

IN THE OHIO SUPREME COURT OF OHIO

Case No. *11-1843*

State Of Ohio Ex Rel :  
James L.Chatfield,Relator :

Case No.2011-CA-119

ON APPEAL FROM THE 10th  
DISTRICT COURT OF APPEALS

vs- :

Walter L Distelweig In His :  
ORIGINAL CAPACITY AS CHIEF :  
OF POLICE OF THE CITY OF COLUMBUS :  
COLUMBUS OHIO :  
Respondent, :

BRIEF OF APPELLANT JAMES L  
CHATFIELD.

---

BRIEF OF APPELLANT JAMES L CHATFIELD

---

*James Chatfield*  
JAMES L CHATFIELD,A# 598109  
POBOX.69  
LONDON CORR INST.  
LONDON OHIO 43140-0069

GLEN B. REDICK  
CHIEF LITIGATION ATTORNEY  
90 WEST BROAD Street Room 200  
Columbus Ohio 43215-9013.

RECEIVED  
JAN 03 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

FILED  
JAN 03 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

TABLE OF CONTENTS

page

TABLE OF AUTHORITIES..... (ii)

STATEMENT OF FACTS AND THE CASE.....1,2,4,5,

ARGUMENT..... 6.

PROPOSITION OF LAW NO.1..... 6.

APPELLANT ADDS THAT THE COURT AND THE MAGISTRATE ERRED TO THE PREJU-  
DICE DENEYING RECORDS TO JAMES CHATIFLED AFTER THE RELATORS JUSTICIA  
-BLE CALIM WAS GRANTED BY THE TRIAL JUDGE THAT SENTENCED HIM.

PROPOSITION OF LAW NO.2 ..... 7,

THE MAGISTRATE ERRED TO THE PREUDICE BY SUGGESTING THAT LICKING COU-  
NTY LAW ENFORCEMENT OFFICIALS MIGHT HAVE RESPONSIVE RECORDS BECAUSE  
CPD's INVOLVEMENT IN CHASE WAS ANCILLARY TO THAT OF OTHER LAW ENFORC  
EMENT JURIDICTIONS.

PROPOSITION OF LAW NO.3 ..... 9.

THE MAGISTRATE AND COURT ERRED TO THE PREJUDICE THE COLUMBUS POLICE  
DIVISION RECORDS HOLDER FAILED TO COMPLY WITH THE COURTS ORDER ON  
NOVEMBER 30,2010,THE RESPONDENTS FAILED TO COMPLY WITH THE ORDER ON  
NOVEMBER 30,2010,THE RESPONDENTS DIDN"T COMPLY UNTIL THE RELATOR WRO-  
TE AND SENT THE RESPONDENTS A LETTER REQUESTING THE PUBLIC RECORDS  
ORDERED BY THE JUDGE. THIS IS NOT TIMLY RESPONSE.DENEYING COMPLETE  
ACCESS OF PUBLIC RECORDS. THE RECORDS SPEAKS FOR ITSELF IT WAS UNT-  
imly.

PROPOSITION OF LAW NO 4

CHATFIELD ARGUES THAT THE COURT ERRED TO PREJUDICE AND DENIED SUMMARY  
JUDGEMENT WHEN RELATOR ARGUES HE WAS ENTITLED TO SUMMEAR JUDGMENT AS  
A MATTER OF LAW UNDER R.56 (C) OF THE CIVIL RULES. ....110

---

CONCLUSION..... 12

PROOF OF SERVICE..... 12

APPENDIX..... 13.

APPENDIX CONTINUED

CONSTITUTIONAL PROVISION: STATUTES

O.R.C. §149.43 (B)..... 7,  
O.R.C. §149.43 ..... 7,  
O.R.C. § 149.43.(C)(1)..... 8.  
Civil R. 56(C)..... 10.  
O.R.C. § 14943 (C) ..... 8,

TABLE OF AUTHORITIES

1. STATE OF OHIO JAMES CHATFIELD,-  
SLIP COPY 2010 WL 3508993, 2010-Ohio-4291 (Ohio-App.5.Dist) 10-CA-12  
See Appendix attached copy.

2. STATE EX REL PHYSICANS COMMT, FOR RESPONSIBLE MEDICINE V OHIO STATE  
UNIV BD OF TRUSTEES 108 Ohio St 3d 288 2006-Ohio 903 843 N.E.2d.174  
O.R.C. § 149.43.(E)(1)..... 7, 10,

3. STATE EX REL BEACON JOURNAL PUBLISHING CO v MAURER (2001) 91, Ohio-  
St.54 57 741 N.E.2d.511, 514..... 8, 9,

4. STECKMAN 70, Ohio St 3d.420 635 N.E.2d 83..... 8.

5. ID Citing at 56-57 741 N.E.2d at 514, citing Cincinnati Enquirer v  
Hamilton Cty (1996) 75 Ohio St Ohio St.3d 374 378 667 N.E.2d 334.337. 8, 11

6. State ex rel Howard v Ferri (1194), &) Ohio St 3d 587 589..... 10.

7. Ander v Liberty Lobby Inc (1986), 477 U.S.242 248..... 10.

8. State ex rel Rasul-Bey v Onunwor 94 Ohio St.3d.119 760 N.E.2d 421  
(Ohio 2003 at ¶ 2..... 11.

STATEMENT OF THE CASE

James Chatfield relator in this case action On June 3, 2009, I sent a public records request and letter to Walter L. Distelzweig, Chief of police of Columbus Ohio.

On June 3, 2009, Donna Welch of the public records unit responded to James Chatfield's letter and request for any records relating to an incident that involved a white Ford Explorer that was stolen in Columbus Ohio. In the month of November, on or about November 25, or 26, 2007.

Donna Welch further responded and stated that I need to obtain permission from the judge that sentenced me.

On April 28, 2010 Chatfield filed a justiciable claim with the judge that sentenced him Judge Linton Lewis, pursuant to case No 08CR0050.

On May 11, Chatfield answered the State's Contra motion, Chatfield filed a motion to correct his justiciable claim as well. On May 11, 2010 Judge Linton Lewis overruled Chatfield's motions. On June 2, 2010, Relator filed a notice of appeal to the fifth District Court of Appeals see Case No. 10-CA-12 in appendix attached.

On September 8, 2010, the fifth district court of Appeals sustained both assignments of error and reversed and remanded for further proceedings consistent with law and their opinion See State v James Chatfield Slip Copy 2010 WL 3508993, 2010-Ohio-4291, (Ohio App. 5 Dist) CA-No. 10-CA-12

On October 5, 2010, Judge Linton Lewis entered a judgment entry granting my original motion as stated the state shall make their own request for Clarification within fourteen days from the date of his order.

On October 15, the State filed a request for Clarification. On October 25, 2010, Relator filed his reply to the state's clarification.

