[Cite as *State ex rel. Anderson v. Schultz*, 2026-Ohio-4540.]

# IN THE COURT OF APPEALS OF OHIO
# ELEVENTH APPELLATE DISTRICT
# LAKE COUNTY

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| STATE OF OHIO ex rel. TERRY A. ANDERSON,<br><br>Relator,<br><br>- vs -<br><br>CHIEF JAMES SCHULTZ, WILLOUGHBY POLICE DEPARTMENT,<br><br>Respondent. | **CASE NO. 2026-L-0042**<br><br>Original Action for Writ of Mandamus |

## PER CURIAM OPINION AND JUDGMENT ENTRY

Decided: November 16, 2026
Judgment: Petition dismissed

*Terry A. Anderson,* pro se, PID# A804-372, Belmont Correctional Institution, 68518 Bannock Road, P.O. Box 540, St. Clairsville, OH 43950 (Relator).

*Michael C. Lucas*, City of Willoughby Law Director, 1 Public Square, Willoughby, OH 44094 (Respondent).

PER CURIAM.

**{¶1}** Relator, Terry A. Anderson ("Anderson"),[1] filed an original action seeking a writ of mandamus on April 20, 2026. Anderson has filed his complaint against respondent, Chief James Schultz of the Willoughby Police Department ("Chief Schultz"). Anderson's

1. Anderson is currently incarcerated resulting from his convictions for one count of complicity to aggravated burglary, one count of complicity to trespass in a habitation, one count of complicity to petty theft, and two counts of complicity to burglary. Anderson previously appealed to this court, and we affirmed his convictions and sentence. *State v. Anderson*, 2024-Ohio-2505 (11th Dist.), *motion for delayed appeal granted*, 2024-Ohio-5104, and *appeal not accepted*, 2025-Ohio-231.

complaint seeks records in relation to Lake County Court of Common Pleas Case No. 23 CR 001083.[2]

**{¶2}** This court issued an alternative writ on May 4, 2026 directing Chief Schultz to file an answer, motion to dismiss, summary judgment motion, or any other dispositive motion in response to Anderson's complaint within 20 days. This court further instructed Anderson to file a response, if any, within 20 days of Chief Schultz's filing. On May 26, 2026, Chief Schultz filed a motion for summary judgment stating that the face of Anderson's complaint acknowledges that Chief Schultz has already provided the requested materials, and the complaint is therefore moot. Anderson has not filed a response.

**{¶3}** "Mandamus is a writ, issued in the name of the state to an inferior tribunal, a corporation, board, or person, commanding the performance of an act which the law specially enjoins as a duty resulting from an office, trust, or station." R.C. 2731.01. To be entitled to a writ of mandamus, the relator must establish "(1) a clear legal right to the requested relief, (2) a clear legal duty on the part of [the respondent] to provide it, and (3) the lack of an adequate remedy in the ordinary course of the law." *State ex rel. Patterson v. Starn*, Slip Opinion No. 2026-Ohio-627, ¶ 11, citing *State ex. rel. Husted v. Brunner*, 2009-Ohio-4805, ¶ 11. "A court can dismiss a mandamus action under Civ.R. 12(B)(6) for failure to state a claim upon which relief can be granted if, after all factual allegations of the complaint are presumed true and all reasonable inferences are made in the relator's favor, it appears beyond doubt that he can prove no set of facts entitling him to the

2. Chief Schultz notes that Anderson is not associated with this case number in any way.

requested writ of mandamus." *State ex rel. Russell v. Thornton*, 2006-Ohio-5858, ¶ 9, citing *State ex rel. Talwar v. State Med. Bd. of Ohio,* 2004-Ohio-6410, ¶ 5.

**{¶4}** Upon consideration, we dismiss Anderson's petition, sua sponte, as he cannot demonstrate that Chief Schultz has a clear legal duty to provide the requested relief due to Anderson's lack of compliance with R.C. 149.43(B)(8). The statute provides:

> A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction . . . to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution . . . unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section *and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.*

(Emphasis added.) R.C. 149.43(B)(8).

**{¶5}** Where an inmate fails to seek or obtain the judicial finding as required by R.C. 149.43(B)(8), a public records custodian has "no clear legal duty to produce the records identified in the . . . [public records] request." *State ex rel. Ellis v. Cleveland Police Forensic Laboratory,* 2019-Ohio-4201, ¶ 12. The effect of the statute is a "heightened requirement[] for *inmates* seeking public records." (Emphasis in original.) *Thornton* at ¶ 14. "The General Assembly clearly evidenced a public-policy decision to restrict a convicted inmate's unlimited access to public records in order to conserve law enforcement resources." *Id*.

**{¶6}** Here, there is no question Anderson's complaint involves a records request for matters concerning a criminal investigation or prosecution.[3] As the records requested concern a criminal investigation or prosecution and Anderson is incarcerated, Chief Schultz has "no clear legal duty to produce the records" Anderson is requesting without a judicial finding from the sentencing judge that the records are necessary to support a justiciable claim. *Ellis* at ¶ 12; R.C. 149.43(B)(8).

**{¶7}** Anderson has not obtained such a finding.[4] Accordingly, even after drawing all reasonable inferences in favor of Anderson, there are no set of facts by which Anderson could be entitled to mandamus as he cannot demonstrate "a clear legal duty on the part of [the respondent]" to provide the requested relief. *Thornton*, 2006-Ohio-5858, at ¶ 9, citing *Talwar*, 2004-Ohio-6410, at ¶ 5. Dismissal pursuant to Civ.R. 12(B)(6), sua sponte, is therefore appropriate. *Id*.

**{¶8}** Based on the foregoing, the petition is dismissed, and Chief Schultz's motion for summary judgment is denied as moot.

EUGENE A. LUCCI, J., ROBERT J. PATTON, J., SCOTT LYNCH, J., concur.

3. Anderson's request includes, but is not limited to video interviews, police statements, prosecution files, 911 calls, forensic reports, and "reports, emails, notes, logs, chain of custody records by all officers/detective(s) involved for any and all evidence" in respect to Lake County Court of Common Pleas Case No. 23 CR 001083.

4. Anderson attempted to obtain the requisite judicial finding in the trial court. However, the trial court denied the motion. Anderson appealed the trial court's decision to this court, and the matter is currently pending before us as Case No. 2026-L-0030.

## JUDGMENT ENTRY

For the reasons stated in the Per Curiam Opinion of this court, the petition for writ of mandamus is dismissed in its entirety. All pending motions are denied as moot.

Costs to be taxed against relator.

JUDGE EUGENE A. LUCCI,
concurs

JUDGE ROBERT J. PATTON,
concurs

JUDGE SCOTT LYNCH,
concurs

**THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY**

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.