

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel.)	
TERRY BROWN, #751-619)	CASE NO. 2023-1474
)	
Relator)	On Petition for Mandamus
)	
vs.)	
)	
COLUMBIANA COUNTY SHERIFF'S)	
OFFICE, et al.,)	
)	
Respondents.)	

**ANSWER OF RESPONDENTS COLUMBIANA COUNTY SHERIFF'S OFFICE AND
SHERIFF BRIAN MCLAUGHLIN TO RELATOR'S PETITION/COMPLAINT FOR
WRIT OF MANDAMUS**

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TERRY BROWN, PRO SE
A751-619
Belmont Correctional Institution
68518 Bannock Road
St. Clairsville, OH 43950-9736

Relator

Counsel for Respondents Columbiana County
Sheriff's Office and Sheriff Brian
McLaughlin

Answer

Respondents Columbiana County Sheriff's Office and Sheriff Brian McLaughlin (hereinafter "Respondents") provide the following Answer to Relator's Petition/Complaint for Writ of Mandamus and state as follows:

1. In answer to the section titled "Statement of Facts," Respondents admit that the Columbiana County Sheriff's Office received a copy of Relator's public records requests. Respondents deny all remaining allegations contained in the paragraph titled "Statement of Facts," and avers as follows:

Relator sent three letters purporting to contain six public records requests to Respondents, all dated October 4, 2023, four of which Relator claims in his complaint were not satisfied.

One letter/request sought records concerning a criminal investigation of Steve Walker and disciplinary records of Steve Walker. (See Compl. at Exh. 4, attaching the public records request.) Walker was one of the investigators on Relator Brown's criminal case, which involved the murder and dismemberment of Scottie Johnson in 2017. Brown was sentenced to 25 years to life in prison for aggravated murder with a firearms specification, aggravated robbery, abuse of a corpse and tampering with evidence.

Another letter/request, which is attached as Exhibit 5 to Relator's Complaint, sought names and lists of Sheriff's Office staff members and miscellaneous emails, along with the retention schedule for such materials. (Compl. Exh. 5.)

Another letter/request, which is attached as Exhibit 6 to Relator's complaint, sought policy materials, complaints regarding Steve Walker, and documents regarding Steve Walker related to his work at schools. (Compl. Exh. 6.)

On October 30, 2023, Respondents mailed their response to Relator's first letter (i.e., Relator's Compl. at Ex. 4). *See* Affidavit of Scherry Wilson and response provided, attached hereto as Exhibit A-1. Respondents received no further communication from Relator with regard to any of the October 4, 2023 public records requests, including this one.

On October 19, 2023, Respondents mailed their response to Relator as to Relator's second letter (i.e., Relator's Compl. at Ex. 5). *See* Affidavit of Scherry Wilson and response provided, attached hereto as Exhibit A-2. Respondents received no further communication from Relator with regard to any of the October 4, 2023 public records requests, including this one.

On November 29, 2023, Respondents mailed their response to Relator's third letter (i.e., Relator's Compl. at Ex. 6) providing a full response that no documents existed or that Relator had been provided the records he requested in one of his previously made public records requests. *See* Affidavit of Scherry Wilson and response, attached hereto as Exhibit A-3. Respondents received no further communication from Relator with regard to the any of the October 4, 2023 public records requests, including this one.

2. In answer to the section titled "Complaint," Respondents deny the allegations stated therein.

3. In so answering, Respondents deny each and every allegation in the Petition/Complaint not expressly admitted herein.

AFFIRMATIVE DEFENSES

1. Relator's Complaint fails to state a claim upon which relief can be granted.
2. Relator is barred from any equitable relief due to application of the clean hands doctrine.
3. Relator's Complaint is barred for mootness.
4. Relator is not entitled to a writ of mandamus.
5. Relator failed to name indispensable parties without whom complete relief is not possible.
6. Relator is not entitled to statutory damages pursuant to R.C. 149.43
7. Relator did not fairly and/or properly describe the records he sought.
8. Records responsive to the request did not exist.
9. Respondents complied with all necessary aspects of responding to the request.
10. Respondents reserve the right to assert such additional affirmative defenses as may become appropriate upon prior notice to Relator.
11. Relator's claim is barred by the judicial priority rule.
12. Relator's claim is barred by the doctrine of res judicata/claim preclusion.
13. Relator's claim is barred by R.C. 149.43.(B)(8).

