

**In the
Supreme Court of Ohio**

STATE OF OHIO, <i>ex rel.</i>	:	
THE CINCINNATI ENQUIRER,	:	Case No.
A Division of Gannett GP Media, Inc.	:	
312 Elm Street	:	Original Action in Mandamus
Cincinnati, OH 45202	:	
	:	
	:	
Relator,	:	
vs.	:	
PIKE COUNTY CORONER'S OFFICE	:	<u>AFFIDAVIT OF</u>
14050 U.S. 23 North	:	<u>ROBERT STRICKLEY, JR.</u>
Waverly, OH 45690	:	<u>IN SUPPORT OF</u>
	:	<u>WRIT OF MANDAMUS</u>
	:	
Respondent.	:	

AFFIANT, after being duly cautioned and sworn, states as follows:

1. My name is Robert Strickley, Jr. I am a reporter for Relator The Cincinnati Enquirer ("The Enquirer"), and am over the age of 18. I have personal knowledge of the matters recounted in this Affidavit.

2. On April 22, 2016, Hannah Gilley, Christopher Rhoden, Jr., Christopher Rhoden, Sr. Clarence "Frankie" Rhoden, Dana Rhoden, Gary Rhoden, Hanna Rhoden, Kenneth Rhoden (hereinafter, collectively, "Rhoden Family Victims") were shot and killed in their homes in Pike County, Ohio.

3. On or about July 22, 2016, the Dr. Kessler, the Pike County Coroner, issued a press release stating that his office had received the final autopsy reports for the Rhoden Family Victims (hereinafter "Rhoden Autopsy Reports").

4. On July 26, 2016, I made a request, on behalf of The Enquirer, for the Rhoden Autopsy Reports on Linda Murphy ("Records Request"), who holds the title "Coroner's Clerk" of the PCCO. A true and accurate copy of the Records Request is attached to my affidavit as Exhibit 1.

5. By email dated, July 27, 2016, the PCCO, denied The Enquirer's Records Request, asserting that the Rhoden Autopsy Reports were exempt from disclosure as "confidential law

enforcement investigatory records' under 313.10 (A) (2))(e) [sic] (and 149.43)." A true and accurate copy of the July 27 email is attached to my affidavit as Exhibit 2.

6. As of the date of this affidavit, I have not been permitted to inspect and copy the Rhoden Autopsy Reports.

FURTHER AFFIANT SAYETH NAUGHT.

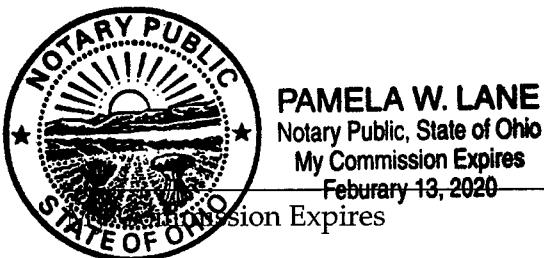


Robert Strickley, Jr.

STATE OF OHIO)
) ss.
COUNTY OF HAMILTON)

BE IT REMEMBERED, that on July 29, 2016, before me, the subscriber, a Notary Public in and for said State, personally came **Robert Strickley, Jr.**, the Affiant in the foregoing instrument, who acknowledged the signing thereof to be her voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the date last aforesaid.




Pamela M. Lane
Notary Public

PRAECLipe FOR SERVICE

TO THE CLERK:

Please issue a copy of this *AFFIDAVIT OF ROBERT STRICKLEY, JR.* along with the Summons and Petition to the Respondent identified in the caption on page one via Certified Mail, return receipt requested.

John C. Greiner
John C. Greiner (0005551)

6561986.1

From: Strickley, Jr., Robert <rstrickley@CINCINNA.GANNETT.COM>
Sent: Tuesday, July 26, 2016 5:47 PM
To: LMurphy@pike-health.org
Cc: Greiner, John C.
Subject: Enquirer Media Request: Final autopsy reports

To the Office of the Pike County Coroner:

Please consider this an official public records request under the Freedom of Information Act by the State of Ohio (Pursuant to Ohio Revised Code 149.43) by Enquirer Media and The Cincinnati Enquirer.

- I am requesting the final autopsy reports of: Christopher Rhoden Sr., 40; Dana Rhoden, 37; Clarence "Frankie" Rhoden, 20; Hanna Rhoden, 19; Christopher Rhoden Jr., 16; Hannah Gilley, 20; Kenneth Rhoden, 44; Gary Rhoden, 38.

I am happy to pick up these documents in person, however, here are the other options for receipt:

Email (preferred method) - rstrickley@enquirer.com

Fax - 513-768-8340 (ATTN: Bob Strickley)

Mail - Bob Strickley c/o The Cincinnati Enquirer, 312 Elm Street Cincinnati, OH, 45202

Thank you for your assistance with this request. Please acknowledge receipt of this request.

Sincerely,
Bob Strickley
Daily News Coach & Strategist | The Cincinnati Enquirer
rstrickley@enquirer.com
513-646-4378

From: Strickley, Jr., Robert <rstrickley@CINCINNA.GANNETT.COM>
Sent: Wednesday, July 27, 2016 9:18 AM
To: Greiner, John C.
Subject: Fw: Rhoden media request
Attachments: Rhoden media request.doc

From: Murphy, Linda <LMurphy@pike-health.org>
Sent: Wednesday, July 27, 2016 9:01 AM
To: Strickley, Jr., Robert
Subject: Rhoden media request

Pike County Coroner's Office

14050 US 23 North

Waverly, OH 45690

Telephone 740-947-7721 • FAX 740-947-1109

E-Mail Address: lmurphy@pike-health.org

July 22, 2016

TO ALL MEDIA REQUESTS:

We have received the final autopsy reports for the following victims:

Hannah Gilley
Christopher Rhoden, Jr.
Christopher Rhoden, Sr.
Clarence "Frankie" Rhoden
Dana Rhoden
Gary Rhoden
Hanna Rhoden
Kenneth Rhoden

After consultation with my legal counsel, I consider that all autopsy results during a homicide investigation are considered "confidential law enforcement investigatory records" under 313.10 (A) (2) (e). (and 149.43).

I do not want to release any information that might impede the criminal investigation or the families grieving process. Once the autopsies are no longer considered "confidential law enforcement investigatory records", I will give a media release stating that fact.

Thank you for your patience and respect during the criminal investigatory process.

God Bless,
David Kessler, MD
Coroner

Linda Murphy
Coroner's Clerk
740/708-1269
lmurphy@pike-health.org