

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Russell v. Yost*, Slip Opinion No. 2023-Ohio-2356.]

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**SLIP OPINION NO. 2023-OHIO-2356**

**THE STATE EX REL. RUSSELL, APPELLANT, v. YOST, ATTY. GEN., APPELLEE.**

**[Until this opinion appears in the Ohio Official Reports advance sheets, it**

**may be cited as *State ex rel. Russell v. Yost*,**

**Slip Opinion No. 2023-Ohio-2356.]**

*Mandamus—Public-records requests—Inmate failed to show that he has a clear legal right to names of Ohio Department of Rehabilitation and Correction employees who worked on his excessive-force case or that attorney general has a clear legal duty to provide that information—Court of appeals’ judgment granting attorney general’s motion to dismiss affirmed.*

(No. 2023-0070—Submitted April 18, 2023—Decided July 13, 2023.)

APPEAL from the Court of Appeals for Franklin County,

No. 21AP-603, 2022-Ohio-4778.

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**Per Curiam.**

{¶ 1} Appellant, Mark Russell, an inmate at the London Correctional Institution, filed an action in mandamus in the Tenth District Court of Appeals. Russell requested an order requiring appellee, Ohio Attorney General Dave Yost, to provide him with the names of Ohio Department of Rehabilitation and Correction (“ODRC”) employees who worked on a case Russell had filed against ODRC. The Tenth District granted the attorney general’s motion to dismiss. We affirm.

**FACTUAL AND PROCEDURAL BACKGROUND**

{¶ 2} Russell’s petition avers that he was involved in an altercation with ODRC staff in 2016 and that he filed a pro se lawsuit in the Ohio Court of Claims against ODRC alleging excessive force during the altercation. After the parties settled the case, Russell sent the attorney general’s office two letters requesting the name of the ODRC employee who had communicated with the attorney general’s office during settlement negotiations. The attorney general’s office wrote back and stated that conversations between the office and ODRC are privileged.

{¶ 3} Russell then filed the current action in the Tenth District. He requested an order requiring the attorney general to provide the names of the ODRC employees who made decisions regarding his settlement. His petition does not cite any statute or caselaw in support of his claim for this relief, nor does it allege that the attorney general violated R.C. 149.43, Ohio’s Public Records Act. The petition states that “the relief Russell is requesting is his Constitutional Right to know who was in charge of making the decisions in his Court Settlement.”

{¶ 4} The attorney general filed a motion to dismiss for failure to state a claim upon which relief could be granted. The Tenth District granted the motion, holding that Russell had failed to show a clear legal right to the relief he requested and that he had “not offered any legal support that favors granting a writ of mandamus in these circumstances.” 2022-Ohio-4778, ¶ 14.

{¶ 5} Russell has appealed to this court.

### ANALYSIS

{¶ 6} To be entitled to a writ of mandamus, Russell must establish by clear and convincing evidence that (1) he has a clear legal right to the requested relief, (2) the attorney general has a clear legal duty to provide it, and (3) he lacks an adequate remedy in the ordinary course of the law. *State ex rel. Love v. O'Donnell*, 150 Ohio St.3d 378, 2017-Ohio-5659, 81 N.E.3d 1250, ¶ 3. We review the court of appeals' judgment de novo. *State ex rel. Thomas v. Nestor*, 164 Ohio St.3d 144, 2021-Ohio-672, 172 N.E.3d 136, ¶ 4.

{¶ 7} Russell has failed to show that he has a clear legal right to the relief he requested or that the attorney general has a clear legal duty to provide the relief. Russell does not cite any statute or caselaw requiring the attorney general to provide him with the names of the ODRC employees who negotiated the settlement of his excessive-force case. Although Russell's proposition of law asserts that he is entitled to this information under the Sixth and Fourteenth Amendments to the United States Constitution and under the Ohio Constitution, he does not explain how these constitutional provisions apply here.

{¶ 8} Russell argues that if he had been represented by an attorney in his excessive-force case, his attorney would have known the names of the ODRC employees and thus that he—as a pro se plaintiff—should also be entitled to those names. Even if his assumptions are true, it does not follow that the attorney general is required to provide him with the names.

### CONCLUSION

{¶ 9} Russell has failed to show that he has a clear legal right to the names of the ODRC employees who worked on his excessive-force case or that the attorney general has a clear legal duty to provide that information. Accordingly, we affirm the judgment of the court of appeals.

SUPREME COURT OF OHIO

Judgment affirmed.

KENNEDY, C.J., and FISCHER, DEWINE, DONNELLY, STEWART, BRUNNER,  
and DETERS, JJ., concur.

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Mark R. Russell, pro se.

Dave Yost, Attorney General, and Adam Beckler, Assistant Attorney  
General, for appellee.

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