

[THE STATE EX REL.] THOMSON, APPELLANT, v. DONEGHY, JUDGE, ET AL.,
APPELLEES.

[Cite as *State ex rel. Thomson v. Doneghy*, 1997-Ohio-125.]

Public records—Production of records renders moot action for mandamus to compel such production.

(No. 97-999—Submitted September 9, 1997—Decided November 5, 1997.)

APPEAL from the Court of Appeals for Lucas County, No. L-97-1079.

{¶ 1} In March 1997, appellant, Michael E. Thomson, filed a complaint for a writ of mandamus to compel appellees, Lucas County Common Pleas Court Judge Charles Doneghy and Lucas County Clerk of Courts Harry Barlos, to provide him copies of (1) the February 1997 findings of fact and conclusions of law issued by Judge Doneghy dismissing his petition for postconviction relief, and (2) the last three pages of his criminal appearance docket. Thomson alleged that he had previously requested the findings of fact and conclusions of law pursuant to R.C. 149.43. Appellees filed a motion to dismiss, attaching the requested documents, which indicated that they had previously been sent to Thomson. The court of appeals dismissed Thomson's complaint based on mootness.

{¶ 2} This cause is now before the court upon an appeal as of right.

Michael E. Thomson, pro se.

Damian M. P. Rodgers, Lucas County Assistant Prosecuting Attorney, for appellees.

Per Curiam.

SUPREME COURT OF OHIO

{¶ 3} We affirm the judgment of the court of appeals for the reasons stated in its opinion. *State ex rel. Pennington v. Gundler* (1996), 75 Ohio St.3d 171, 661 N.E.2d 1049 (respondent's production of records renders moot claim for mandamus to compel such production). Further, Thomson had an adequate remedy to contend that he was entitled to an additional thirty days to perfect his appeal from Judge Doneghy's judgment by his pending appeal from that judgment. Cf. *Atkinson v. Grumman Ohio Corp.* (1988), 37 Ohio St.3d 80, 523 N.E.2d 851.

Judgment affirmed.

MOYER, C.J., DOUGLAS, F.E. SWEENEY, PFEIFER, COOK and LUNDBERG
STRATTON, JJ., concur.

RESNICK, J., not participating.