On November 30, 2010 Judge Linton Lewis entered a judgment Entry

clarifying the records which shall be provided. "The Columbus Police Department of records shall provide to the Defendant James L Chatfield and all records pertaining to the theft and impoundment of the white Ford Explorer allegedly being driven by Christopher Carter. Said dates of- November, 19, 20, 25, 26, 27, and 30, 2007, shall be made available said records were previously requested by the Defendant by letter received by the division of police, On June 3, 2010.

On December 1, 2010 I resent a public records request to Mr Distelzwieg Chief of police I request the records pursuant to the courts order. The Records Clerk denied the Public Records to James Chatfield.

Relator sends his order by the judge as exhibit attached to the appendix.

#### STATEMENT OF THE FACTS

On November 30, 2007, a white Ford explorer involved in a high speed chase was driven by Christopher Carter, the vehicle was stolen by Christopher Carter, he was charged with the vehicle, and charged for failure to comply with a police signal as well. On November 30, 2007, the Pataskala police was following the vehicle and decided to pull the vehicle over for fictitious tags. The High Speed Pursuit went through Pataskala Ohio, on the free way to Columbus Ohio. The chase lasted for about a hour until Columbus Police wreck the vehicle with tire spikes On south high street. Chatfield was detained by the Columbus Police, and handcuffed and placed in a Columbus Police cruiser until the pataskala Police pulled up and Chatfield was placed in the Pataskala police-cruiser and taken back to Pataskala Ohio. Christopher Carter had wrote statements that Mr Chatfield provided this vehicle to him to commit all the breakins in Perry County Ohio. Chatfield refuted the testimony

of Christopher Carter. Mr Carter wrote and signed Statements he used a white Ford Explorer to commit all the Breakins In Perry County Ohio.

Chatfield showed his attorney he was not with Mr Carter in this vehicle that the theft report proved that Mr Carter was committing perjury and it further proved that the prosecution elicited perjured testimony from Mr Carter It proved that Mr Joseph flautt, had the theft report in his case file and denied the Defnedant the theft report. Further the prosecution clearly new that Mr Carter wrote and signed statements that he used this vehicle further it showed that during questining Mr Flautt elicited Mr Crater to change his testimony given to MrStarett, and Hawks their reports and the deputies statement clearly showed that the Ford Explorer was the only vehicle he spoke to the deputy Starett about on March 9,2008. In this case Chatfield was not in this vehicle on November 19,20,27,2007.Officially this vehicle pursuant to the Columbus-Police was stolen by Carter on November 25,or 26.2007. James Chatfield states that the Columbus police failed to repond to the Courts order from November,30,2010. Chatfield had to file a second letter with the Chief of police pusruant to the Courts Motion the Columbus Police again denied the relators request and Chatfield appealed.

Chatfield adds that on November 30,2007,Chatfield was a passenger in this vehicle Mr Carter and his girl friend kelly Robbins come to pick Chatfield up at his motel room November 30,2007. Chatfield was not charged with this vehicle. Further there was no pending charges against Chatfield as well. The Columbus Police failed to respond to the judges order. and provide the theft report,and what participation the Columbus Police had in this case. Further the Columbus Police denied any participatation in the high speed chase,In their Memorandum in support filed February 23,2011.

Further the Columbus Police in their Memorandum stated that the only records the Columbus Police has are records that relate to their own actions there were allegations that the Columbus Police Division was involved in this incident these records are public records the relator is asking for the Theft report of a vehicle that was stolen in Columbus Ohio, not Newark Ohio. further the respondents new this clearly by the judges order.

Relator in this case was entitled to summary judgment as a matter of law.

Further the Relator in this case objected to the magistrates decision the magistrate erred to the prejudice. 1. The magistrate erred for reasons the records in this case did establish that CPD created documents the respondents Motion to dismiss clearly shows that the respondents claim the chase was concluded in Columbus Ohio there was material provided by relator photos of the chase and Columbus police division was involved in the stop and chase, the Columbus Police did wreck the White Ford Explorer with tire spikes in the town town area Further James Cambell, deputy Sheriff of pataskala Ohio affidavit clearly shows that the pataskala police let the Columbus Police take-over the chase. Further the Columbus police, the respondents stated that the only records they have relate to their own actions, which the ford explorer was stolen in Columbus Ohio not Newark Ohio. Further their were allegations that the Columbus police was involved photos clearly show this. The High speed chase matched the Relators request the theft report matched the relators request, Christopher Carters detainment for pataskala matched the relators request, the dates of November 25, 26, 2007, matched the relators request.

Relator adds that the Magistrate erred in her decision she stated every thing in the record points to the Licking County Sheriffs-deputies stated they turned the chase over to Columbus Police.

The Columbus Police took over the pursuit and wreck the White suv Ford Explorer, on south high St. Columbus Ohio. Further the Columbus police apprehended and held the Defendant Christopher Carter, and James Chatfield for the Patsakala Police department. Further Deputy Cambells affidavit to arrest states that the columbus Police apprehended the individuals and later contacted the Pataskala Police who transported the Defendants back to pataskala Ohio. Further Relator adds that the Columbus Police involvement was more than ancillary at best. there was a hour high speed cahse in Columbus Ohio this pursuit and apprehension was well documented the decision was asine illogical and untenable and should of been over ruled by the Court of Appeals. Further in this case the Magistrate clearly was shown that the respondents didn't respond timely, Judge Linton Lewis decision was made November 30, 2010, Chatfield had to file a reponse beck to the Chief of police and to Donna Welch the Record holder failed to supply the records of the theft of the Ford Explorer and what records they had related to the high speed chase.

~~It is clear that the Columbus Police have a theft report of a vehicle stolen in their jurisdiction and records that relate to their actions, the high speed pursuit, the wrecking of the Ford Explorer, the relator has proven with photos the respondents claims have benn misrepresented in their motion to dismiss motion filed. The respondents claims are their are no allegations that the Columbus Police division was involved in this incident. The Respondent clearly know that the vehiclae was stolen in Columbus Ohio.~~

PROPOSITION OF LAW NO. ONE

APPELLANT ADD THAT THE COURT AND THE MAGISTRATE ERRED TO THE PREJUDICE DENEYING RECORDS TO JAMES CHATFIELD AFTER THE RELATORS JUSTICIABLE-CLAIM WAS GRANTED BY THE JUDGE THAT SENTENCED HIM.

The Court of Appeals replied in their response to the findings and fact a and conclusions of law appended to this decision.

