

SUPREME COURT OF OHIO

State ex rel. Cincinnati Enquirer v. Hunter

138 Ohio St. 3d 51, 2013-Ohio-5614 (2013) · No. 2013-1171 · Decided December 20, 2013

SUMMARY

The Supreme Court of Ohio affirmed a contempt judgment against Judge Tracie Hunter for violating an alternative writ that required her to stay enforcement of orders revoking the Cincinnati Enquirer's permission to attend, broadcast, photograph, or record juvenile proceedings. The court held that the writ clearly required suspension of the orders, including the related prohibition on publishing the juveniles' names, and that the judge's asserted agreement with the juveniles' attorneys did not justify noncompliance.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Maureen O'Connor, Chief Justice; Paul E. Pfeifer, Justice; Terrence O'Donnell, Justice; Evelyn Lundberg Stratton Lanzinger, Justice; Judy French, Justice; William M. O'Neill, Justice; Lynn Kennedy, Justice
JURISDICTION	Ohio
DECIDED	December 20, 2013
DOCKET	2013-1171
DISPOSITION	affirmed
PROCEDURAL POSTURE	Judge Tracie Hunter appealed a First District Court of Appeals judgment holding her in civil contempt for failing to comply with an alternative writ of prohibition that required her to stay enforcement of orders revoking the Cincinnati Enquirer's permission to attend and record juvenile proceedings.
STANDARD OF REVIEW	A lower court's decision in a civil-contempt proceeding is reviewed for abuse of discretion. The appellate court that issued the mandate is in the best position to interpret it and determine compliance, and the reviewing court will not lightly substitute its interpretation for that of the issuing court.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Judge Tracie Hunter v. The State ex rel. Cincinnati Enquirer

TOPICS

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QUESTIONS PRESENTED

1. Whether Judge Hunter's asserted enforcement of an alleged agreement by the Enquirer not to publish the juveniles' names provided a defense to the contempt charge.
2. Whether the alternative writ was sufficiently clear and definite to support a contempt finding based on Judge Hunter's continued enforcement of the publication ban.
3. Whether the First District abused its discretion by finding Judge Hunter in contempt for violating the alternative writ.

HOLDINGS

1. Judge Hunter's reliance on the alleged agreement between the Enquirer and the juvenile defendants did not provide a defense because the issue before the Supreme Court was whether her June 24, 2013 entry violated the alternative writ.
2. An order forming the basis of a contempt charge must be clear, definite, unambiguous, and not subject to dual interpretations; the alternative writ clearly required Judge Hunter to suspend the March 15 and March 25 orders, including the publication ban those orders purported to enforce.
3. The First District did not abuse its discretion in finding Judge Hunter in contempt, and its contempt judgment was affirmed.

KEY QUOTATIONS

"If a contempt charge is premised on a party's failure to obey an order of the court, then the order must be clear and definite, unambiguous, and not subject to dual interpretations." (§ 25)

"Thus, the appellate court's alternative writ would provide the Enquirer only the illusion of relief." (§ 26)

"The appellate court is in the best position to interpret its own mandate and determine whether a trial court judge has complied with that mandate." (§ 29)

FACTUAL BACKGROUND

The Cincinnati Enquirer published the names of juvenile defendants charged with assault and later published the names and ages of additional juveniles. Judge Hunter initially permitted the Enquirer to broadcast or photograph proceedings subject to a condition barring publication or broadcast of the juveniles' names, then revoked the Enquirer's access after it published the names. The First District issued an alternative writ requiring Hunter to stay enforcement of the revocation orders and permit Enquirer representatives in the courtroom, but Hunter reinstated access while maintaining the publication ban.

PROCEDURAL HISTORY

The Cincinnati Enquirer sought a writ of prohibition and related preliminary relief after Judge Hunter revoked its permission to attend, broadcast, photograph, or record juvenile proceedings because it published the juveniles' names. The First District issued an alternative writ requiring Hunter to stay enforcement of the revocation orders and permit Enquirer representatives in the courtroom. After Hunter reinstated access subject to a continued ban on publication of the juveniles' names, the First District found her in contempt and ordered her to vacate the entry. The Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Ventrone v. Birkel, 65 Ohio St. 2d 10, 11, 417 N.E.2d 1249 (1981)
- State ex rel. Stine v. Brown Cty. Bd. of Elections, 101 Ohio St. 3d 252, 2004-Ohio-771, 804 N.E.2d 415, ¶ 12
- Hurst v. Hurst, 5th Dist. Licking No. 12-CA-70, 2013-Ohio-2674, ¶ 53
- Perkins v. Gorski, 8th Dist. Cuyahoga No. 98478, 2013-Ohio-265, ¶ 11
- In re Ayer, 119 Ohio App. 3d 571, 576, 695 N.E.2d 1180 (1st Dist. 1997)
- Scarnecchia v. Rebhan, 7th Dist. Mahoning No. 05 MA 213, 2006-Ohio-7053, ¶ 19
- State ex rel. Jelinek v. Schneider, 127 Ohio St. 3d 332, 2010-Ohio-5986, 939 N.E.2d 847, ¶ 14
- Bay Mechanical & Elec. Corp. v. Testa, 133 Ohio St. 3d 423, 2012-Ohio-4312, 978 N.E.2d 882, ¶ 16
- Denovchek v. Trumbull Cty. Bd. of Commrs., 36 Ohio St. 3d 14, 16, 520 N.E.2d 1362 (1988)