

[Cite as *State v. Pursley*, 2003-Ohio-3265.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 82748

STATE OF OHIO,	:	ORIGINAL ACTION
Respondent	:	JOURNAL ENTRY
vs.	:	AND
ROBERT PURSLEY,	:	OPINION
Relator	:	
	:	
DATE OF JOURNALIZATION	:	JUNE 19, 2003
CHARACTER OF PROCEEDING	:	WRIT OF MANDAMUS
JUDGMENT	:	DISMISSED

APPEARANCES:

For Relator:

ROBERT PURSLEY  
Inmate No. 432-813  
North Coast Correctional  
Treatment Facility  
2000 S. Avon Belden Road  
Grafton, Ohio 44044

For Respondent:

L. CHRISTOPHER FREY  
Assistant County Prosecutor  
Justice Center - 8<sup>th</sup> Floor  
1200 Ontario Street  
Cleveland, Ohio 44113

ANNE L. KILBANE, J.:

{¶1} Robert D. Pursley has filed a complaint for a writ of mandamus to obtain an order from this court which requires Judge Christopher A. Boyko to correct the amount of jail time credit in the underlying action of *State v. Pursley*, Cuyahoga County Court of Common Pleas Case No. CR-400385. The judge moved to dismiss. We grant the motion to dismiss.

{¶2} This court will not issue an extraordinary writ in order to correct any alleged error in the calculation of jail time credit. Such error must be addressed through an appeal.<sup>1</sup>

{¶3} In addition, we find that Pursley's complaint for a writ of mandamus is defective since it is improperly captioned. The petition must be brought in the name of the state, on relation of the person applying, and the failure to properly caption warrants dismissal.<sup>2</sup>

{¶4} Pursley has also failed to support his complaint with an affidavit "specifying the details of the claim" as required by Loc. App.R. 45(B)(1)(a).<sup>3</sup> Finally, he has failed to

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<sup>1</sup>*State ex rel. Britton v. Judge Foley-Jones* (March 5, 1998), Cuyahoga App. No. 73646; *State ex rel. Spates v. Judge Sweeney* (April 17, 1997), Cuyahoga App. No. 71986.

<sup>2</sup>*Allen v. Court of Common Pleas of Allen Cty.* (1962), 173 Ohio St. 226, 181 N.E.2d 270; *Dunning v. Judge Cleary, et al* (Jan. 11, 2001), Cuyahoga App. No. 78763.

<sup>3</sup>*State ex rel. Wilson v. Calabrese* (Jan. 18, 1996), Cuyahoga

comply with R.C. 2969.25 which requires an affidavit that describes each civil action or appeal filed by him within the previous five years in any state or federal court. This failure to comply with R.C. 2969.25 warrants the dismissal of his complaint for a writ of mandamus.<sup>4</sup>

{¶5} Accordingly, we grant Judge Boyko's motion to dismiss the complaint for a writ of mandamus. Costs to Pursley. It is further ordered that the Clerk of the Eighth District Court of Appeals serve upon all parties notice of this judgment and the date of its entry as mandated by Civ.R. 58(B).

Dismissed.

PATRICIA A. BLACKMON, P.J., And

JAMES J. SWEENEY, J., Concur

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ANNE L. KILBANE

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App. No. 70077; *State ex rel. Smith v. McMonagle* (July 17, 1996), Cuyahoga App. No. 70899.

<sup>4</sup>*State ex rel. Zanders v. Ohio Parole Board*, 82 Ohio St.3d 421, [1998-Ohio-218](#), 696 N.E.2d 594; *Alford v. Winters*, 80 Ohio St.3d 285, [1997-Ohio-117](#), 685 N.E.2d 1242.