

IN THE COURT OF APPEALS OF OHIO  
SIXTH APPELLATE DISTRICT  
ERIE COUNTY

In re M.W.

Court of Appeals No. E-20-001

**DECISION AND JUDGMENT**

Decided: January 17, 2020

\* \* \* \* \*

Danielle C. Kulik, for relator.

\* \* \* \* \*

**ZMUDA, P.J.**

{¶ 1} This matter is before the court upon relator's, I.J., filing of an application for writ of mandamus on January 7, 2020, in which she asserts that she is a victim entitled to certain protections under Article I, Section 10a of the Ohio Constitution, commonly referred to as Marsy's Law, and seeks an order from this court requiring the Erie County Court of Common Pleas, Juvenile Division, to provide her notice and an opportunity to

be heard, and to consider her statements prior to granting a dismissal of the underlying matter. I.J. also requests that we order “a duly authorized prosecutor to prosecute the case.”

{¶ 2} Under Civ.R. 10(A), a complaint “shall include the names and addresses of all the parties.” The “Erie County Juvenile Court” is identified in the body of I.J.’s application, but the caption does not identify an individual respondent, nor does it include an address for I.J. or the respondent. “The failure to properly caption an original action is sufficient grounds for denying the writ and dismissing the petition.” *State ex rel. Williams*, 6th Dist. Lucas No. L-04-1300, 2004-Ohio-5893, ¶ 4, citing *Chisum v. Accused*, 8th Dist. Cuyahoga No. 82798, 2003-Ohio-2876, ¶ 8 and *State ex rel. Sherrills v. State*, 91 Ohio St.3d 133, 742 N.E.2d 651 (2001).

{¶ 3} Because I.J. failed to identify an individual respondent or provide an address for the parties, her application for a writ of mandamus is hereby dismissed, and I.J. is ordered to pay the costs of this action.

{¶ 4} It is so ordered.

{¶ 5} The clerk is directed to serve upon all parties, within three days, a copy of this decision in a manner prescribed by Civ.R. 5(B).

Writ denied.

Mark L. Pietrykowski, J.

\_\_\_\_\_  
JUDGE

Arlene Singer, J.

\_\_\_\_\_  
JUDGE

Gene A. Zmuda, P.J.  
CONCUR.

\_\_\_\_\_  
JUDGE

<p>This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: <a href="http://www.supremecourt.ohio.gov/ROD/docs/">http://www.supremecourt.ohio.gov/ROD/docs/</a>.</p>
---