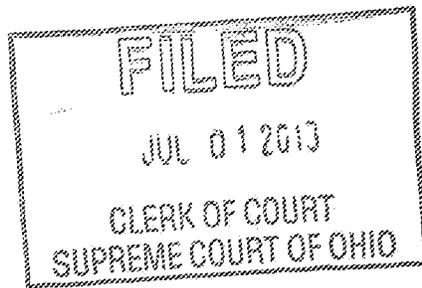


IN THE SUPREME COURT OF OHIO

STATE OF OHIO ex. Rel., :
 ROBERT HARSH, :
 Relator-Appellant, :
 -vs- : Case No. 13-1051
 JUDGE PATRICIA ONEY, : 12th Dist. No. CA2013-05-069
 Respondent-Appellee. :

NOTICE OF APPEAL

Now comes Appellant, Robert Harsh, proceeding in pro se, and respectfully gives notice of his intent to appeal the judgment of the Twelfth District Court of Appeals granting the Respondent's Motion to Dismiss his Petition for Writ of Mandamus/Prohibition, issued on June 19, 2013, to the Supreme Court of Ohio in a Direct Appeal as of right, as this case originated in the Court of Appeals.



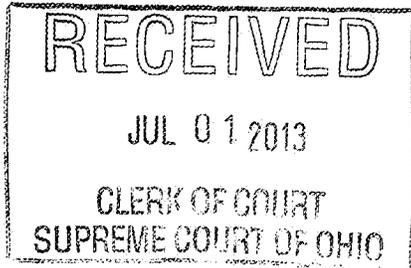
Respectfully submitted,

Robert Harsh
 Robert Harsh, #A547-305
 London Corr. Inst.
 P.O. Box 69
 London, Ohio 43140-0069
 Appellant, in pro se

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was sent to the office of the Butler County Prosecutor, 315 High St., Hamilton, Ohio 45011, via regular U.S. Mail, on this 1st day of July, 2013.

* Clerk Time Stamp Copy Request!



Robert Harsh
 Robert Harsh
 Appellant, in pro se

PWS

IN THE COURT OF APPEALS FOR BUTLER COUNTY, OHIO

FILED BUTLER CO. COURT OF APPEALS

JUN 19 2013

MARY L. SWAIN CLERK OF COURTS

CASE NO. CA2013-05-069

STATE OF OHIO ex rel. ROBERT HARSH,

Relator, : ENTRY GRANTING MOTION TO DISMISS
vs. :
JUDGE PATRICIA ONEY, :
Respondent. :

The above cause is before the court pursuant to a petition for writ of mandamus/prohibition filed by relator, Robert Harsh, on May 3, 2013; a motion to dismiss filed by counsel for respondent, Judge Patricia Oney, on May 13, 2013; and a memorandum in opposition filed by relator on May 24, 2013.

Relator is an inmate currently incarcerated at London Correctional Institution. Respondent is judge of the Butler County Court of Common Pleas.

Relator seeks a writ of mandamus "compelling the respondent to release from false imprisonment on contrary to law judgment entry ***." Relator also seeks a writ of prohibition forcing respondent to "refrain from all future litigation in case sub judice until a legal judgment entry is produced."

Relator's claims regarding his convictions and sentence were addressed by this court in response to a previous petition for writ of mandamus filed by relator on July 15, 2012. *State ex rel. Harsh v. Oney*, Butler App. CA2012-07-134. The petition for writ of mandamus is therefore DENIED on the basis of res judicata.

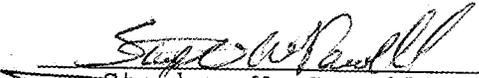
To obtain a writ of prohibition, relator must show that respondent is about to exercise judicial or quasi-judicial power, that the exercise of such power is clearly

unauthorized by law, and that refusal of the writ would result in injury for which there is no adequate remedy in the ordinary course of law. *McAuley v. Smith*, 82 Ohio St.3d 393, 1998-Ohio-402. Even if the remedy of appeal is available, prohibition will issue if there is a complete lack of jurisdiction on the part of the court or tribunal, where a particular dispute is clearly outside its jurisdiction, or where the court proposes to exercise some power it does not have. *State ex rel. Sullivan v. Ramsey*, 124 Ohio St.3d 355, 2010-Ohio-252.

There is no allegation in the petition that respondent is about to exercise judicial or quasi-judicial power in a manner clearly outside of her jurisdiction. Respondent, as judge of the Butler County Court of Common Pleas, had jurisdiction to convict and sentence relator for a fourth degree felony DUI offense. Further, appellant has or had an adequate remedy in the ordinary course of law with respect to his convictions for DUI, driving under suspension, and speeding. The petition for writ of prohibition is therefore without merit.

Based upon the foregoing, the motion to dismiss the petition for mandamus/prohibition is GRANTED. This cause is hereby DISMISSED, with prejudice, costs to relator.

IT IS SO ORDERED.



Stephen W. Powell, Judge



Robert P. Ringland, Judge



Mike Powell, Judge