

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
OTTAWA COUNTY

State, ex rel. Charles L. Tingler

Court of Appeals No. OT-23-014

Relator

v.

Judge Bruce Winters

DECISION AND JUDGMENT

Respondent

Decided: August 10, 2023

* * * * *

Charles L. Tingler, Pro se.

* * * * *

PER CURIAM.

{¶ 1} This matter is before the court on Relator Charles Tingler's May 2, 2023 motion for leave to file a mandamus petition against Respondent Hon. Bruce Winters. Because the mandamus petition is an abuse of process and there are not reasonable grounds for the mandamus petition, Tingler's motion for leave to proceed is denied.

{¶ 2} In September 2022, the Erie County Court of Common Pleas declared Tingler to be a vexatious litigator pursuant to R.C. 2323.52, and prohibited him from “[i]nstituting or continuing any legal proceedings in the Court of Appeals without first obtaining leave from the Court of Appeals pursuant to R.C. 2323.52(F)(2).”

{¶ 3} Under R.C. 2323.52(F)(2), “[t]he court of appeals shall not grant a person found to be a vexatious litigator leave for the institution or continuance of, or the making of an application in, legal proceedings in the court of appeals unless the court of appeals is satisfied that the proceedings or application are not an abuse of process of the court and that there are reasonable grounds for the proceedings or application.”

{¶ 4} In his mandamus petition, Tingler seeks an order of this court to compel Judge Winters to release the grand jury transcripts and audio recordings from the Ottawa County Grand Jury in case No. 2018-CR-I-325A. In that case, the grand jury indicted Tingler on one count of engaging in a pattern of corrupt activity in violation of R.C. 2923.32(A)(1) and (B)(1), a felony of the first degree. Tingler was never convicted on this count, however, as the case was dismissed with prejudice pursuant to a plea agreement on November 27, 2019.

{¶ 5} “Grand jury proceedings are secret, and an accused is not entitled to inspect grand jury transcripts either before or during trial unless the ends of justice require it and there is a showing by the defense that a particularized need for disclosure exists which outweighs the need for secrecy.” *State v. Greer*, 66 Ohio St.2d 139, 420 N.E.2d 982

(1981), paragraph two of the syllabus. “Parties seeking grand jury transcripts * * * must show that the material they seek is needed to avoid a possible injustice in another judicial proceeding, that the need for disclosure is greater than the need for continued secrecy, and that their request is structured to cover only material so needed.” *Douglas Oil Co. of California v. Petrol Stops Northwest*, 441 U.S. 211, 222, 99 S.Ct. 1667, 60 L.Ed.2d 156 (1979).

{¶ 6} Here, Tingler argues that he needs the transcripts to validate that a grand jury was truly empaneled. Tingler believes that the prosecutor fabricated the existence of the grand jury.

{¶ 7} Upon review, Tingler has not shown a particularized need for disclosure of the transcripts from a four-year-old indictment in a case that was dismissed with prejudice. As such, this court is not satisfied that Tingler’s effort to compel this disclosure is not an abuse of process, nor is the court satisfied that there are reasonable grounds to proceed on this mandamus petition.

{¶ 8} Accordingly, Tingler’s motion for leave to file his mandamus petition is not well-taken and is hereby denied. Costs of these proceedings are assessed to Tingler. It is so ordered.

Motion for leave to proceed denied.

State, ex rel. Charles L. Tingler
v. Judge Bruce Winters
OT-23-014

Charles E. Sulek, J.

JUDGE

William R. Zimmerman, V.J.

John R. Willamowski, V. J.
CONCUR.

JUDGE

JUDGE

Judges William R. Zimmerman and John R. Willamowski, Third District Court of Appeals, sitting by assignment of the Chief Justice of the Supreme Court of Ohio

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