

IN THE SUPREME COURT OF OHIO

09-1335

Kirk D. Turns
608 East Jenkins Ave
Columbus, Ohio 43207

RELATOR,

V.

Judge Daniel T. Hogan – Franklin County Common Pleas Court
369 South High Street
Columbus, Ohio 43215

Thomas K. Cheney – Court Stenographer, Franklin County Common Pleas Court
369 South High Street.
Columbus, Ohio 43215

RESPONDENTS

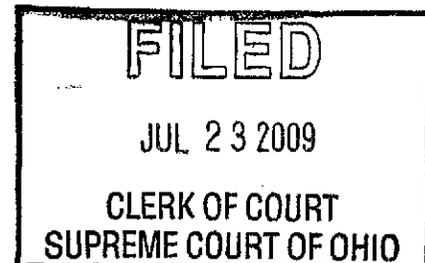
COMPLAINT FOR WRIT OF MANDAMUS

Kirk D. Turns – pro se
608 East Jenkins Ave
Columbus, Ohio 43207
614-607-5158

COUNSEL FOR RELATOR

UNKNOWN

COUNSEL FOR RESPONDENTS



I. STATEMENT OF ISSUES PRESENTED

A. Introduction

1. This is an original action in mandamus
2. Relator **Kirk D. Turns** seeks relief in the form of:
 - a) A Writ of Mandamus compelling respondent, Judge Daniel T. Hogan to honor a formal request to receive a copy of the transcripts in it's entirety, as previously requested. The transcripts in question are dated 7-20-09, involving case no. 04 CR 5023 and,
 - b) A Writ of Mandamus compelling respondent, Thomas K. Cheney to honor a formal request to receive a copy of the transcripts in it's entirety, as previously requested. The transcripts in question are dated 7-20-09, involving case no. 04 CR 5023 and,
 - c) An award of costs and compensation for the Respondent's refusal to comply with a public records request, in violation of the Ohio Public Records Act section 149.43 of the Ohio Revised Code.

B. Parties

3. Relator Kirk D. Turns is a citizen of Ohio and of the United States.
4. Respondents are Judge Daniel T. Hogan, Franklin County Common Pleas Court and Mr. Thomas K. Cheney, Court Stenographer, Franklin County Common Pleas Court.

II. STATEMENT OF THE CASE

Relator filed a written request in the Franklin County Common Pleas Court, for a copy of the Transcripts involving case no. 04 CR 5023. This request was made on or about 7-21-09. This request was made pursuant to section 149.43 of the Ohio Revised Code. (Exhibit 1).

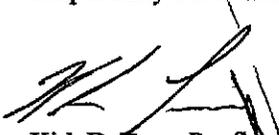
Relator states that the Respondents are attempting to violate the Relators right to access documents involving case no. 04 CR 5023. According to section 149.43 of the Ohio Revised Code, the Respondents have a responsibility to make these and any other documents that are public record, available to anyone who applies by formal request. The Respondents are attempting, under the color of the office in which both Respondent's hold, are denying the Relator, the necessary documents in which the Relator will need to prepare and defend against the criminal charge involving case no. 04 CR 5023.

MEMORANDUM IN SUPPORT

On 7-20-09 at or about 9:00a.m., the Relator, Kirk D. Turns, appeared in the Franklin County Common Pleas Court involving case no. 04 CR 5023, in which Respondent 1, Judge Daniel T. Hogan is presiding and Respondent 2, Thomas K. Cheney is assigned as a Court Stenographer. On 7-21-09 at or about 9:45 a.m., the Relator made a formal request to receive a copy of the transcripts in writing with the Franklin County Common Pleas Court. The request was filed with the Clerk of Courts and the request was properly served upon Respondents 1 & 2. On 7-22-09, at or about 1:35 p.m., Respondent received a telephone call from Respondent 2 stating that the Relator's request would not be honored and that the Relator would have to make this request through defense counsel. Section 149.43 of the Ohio Revised Code allows for any citizen or person to access public records and these records are to be made available upon request. Respondents 1 & 2, under the color of the offices in which both Respondents are sworn to discharge their duties as public servants are attempting to deny the Relator access to the above listed transcripts involving case no. 04 CR 5023.

Accordingly, the Relator prays that this Honorable Court, grant this Writ of Mandamus, based on the information contained in this Statement. The Relator also asks that this Honorable Court award the Relator compensation for the Respondents refusal to comply with a public records request.

Respectfully Submitted,


Kirk D. Turns Pro Se, Relator
608 East Jenkins Ave
Columbus, Ohio 43207
614-607-5158

Sworn to, or affirmed and subscribed in my presence this 23 day of JULY, 2009.


Notary Public



JOEL M. COOPER
Notary Public, State of Ohio
My Commission Expires 07-13-2011

My Commission Expires 7/13, 2011

Attachment not scanned