The Respondents didnot provide<sup>3</sup> the records that James Chatfield ask for, and was granted a justiciable claim, The Ford Explorer was stolen in Columbus Ohio, On November, 25, 26, 2007. this report exonerated the relator it clearly showed that this vehicle was not provided by me, or given to Christopher Carter On the dates of November, 19, 20, 27, 2007. The Columbus police was notified about this theft report, On June 3, 2009. by a letter to the Chief of Police. Further the high speed case was taken over by the Columbus police, Columbus Police wreck the Ford Explorer in the down town area of Columbus Ohio, photos was provided as evidence of the Columbus Police involvement and chase. Christopher Carter was the driver of said Ford Explorer, the Magistrate Erred to the prejudice not providing the records that the columbus police admitted to having in their dismissal brief, the respondents stated they donot maintain copies from other police agencies the respondents added the only records the Columbus police division has are records that relate to their own actions. The Respondents went on to state that there was no allegations that the Columbus Police Division was involved in this incident.

The Relator states these balderdash statements are asine illogical and untenable The Columbus police chased this vehicle through Columbus Ohio for a hour the Columbus Police wreck the vehicle with tire spikes on South Hihg street, and apprehended the passenger and Christopher-Carter for the pataskaġa Police.

The Court of Appeals were shown photos, of the chase, and affidavits that that Deputy Cambell turned the chase over to the columbus police their were over 30 Columbus Police crusiers involved and a helicopter as well involved in the chase. Columbus Police have records of their involvement as well as the theft report of this vehicle, and the chase. this error should be sustained and reversed.

Proposition of law NO TWO

THE MAGISTRATE ERRED TO THE PREJUDICE BY SUGGESTING THAT LICKING COUNTY LAW ENFORCEMENT OFFICIALS MIGHT HAVE RESPONSIVE RECORDS BECAUSE CPD's INVOLVEMENT IN THE CHASE WAS ANCILLARY TO THAT OF OTHER LAW ENFORCEMENT JURISDICTIONS.

Relator filed objections to the Magistrates decision On November 30, 2010 Judge Linton Lewis entered a judgment Entry clarifying the records which shall be provided the theft of the Ford Explorer was stolen in Columbus Ohio Either on November, 25, or 26, 2007.

Relator adds that he submitted a justiciable claim the trail judge that sentenced Chatfield granted his justiciable claim.

The respondents didnt comply with the judgment entry by judge Linton Lewis Jr dated November 30, 2010. see exhibit attached in Appendix. Mandamus is the appropriate remedy to compel compliance with O.R. .C.149.43, Ohio Records Act. State ex rel. Physicians Commt. for Respon-  
sible Medicine v Ohio State Univ Bd. of Trustees, 108 Ohio St.3d 288  
, 2006-Ohio-903, 843 N.E.2d.174 6 R.C. § 149.43(C)(1).

R.C. § 149.43 (C)(1) provides in part, [t]he 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.. R.C. 149.43. Relators justiciable claim clearly set forth that the theft report of this Ford Expl

orer. The Ohio Supreme Court held and reaffirmed Steckman 70, Ohio St 3d 420 635 N.E.2d.83 Routine offense incident reports are subject to immediate release upon request and if release is refused an action in Mandamus pursuant to 149.43(C) will lie to secure release of the records. The Ohio Supreme Court further added in Steckman by holding that a police incident report from which incorporated attached narrative statements by witnesses and law enforcement officers was a public record that must be released under the public records act O.R.C. 149.43 immediately upon request. Donna Welch failed to immediately provide the public records of the theft report of the Ford Explorer stolen in Columbus Ohio. Further see State ex rel Beacon Journal Publishing Co v Maurer (2001) 91, Ohio- St.54 57 741 N.E.2d 511, 514 offense and incident reports initiate criminal investigation and they are not part of the investigation and they are not exempt from disclosure under O.R.C. § 149.43 Id Citing at 56-57 741 N.E.2d at 514, citing Cincinnati Enquirer v Hamilton city (1996) 75 Ohio St Ohio St. 3d 374 378 667 N.E.2d 334.3337.

Relator submits a copy of the narrative report that Christopher Carter stated that Chatfield provided this vehicle to him to commit these alleged breakins in Perry County Mr Carter had committed perjury he wrote and signed statements, and stated to deputy that I provided this vehicle to him I with him on November 19, 2007, November 20, 2007 driving around in Perry County parking lot making balderdash statements I broke into a store I wasnt in this vehicle with him. The theft report of this vehicle clearly exonerates the Relator. Relator moves this court to reverse this alleged error. The date clearly states and shows the date the vehicle was stolen. Relator moves the Ohio Supreme Court to sustain and reverse, and order the respondents to provide the

the records the Court ordered. Relator adds that this error should be sustained and reversed as well.

PORPOSITION OF LAW NO.3

THE MAGISTRATE AND COURT ERRED TO THE PREJUDICE THE COLUMBUS POLICE DIVISION RECORDS HOLDER FAILED TO COMPLY WITH THE COURTS ORDER ON NOVEMBER 30,2010,THE RESPONDENTS FAILED TO COMPLY WITH THE ORDER ON NOVEMBER 30,2010,THE RESPONDENTS DIDN"T COMPLY UNTIL THE RELATOR-WROTE AND SENT THE RESPONDENTS A LETTER REQUESTING THE PUBLIC RECORDS ORDERED BY THE JUDGE.THIS IS NOT A TIMELY RESPONSE.DENEYING COMPLETE ACCESSS OF PUBLIC RECORDS.THE RECORD SPEAKS FOR ITSELF IT WAS UNTIMLY. RELATOR WAS ASKING FOR FOR A THEFT REPORT OF A FORD EXPLORER THAT WAS

STOLEN IN COLUMBUS OHIO ON OR ABOUT NOVEMBER 25,or 26,2007,by Christopher Carter. The Ford Explorer was stolen in Columbus Ohio,at a car dealership in the west side of Columbus Ohio.

The respondents claim they dont have records,and the respondents say that the Ford Explorer was stolen in Newark Ohio,or Pataskala Ohio.

The relator was clear in his request that the vehicle was stolen in Columbus Ohio.The Respondents clearly misrepresent the facts and state that licking County sheriffs office determined that the vehicle was stolen in Newark Ohio. The theft report of the Ford Explorer in Columbus Ohio matched the relators justiciable cliam as well as what the judge ordered the Columbus Police to provide. Its clear that the records division didnt timely respond to the relators request or the judges orders. Further State ex rel Beacon Journal publishing Co v Maurer (2001) 91 Ohio St 54 741 N.E.2d 511 514. offense and incident reports intiate criminal investigation and they are not part of the investigation and they are not exempt from disclosure under O.R.C.\$ 149.43. The Ford Explorer was stolen in Columbus Ohio. Further Judge Linton lewis made this clear in his order.November 30,2010,see Judgment Entry in Appendix. Relator respectfully request this court to reverse and order the theft report,and all information that was in the Courts order.

PROPOSITION OF LAW NO.4.

*Chaffield* ARGUES THAT THE COURT ERRERD TO PREJUDICE AND DENIED SUMMARY JUDGMENT WHEN RELATOR ARGUES HE WAS ENTITLED TO SUMMARY JUDGEMENT AS A MATTER OF LAW UNDER R.56(C), OF THE CIVIL RULES.

