

SUPREME COURT OF OHIO

State ex rel. Cincinnati Enquirer v. Winkler, 101 Ohio St. 3d 382, 2004-Ohio-1581

805 N.E.2d 1094 (Ohio 2004) · Decided April 14, 2004

SUMMARY

The Ohio Supreme Court held that mandamus was an appropriate remedy for seeking access to court records under Ohio's Public Records Act. It concluded that records sealed under Ohio Revised Code § 2953.52 are excluded from the definition of public records because their release is prohibited by law. The court also upheld § 2953.52 against facial and as-applied constitutional challenges, affirming the denial of the requested writ.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Francis E. Sweeney, Sr., J.; Moyer, C.J.; Resnick, J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.
JURISDICTION	Ohio
DECIDED	April 14, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Cincinnati Enquirer appealed as of right from the First District Court of Appeals' denial of a writ of mandamus seeking access to sealed criminal-case records.
STANDARD OF REVIEW	The Supreme Court reviewed the denial of mandamus relief and the constitutional validity of R.C. 2953.52 de novo.
PRECEDENTIAL VALUE	published and precedential Ohio Supreme Court opinion
PARTIES	Cincinnati Enquirer v. Ralph E. Winkler, James C. Cissell

TOPICS

constitutional law first amendment statutory interpretation remedies

PRACTICE AREAS

constitutional law public records criminal procedure remedies

QUESTIONS PRESENTED

1. Whether mandamus was an appropriate remedy for enforcing access rights under Ohio's Public Records Act and for presenting a constitutional challenge to the records-sealing statute.
2. Whether court records sealed under R.C. 2953.52 remain public records under R.C. 149.43.
3. Whether R.C. 2953.52 is facially unconstitutional because it allegedly violates the public's constitutional right of access to criminal proceedings and records.
4. Whether R.C. 2953.52 was unconstitutional as applied to the Enquirer and whether the trial court properly balanced the relevant public and private interests.

HOLDINGS

1. Mandamus is an appropriate remedy to seek compliance with the Public Records Act and may also be used when the asserted right of access depends on a constitutional challenge.
2. Court records are public records under R.C. 149.43 while open, but records sealed under R.C. 2953.52 cease to be public records because their release is prohibited by state law.
3. R.C. 2953.52 is not facially unconstitutional because it permits sealing only after a hearing and balancing of the person's privacy interests against the legitimate needs of the government to maintain the records, while leaving public access to the trial and records available before sealing.
4. R.C. 2953.52 was not unconstitutional as applied because the trial was public, the records remained open for more than five weeks after trial, and the Enquirer had ample opportunity to access and copy them before sealing.

KEY QUOTATIONS

“Thus, once the court records were sealed under R.C. 2953.52, they ceased to be public records.” (¶ 6)

“The statute ensures fairness by balancing the competing concerns of the public’s right to know and the defendant’s right to keep certain information private.” (¶ 11)

“We therefore conclude that R.C. 2953.52 does not violate the public’s constitutional right of access to public records and that the trial court complied with its dictates.” (¶ 13)

FACTUAL BACKGROUND

A Hamilton County Municipal Court judge conducted a bench trial in which the defendant was acquitted of all charges. The defendant moved to seal the official case record the day after trial, and the judge granted the motion after a hearing conducted nearly six weeks later. The Cincinnati Enquirer requested the records after they had been sealed, but the judge refused access.

PROCEDURAL HISTORY

After a defendant was acquitted following a bench trial, the municipal court granted the defendant's motion to seal the case records under R.C. 2953.52. The Enquirer requested access, was denied because the records had been sealed, and filed a mandamus action against the judge and clerk. The court of appeals initially ordered a

balancing of privacy and public-access interests, but later accepted the judge's balancing determination and denied the writ.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Beacon Journal Publishing Co. v. Bond, 98 Ohio St. 3d 146, 2002-Ohio-7117, 781 N.E.2d 180, ¶ 50
- State ex rel. WHIO-TV-7 v. Lowe, 77 Ohio St. 3d 350, 355, 673 N.E.2d 1360 (1997)
- State ex rel. National Broadcasting Co. v. Cleveland, 38 Ohio St. 3d 79, 83, 526 N.E.2d 786 (1988)
- Press-Enterprise Co. v. Superior Court of California, Riverside Cty., 478 U.S. 1, 7-8 (1986)
- State ex rel. Scripps Howard Broadcasting Co. v. Cuyahoga Cty. Court of Common Pleas, 73 Ohio St. 3d 19, 21, 652 N.E.2d 179 (1995)
- Press-Enterprise Co. v. Superior Court of California, Riverside Cty., 464 U.S. 501, 104 S. Ct. 819, 78 L. Ed. 2d 629 (1984)
- State ex rel. Beacon Journal Publishing Co. v. Waters, 67 Ohio St. 3d 321, 324, 617 N.E.2d 1110 (1993)
- State ex rel. Toledo Blade Co. v. University of Toledo Foundation, 65 Ohio St. 3d 258, 266, 602 N.E.2d 1159 (1992)
- Pepper Pike v. Doe, 66 Ohio St. 2d 374, 377, 421 N.E.2d 1303 (1981)
- State v. D.H.W., 686 So. 2d 1331, 1336 (Fla. 1996)
- State ex rel. Cincinnati Enquirer v. Winkler, 149 Ohio App. 3d 350, 2002-Ohio-4803, 777 N.E.2d 320