

OPINIONS OF THE SUPREME COURT OF OHIO

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The State of Ohio ex rel. Jells, Appellee, v. City of Cleveland et al., Appellants.

[Cite as State ex rel. Jells v. Cleveland (1993), Ohio St.3d .]

Public records -- Witness statements from aggravated murder conviction case not exempt as "trial preparation records" under R.C. 149.43.

(No. 93-206 -- Submitted August 16, 1993 -- Decided October 6, 1993.)

Appeal from the Court of Appeals for Cuyahoga County, No. 62678.

In 1987, a three-judge panel convicted relator-appellee, Reginald Jells, of aggravated murder and two counts of kidnapping and sentenced Jells to death. We affirmed. State v. Jells (1990), 53 Ohio St.3d 22, 559 N.E.2d 464, certiorari denied, Jells v. Ohio (1991), 498 U.S. 1111, 111 S.Ct. 1020, 112 L.Ed.2d 1101.

In 1991, Jells' counsel requested that Cleveland officials release all records relating to the offenses for which Jells was convicted. Later, Jells petitioned the court of appeals for a writ of mandamus under R.C. 149.43 against the city of Cleveland and Cleveland's mayor, police chief, and safety director (herein "city"). The city released some documents, and the court of appeals, after inspecting the records in camera, ordered more records released.

The city now appeals the decision of the court of appeals as a matter of right.

James Kura, Ohio Public Defender, JoAnn M. Bour-Stokes and Joseph E. Wilhelm, Assistant Public Defenders, for appellee.

Danny R. Williams, Law Director, and Pamela A. Pfleger Walker, Assistant Law Director, for appellants.

Per Curiam. The court of appeals did not abuse its discretion in finding particular witness statements not exempt as trial preparation records. See State ex rel. Williams v. Cleveland (1992), 64 Ohio St.3d 544, 597 N.E.2d 147; State ex rel. Coleman v. Cincinnati (1991), 57 Ohio St.3d 83, 566 N.E.2d

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Accordingly, the judgment of the court of appeals is affirmed.

Judgment affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick and Pfeifer, JJ., concur.

F.E. Sweeney, J., not participating.