Mandamus is the appropriate remedy to compel compliance with O.R.C.

§ 149.43, Ohio Public Records act' State ex rel. Physicans Commt. for Responsible Mediciane v Ohio State Univ. Bd of trustees, 108 Ohio St. 3d 288, 2006-Ohio903, 843 N.E.2d 174 6 R.C. § 149.43(C)(1).

Relator filed a request for justiciable claim-finding for public records with the judge who sentenced him. The trial judge granted the justiciable claim. O.R.C. § 149.43(C)(1) provides in part, the person aggrieved may commence 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..149.43.

Relator adds under 56 (C) of the Ohio Civil reules, a summary judgment should be granted a moving party when;

"... the pleadings, dispositions, answers to interrogatories written admissions, affidavits, transcripts of evidence in the pending case and written stipulations of fact... show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

Summary judgment is properly awarded if there is no genuine issue of material fact, the movant is entitled to judgment as a matter of law, and it appears from the evidence that reasonable minds can come to but one conclusion and that conclusion is adverse to the no moving party State ex rel. Howard v Ferreri (1994), 70 Ohio St. 3d 587, 589. As to materialty, the substantive law will identify which facts are material .Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of Summary judgment Ander v Liberty Lobby Inc (1986), 477 U.S. 242, 248. The Standard

for rendering Summary judgement is equated with that used for a directed verdict: whether there is but one reasonable conclusion as to the verdict when evidence is construed most strongly in the moving party's favor. Celotex Corp v Catrett (1986), 477 U.S.317.

In this matter before this court it is the proposition of the Relator that there is no material fact which is in dispute which would prohibit granting Summary Judgment to Relator. Realtor asserts that the public records request of Relator (1) Judge Linton Lewis did grant the Relators Justiciable claim. (2) The trial Judge granted the theft report of the Ford Explorer stolen in Columbus Ohio. (3) See State ex rel Beacon Journal publishing Co v Maurer (2001), 91 Ohio St 3d.54 57 741 N.E.2d 511,514 offense and incident reports initiate criminal investigation and they are not part of the investigation and they are not exempt from disclosure under O.R.C. § 149.43 Id at 56-57 741 N.E.2d at 514. citing State v ex rel Cicinnati Enquirer v Hamilton Cty (1996) 75 Ohio St.3d 374 378 667 N.E.2d 334 337.

Relator adds that in this instant case the proper remedy for him was to file a writ of Mandamus Steckman 70 Ohio St.3d 473-439.N.E. 2d at 96-97. Also see State ex rel Rasul-Bey v Onunwor 94 Ohio St.3d. 119 760 N.E.2d 421(Ohio 2002)at ¶2. In this instand case Its clear that the Columbus Police involved in a hour high speed pursuit through the city of Columbus Ohio, has a report, public record of their actions involved in this case, further photos were provided of the Columbus- Police's involvement and the wrecking of the Ford Explorer with tire spikes In the down-town area of Columbus Ohio, November 30, 2007.

Relator in this matter asserts before the court it is the postion: of the Relator that there is no material fact in dispute.

CONCLUSION

Relator prays that this court finds his brief well taken and his errors are sustained and reversed Relator prays the he is granted Summary Judgment based on the alleged case law, and the prior trial courts granting of the Relators justiciable finding.

Relator adds that Deputy Hawks as well admitted in trial that the Ford Explorer was stolen in Franklin County, Columbus Ohio, see Transcript page 206,207,208.

Relator adds that he continues to suffer and has suffered harm as a result of the respondents refusal to comply with my public - records request as stated herein this appeal. Relator was denied a fair trial, and due process, of law defendant was denied the right to prepare a defense for trial because of this report.

Respectfully Submitted

~~James Chatfield~~  
James Chatfield # 598109

PROOF OF SERVICE

A EXACT COPY OF THIS MOTION WAS SENT TO THE RESPONDENTS AT THE ADDRESS AT CITY OF COLUMBUS, DEPARTMENT OF LAW RICHARD C. PFEIFFER, JR, CITY ATTORNEY GLEN B REDICK CHIEF LITIGATION ATTORNEY 90 WEST BROAD STREET ROOM 200 COLUMBUS OHIO 43215-9013. December 29.

2011

Respectfully submitted

~~James Chatfield~~  
James Chatfield

IN THE OHIO SUPREME COURT OF OHIO

STATE OF OHIO EX REL  
JAMES CHATFIELD,  
RELATOR,

CASE NO. **11-1843**

CA CASE NO. 11AP 119

REGULAR CALENDAR

vs-

ON APPEAL FROM THE COURT OF  
APPEALS TENTH APPELLATE DIS  
TRICT COURT FOR FRANKLIN-  
COUNTY & CITY OF COLUMBUS, OHIO.

WALTER L DISTELWEIG IN HIS  
ORIGINAL CAPACITY AS CHIEF OF  
POLICE OF THE CITY OF COLUMBUS,  
OHIO.

NOTICE OF APPEAL

RESPONDENT,

---

NOTICE OF APPEAL BY JAMES CHATFIELD

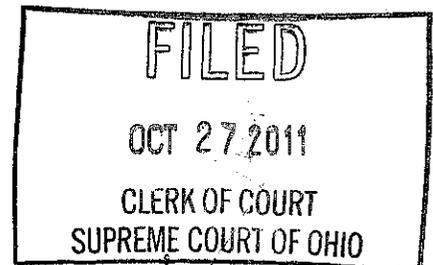
---

*James Chatfield*  
JAMES L CHATFIELD, A#598109  
Po. Box 69  
LONDON CORR INST.  
LONDON OHIO -43140-0069

RELATOR,

GLEN B. REDICK  
CHIEF LITIGATION ATTORNEY  
90 WEST BROAD ST ROOM 200  
COLUMBUS OHIO 43215-9013.

RESPONDENT,



Please take notice; That Relator, Appellee, JAMES L Chatfield, proceeding pro 'se hereby gives NOTICE to the Ohio Supreme Court of Ohio from the judgment /OPINION/ of the TENTH APPELLATE DISTRICT COURT OF APPEALS. On September 13, 2011, under Case No. 11-AP-119. This is an appeal from the Court of Appeals.

This case raises a substantial constitutional question and is one of public or great general interest.

Respectfully Submitted

James L Chatfield,

James Chatfield  
JA# 598109  
PO. Box 69  
London Ohio 43140-0069

PROFF OF SERVICE

An exact copy of this Notice of Appeal was sent to the attorney Glen B. Redick Chief Litigation Attorney 90 West Broad Street Room 200 Columbus Ohio. 43215-9013.

