ORIGINAL

IN THE OHIO SUPREME COURT OF OHIO

STATE OF OHIO EX REL	:	CASE NO 11-1843
JAMES L CHATFIELD, RELATOR,	:	ON APPEAL FROM THE FRANKLIN COUNTY COURT OF APPEALS, TENTH APPELLATE DISTRICT
vs-	:	
WALTER L DISTELWEIG IN HIS ORGINAL CAPACITY AS CHIEF OF POLICE OF THE CITY OF COLUMBUS, OHIO.	:	
RESPONDENT.	:	

RESPONSE BRIEF BY JAMES CHATFIELD, IN RESPONSE WALTER L. DISTELZWEIG

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Proposition of Law No. Two: 2

THE MAGISTRATE ERRED TO THE PREJUDCE 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. (*sic*) 2

Proposition of Law No. Three: 2

THE MAGISTRATE AND COURT ERRED TO THE PRJUDICE 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 A LETTER REQUESTING THE PUBLIC RECORDS ORDERED BY THE JUDGE. THIS IS NOT A TIMELY RESPONSE. DENYING COMPLETE ACCESS OF PUBLIC RECORDS. THE RECORDS SPEAKS FOR IT SELF IT WAS UNTIMLY. (*sic*) 2

Proposition of Law No. Four 2

CHATFIELD 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. (*sic*) 2

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Cases

State ex rel Lanhorn v. Smith, 112 Ohio St. 3d 527, 2007.....
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STATEMENT OF THE FACTS

Chatfield asserts that State ex rel Striker v Smith Clerk 129 Ohio St.3d 168,2011 Ohio 2878 State ex rel Striker v Fray,Clerk 130 Ohio St 3d 81 2011,Ohio 4705 dont apply the uncontroverted evidence in this matter is clear that the Columbus Police to make records of Theft of vehicles stolen in their city on November 25 2007.

Continued.

ARGUMENT

PROPOSITION OF LAW 1.

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. (*sic*)

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Proposition of Law No. Four

CHATFIELD 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. (*sic*)

STATEMENT OF FACTS

This case arises from the attempt od Appellant James L Chatfield to obtain public records from the Appellee Columbus police division (CPD) on February 7,2011,Chatfield filed a motion with the judge that sentenced him Judge Linton Lewis. Judge Linton Lewis granted the justiciable claim after the fifth Appellate district court revesed and remanded the case.

Chatfield further finds it asine,illogical,and untenable and balderdash that a one hour chase through columbus ohio,with Columbus police chaseing Christopher Carter in a stolen Ford Explorer through the city of Columbus,and recking the vehicle with tire spikes after a hour cahse is not a public record held by the Col -umbus police this department of involved and arrested and hand cuffed James Chatfield a passenger in this vehicle for Pataskala officials to get to the scene and take Chatfield to pataskala-Ohio Sheriffs,station. The divison of polices letter in response-shows we cannot locate any arrest for a Christopher Carter in or around November 27,2007,Columbus POlice not only arrested Mr Carter they through him through a glass window as well and cut him up this is a public record as well. The Columbus police as well asked me who the vehile belong to I told them I'm a passenger and I dont know. The Theft of this Ford Explorer was in Columbus Ohio Columbus Police officers stated that at the scene.

Columbus police took over the high speed chas there invovement was more than ancillary at best. The Columbus Police wreck the - vehicle with tire spikes. Mr Distelzweig at page ¶ 4.states that respondents have no duty to create or provide access to nonexistent records.

STETEMENT OF FACTS

In this instand case State ex rel Lanham v Smith 112 Ohio St 3d 527,2007,Ohio 609 at P.530 does not apply,the theft of the vehicle the ford Explorer was stolen in Columbus Ohio,Routine offen se and incident reports are not exempt work product and are-normally subject to immediate release upon requset,in this case Judge Linton Lewis granted a justiciable claim.

So the Chief of polices stance is when theft of vehicles in his city occur he doesn't make a record of the theft of these vehicles stolen in Columbus Ohio. Mr Chatfield has been denied the theft report of this vehicle,his employees chased this vehicle - wreck this vehicle with tire spikes and arrested Chatfield and held him until Pataskala police got to the scene. After Chatfield obtained a justiciable claim the respondents state they have no duty to create or provide acess to a stolen vehicle stolen in their city this is balderdash. Chatfield complied with the mandates of State v Thorton,and this court. Further officer admitted that the Ford Explorer was stolen In columbus Ohio. In this case Chatfield requested the theft report of the ford Explorer stolen in Columbus Ohio see State ex rel Lanham v Smith supra,at 1 ¶13

It is clear that Routine offense and incident reports,theft - reports are made when a vehicle is stolen in columbus Ohio In this case Chatfield made a request and was granted the request the re quest by the judge that sentenced him.

Chatfield asserts that he is entitled to a theft report of the vehicle stolen in Columbus Ohio, The evidence supports and demost -rates the vehicle was stolen in Columbus Ohio. The Chief of police has denied the records to Mr Chatfield, Further in this case the Magistrate states the record points to the Licking County dupities

The Magistrate erred the record and facts are clear in this case the CPD's involvement was more than ancillary at best the Ford Explorer was stolen in Columbus Ohio,not Licking County Ohio.

CONCLUSION

the decison of the magistrate was not correct under the law and and facts therefore the decision must be reversed.

Respectfully Submitted

James Chatfield

598709

CERTIFICATE OF SERVICE

an Exact copy of this response brief was sent to :Glenn B Redick Chief litigation Attorney 90 West Broad st Columbus Ohio 43215-9013

Respectfully Submittted

James Chatfield

This repsonse brief was placed in the U.S.mail box at London Corr Inst on March 8,2012.