake County Common Pleas Court of three counts of conspiracy to commit aggravated murder, two counts of conspiracy to commit aggravated arson, and one count of engaging in a pattern of corrupt activity, and was sentenced to 20 years in prison. On March 23, 2020, Sands filed an original action for a writ of mandamus in the Eleventh District Court of Appeals, alleging that his convictions were based on the perjured testimony of the state's key witness and that the prosecutor had a constitutional duty to correct the perjured testimony. Sands sought to compel the prosecutor to dismiss the convictions.

PROCEDURAL HISTORY

Sands filed an original action for a writ of mandamus in the Eleventh District Court of Appeals, seeking to compel the prosecutor to dismiss his convictions. The court of appeals granted the prosecutor's motion to dismiss for failure to state a claim. Sands appealed to the Supreme Court of Ohio.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Waters v. Spaeth, 131 Ohio St.3d 55, 2012-Ohio-69, 960 N.E.2d 452
- State ex rel. Natl. Elec. Contrs. Assn. v. Ohio Bur. of Empl. Servs., 83 Ohio St.3d 179, 181, 699 N.E.2d 64 (1998)
- Alford v. Collins-McGregor Operating Co., 152 Ohio St.3d 303, 2018-Ohio-8, 95 N.E.3d 382
- State v. Iacona, 93 Ohio St.3d 83, 104, 752 N.E.2d 937 (2001)
- State v. Sands, 11th Dist. Lake No. 2007-L-003, 2008-Ohio-6981
- 2020-Ohio-3246

CITED IN

- State ex rel. Sands v. Coulson, State ex rel. Sands v. Coulson, 2021-Ohio-671
- State ex rel. Sands v. Coulson, State ex rel. Sands v. Coulson, 2021-Ohio-671, ¶ 6
- State ex rel. Sands v. Coulson, State ex rel. Sands v. Coulson, 2021-Ohio-671, ¶ 6
- State ex rel. Sands v. Coulson, State ex rel. Sands v. Coulson, 2021-Ohio-671, ¶ 6

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