Respectfully Submitted

JAMES L CHATFIELD,

James Chatfield

James L. Chatfield

IN THE COURT OF APPEALS OF OHIO  
TENTH APPELLATE DISTRICT

FILED  
IN THE APPEALS  
2011 SEP 13 PM 12:38  
CLERK OF COURTS

State of Ohio ex rel. James L. Chatfield, :

Relator, :

v. :

No. 11AP-119

Walter L. Distelzweig, in his Official  
Capacity as Chief of Police of the  
City of Columbus, Ohio, :

(REGULAR CALENDAR)

Respondent. :

---

D E C I S I O N

Rendered on September 13, 2011

---

*James L. Chatfield, pro se.*

*Richard C. Pfeiffer, Jr., City Attorney, and Glenn B. Redick,  
for respondent.*

---

IN MANDAMUS  
ON OBJECTIONS TO THE MAGISTRATE'S DECISION

FRENCH, J.

{¶1} Relator, James L. Chatfield ("relator"), filed an original action in mandamus asking this court to issue a writ of mandamus ordering respondent, Walter L. Distelzweig, as Chief of Police for the City of Columbus, Ohio ("respondent"), to provide public records.

{¶2} This court referred this matter to a magistrate pursuant to Civ.R. 53(C) and Loc.R. 12(M) of the Tenth District Court of Appeals. The magistrate issued a decision, which includes findings of fact and conclusions of law and is appended to this decision, recommending that this court grant summary judgment in favor of respondent. Specifically, the magistrate found that a representative of the Columbus Police Department ("CPD") responded to relator's request and stated that CPD had no records responsive to the request.

{¶3} Relator filed objections to the magistrate's decision. First, relator contends that the magistrate erred by concluding that records to which relator refers do not show that CPD has records pertaining to the theft and impoundment of a Ford Explorer allegedly driven by Christopher Carter in a high-speed chase that began outside Franklin County and ended in Columbus. We agree with the magistrate's conclusion that there is no evidence indicating that CPD has or even should have responsive records. CPD searched for, but could not locate, records relating to Christopher Carter's arrest, the Explorer or the chase. Therefore, we overrule relator's first objection.

{¶4} Second, relator contends that the magistrate erred by suggesting that Licking County law enforcement officials might have responsive records because CPD's involvement in the chase was ancillary to that of other law enforcement jurisdictions. We agree with the magistrate's observation and overrule relator's second objection.

{¶5} Third, relator contends that the magistrate erred by stating that relator did not allege that CPD failed to respond to his request in a timely manner. Relator simply

clarifies that CPD failed to provide the records he believes exist. We agree with the magistrate's characterization of relator's complaint and CPD's response, and we overrule relator's third objection.

{¶6} Finally, relator contends that the magistrate erred by stating that CPD has no records responsive to his request. Relator suggests that he has proven the existence of such records, and that Perry County Court of Common Pleas Judge Linton Lewis ordered CPD to release them. We agree with the magistrate's conclusion that CPD responded to relator's request by conducting a search and informing him that CPD has no responsive records. Therefore, we overrule relator's fourth objection.

{¶7} In summary, we overrule each of relator's objections. Having conducted an independent review of the record in this matter, we adopt the magistrate's decision, including the findings of fact and conclusions of law contained in it, as our own. Accordingly, we deny relator's motion for summary judgment, and we grant summary judgment in favor of respondent. Relator's request for a writ of mandamus is denied.

*Objections overruled;  
writ of mandamus denied.*

BROWN and DORRIAN, JJ., concur.

---

**A P P E N D I X**

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio ex rel.  
James L. Chatfield,

Relator,

v.

Walter L. Distelzweig, in his Official  
Capacity as Chief of Police of the  
City of Columbus, Ohio,

Respondent.

No. 11AP-119

(REGULAR CALENDAR)

---

MAGISTRATE'S DECISION

Rendered on March 28, 2011

---

*James L. Chatfield, pro se.*

*Richard C. Pfeiffer, Jr., City Attorney, and Glenn B. Redick,*  
for respondent.

---

IN MANDAMUS  
ON RESPONDENT'S MOTION FOR SUMMARY JUDGMENT

{¶8} Relator, James L. Chatfield, has filed this original action requesting that this court issue a writ of mandamus ordering respondent, Walter L. Distelzweig, as the

Chief of Police for the City of Columbus, Ohio, to provide him with certain records he requested pursuant to the Public Records Act.

Findings of Fact:

{¶9} 1. Relator is an inmate currently incarcerated at London Correctional Institution.

{¶10} 2. According to his complaint and affidavit, relator sent a public records request to respondent on June 3, 2009 requesting the following records:

\*\*\* White Ford Explorer involved in a high speed pursuit from Newark, Ohio Pataskala Ohio to Columbus Ohio on November 30, 2007, the vehicle was stolen by Christopher Carter and it used in breaking and enterings in Pataskala Ohio Perry County – Ohio on the dates of November 30, 2007, November 19, 20, 21, 25, 27, 2007. Christopher Carter was the driver who was charged with the vehicle, In Newark Ohio.

{¶11} 3. On June 3, 2009, relator received a response to his request by Officer D. Welch #1179 of the Public Record Unit of the Columbus Police Department ("CPD"), quoting from R.C. 149.43(B)(8) and informing relator that he needed to obtain permission from the court to obtain a release of the public records. Specifically, relator was informed of the following:

*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 obtain a copy of any public records 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 justifiable claim of the person.*

(Emphasis sic; quoting R.C. 149.43(B)(8).)

{¶12} 4. Thereafter, relator filed a "Motion for Request for Justiciable Finding for Public Records" in the Perry County Court of Common Pleas.

{¶13} 5. Apparently, this motion was denied and relator filed a notice of appeal.

{¶14} 6. On September 8, 2010, the Perry County Court of Appeals issued an opinion remanding the matter to the trial court for determination of relator's public records request.

{¶15} 7. Ultimately, in a judgment entry dated November 30, 2010, the trial court granted relator's original motion as follows:

The Columbus Police Department Division of Records shall provide to the Defendant James L. Chatfield any and all records pertaining to the theft and impoundment of a white Ford Explorer allegedly being driven by Christopher Carter. Said records for the dates of November 19, 20, 25, 26, 27 and 30 2008 [sic] shall be made available. Said records were previously requested by the Defendant by a letter received by the Division of Police on June 3, 2010.

{¶16} 8. Relator resubmitted his public records request.

{¶17} 9. Relator received a response from Officer Welch informing him that after searching for the records, the CPD discovered that it did not have any records regarding the incident.

{¶18} 10. Thereafter, on February 7, 2011, relator filed the instant mandamus action.

{¶19} 11. On February 23, 2011, respondent filed a motion to dismiss which the magistrate converted to one for summary judgment.<sup>1</sup> Respondent submitted the affidavit of Donna Welch, the officer who responded to relator's public records requests. In that affidavit, Officer Welch stated in pertinent part:

[Three] The Public Records Unit received a request from James Chatfield for any records relating to an incident that involved a white Ford Explorer that was stolen in Newark, Ohio, and driven by Christopher Carter. Said vehicle was involved in a high speed chase.

