

[Cite as *State ex rel. Barb v. Cuyahoga Cty. Jury Commr.*, 2009-Ohio-3301.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 93326

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**STATE OF OHIO, EX REL.,  
DANNY BARB, #540-877**

RELATOR

vs.

**CUY. CTY. JURY COMMISSIONER**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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WRIT OF MANDAMUS  
MOTION NO. 423065  
ORDER NO. 423528

**RELEASE DATE:** July 1, 2009

**FOR RELATOR**

Danny Barb, pro se  
Inmate No. 540-877  
Marion Correctional Institution  
P.O. Box 57  
Marion, Ohio 43301

### **ATTORNEYS FOR RESPONDENT**

William D. Mason  
Cuyahoga County Prosecutor

BY: Charles E. Hannan, Jr.  
Assistant County Prosecutor  
8th Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

JAMES J. SWEENEY, J.:

{¶ 1} Danny Barb has filed a complaint for a writ of mandamus, through which he seeks an order that requires the Cuyahoga County Jury Commissioner, pursuant to Ohio's public records law, R.C. 149.43, to provide lists of jurors that were summoned or served in the following criminal cases: (1) *State v. Barb*, Cuyahoga County Court of Common Pleas Case No. CR-287393; (2) *State v. Barb*, Cuyahoga County Court of Common Pleas Case No. CR-318289; and (3) *State v. Barb*, Cuyahoga County Court of Common Pleas Case No. CR-395619. The Cuyahoga County Jury Commissioner has filed a motion for summary judgment, which we grant for the following reasons.

{¶ 2} Initially, we find that Barb has failed to comply with R.C. 149.43(B)(8), which provides that:

{¶ 3} “A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the *judge who imposed the sentence or made the adjudication with respect to the person, or the judge’s successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.*” (Emphasis added.)

{¶ 4} In the case sub judice, Barb has failed to obtain a finding from any sentencing judge that “the information sought in the public record is necessary to support what appears to be a justiciable claim.” Thus, Barb has not satisfied the statutory requirement of R.C. 149.43(B)(8), which prevents this court from ordering the release of the requested records. *State ex rel. Russell v. Thornton*, 111 Ohio St.3d 409, 2006-Ohio-5858, 856 N.E.2d 966. It must also be noted that the names and addresses of jurors are not public records. *State ex rel. Beacon Journal Publishing Co. v. Bond*, 98 Ohio St.3d 146, 2002-Ohio-7117, 781 N.E.2d 180.

{¶ 5} Accordingly, we grant the Cuyahoga County Jury Commissioner's motion for summary judgment. Costs to Barb. It is further ordered that the Clerk of the Eighth District Court of Appeals serve notice of this judgment upon all parties. Civ.R. 58(B).

Writ denied.

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JAMES J. SWEENEY, JUDGE

COLLEEN CONWAY COONEY, A.J., and  
KENNETH A. ROCCO, J., CONCUR