

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

State of Ohio, ex rel.
Christopher Y. Reeves

Court of Appeals No. E-14-108

Relator

v.

Chief of Police, Cedar Point
Police Department

DECISION AND JUDGMENT

Respondent

Decided: September 25, 2014

* * * * *

Christopher Y. Reeves, pro se.

* * * * *

PIETRYKOWSKI, J.

{¶ 1} This matter is before the court on the petition for a writ of mandamus filed by pro se relator, Christopher Y. Reeves. Reeves seeks an order from this court commanding respondent, the Chief of Police of the Cedar Point Police Department, to

comply with Reeves' public records request to provide him with all reports taken on July 5, 2014.

{¶ 2} Pursuant to 6th Dist.Loc.App.R. 7(A), a complaint in mandamus may not be accepted for filing in this court unless it is accompanied by a \$100 security deposit. "If the party bringing the action * * * files with the clerk his sworn affidavit of inability to secure costs by such prepayment, the clerk shall file the complaint and subpoena the witnesses without the deposits." *Id.* Reeves has attached to his petition a purported affidavit of indigency in which he claims he does not have the funds to pay for the filing of this action. R.C. 2319.02 defines an affidavit as "a written declaration under oath, made without notice to the adverse party." The document filed by Reeves was not notarized. In a similar case before the Supreme Court of Ohio, the court determined that if a "relator's statement is not notarized, it does not meet the requirements of an affidavit of indigency and therefore is not sufficient for waiver of the docket fees" in the case. *Rudd v. Graham*, 74 Ohio St.3d 1506, 1506, 659 N.E.2d 797 (1996). *See also State ex rel. Bristow*, 6th Dist. Lucas No. L-12-1319, 2013-Ohio-5185.

{¶ 3} In addition, relator is incarcerated at the Federal Correctional Complex in Coleman, Florida. 6th Dist.Loc.App.R. 7(A) further provides:

[I]f the affidavit [of inability to secure costs] is filed by an inmate of a state institution it shall be accompanied, as an exhibit thereto, by a certificate of the superintendent or other appropriate officer of the institution stating the amount of funds, if any, which the inmate has on

deposit with the institution available to the inmate to secure costs. If the certificate demonstrates that the inmate has sufficient funds available to him to secure costs the clerk shall not file the complaint until the costs are secured.

Reeves' purported affidavit is not accompanied by a certificate of the appropriate officer of the state institution in which he is incarcerated to verify his lack of sufficient funds.

{¶ 4} Because relator has not deposited a filing fee or filed a proper affidavit of indigency sufficient to waive the fee, this writ is hereby dismissed at relator's costs. The clerk is directed to serve upon the 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

Thomas J. Osowik, J.

JUDGE

Stephen A. Yarbrough, 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: http://www.sconet.state.oh.us/rod/newpdf/?source=6.</p>
