

[Cite as *Johnson v. State*, 2001-Ohio-4177.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 79727

LAWRENCE JOHNSON	:	ORIGINAL ACTION
	:	
Relator	:	JOURNAL ENTRY
	:	AND
vs.	:	OPINION
	:	
STATE OF OHIO, ET AL.	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: AUGUST 9, 2001

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Dismissed.  
Motion No. 28908

APPEARANCES:

For Relator: LAWRENCE JOHNSON, *pro se*  
Inmate No. 186-944  
Southern Ohio Correctional Inst.  
P.O. Box 45699  
Lucasville, Ohio 45699-0001

For Respondent: WILLIAM D. MASON, ESQ.  
Cuyahoga County Prosecutor  
BY: LISA REITZ WILLIAMSON  
Assistant Prosecuting Attorney  
The Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

**[Cite as *Johnson v. State*, 2001-Ohio-4177.]**  
CELEBREZZE, J.

Relator, Lawrence Johnson, has filed a complaint for a writ of mandamus and has named the "State of Ohio" as respondent. The named respondent, through the office of the Cuyahoga County Prosecutor, has filed a motion to dismiss which we grant for the following reasons.

Initially, we find that the complaint for a writ of mandamus is defective since the relator has failed to identify a particular individual or public office which possesses a specific duty as owed to the relator. *State ex rel. Sherrills v. State of Ohio* (Aug. 3, 2000), Cuyahoga County App. No. 78261, unreported. The failure of the relator to properly identify a respondent renders the complaint fatally defective and thus subject to dismissal. *State ex rel. Lesko v. Cuyahoga County Court of Common Pleas* (Apr. 15, 1999), Cuyahoga App. No. 76165, unreported.

In addition, the relator has failed to comply with R.C. 2969.25 which mandates that he attach an affidavit to his complaint that describes each civil action or appeal of a civil action filed in the previous five years. The failure to provide such an affidavit constitutes sufficient grounds for dismissal of the relator's complaint for a writ of mandamus. *State ex rel. Zanders v. Ohio Parole Board* (1998), 82 Ohio St.3d 421, 696 N.E.2d 594; *State ex rel. Alford v. Winters* (1997), 80 Ohio St.3d 285, 685 N.E.2d 1242.

Finally, the relator has failed to comply with Loc.App.R. 45(B)(1) which provides that all complaints must contain the specific statements of fact upon which the claim of illegality is based and must be supported by an affidavit from the plaintiff or relator specifying the details of the claim. *State ex rel. Wilson v. Calabrese* (Jan. 18, 1996), Cuyahoga App. No. 70077, unreported; *State ex rel. Smith v. McMonagle* (Jul 17, 1996), Cuyahoga App. No. 70899, unreported.

Accordingly, we grant the motion to dismiss. Costs to relator. It is further ordered that the Clerk shall serve upon all parties notice of this judgment and date of entry pursuant to Civ.R. 58(B).

Writ dismissed.

JAMES D. SWEENEY, P.J., AND

ANN DYKE, J.,                      CONCUR.

FRANK D. CELEBREZZE, JR.  
JUDGE