

[Cite as *State v. Copeland*, 2018-Ohio-3191.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 106990

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**STATE OF OHIO**

RELATOR

vs.

**ANTHONY COPELAND**

RESPONDENT

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**JUDGMENT:**  
WRITS DENIED

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Writs of Procedendo and Mandamus  
Motion No. 518720  
Order No. 519548

**RELEASE DATE:** August 7, 2018

**FOR RELATOR**

Anthony Copeland, pro se  
Inmate No. 0088677  
Cuyahoga County Jail  
P.O. Box 5600  
Cleveland, Ohio 44101

**ATTORNEYS FOR RESPONDENT**

Michael C. O'Malley  
Cuyahoga County Prosecutor  
By: James E. Moss  
Assistant County Prosecutor  
The Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

PATRICIA ANN BLACKMON, J.:

{¶1} Anthony Copeland has filed a complaint for a writ of procedendo. Copeland seeks an order from this court that requires the Cuyahoga County Court of Common Pleas, in *State v. Copeland*, Cuyahoga C.P. No. CR-86-213510, to rule on a petition for reclassification as a sex offender that was filed on April 5, 2017. Copeland also seeks a writ of mandamus in order to compel the Cuyahoga County Court of Common Pleas to issue a ruling with regard to a “writ of mandamus,” allegedly filed in the Cuyahoga County Court of Common Pleas, that requires “the Ohio Attorney General and the Bureau of Sentencing Computation to provide him with a definitive termination date of his sentence(s).” The Cuyahoga County Prosecutor has filed a motion for summary judgment that is granted for the following reasons.

{¶2} Attached to the motion for summary judgment is a copy of a journal entry, journalized June 20, 2018, that granted Copeland’s motion for reclassification as a sex offender. Relief is unwarranted because procedendo will not compel the performance of a duty that has already been performed. *State ex rel. Williams v. Croce*, Slip Opinion No. 2018-Ohio-2703; *State ex rel. Hopson v. Cuyahoga Cty. Court of Common Pleas*, 135 Ohio St.3d 456, 2013-Ohio-1911, 989 N.E.2d 49. Herein, the request for relief is moot.

{¶3} In addition, no complaint for a writ of mandamus has been filed by Copeland in the Cuyahoga County Court of Common Pleas. To the contrary, Copeland’s request for a writ of mandamus, in order to require the “Ohio Attorney General and the Bureau of Sentencing Computation” to provide definitive release dates from prison, was filed with this court and dismissed for procedural defects on July 10, 2018. *State v. Copeland*, 8th Dist. Cuyahoga No.

107051, 2018-Ohio-2745. Copeland possesses no right to a writ of mandamus in order to compel the Cuyahoga County Court of Common Pleas to issue a ruling with regard to a complaint for a writ of mandamus. *State ex rel. Fontanella v. Kontos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220.

{¶4} Finally, Copeland’s complaint is procedurally defective because he has failed to comply with R.C. 2969.25(A) and 2969.25(C). Pursuant to R.C. 2969.25(A), an inmate that commences a civil action against a government entity or employee must file a sworn affidavit that contains a description of each civil action or appeal of a civil action filed in the previous five years in any state or federal court. *State ex rel. McGrath v. McDonnell*, 126 Ohio St.3d 511, 2010-Ohio-4726, 935 N.E.2d 830. R.C. 2969.25(C)(1) requires that Copeland file a statement setting forth his inmate account balance “for each of the preceding six months as certified by the institutional cashier.” Copeland has failed to provide this court with a notarized affidavit that describes previously filed civil actions and a certified statement setting forth the balance in his inmate account. *Freed v. Bova*, 8th Dist. Cuyahoga No. 99908, 2013-Ohio-4378; *Turner v. Russo*, 8th Dist. Cuyahoga No. 87852, 2006-Ohio-4490.

{¶5} Finally, Copeland has also failed to comply with Civ.R. 10(A), which requires that the complaint must include the addresses of all parties. *Bandy v. Villanueva*, 8th Dist. Cuyahoga No. 96866, 2011-Ohio-4831.

{¶6} Accordingly, we grant the motion for summary judgment. Costs waived. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{¶7} Writs denied.

PATRICIA ANN BLACKMON, JUDGE

EILEEN A. GALLAGHER, A.J., and  
ANITA LASTER MAYS, J., CONCUR