

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

May 11, 2020

[Cite as *05/11/2020 Case Announcements*, 2020-Ohio-2899.]

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## MSICELLANEOUS DISMISSALS

### **2020-0581. State ex rel. Stone v. Forsthoefel.**

In Mandamus and Prohibition. Complaint dismissed for failure to state a claim upon which relief can be granted. Cause dismissed.

Donnelly, J., concurs, with an opinion.

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#### **DONNELLY, J., concurring.**

{¶ 1} The goal of the complaint filed by relator, attorney Adam Stone, is to prevent respondent, Ashland County Court of Common Pleas Judge Ronald Forsthoefel, from jeopardizing the health, safety, and rights of Stone and anyone involved in the criminal case against Seth M. Whited by forcing a jury trial, which is not time sensitive, to move forward during the height of a pandemic. The parties do not dispute that as of today, May 11, 2020, the trial has been continued and a new trial date has not yet been set. “In order to be justiciable, a controversy must be ripe for review.” *Keller v. Columbus*, 100 Ohio St.3d 192, 2003-Ohio-5599, 797 N.E.2d 964, ¶ 26. A controversy is not ripe if it is contingent on the occurrence of events that are not certain to take place. *State ex rel. Quinn v. Delaware Cty. Bd. of Elections*, 152 Ohio St.3d 568, 2018-Ohio-966, 99 N.E.3d 362, ¶ 37. Because Whited’s trial is not taking place imminently and because our understanding of the nature of COVID-19—as well as the precautions that are necessary—is still evolving, Stone’s claims are not ripe for review. I would therefore dismiss this cause based solely on the lack of a justiciable claim.

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