

[Cite as *State ex rel. Thomas v. Franklin Cty. Court of Common Pleas*, 141 Ohio St.3d 547, 2015-Ohio-474.]

[THE STATE EX REL.] THOMAS, APPELLANT, v. FRANKLIN COUNTY COURT OF  
COMMON PLEAS, APPELLEE.

[Cite as *State ex rel. Thomas v. Franklin Cty. Court of Common Pleas*,  
141 Ohio St.3d 547, 2015-Ohio-474.]

*Mandamus—Adequate remedy at law—Sufficiency of the evidence—Court of  
appeals’ judgment affirmed.*

(No. 2014-0666—Submitted September 9, 2014—Decided February 10, 2015.)

APPEAL from the Court of Appeals for Franklin County, No. 13AP-824.

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**Per Curiam.**

{¶ 1} Appellant, John Alfred Thomas, appeals the decision of the Tenth District Court of Appeals to grant judgment on the pleadings and deny Thomas’s request for a writ of mandamus. We affirm.

{¶ 2} On April 24, 1985, Thomas was convicted of rape. *State v. Thomas*, Franklin C.P. No. 83 CR 000139 (Apr. 24, 1985). The Tenth District Court of Appeals affirmed. *State v. Thomas*, 10th Dist. Franklin No. 85AP-414, 1986 WL 8670 (Aug. 6, 1986).

{¶ 3} On September 23, 2013, Thomas filed a petition in the Tenth District Court of Appeals seeking a writ of mandamus commanding the Franklin County Court of Common Pleas to acquit him of the rape charge. The Tenth District Court of Appeals granted a motion for judgment on the pleadings. 10th Dist. Franklin No. 13AP-824 (March 18, 2014).

{¶ 4} The court of appeals correctly granted judgment on the pleadings. Mandamus will not issue when the relator has an adequate remedy in the ordinary course of law. *State ex rel. Voleck v. Powhatan Point*, 127 Ohio St.3d 299, 2010-Ohio-5679, 939 N.E.2d 819, ¶ 7. Thomas had an adequate remedy by way of direct appeal to challenge the sufficiency of the evidence supporting his

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conviction. *State ex rel. Nickleson v. Mayberry*, 131 Ohio St.3d 416, 2012-Ohio-1300, 965 N.E.2d 1000, ¶ 2.

Judgment affirmed.

O'CONNOR, C.J., and PFEIFER, O'DONNELL, LANZINGER, KENNEDY, FRENCH, and O'NEILL, JJ., concur.

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John Alfred Thomas, pro se.

Ron O'Brien, Franklin County Prosecuting Attorney, and Jesse W. Armstrong, Assistant Prosecuting Attorney, for appellee.

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