

STATE OF OHIO, MONROE COUNTY  
IN THE COURT OF APPEALS  
SEVENTH DISTRICT

ROGER FRYMER, JR.,	)	
	)	CASE NO. 03 MO 8
RELATOR,	)	
	)	
- VS -	)	<u>OPINION</u>
	)	<u>AND</u>
JUDGE WILLIAM HARRIS,	)	<u>JOURNAL ENTRY</u>
	)	
RESPONDENT.	)	

CHARACTER OF PROCEEDINGS: Petition for Writ of Mandamus.

JUDGMENT: Petition Dismissed.

APPEARANCES:

For Relator:

Roger Frymer, Jr., Pro Se  
#447-819  
C.C.I.  
P.O. Box 5500  
Chillicothe, Ohio 45601

For Respondent:

Attorney L. Kent Riethmiller  
Prosecuting Attorney  
110 North Main Street  
Woodsfield, Ohio 43793

JUDGES:

Hon. Joseph J. Vukovich  
Hon. Gene Donofrio  
Hon. Cheryl L. Waite

Dated: October 23, 2003

PER CURIAM.

{¶1} On September 25, 2003, pro se Relator, Roger Frymyer, Jr., filed this original action requesting that this court issue a writ of mandamus ordering Respondent, Honorable William Harris, Judge of the Monroe County Court of Common Pleas, to credit him with 23 days of jail time credit.

{¶2} In order for this court to issue a writ of mandamus, a Relator must demonstrate that he has a clear legal right to the relief prayed for, that the Respondent is under a clear legal duty to perform the act Relator requests, and that Relator has no plain and adequate remedy in the ordinary course of law. *State ex rel. Botkins v. Laws* (1994), 69 Ohio St.3d 383; *State ex rel. Westchester v. Bacon* (1980), 61 Ohio St.2d 42, paragraph one of the syllabus. Relator fails to meet the requirements of mandamus.

{¶3} Relator had an adequate remedy by way of direct appeal. “Alleged errors regarding jail time credit are not cognizable in mandamus, but may be raised by way of defendant’s direct appeal of his criminal case.” *State ex rel. Rankin v. Ohio Adult Parole Auth.*, 98 Ohio St.3d 476, 479, 2003-Ohio-2061, at ¶10, citing *State ex rel. Jones v. O’Connor* (1999), 84 Ohio St.3d 426. Therefore, any alleged error in jail time credit should have been addressed through a direct appeal after sentence was imposed.

{¶4} For the foregoing reasons, this petition is dismissed. Costs of this proceeding are taxed against Relator. Final Order. Clerk to serve notice as provided by the Civil Rules.

Waite, P.J., Vukovich and Donofrio, JJ., concur.