

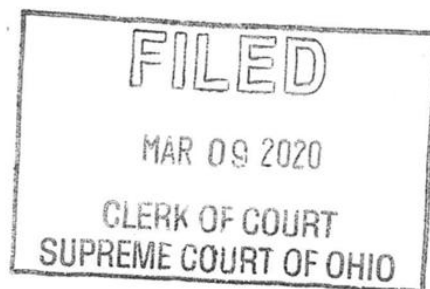
In The Supreme Court of Ohio

Jerome McDougald  
State of Ohio exrelator  
Toledo Correctional Institution  
2001 East Central Avenue  
Toledo, Ohio 43608

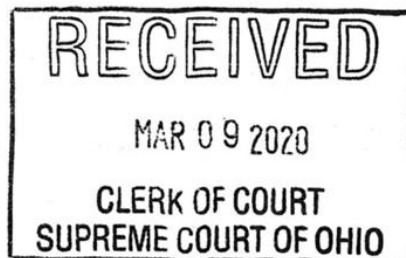
20-0349  
Original Action  
in Writ of Mandamus  
Case No.

-VS-

Sonrisa Sehlmeier, Warden, Secretary administrative Assistant  
Respondent  
2001 East Central Avenue  
Toledo, Ohio 43608



Respectfully Submitted  
Jerome McDougald 518-527  
TOCI  
2001 East Central Avenue  
Toledo, Ohio 43608



## Statement of facts

On January 22, 2020 I hand delivered a public records request to Sorrisa Sehlmeier, Warden Secretary administrative Assistant requesting to inspect DVR footage concerning a use of force that took place with me on January 12, 2020 and I was informed by Sorrisa Sehlmeier on January 28, 2020 that the video footage is available, however, TOCI does not allow offenders to have possession of CD's as stated in O.R.C. 2921.36 (E). see Exhibit A and on Feb 5, 2020 I submitted a kite on mentioned date Feb 5, 2020 informing Ms Sehlmeier that I never stated I wanted to possess this video as I already know this is not allowed and I informed Ms Sehlmeier that I only wanted to inspect it as in being allowed to review it and Ms Sehlmeier never responded back to my communication clarifying that I only wanted to inspect this electronic DVR video footage Public record.

## Law and Argument

~~XXXXXXXXXX~~

Statutory definition - R.C. 149.011(G)

The Term "records" includes "any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in R.C. 1306.01, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office," and the Term "records" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in R.C. 149.011(G) and R.C. 1306.01 and also the statutory definition of public office R.C. 149.011(A) and R.C. 149.43 (A) means records kept by any public office. Sorrisa Sehlmeier violated R.C. 149.43(B)(1); see state ex rel Consumer News Serv, Inc. v. Worthington Cty Bd. of Edn, 97 Ohio St 3d 58, 2002-Ohio-5311, ¶ 35, and the requirement to provide prompt production of records for inspection has been interpreted by the courts as being without delay and with reasonable speed see state ex rel Consumer News Serv, Inc. v. Worthington Cty Bd. of Edn, 97 Ohio St 3d 58, 2002-Ohio-5311, ¶ 37; see also state ex rel. Wadd v. Cleveland, 81 Ohio St. 3d 50, 53 (1998). A person who transmits a valid written request for public records by hand delivery is entitled to receive statutory damages if a court finds that the public office failed to comply with its obligation ~~under~~ under R.C. 149.43(B) see R.C. 149.43(C)(2); state ex rel. Caster v. Columbus, 151

Ohio st. 3d 425, 2016-Ohio-8394, 952 (awarding statutory damages), see also State ex rel. DiFranco v. S. Euclid, 138 Ohio st. 3d 376, 2014-Ohio-538922 (finding that failure of city to respond to request in a reasonable period of time triggered statutory damages award) see also state ex rel. Warren News Paper, Inc. v. Hutson, 70 Ohio st. 3d 619, 624 (1994); state ex rel. Toledo Blade Co. v. Seneca Cty. Bd. of Commrs., 120 Ohio st. 3d 372, 2008-Ohio-6253, 937 ("The right of inspection, as opposed to the right to request copies, is not conditioned on the payment of any fee under R.C. 149.43" (quotation omitted), Ohio's Public Records Act, R.C. 149.43," is construed liberally in favor of broad access, and any doubt is resolved in favor of disclosure of public records"; State ex rel. Cincinnati Enquirer v. Hamilton Cty., 75 Ohio st. 3d 374, 376, 662 N.E. 2d 334 (1996). Sorrisa Sehlmeier is a serial violator of Ohio's public records Law and The Ohio Attorney General's office is Complicit in this open violations of The state of Ohio's public records laws as The Ohio Attorney General's office continues to Represent Sorrisa Sehlmeier when her conduct as a state worker is done in bad faith see R.C. 109.361. Therefore relator Jerone McDougald respectfully Request that This honorable Court issue a peremptory writ directing Respondent to allow him to inspect mentioned records and reward him \$1000 statutory damages plus court cost,

