

**THE STATE EX REL. BOYD, APPELLANT, v. WARD, JUDGE, ET AL., APPELLEES.**

[Cite as *State ex rel. Boyd v. Ward*, 132 Ohio St.3d 90, 2012-Ohio-2359.]

*Court of appeals' judgment dismissing complaint for writs of mandamus and procedendo affirmed.*

(No. 2012-0102—Submitted May 23, 2012—Decided May 30, 2012.)

APPEAL from the Court of Appeals for Athens County, No. 11CA21.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals dismissing the complaint of appellant, Jamie Boyd, for writs of mandamus and procedendo to compel appellees, Judge Michael Ward and the Athens County Court of Common Pleas, to resentence him and to take into account his allied offenses of similar import.

{¶ 2} Neither mandamus nor procedendo will issue if the party seeking this extraordinary relief has an adequate remedy in the ordinary course of law. *State ex rel. Jelinek v. Schneider*, 127 Ohio St.3d 332, 2010-Ohio-5986, 939 N.E.2d 847, ¶ 13. Boyd had an adequate remedy by way of appeal to raise his allied-offense and double-jeopardy claims. *State ex rel. Hudson v. Sutula*, 131 Ohio St.3d 177, 2012-Ohio-554, 962 N.E.2d 798, ¶ 1.

{¶ 3} Moreover, Boyd waived his argument concerning the propriety of Judge Ward's representing the court of common pleas in the court of appeals by failing to raise it in the proceedings below. *See State ex rel. Hawthorn v. Russell*, 107 Ohio St.3d 269, 2005-Ohio-6431, 838 N.E.2d 666, ¶ 8.

Judgment affirmed.

O'CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O'DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

SUPREME COURT OF OHIO

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Jamie R. Boyd, pro se.

Michael Ward, for appellees.

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