[Four] I responded to the request and I advised Mr. Chatfield that O.R.C. 149.43(b)(8) requires that a person who is incarcerated has to obtain permission from a judge to obtain release of public records.

[Five] At a later date, Mr. Chatfield sent a copy of an order, signed by Judge Lewis, directing the Columbus Police Division to provide all records relating to the theft and impoundment of a white Ford Explorer alleged[ly] driven by Christopher Carter.

[Six] In response to the Judge's Order, I advised Mr. Chatfield, after a search of the records, that the Columbus Police Department did not have any records regarding the incident.

[Seven] I have searched the records for anything relating to James L. Chatfield and Christopher Carter, but nothing appeared. This may be because the Columbus Division of Police did not arrest either of these individuals.

{¶20} 12. Relator filed a response to respondent's motion for summary judgment and further argued that summary judgment should be granted in his favor.

{¶21} 13. The matter is currently before the magistrate for review.

---

<sup>1</sup> On March 9, 2011, respondent refiled its motion as one for summary judgment.

Conclusions of Law:

{¶22} For the reasons that follow, it is this magistrate's decision that this court should grant respondent's motion for summary judgment.

{¶23} A motion for summary judgment requires the moving party to set forth the legal and factual basis supporting the motion. To do so, the moving party must identify portions of the record which demonstrate the absence of a genuine issue of material fact. *Dresher v. Burt* (1996), 75 Ohio St.3d 280. Accordingly, any party moving for summary judgment must satisfy a three-prong inquiry showing: (1) that there is no genuine issue as to any material facts; (2) that the parties are entitled to judgment as a matter of law; and (3) that reasonable minds can come to but one conclusion, which conclusion is adverse to the party against whom the motion for summary judgment is made. *Harless v. Willis Day Warehousing Co.* (1978), 54 Ohio St.2d 64.

{¶24} Although relator asserts that it is clear that respondent has documents which meet his public records request, Officer Welch's affidavit provides evidence that respondent does not have any records regarding the high speed chase that occurred on November 30, 2007. Relator argues that the reports by "Sgt. Lee Hawks of the Perry County Sheriffs office" and "Deputy James Cambell of the Licking County Sheriffs office \* \* \* clearly shows and states the facts allued [sic] to in the above complaint are true and that such records do exist." The magistrate disagrees. While those documents do indicate that the CPD became involved in the pursuit of the white Ford Explorer and actually stopped the vehicle, those records do not establish that the CPD created any documents. In fact, the documents to which relator refers specifically indicate that both

relator and Carter "were placed under arrest and were transported to the Licking County Justice Center for incarceration" and were interviewed by the deputies. Everything in the record points to the Licking County deputies having the relevant evidence concerning relator's arrest and further indicating that the CPD's involvement was ancillary at best.

{¶25} In his complaint, relator makes no allegation that respondent failed to timely respond to his public records request. In fact, the evidence relator submitted establishes that respondent did promptly reply. However, the evidence also establishes that, according to the affidavit of Officer Welch, respondent has no documents concerning the high speed chase which was the subject matter of relator's public records request. Finding that respondent cannot provide relator with the documents it does not have, the magistrate finds that respondent's motion for summary judgment should be granted.

*/s/ Stephanie Bisca Brooks*  
STEPHANIE BISCA BROOKS  
MAGISTRATE

#### NOTICE TO THE PARTIES

Civ.R. 53(D)(3)(a)(iii) provides that a party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ.R. 53(D)(3)(b).

*James Chatfield*

James A Chatfield

598-109

LONDON CORRECTIONAL INSTITUTION

P.O. Box 69

1580 State Route 56

London, OH 43140

---

APPENDIX BY JAMES CHATFIELD

---



Department of Public Safety  
Mitchell J. Brown, Director of Public Safety

# Division of Police

Walter L. Distelzweig, Chief of Police

120 Marconi Boulevard  
P.O. Box 15009  
Columbus, Ohio 43215-0009

THE CITY OF COLUMBUS IS AN EQUAL OPPORTUNITY EMPLOYER



City of Columbus  
Mayor Michael B. Coleman

Phone # (614) 645-4545

Fax # (614) 645-4551

TDD# (614) 645-4677

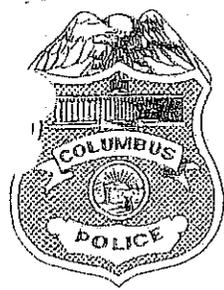
January 10, 2010

Mr. Chatfield,

This letter is in response to your request for public records and Judge Lewis's order to provide these records to you regarding a Christopher Carter. Your request has been researched and we cannot find any records that match any item in your request. We cannot locate any arrests for a Christopher Carter in or around November 2007 or November 2008 as the judges order states nor can we find anything regarding a stolen Ford Explorer or a high speed chase involving Christopher Carter.

Your request has been closed.

Officer Welch #1179



Department of Public Safety  
Mitchell J. Brown, Director of Public Safety

# Division of Police

Walter L. Distelzweig, Chief of Police

120 Marconi Boulevard  
P.O. Box 15009  
Columbus, Ohio 43215-0009



City of Columbus  
Mayor Michael B. Coleman

THE CITY OF COLUMBUS IS AN EQUAL OPPORTUNITY EMPLOYER

Phone # (614) 645-4545

Fax # (614) 645-4551

June 03, 2009

TDD# (614) 645-4677

James Chatfield #598109  
C/O The London Correctional Facility  
P.O. Box 69  
London, OH 43140

Mr. Chatfield,

This letter is in response to your request for records. Your letter received, June 03, 2009, has been forwarded to our offices, for review and assigned public record request # 09-0934.

I cite section 149.43 B-4 of the Ohio Revised Code, which states:

*"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 obtain a copy of any public records 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 justifiable claim of the person."*

In accordance with this section and subject to appropriate redaction, The Columbus Division of Police will supply copies of records from this case only after receipt of written approval from the "imposing judge or the judges successor in office". The records will also require prepayment at \$.05 per page for paper copies. Your current request for public record has been closed and cleared in our files. Please feel free to re-file your request after receiving a finding by the imposing judge.