#### Certificate of Service

I hereby certify that a true copy of the foregoing motion was sent by regular U.S. mail paid postage to Ohio Attorney General Dave Yost At 150 East Gay street 16<sup>th</sup> fl Columbus, Ohio 43215 on This March 3, 2020

Respectfully Submitted  
Jerone McDougald 518-527  
TCCF  
2001 East Central Avenue  
Toledo, Ohio 43605

{ hand delivered }  
Request:

I would like to make a public records  
request pursuant to R.C. 149.43 for the  
following:

I want to inspect DVR surveillance camera  
footage showing a use of force that took  
place on January 12, 2020 in (TPU) D-3 East  
housing unit at 11:02 AM involving Mr  
Jerome McOargal<sup>and</sup>, officers Paupard, officers  
Logan and other John Doe officers

Thanks for your time

{ hand delivered }  
Request

KITE PROCEDURE

1. Check with your Sergeant or Case Manager to see if this communication can be handled without a kite.
2. Write only to the Department that handles the problem you have. Others will merely forward your kite.
3. State your problems clearly and completely and thereby get immediate attention.
4. Avoid duplication of Kites, Writing to more than one office about the same thing will not obtain any faster attention.
5. Kites are to be used only for communication between inmates and Institutional Staff and not for any other purpose.

EX.A

Number: S48-527	Name: Jerome McDougald	Date: Jan 22, 2020
Unit: B-15	Lock: cell 3	Assignment:

To: Ms Selmeyer

Return

FOLD HERE

CASE MANAGER	WARDEN	QUARTERMASTER
CLASSIFICATION	DEPUTY WARDEN ADMINISTRATION/SPECIAL SERVICES/PROGRAMS	RECORDS
COMMISSARY	DEPUTY WARDEN OPERATIONS	RECOVERY SERVICES
DENTAL	INST. INSPECTOR	RECREATION
USE HEALTH SERVICES REQUEST FORM, DRC3373 TO ACCESS DENTAL CARE	INVESTIGATOR	RELIGIOUS SERVICES
MEDICAL	JOB COORDINATOR	UNIT MANAGER
USE HEALTH SERVICES REQUEST FORM, DRC3373 TO ACCESS MEDICAL CARE	LIBRARY	EDUCATION
MAJOR MENTAL HEALTH	MAIL ROOM	FOOD SERVICE
		OTHER _____

KITE PROCEDURE

1. Check with your Sergeant or Case Manager to see if this communication can be handled without a kite.
2. Write only to the Department that handles the problem you have. Others will merely forward your kite.
3. State your problems clearly and completely and thereby get immediate attention.
4. Avoid duplication of Kites, Writing to more than one office about the same thing will not obtain any faster attention.
5. Kites are to be used only for communication between inmates and Institutional Staff and not for any other purpose.

January 28, 2020

Jerone McDougald #548-527

TOCI

Dear Mr. McDougald

We have received your kite dated 1/22/20 for public records request pursuant to **R.A. 149.43 Availability of public records for inspection and copying.**

Regarding your request for video footage on the date of January 12, 2020. That video case is available, however, TOCI does not allow offenders to have possession of CD's as stated in

**ORC. 2921.36 (E).**

Sincerely,



S. Sehlmeier

CWA 2

/dj

# Affidavit

I, Jerome McDougald am over 18 years old and I am competent to testify.

on January 22, 2020 I hand delivered a public records request to Sonrisa Sehlmeyer, Warden Secretary administrative Assistant Requesting to inspect DVR footage concerning a use of force that took place with me on January 12, 2020 and I was informed by

Sonrisa Sehlmeyer on January 28, 2020 that the video footage is available, however, TOC I does not allow offenders to have possession of CD's as stated in ORC 2921.36(E), see Exhibit A and on Feb 5, 2020 I submitted ~~a memo~~ a kite on mentioned date Feb 5, 2020 informing Ms Sehlmeyer that I never stated I wanted to possess this video as I already know this is not allowed and I informed Ms Sehlmeyer that I only wanted to inspect it as in being allowed to review it and Ms Sehlmeyer never responded back to my communication clarifying that I only wanted to inspect this electronic DVR video footage public records.

Jerome McDougald  
Affiant

Sworn to and Affirm and subscribe in my presence this 28 day of February 2020

Patricia R. Ceglic  
Notary Public



PATRICIA R. CEGLIC  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 10-10-2026



# Affidavit of Indigency

I, Jerome McDougald am over 18 years old and I am competent to testify.

- (1) I do not own no stocks, bonds, bank accounts, real estate
- (2) I only receive a state stipend of \$8.25 monthly deposit on Average
- (3) This \$825 monthly deposit is barely enough to purchase hygiene as in soap, Toothpaste, Tooth brush, deodorant,
- (4) I request That the filing fees and security deposits be waived.

I swear under penalty of perjury That the foregoing is true

Jerome McDougald  
Affiant

sware to and Affirm and subscribe in my presence This 28 day  
of February, 2020

Notary Public Patricia R. Ceglie



PATRICIA R. CEGLIO  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 08-10-2021