

SUPREME COURT OF OHIO

State ex rel. Newsome v. Hack

State ex rel. Newsome v. Hack (Slip Opinion), 2020 Ohio 336 (Ohio 2020) · No. 2019-0457 · Decided February 5, 2020

SUMMARY

The Supreme Court of Ohio granted a writ of mandamus ordering the Marion County Court Reporter's Office and the current county court reporter to inform Jeffrey Newsome of the fee for a copy of his sentencing transcript. The court held that Newsome established a clear legal right to purchase the transcript, a corresponding legal duty to provide the fee information, and the lack of an adequate remedy at law.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Maureen O'Connor, C.J.; Maureen O'Connor; Maureen Kennedy; Jennifer Brunner French; Patrick Fischer; Pat DeWine; Michael P. Donnelly; Melody Stewart
JURISDICTION	Ohio
DECIDED	February 5, 2020
DOCKET	2019-0457
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original mandamus action seeking an order compelling the county court reporter to inform the relator of the fee for a copy of his sentencing-hearing transcript.
STANDARD OF REVIEW	To obtain mandamus relief, the relator must establish a clear legal right to the requested relief, a corresponding clear legal duty on the respondent, and the lack of an adequate remedy in the ordinary course of law.
PRECEDENTIAL VALUE	published
PARTIES	Jeffrey Newsome v. Karla Hack, Marion County Court Reporter's Office, Current Marion County Court Reporter

TOPICS

remedies

civil procedure

criminal procedure

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PRACTICE AREAS

civil procedure

mandamus

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QUESTIONS PRESENTED

1. Whether Newsome established a clear legal right to purchase a copy of his sentencing-hearing transcript.
2. Whether the current Marion County court reporter had a clear legal duty to locate the transcript and inform Newsome of the fee.
3. Whether Newsome lacked an adequate remedy in the ordinary course of law and was therefore entitled to a writ of mandamus.
4. Whether the Marion County Court Reporter's Office and the current Marion County Court Reporter should be added as respondents.

HOLDINGS

1. Newsome established a clear legal right to purchase a copy of his sentencing transcript because the trial court's order indicated that the transcript existed and was available upon payment of the applicable transcript fees.
2. The current Marion County court reporter had a clear legal duty to locate the existing transcript and inform Newsome of the fee for a copy.
3. Newsome lacked an adequate remedy in the ordinary course of law because the trial court had effectively granted his motion to compel production of the transcript, leaving no adverse final order from which he could obtain meaningful appellate relief.
4. The court granted Newsome's unopposed motion to add the Marion County Court Reporter's Office and the current Marion County Court Reporter as respondents.

KEY QUOTATIONS

“To be entitled to a writ of mandamus, Newsome must show a clear legal right to purchase a copy of his sentencing transcript, a corresponding clear legal duty of the Marion County court reporter to inform him of the transcript fee, and the lack of an adequate remedy at law.” (¶ 6)

“We therefore order the Marion County Court Reporter’s Office and the current Marion County Court Reporter to inform Newsome of the transcript fee.” (¶ 12)

FACTUAL BACKGROUND

Jeffrey Newsome, an inmate, sought a copy of the transcript of his 2009 sentencing hearing. Although the original audio recording could not be located, the trial court determined that a transcript existed and was available from the court reporter upon payment of transcript fees. Newsome had not received the transcript or been informed of the applicable fee, and the former court reporter had retired, leading him to seek joinder of the court reporter's office and the current court reporter.

PROCEDURAL HISTORY

Newsome previously sought a transcript in the trial court, which entered an order stating that a transcript existed and was available upon payment of transcript fees. He then filed an original mandamus complaint in the Supreme Court of Ohio. After granting an alternative writ, the court granted Newsome's motion to add the Marion County Court Reporter's Office and the current county court reporter as respondents and granted the writ.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Marion County Court Reporter's Office and the current Marion County Court Reporter were ordered to inform Newsome of the transcript fee.

CASES CITED

- State ex rel. Waters v. Spaeth, 131 Ohio St. 3d 55, 2012-Ohio-69, 960 N.E.2d 452, ¶ 6
- State ex rel. Ulery v. Capper, 2d Dist. Clark No. 2010-CA-97, 2012-Ohio-147, ¶ 12
- State ex rel. Slagle v. Rogers, 103 Ohio St. 3d 89, 2004-Ohio-4354, 814 N.E.2d 55, ¶ 18
- State ex rel. Gabriel v. Youngstown, 75 Ohio St. 3d 618, 665 N.E.2d 209 (1996)
- Ohio Contract Carriers Assn. v. Pub. Util. Comm., 140 Ohio St. 160, 42 N.E.2d 758, syllabus