

OPINIONS OF THE SUPREME COURT OF OHIO

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The State ex rel. Nelson, Appellant, v. Tubbs Jones, Pros. Atty., Appellee.

[Cite as State ex rel. Nelson v. Tubbs Jones (1993), Ohio St.3d .]

Public records -- R.C. 149.43 does not require custodians to mail either copies of public records or the records themselves.

(No. 93-593 -- Submitted June 15, 1993 -- Decided October 6, 1993.)

Appeal from the Court of Appeals for Cuyahoga County, No. 64763.

After filing five written requests for certain public records in a criminal case, appellant, Carl A. Nelson, Sr., filed a mandamus action in the court of appeals against appellee, Stephanie Tubbs Jones, Cuyahoga County Prosecuting Attorney, to obtain the records. The court of appeals dismissed the action sua sponte, citing State ex rel. Fenley v. Ohio Historical Soc. (1992), 64 Ohio St.3d 509, 597 N.E.2d 120.

The cause is before this court upon an appeal as of right.

Carl A. Nelson, Sr., pro se.

Stephanie Tubbs Jones, Cuyahoga County Prosecuting Attorney, and Carol Shockley, Assistant Prosecuting Attorney, for appellee.

Per Curiam. While we are aware of no procedural rule that authorizes the court to dismiss a case summarily on a question of law - - see State ex rel. Hanson v. Guernsey Cty. Bd. of Commrs. (1992), 65 Ohio St.3d 545, 605 N.E.2d 378 - - we find on the merits that the court of appeals reached the right result and affirm its judgment based on Fenley, supra, and State ex rel. Nelson v. Fuerst (1993), 66 Ohio St.3d 47, 607 N.E.2d 836.

Judgment affirmed.

Moyer, C.J., A.W. Sweeney, Resnick and F.E. Sweeney, JJ., concur.

Douglas, Wright and Pfeifer, JJ., dissent for the reasons stated in Justice Wright's dissenting opinion in State ex rel.

Fenley v. Ohio Historical Soc. (1992), 64 Ohio St.3d 509,  
515-516, 597 N.E.2d 120, 125-126.