WHEREFORE, Respondents respectfully request that this Court issue an order dismissing Relator's Writ with prejudice, assessing costs to Relator, and awarding any other relief deemed necessary and just by this Court.

Respectfully submitted,

MAZANEC, RASKIN & RYDER CO., L.P.A.

/s/Frank H. Scialdone

FRANK H. SCIALDONE (0075179)*

*Counsel of Record

ZACHARY W. ANDERSON (0095921)

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Cleveland, OH 44139

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zanderson@mrrlaw.com

Counsel for Respondents Columbiana County
Sheriff's Office and Sheriff Brian McLaughlin

CERTIFICATE OF SERVICE

A copy of the foregoing Answer of Respondents to Relator's Petition/Complaint for Writ of Mandamus has been electronically filed and served by regular U.S. mail, postage prepaid, on December 11, 2023 to:

Terry Brown
A751-619
Belmont Correctional Institution
68518 Bannock Road
St. Clairsville, OH 43950-9736

Relator

/s/Frank H. Scialdone

FRANK H. SCIALDONE (0075179)

ZACHARY W. ANDERSON (0095921)

Counsel for Respondents Columbiana County
Sheriff's Office and Sheriff Brian McLaughlin

STATE OF OHIO

COUNTY OF COLUMBIANA

)
)
)

AFFIDAVIT OF SCHERRY WILSON

Now comes, Scherry Wilson, who being first duly sworn according to law deposes and states the following:

1. I am an administrative assistant with the Columbiana County Sheriff's Office.
2. I am over 18 years of age, of sound mind, and capable of making this Affidavit.
3. I have personal knowledge of all matters contained in this Affidavit and they are true and correct.
4. In my official capacity I responded to three letters containing various public records requests all dated September 26, 2023 from Inmate Terry Brown that are the subject of *State ex rel. Brown v. Columbiana County Sheriff's Office, et al.*, Supreme Court Case No.: 2023-1474.
5. On October 30, 2023, I fully and completely responded to and mailed a response to Relator's first letter (i.e., Relator's Compl. at Ex. 4). A true and accurate copy of my response and the provided documents are incorporated by reference to this Affidavit as Ex. A-1.)
6. On October 19, 2023, I fully and completely responded to and mailed a response to Relator's second letter (i.e., Relator's Compl. at Ex. 5). A true and accurate copy of my response and the provided documents are incorporated by reference to this Affidavit as Ex. A-2.)
7. On November 29, 2023, I fully and completely responded to and mailed a response to Relator's third letter (i.e., Relator's Compl. at Ex. 6). A true and accurate copy of my response and the provided documents are incorporated by reference to this Affidavit as Ex. A-3.)
8. I received no further communications from Mr. Brown regarding this matter, except the present lawsuit.

FURTHER AFFIANT SAYETH NOT.



SCHERRY WILSON

The above individual appeared before me and the foregoing was subscribed and sworn to before me this 11 day of DECEMBER, 2023.

Tracy Sue Simmons
Notary Public



Tracy Sue Simmons
Notary Public
State of Ohio
Recorded in Columbiana County
Certificate # 2022-RE-847983
My Commission Expires
May 11, 2027



Columbiana County Sheriff's Office

105 S. Market Street
Lisbon, Ohio 44432

Sheriff Brian S. McLaughlin

October 30, 2023

Terry Brown (Inmate #A751-619)
Belmont Correctional Institution
68518 Bannock Rd.
St. Clairsville, OH 43950

RE: Public Records Requests

Dear Mr. Brown:

This letter is in response to your public records request dated September 26, 2023 wherein you requested the following:

- 1) Any and all cases associated with each or all 13 items of drugs, paraphernalia that Steve Walker was found to be in violation of Sheriff's Office policy on May 10, 2021.
- 2) Any and all materials, documents, papers and any reference to Disciplinary records, complaints, conduct reports, demotions that have been a result of Steve Walker's removal from the Drug Task Force for any reason between March 2017 and September 2019.
- 3) Any and all disciplinary records, complaints, conduct reports, demotions that have been removed from Steve Walker's personnel file from his hire date until present day.

