

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

State of Ohio, ex rel. Ronald Luff

Court of Appeals No. L-10-1270

Relator

v.

Lucas County Court of Common Pleas,
et al. and Bernie Quilter, Clerk of Courts

DECISION AND JUDGMENT

Respondents

Decided: November 15, 2010

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Ronald Luff, pro se.

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OSOWIK, P.J.

{¶ 1} On September 23, 2010, relator, Ronald Luff, filed several documents in this court. Those documents are titled, respectively: "PETITION FOR WRIT OF MANDAMUS"; "MEMORANDUM IN SUPPORT"; "AFFIDAVIT IN SUPPORT OF MOTION"; "AFFIDAVIT PURSUANT TO O.R.C. §2969.25"; and "REQUEST SERVICE." In his petition, relator asks this court to order the Lucas County Court of

Common Pleas and its Clerk of Courts, Bernie Quilter, to provide him with copies of the "Indictment," "Bill of Particulars/Information," and "Judgment Entry for Each Offense" in criminal case No. "90-7432." In his memorandum in support, relator states that he is entitled to the requested documents pursuant to Ohio's Freedom of Information Act, R.C. 149.43(C)(1).

{¶ 2} "A writ of mandamus is an order, in this case to a public officer, to perform an act which the law specifically enjoins as a duty resulting from his office. R.C. 2731.01. In order to grant a writ of mandamus, a court must find that the relator has a clear legal right to the relief prayed for, that the respondent is under a clear legal duty to perform the requested act, and that the relator has no plain and adequate remedy at law." *State ex rel. Hodges v. Taft* (1992), 64 Ohio St.3d 1, 3, citing *State ex rel. Harris v. Rhodes* (1978), 54 Ohio St.2d 41.

{¶ 3} In *State ex rel. Steckman v. Jackson* (1994), 70 Ohio St.3d 420, the Ohio Supreme Court held that, "[i]n a pending criminal case, persons seeking to secure records alleged to be 'public records,' access to which has been requested and denied, must, in accordance with R.C. 149.43(C), use mandamus." *Id.*, paragraph one of the syllabus. R.C. 149.43(C)(1) states, in relevant part, that, "[i]f a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division

(B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section * * *."

{¶ 4} R.C. 149.43(B)(8) states that:

{¶ 5} "A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, 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."

{¶ 6} Relator has not attached any documentation to his petition to demonstrate compliance with R.C. 149.43(B)(8). Accordingly, relator has not shown that he has a clear legal right to the requested relief.

{¶ 7} Petition for mandamus is dismissed. Costs are assessed to relator.

{¶ 8} The Clerk of the Sixth District Court of Appeals is hereby directed to serve notice of this judgment and its date of entry upon the journal on all parties not in default for failure to appear, as required by Civ.R. 58(B).

WRIT DENIED.

Peter M. Handwork, J.

JUDGE

Arlene Singer, J.

JUDGE

Thomas J. Osowik, P.J.
CONCUR.

JUDGE

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>.