

[Cite as *State ex rel. Larkins v. Norton*, 2011-Ohio-2155.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 95806**

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**S/O EX REL., RONALD LARKINS**

RELATOR

vs.

**GARY NORTON, MAYOR**

RESPONDENT

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**JUDGMENT:  
WRIT DISMISSED**

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Writ of Mandamus  
Order No. 443729

**RELEASE DATE:** May 3, 2011

## **FOR RELATOR**

Ronald Larkins  
12809 South Parkway Drive  
East Cleveland, Ohio 44105

## **ATTORNEY FOR RESPONDENT**

Ronald K. Riley  
Director of Law  
City of East Cleveland  
14340 Euclid Avenue  
East Cleveland, Ohio 44112

MARY EILEEN KILBANE, A.J.:

{¶ 1} In this public records mandamus action, the relator, Ronald Larkins, sought the production of unredacted copies of all police reports, files, and amended reports regarding the April 1, 1989 rape and kidnapping of Karle Ballard by Archie Gray, from the respondent, Gary Norton, the Mayor and Public Safety Director of the City of East Cleveland. On February 9, 2011, this court issued an alternative writ of mandamus ordering the respondent to produce the requested records forthwith or show cause why the records should not be

produced. This court further ordered the respondent to file a list of all records produced and a list of all records refused or redacted with the corresponding reasons. This court then ordered Larkins to file a response by March 14, 2011.

{¶ 2} On February 17, 2011, the respondent filed his response to the alternative writ. Attached were unredacted copies of eight pages of police reports responding to Larkins's request. The respondent listed no refusals or redactions. Larkins never filed a response or disputed the completeness of the disclosure. Accordingly, this court rules that the respondent has fulfilled Larkins's public records request, and this public records mandamus action is now moot.

{¶ 3} The court declines to award statutory damages pursuant to R.C. 149.43 (C)(1) because Larkins did not specifically ask for them in his complaint or in any other filing. *State ex rel. Miller v. Brady*, 123 Ohio St.3d 255, 2009-Ohio-2942, 915 N.E.2d 1183.

{¶ 4} Accordingly, this court dismisses this mandamus action as moot. Respondent to pay costs. The court directs the Clerk for the Eighth District Court of Appeals to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

Writ dismissed.

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MARY EILEEN KILBANE, ADMINISTRATIVE JUDGE

SEAN C. GALLAGHER, J., and  
MELODY J. STEWART, J., CONCUR