With respect to Item 1 of your request, a public office is not required to produce records in response to a public records request concerning any criminal investigation or prosecution made by or on behalf of an inmate unless the inmate first obtains a finding from the judge who sentenced or otherwise adjudicated the inmate's case that the information sought is necessary to support what appears to be a justiciable claim. See, R.C. §149.43(B)(8). Because no such finding has been made, your request for copies of the records in Item 1 of your request is denied.

Criminal Division
330-424-7255
330-424-3602 Fax

Administration / Civil Division
330-424-1104
330-424-3795 Fax

Corrections Division
330-424-5109
330-424-4065



Columbiana County Sheriff's Office

105 S. Market Street
Lisbon, Ohio 44432

Sheriff Brian S. McLaughlin

With respect to Items 2 and 3 of your request, this office previously provided you with all public records contained in Steve Walker's personnel file. There are no other public records relating to this request that have not already been provided to you. As all records responsive to this Items 2 and 3 have already been provided to you, no further response is necessary.

Sincerely,

A handwritten signature in cursive script that reads "Scherry Wilson".

Scherry Wilson

Criminal Division
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Corrections Division
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Columbiana County Sheriff's Office

105 S. Market Street

Lisbon, Ohio 44432

Sheriff Brian S. McLaughlin

October 19, 2023

Terry Brown (Inmate #A751-619)
Belmont Correctional Institution
68518 Bannock Rd.
St. Clairsville, OH 43950

RE: Public Records Requests

Dear Mr. Brown:

This letter is in response to your public records request dated September 26, 2023 wherein you requested the following:

- 1) Names of all staff working in or for the Sheriff's Office.
- 2) List of any and all email addresses associated with each staff member working in or for the Sheriff's Office.
- 3) Any and all emails sent or received from September 1, 2022 to present sent or received from any email accounts within the Sheriff's Office that reference any/all of the following:
 - a. Terry Brown
 - b. Steve Walker (Detective Walker)
 - c. Eric Dreger
 - d. Detective M. Weber, M. Weber, mweber@portageco.com
 - e. Portage County Sheriff's Office
 - f. 2935.09 Complaint
 - g. Any news media concerning Steve Walker

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Columbiana County Sheriff's Office

105 S. Market Street
Lisbon, Ohio 44432

Sheriff Brian S. McLaughlin

- 4) Any and all emails sent or received from Steve Walker from September 1, 2022 to any email accounts within the Sheriff's Office.

Records this office has responsive to your requests in Items 1 and 2 above are enclosed.

Your requests for Items 3 and 4 above are overly broad and ambiguous such that our office cannot determine what records you are requesting. Therefore, your request for these records has been denied. Please note, the law permits you revise a denied request. To narrow your request, please provide the name of the specific employee/recipient and the date range for the emails you are requesting. Should you require assistance in clarifying and narrowing your request, please feel free to contact our office.

Lastly, you requested a copy of the retention schedule for any and all email accounts. This Office previously provided you with a copy of its Records Retention schedule. As all records responsive to this request have already been provided to you, no further response is necessary.

Sincerely,

A handwritten signature in cursive script, appearing to read "Schenck Wilson".

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Corrections Division
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330-424-4065



Columbiana County Sheriff's Office

105 S. Market Street

Lisbon, Ohio 44432

Sheriff Brian S. McLaughlin

COLUMBIANA COUNTY SHERIFF'S OFFICE

FULL TIME EMPLOYEES

CHIEF DEPUTY

Jennifer Tucker – jtucker@ccclerk.org

ADMINISTRATIVE ASSISTANT

Scherry Wilson – swilson@ccclerk.org

LIEUTENANT

Michael Helman – mhelman@ccclerk.org

Caleb Wycoff – cwycoff@ccclerk.org

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Columbiana County Sheriff's Office

105 S. Market Street
Lisbon, Ohio 44432

Sheriff Brian S. McLaughlin

SERGEANT

Kevin Shulas – kshulas@ccclerk.org

Brandon Hoppel – bhoppel@ccclerk.org

Brett Grabman – bgrabman@ccclerk.org

Justin Madison – jmadison@ccclerk.org

Brian Deack - bdeack@ccclerk.org

Hartley Malone – hmalone@ccclerk.org

DEPUTY

Willie Coleman – wcoleman@ccclerk.org

Bill McGee – wmcgee@ccclerk.org

Luke Skidmore – lskidmore@ccclerk.org

Kevin Walker – kwalker@ccclerk.org

Eric Buday – ebuday@ccclerk.org

John Scheets – jscheets@ccclerk.org

Jennifer Calko – jcalko@ccclerk.org

Ryan Pike – rpike@ccclerk.org

Jesse Smith – jsmith@ccclerk.org

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Columbiana County Sheriff's Office

