

SUPREME COURT OF OHIO

State ex rel. Conomy v. Rohrer

2025-Ohio-5296 · No. 2024-1786 · Decided December 2, 2025

SUMMARY

The Supreme Court of Ohio affirmed the dismissal of Christopher P. Conomy's petition seeking writs of mandamus and procedendo against a municipal-court judge, city prosecutor, city attorney, and City of Delaware. The court held that mandamus could not control judicial or prosecutorial discretion, procedendo was unavailable because the judge lacked jurisdiction to modify the dismissed criminal case, and a defamation action provided an adequate remedy for allegedly false prosecutorial statements.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Kennedy, C.J.; Fischer, J.; DeWine, J.; Brunner, J.; Deters, J.; Hawkins, J.; Shanahan, J.
JURISDICTION	Supreme Court of Ohio
DECIDED	December 2, 2025
DOCKET	2024-1786
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Fifth District Court of Appeals' dismissal on a motion for judgment on the pleadings of a petition seeking writs of mandamus and procedendo and damages.
STANDARD OF REVIEW	De novo review applies to a lower court's dismissal under Civ.R. 12(C). Dismissal is proper when there are no material factual disputes and, construing the material allegations as true, the plaintiff cannot prove any set of facts entitling the plaintiff to relief.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio
PARTIES	Christopher P. Conomy v. Kyle Rohrer, Judge, Amelia Bean-DeFlumer, Delaware City Prosecutor, Natalia Harris, Delaware City Attorney, City of Delaware

TOPICS

remedies

criminal procedure

appellate procedure

motion for judgment on the pleadings

civil procedure

PRACTICE AREAS

extraordinary writs

criminal procedure

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether Conomy was entitled to mandamus relief requiring Judge Rohrer to correct the record or amend the dismissal in the aggravated-menacing case.
2. Whether Conomy was entitled to procedendo compelling Judge Rohrer to rule on a postdismissal motion to amend the dismissal entry and impose sanctions.
3. Whether Conomy had an adequate remedy in the ordinary course of law through a defamation action for allegedly false statements made by the prosecutor and whether mandamus could compel the city to withdraw those statements.
4. Whether Conomy could recover damages under R.C. 2731.11 after his mandamus claims were dismissed.
5. Whether Conomy's four post-briefing motions should be granted.

HOLDINGS

1. Conomy was not entitled to mandamus relief because he sought to control the exercise of Judge Rohrer's judicial discretion, and the record-sealing and expungement provisions supplied an adequate remedy in the ordinary course of law.
2. Conomy was not entitled to a writ of procedendo because Judge Rohrer lacked jurisdiction to rule on the motion to amend the dismissal entry after the criminal case had been dismissed.
3. Conomy had an adequate remedy in the ordinary course of law through a defamation action, and the city could not be compelled by mandamus to withdraw filings or statements it lacked legal authority to withdraw.
4. Conomy could not recover damages under R.C. 2731.11 because only a successful mandamus relator may recover damages under that statute.

KEY QUOTATIONS

“Dismissal under Civ.R. 12(C) is appropriate when there are no material disputes of fact and the court determines, construing all material allegations in the complaint as true, that the plaintiff or relator can prove no set of facts that would entitle him or her to relief.” (¶ 22)

“To be entitled to a writ of mandamus, the relator must establish, by clear and convincing evidence, (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.” (¶ 23)

“Neither a writ of mandamus nor a writ of procedendo will issue to control the exercise of judicial discretion, even if that discretion has been abused.” (¶ 24)

FACTUAL BACKGROUND

Judge Kyle Rohrer presided over two Delaware Municipal Court misdemeanor cases against Conomy. In one case, the court found Conomy incompetent and not restorable to competency and dismissed the aggravated-menacing charge; in the other, the prosecutor moved to dismiss without prejudice because Conomy was incompetent, and the court granted the motion. Conomy alleged that information concerning his incompetency and allegedly false statements had harmed him in divorce and child-custody proceedings, and he sought orders requiring correction or withdrawal of the records and statements.

PROCEDURAL HISTORY

Conomy filed a petition in the Fifth District Court of Appeals seeking mandamus and procedendo relief concerning two dismissed misdemeanor cases, allegedly false statements by the prosecutor, and related damages. The Fifth District granted appellees' motion for judgment on the pleadings and dismissed the petition. Conomy appealed to the Supreme Court of Ohio, which conducted de novo review, affirmed the dismissal, and denied his four post-briefing motions.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Peterson v. Licking Cty. Bd. of Elections, 2024-Ohio-646, ¶ 10
- Morgan v. N. Coast Cable Co., 63 Ohio St.3d 156, 159 (1992)
- Dzina v. Celebrezze, 2006-Ohio-1195, ¶ 16
- State ex rel. Nichols v. Cuyahoga Cty. Bd. of Mental Retardation & Dev. Disabilities, 1995-Ohio-215, ¶ 17
- State ex rel. Harris v. Schwendeman, 2025-Ohio-4769, ¶ 10
- State ex rel. Midwest Pride IV v. Pontious, 1996-Ohio-459, ¶ 21
- State ex rel. Martre v. Reed, 2020-Ohio-4777, ¶ 8
- State ex rel. Sawicki v. Lucas Cty. Court of Common Pleas, 2010-Ohio-3299, ¶ 11
- State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis, 2007-Ohio-2205, ¶ 33
- State ex rel. Culgan v. Collier, 2012-Ohio-2916, ¶ 1
- State v. Dye, 2017-Ohio-7823, ¶ 12
- State ex rel. Peterson v. Miday, 2020-Ohio-5515, ¶ 7 (8th Dist.)
- State ex rel. Hummel v. Sadler, 2002-Ohio-3605
- State ex rel. Alff v. Harris, 2015-Ohio-2643 (5th Dist.)
- State ex rel. Douglas v. Burlew, 2005-Ohio-4382, ¶¶ 13-14
- State ex rel. Flynt v. Dinkelacker, 2004-Ohio-1695, ¶ 20
- State ex rel. Cruzado v. Zaleski, 2006-Ohio-5795, ¶¶ 18-19
- State ex rel. White v. Junkin, 1997-Ohio-340, ¶ 15
- State v. Harper, State v. Harper, 2020-Ohio-2913, ¶ 42

- State ex rel. Rohrs v. Germann, 2013-Ohio-2497, ¶ 56 (3d Dist.)
- State ex rel. Sands v. Coulson, State ex rel. Sands v. Coulson, 2021-Ohio-671, ¶ 7
- State ex rel. Shie v. Ohio Adult Parole Auth., 2022-Ohio-270, ¶ 12

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