Officer D. Welch # 1179  
Public Record Unit

DW/jac

*December 13, 2009. Plaintiff and sent a Judgment Entry.*

# Columbus Division of Police

## Notice of Denial, Denial in Part or Redaction

- The record(s) requested are not kept by the Division of Police. O.R.C. 149.43(A)(1)
- The record(s) requested are by definition not "public records". O.R.C. 149.43(A)(1)(a-y)
- The record(s) have been disposed of or transferred pursuant to the records retention schedule. O.R.C. 149.39
- Request(s) from a person who is incarcerated pursuant to a criminal conviction/or juvenile adjudication, requires permission from the Judge or court to obtain a release of Public Records. O.R.C. 149.43 (B)(8)
- Exempts Social Security Numbers O.R.C. 149.43(A)(1)(v) by State/Federal Law
- Exempts Familial and Residential Information: Peace Officers, Firefighters, EMS, Parole Officer, Prosecuting Attorney, Assistant Prosecuting Attorney, Correctional Employee and Youth Services Employee. Kallstrom Vs City of Columbus 136F.3d 6<sup>th</sup> Cir. 1998, HB 141, O.R.C. 149.43: (7)(a)(iii) includes SSN, Addresses, Phone #, Drivers License, financial records, any medical information, Covert Officer Information, beneficiary information (iv), amount of charitable/employee benefit deductions (v), any family information; names, addresses phone numbers, employment, SSN, financial information (vi)
- Exempts Photographs of Peace Officer O.R.C. 149.43 (HB 141)
- Exempts Confidential Law Enforcement Investigatory Work Product O.R.C. 149.43(1)(h)  
Discovery Rules: State ex rel. Beacon Journal Publ. Co. v. Maurer, 91 Ohio St. 3d 54 State ex rel. Steckman v. Jackson, 70 Ohio St. 3d 420  
Mandated that parties in a criminal case follow Rule 16, rather than resorting to a public records request. The Court held that requests for receipt of records during criminal proceedings did not allow for "full", "complete" or "open file" discovery. Ohio's Public Records Act is inapplicable.
- Exempts Uncharged Suspect(s) O.R.C. 149.43 (2) (a)
- Exempts Confidential Informant(s) O.R.C. 149.43 (2)(d)
- Exempts Medical Records (Pertains to a persons medical; history, diagnosis, prognosis or medical information) O.R.C. 149.43 (A)(1)(a)
- Other Basis or Legal authority \_\_\_\_\_

Submission of this form is provided in compliance with Ohio House Bill 9 (HB9) that requires a Public Office to notify the person seeking to inspect or copy the record regarding any redaction or to make the redaction plainly visible and specifies that a redaction is a denial of a request to inspect or copy the redacted information except if the federal or state law authorizes or requires the redaction.

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

Date: December 3, 2007

State of Ohio

Vs

James L. Chatfield  
Tracy L. Robbins

On November 30, 2007, Licking County Sheriff's deputies were notified by Pataskala officers that they were in pursuit of a white Ford Explorer. Deputies were in the area of Outville Road when they observed the white Ford Explorer traveling at a high rate of Speed. Deputies began pursuit of the vehicle until Columbus Police Department took over the pursuit, where they later apprehended 2 suspects in the vehicle. The driver of the vehicle was a Christopher Clark and a passenger being James Chatfield.

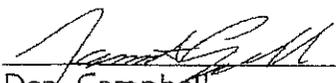
Deputies received a call of an attempted Breaking and Entering at the Etna Sunoco, located at 9702 Hazelton-Etna Road, Pataskala, Ohio. Deputies learned that a white Ford Explorer was involved in the attempted break in of the Sunoco Station. Pataskala PD found a female at the Duke Station who stated she was with the two suspects in the white Ford Explorer. The female was later identified as Defendant Tracy Robbins. Defendant Robbins advised officers that she was a passenger when Defendant Chatfield and Christopher Clark went to the Etna Sunoco to break-in. She stated that they smashed the front door of the gas station with a piece of concrete but were unable to get in. She advised officers that Christopher Clark dropped her off at the Duke Station in Pataskala and left.

Deputies interviewed Christopher Clark, the driver of the vehicle, and he stated that he and the defendant Chatfield smashed the door to the Sunoco Station and Mr. Clark also stated that Defendant Robbins was their lookout for the cop's and they would give her drugs for this.

Mr. Clark advised officers that he helped Defendant Chatfield in multiple other break-ins involving four counties. Mr. Clark admitted that he and Defendant Chatfield broke into the Alexander Sunoco Station on November 24, 2007.

Deputies interview Defendant and he refused to speak to deputies.

Both Defendants were placed under arrest and were transported to the Licking County Justice Center for incarceration.

<sup>93</sup>  
\_\_\_\_\_  
Dep. Campbell  
LC50  
155 E. Main Street  
Newark, Ohio 43055

Sworn to before me and subscribed in my presence this 3rd day of December, 2007.



**GWEN A. TAYLOR**  
Notary Public, State of Ohio  
My Commission Expires 04/28/09

  
\_\_\_\_\_  
Notary Public, State of Ohio  
My Commission Expires 04/28/09

F

## Investigator Notes

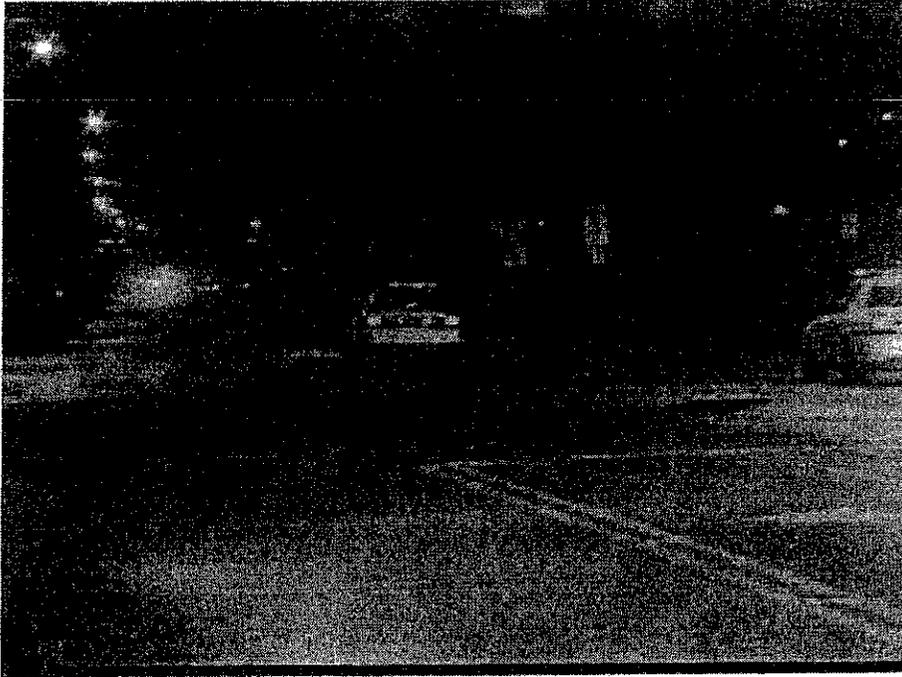
PRINT DATE 3/17/2008

PAGE NO: 2

INCIDENT NO:	07-6723	NOTE NO:	6
NOTE DATE	3/9/2008	NOTE TIME:	9:00:00 PM
INVESTIGATOR BADGE	6413	INITIALS	KS
INVESTIGATOR NAME	KEVIN STARRETT		
DOCUMENT ATTACHMENT			