105 S. Market Street
Lisbon, Ohio 44432

Sheriff Brian S. McLaughlin

Jonathan Kerchofer – jkerchofer@ccclerk.org

Robert Sanchez – rsanchez@ccclerk.org

Tab Bailey – tbailey@ccclerk.org

William Grodhaus – wgrodhaus@ccclerk.org

Rob Smith – rsmith@ccclerk.org

Anthony Gentry – agentry@ccclerk.org

Robert Vukovich – rvukovich@ccclerk.org

Nicholas Rusyn – nrusyn@ccclerk.org

Kirk Wolf – kwolf@ccclerk.org

James Briggs – jbriggs@ccclerk.org

Gyasi Warsing – gwarsing@ccclerk.org

Cheriff Jamison – cjamison@ccclerk.org

COMMUNICATIONS OFFICER – All dispatchers use same email address – ddispatch@ccclerk.org

Jenny Swords

Crystal Sickelsmith

Janice Gartland

Steve Davis

Steve Dixon

David Stock

Leslie Roberts

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Columbiana County Sheriff's Office

105 S. Market Street

Lisbon, Ohio 44432

Sheriff Brian S. McLaughlin

Courtney Hill

ACCOUNT CLERK

Lacey Thrasher – lthrasher@ccclerk.org

Tanya McLaughlin – tmclaughlin@ccclerk.org

Angie Gross – agross@ccclerk.org

Tracy Simmons – tsimmons@ccclerk.org

Debra Ketchum – dketchum@ccclerk.org

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Columbiana County Sheriff's Office

105 S. Market Street

Lisbon, Ohio 44432

Sheriff Brian S. McLaughlin

November 29, 2023

Terry Brown (Inmate #A751-619)
Belmont Correctional Institution
68518 Bannock Rd.
St. Clairsville, OH 43950

RE: Public Records Requests

Dear Mr. Brown:

This letter is in response to your public records request dated September 26, 2023 wherein you requested the following:

First Request:

Records of policy for investigating "Sex Crimes or sexually oriented crimes" and or complaint [sic]

- 1) *"What types of evidence are collected from a person under investigation and or complaint filed against an 'Accused' for a 'Sex Crime' or any sexually oriented crime against any person up to and including minors"*
- 2) *"What items are collected from an 'accused' under investigation or complaint filed against [sic] such as Personal Computer, Laptop, Personal Cell Phones, Tablets"*
- 3) *"Any rules or exceptions given to the 'Accused' for NOT collecting 'Personal Items' during an investigation"*

To the extent that your "First Request" seeks public records of this office, this office has no records responsive to this request.

Second Request:

Complaints and Investigation into misconduct of Steve Walker on or around September 2022

- 1) *"What evidence was collected from Steve Walker, such as Work Phone Personal Cell Phone, Personal Computer, Personal Laptop, Tablet"*
- 2) *"The name of the person or persons making the decisions on what items were collected from Steve Walker to be tested for evidence"*

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Columbiana County Sheriff's Office

105 S. Market Street

Lisbon, Ohio 44432

Sheriff Brian S. McLaughlin

- 3) *"Names of citizens or organizations filing complaints against Steve Walker on or around September 2022"*

As to your "Second Request", you were previously provided with copies of Steve Walker's personnel file and the findings of the investigation into Steve Walker's alleged misconduct. As all records responsive to this request have already been provided to you, no further response is necessary.

Third Request:

- 1) *"Any and all documents, notes, opinions, communications, including email communications and inter-office communications that gave Steve Walker any authority to be on any school grounds for any reason"*
- 2) *"After being 'Barred' from working at any school in the county, including Southern Local, who gave Steve Walker the authority to once again be present either in an official or personal capacity at this and other schools within the county."*

This office has no records responsive to your "Third Request".

To the extent that your requests seek information rather than public records, such requests are considered improper under Ohio's public records law. See, *State ex rel. Griffin v. Sehlmeier*, 167 Ohio St.3d 566 (2022).

Sincerely,

A handwritten signature in cursive script that reads "Scherry Wilson".

Scherry Wilson

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