

COURT OF APPEALS OF OHIO
EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

STATE OF OHIO EX REL.
MARIO EDMONDS,

:

Relator,

:

No. 109333

v.

:

CITY OF CLEVELAND MUNICIPAL
CLERK OF COURTS,

:

Respondent.

:

JOURNAL ENTRY AND OPINION

JUDGMENT: WRIT DENIED
DATED: April 17, 2020

Writ of Mandamus
Motion No. 536523
Order No. 537782

Appearances:

Mario Edmonds, *pro se*.

Barbara A. Langhenry, Cleveland Director of Law, and
Amy K. Habinski, Assistant Director of Law, *for*
respondent.

MARY EILEEN KILBANE, P.J.:

{¶ 1} Mario Edmonds has filed a complaint for a writ of mandamus. Edmonds seeks an order from this court that compels the city of Cleveland

Municipal Clerk of Court (“Clerk”) to provide him with a copy of the criminal complaint filed in *Cleveland v. Edmonds*, Cleveland M.C. No. 2015-CRA-001312. The Clerk has filed a Civ.R. 12(C) motion for judgment of the pleadings that is granted for the following reasons.

{¶ 2} Attached to the motion for judgment on the pleadings is a copy of the criminal complaint, filed in Cleveland M.C. No. 2015-CRA-001312, which was mailed to Edmonds on February 27, 2020. Relief is unwarranted because mandamus will not compel the performance of a duty that has already been performed. *State ex rel. Williams v. Croce*, 153 Ohio St.3d 348, 2018-Ohio-2703, 106 N.E.3d 55; *State ex rel. Hopson v. Cuyahoga Cty. Court of Common Pleas*, 135 Ohio St.3d 456, 2013-Ohio-1911, 989 N.E.2d 49; *State ex rel. Fontanella v. Kontos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220.

{¶ 3} In addition, Edmonds relied upon R.C. 149.43, the Ohio Public Records Act, in his attempt to obtain the requested record. However, R.C. 149.43 is not applicable to Edmonds’s request for a copy of the complaint filed in Cleveland M.C. No. 2015-CRA-001312. The Supreme Court of Ohio has held that:

However, the Public Records Act is inapplicable to this case. ‘Sup.R. 44 through 47 deal specifically with the procedures regulating public access to court records and are the *sole* vehicle for obtaining records in actions commenced after July 1, 2009.’ *State ex rel. Richfield v. Laria*, 138 Ohio St.3d 168, 2014-Ohio-243, 4 N.E.3d 1040, ¶ 8. Because the Public Records Act is inapplicable to his request for court records, [relator] must seek relief under the Rules of Superintendence.

{¶ 4} *State ex rel. Harris v. Pureval*, 155 Ohio St.3d 343, 2018-Ohio-4718, 121 N.E.3d 337, ¶ 10. Edmonds has not sought relief pursuant to the Ohio Rules of Superintendence, nor has he indicated that he is entitled to the requested record pursuant to the Ohio Rules of Superintendence.

{¶ 5} Finally, even if the request for the record was properly made under the Ohio Public Records Act, R.C. 149.43(B)(8) would prevent Edmonds from obtaining the record because no leave of court was obtained from the trial court that sentenced Edmonds to a period of incarceration in *State v. Edmonds*, Cuyahoga C.P. No. CR-15-596373. The Supreme Court of Ohio, in *State ex rel. Ellis v. Cleveland Police Forensic Laboratory*, 157 Ohio St.3d 483, 2019-Ohio-4201, 137 N.E.3d 1171, confirmed the applicability of R.C. 149.43(B) to any inmate that requests a public record. Thus, even if Edmonds properly invoked R.C. 149.43 to obtain the requested record, his complaint for a writ of mandamus would fail because he did not seek leave from the trial court to obtain the requested record. *State ex rel. Ellis v. Cleveland Police Forensic Laboratory*, 8th Dist. Cuyahoga No. 107571, 2019-Ohio-710; *State ex rel. Rittner v. Barber*, 6th Dist. Fulton No. F-05-020, 2006-Ohio-592.

{¶ 6} Accordingly, we grant the Clerk's motion for judgment on the pleadings. Costs to Edmonds; 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} Writ denied.

MARY EILEEN KILBANE, PRESIDING JUDGE

PATRICIA ANN BLACKMON, J., and
ANITA LASTER MAYS, J., CONCUR