On the above date and time, interviewed Christopher E. Carter at the Licking County Jail. Carter is currently incarcerated at the Licking County Jail on charges of Breaking and Entering to a business in Pataskala, Ohio on November 30, 2007. Prior to asking Carter any questions, he was informed of his Miranda Rights in which he agreed to speak with me without his attorney as well as signed the rights waiver. Carter was questioned concerning his involvement with several break-ins in the Thornville area and more specifically, Tourcon II. Carter stated that he could not remember the dates that he had broken into these business however stated that he does remember a total of 2 times that he had broken in. Carter stated that this particular incident was the first time he had broken into Tourcon II. Carter stated that he was accompanied by on James L. Chatfield. Carter stated that the pair arrived at the Tourcon II location on Thorn Twp Rd 1061 and that Chatfield went and obtained a large rock that he found near the business. Carter stated that Chatfield threw the rock through the front door to the business and that they both entered. Carter stated that both he and Chatfield began to take various chain saws, leaf blowers and weed eaters. Carter further stated that they would take the stolen merchandise back to Columbus and would sell them for \$100.00 per unit and that he and Chatfield would split the profit. I asked Carter what they were driving and he stated that they were driving a white Ford Explorer that he believed belonged to Chatfield. I further asked Carter who was driving the vehicle and he stated that Chatfield always had him drive to the various locations to break in.

Carter was asked how he had met Chatfield and he stated that he had met Chatfield in the early part of November - 2007 at a crack house in Columbus. Carter stated that Chatfield had asked him for a ride and that he agreed and gave him a ride back to Carter's hotel room in Hillard, Ohio. Carter stated that Chatfield stayed with Carter for a few days and that Chatfield asked him if he wanted to make some money breaking into various locations and Carter stated that he agreed. Carter stated that he was high on cocaine at the time and agreed to fund his drug habit. Carter stated that in each of the break-ins that occurred, that Chatfield was wearing a flannel jacket that Carter stated Chatfield called his "lucky jacket." Carter further stated that Chatfield always told him that he had one rule and that was to not be in the locations more then 45 seconds.



IN THE COURT OF APPEALS OF OHIO,  
TENTH APPELLATE DISTRICT

State Of Ohio, ex rel.

Case No. 11AP-119

RELATOR,

vs-

(Regular Calendar)

WALTER L DISTELZWEIG, in his  
Capacity as Chief of Police  
of the City of Columbus, Ohio,

OBJECTION TO THE MAGISTRATE  
DECISION

Relator, James L Chatfield, objects to the Magistrates Report filed herein  
for the following reasons.

1. The Magistrate erred when she stated in her decision that: "[t]hose records do not establish that the CPD created any documents. The Magistrates decision March 28, 2011, pg. 5 ¶ 1) Relator did establish that CPD created the documents as requested and as ordered by Judge Linton Lewis, Jr. The Magistrate in her decision is suggesting that even though the Columbus Police Department was involved in the forty-five minute high speed chase through the city of Columbus Ohio, the police department made no record whatsoever of the chase even though 3 county police jurisdictions in which the chase began and ended had made records of this high speed pursuit-chase. This decision is asinine, illogical, and untenable and should be overruled by this Honorable Court.
2. The Magistrate erred when she stated in her decision at Id. at ¶ 1 "[E]verything in the record points to the Licking County deputies having the relevant evidence concerning relator's arrest and further indicating that CPD's involvement was ancillary at best. The Relator's Affidavit submitted pursuant to the arrest in support of arrest warrant, by Deputy Campbell, on November 30, 2007, Licking County Sheriffs were notified by Pastakla officers that they were in pursuit of a white Ford Explorer. Deputies were in the area of Outville Road when they observed the white Ford Explorer traveling at a high rate of speed. Deputies began pursuit of the vehicle until Columbus Police Department took over the pursuit where they later apprehended 2 suspects' in the vehicle was a Christopher Carter and a passenger being James Chatfield.

2.Cont.

Further the pursuit was joined by Deputy Sheriffs, the suspects later were crashed by Columbus Police, and Franklin County sheriffs, after stop sticks were deployed both suspects were apprehended and later transported back to the Pastakla Police Department. Further Deputy Cambells narrative supplement clearly shows that Columbus Police pick up the pursuit who called Pataskala and stated they stop the Suv and had two suspects in custody. Exhibit (J). Relator adds that CPD's involvement was more than ancillary at best, Relators showed actual photos of the chase, and CPD's involvement of forty -five minutes of pursuit, and arrest. This decision is asine illogical, and untenable and should be overruled by this Honroable Court.

3.

The Magistrate erred when she stated in her decision that: "[I]n his complaint Relator makes no allegation that the respondent failed to timely respond to his public Record request" pg.5 ¶2, the evidence relator submitted establishes that Respondent did promptly reply. Relator adds that the record is clear the relator made no allegation the respondent did not timely respond. The Mandamus was filed against the Respondents. At paragraph ¶ 7. A judgement entry dated November 30, 2010 the Perry County Common Pleas Court ordered the Columbus Police Department Division of Records (shall) provide to the Defendant James L. Chatfield any and all records. Pertaining to the theft and impoundment of a white Explorer allegedly being driven by Christopher Carter said records for dates of November 19, 20, 25, 26, 27, and 30, of 2007. Relator stated that the respondent failed to provide the records as requested and as ORDERED by the judge. This decision is asine illogical, and untenable and should be overruled by this Honorable Court.

4.

The Magistrate erred when she stated in her decision that [t]he evidence also establishes that, according to the affidavit of officer Welch, Respondent, has no documents concerning the high speed chase which was the subject matter of the relators public record request, Id. ¶.2. The Relator did establish that the CPD-created documents as requested and as ordered by Judge Linton Lewis, Jr. The Magistrate in her decision is suggesting that even though the Columbus Police Department was involved in the forty -five minute-plus high speed pursuit through the City of Columbus Ohio, the police Department made no record what so ever of the chase even though 3 county police jurisdictions in which the chase began and ended had made records of this high speed pursuit-chase by columbus Police officers. this decision is asine, illogical, and untenable and should be overruled by this Honorable Court. Relator is most certain that this Honorable Court will find the magistrates conclusion of no report being made by the responding Columbus Police Department which was involved in a high speed chase through the city of Columbus, Ohio as being pure balderdash and if not is sure the Supreme Court of Ohio will.

**THEREFORE**, based on all the above, Relator Chatfield respectfully moves this most Honorable Court to overrule the magistrates decision as stated above and grant this mandamus in toto and any other relief it deems necessary and proper for the administration of justice.

Respectfully Submitted,

CERTIFICATE OF SERVICE

an exact copy of this objection was sent to City of Columbus Department of law Richard C Pfeiffer Jr City Attorney. Chief litigation Attorney, Glen B. Redick. 90 West Broad Street, Room 200 Columbus Ohio 43215-0913.