

# **Bond Case Briefs**

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## **PUBLIC RECORDS - OHIO**

### **State ex rel. Caster v. Columbus**

**Supreme Court of Ohio - December 28, 2016 - N.E.3d - 2016 WL 7448756 - 2016 -Ohio-8394**

Attorney who was involved in innocence project petitioned for writ of mandamus to compel city to comply with public records request for law enforcement records concerning convicted defendant whose direct appeals ended more than four years earlier.

The Supreme Court of Ohio held that:

- Specific investigatory work-product exception to disclosure does not extend beyond completion of trial for which the information was gathered, overruling *State ex rel. Steckman v. Jackson*, 70 Ohio St.3d 420, 639 N.E.2d 83, and *State ex rel. WLWT-TV5 v. Leis*, 77 Ohio St.3d 357, 673 N.E.2d 1365;
- City and police chief should have produced records; and
- Attorney was entitled to attorney fees.

Specific investigatory work-product exception to disclosure under Public Records Act (PRA) does not extend beyond completion of trial for which the information was gathered; overruling *State ex rel. Steckman v. Jackson*, 70 Ohio St.3d 420, 639 N.E.2d 83, and *State ex rel. WLWT-TV5 v. Leis*, 77 Ohio St.3d 357, 673 N.E.2d 1365.

City and police chief should have produced to attorney, who was involved in innocence project, all records that were withheld based on claim that the records constituted specific investigatory work product, where criminal defendant's original trial had long been completed.

Attorney's public records request was sufficiently different from prior requests denied by police chief to constitute new request, and, thus, award of attorney fees was mandatory for failure of chief to respond to request for records concerning criminal defendant under consideration for innocence project. Attorney's letter was responsive to chief's earlier refusals, pointed out deficiencies in the prior responses, and added information that criminal case was complete, direct appeal process had concluded, and there were no pending collateral attacks.