

rel. Nolan v. Clendenning, 93 Ohio St.264 (1915). In the instant case Relator's Complaint fails to identify either of these qualifying circumstances.

Painesville Municipal Court records indicate the following. On February 5, 2015 the Relator was arraigned in the Painesville Municipal Court on the charge of violating Section 4511.19 of the Ohio Revised Code (OVI). Since Relator refused to submit to a chemical test at the time of his arrest, he was subject to an administrative license suspension (ALS) pursuant to the provisions of Section 4511.191 and 4511.192 of the Ohio Revised Code. The Trial Court did grant Relator temporary driving privileges. On March 11, 2015 Relator filed a Motion to Reinstate whereby he petitioned the Trial Court to reinstate his driver's license. Said Motion was not timely filed in that it was filed outside the thirty (30) day time limit set by statute. Further Relator's Motion failed to allege the necessary facts required to support the setting aside of an ALS suspension. On March 12, 2015 the Trial Court denied Relator's aforementioned Motion. Further, on April 14, 2015 the Court re-issued its order granting Relator temporary driving privileges. Final disposition of the OVI charge against Relator has yet to occur. It appears as though Relator is attempting to improperly utilize a writ of prohibition to appeal the decision of the Municipal Court to deny Relator's Motion for Reinstatement of his driving privileges.

The Painesville Municipal Court has jurisdiction to deny Relator's Motion for Reinstatement of his driver's license. Since the Painesville Municipal Court has jurisdiction to deny said Motion, a writ of prohibition to prohibit the exercise of such jurisdiction is improper.

Further, the Relator has another regular, ordinary, and adequate remedy to accomplish his goal of challenging the Trial Court's decision to deny reinstatement of his

driver's license by eventually challenging the Trial Court's decision at the Court of Appeals. Since said remedy is available to Relator, his attempt to obtain a writ of prohibition in this matter is without legal merit.

For all of the reasons set forth herein, Relator's Complaint for a Writ of Prohibition should be dismissed.



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CERTIFICATE OF SERVICE

A copy of the foregoing Motion to Dismiss Writ of Prohibition was mailed this 1 day of ^{May} ~~April~~, 2015, by regular U.S. Mail, postage prepaid, to John Mark Andrews, 120 Court Street, Painesville, OH 44077.



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