

IN THE COURT OF APPEALS OF LUCAS COUNTY

State of Ohio, Division of Wildlife  
APPELLANT

COURT OF APPEALS NO. L-83-206

TRIAL COURT NO. CV 81-2674

v.

Port Clinton Fisheries, et al.  
APPELLEES

DECISION AND  
JOURNAL ENTRY

DATE NOV 28 1984

FILED  
COURT OF APPEALS  
NOV 28 1984  
LUCAS COUNTY, OHIO  
Carol A. Pistrykowski, Clerk

This matter comes before the court on appellant's "Motion Requesting an Order that the Common Pleas Court have Transcribed a Portion of the Record from an In Camera Interview, that the Transcript be Transmitted to the Presiding Judge and that the Record on Appeal be Supplemented with this Transcript." Appellee in response filed a "Memorandum in Response to Appellant's Motion Regarding Transcribing and Transmitting the In Camera Interview."

This matter arose out of appellant's appeal of the lower court's order which required appellant to disclose the name of its confidential informant. Originally, this court dismissed the appeal since, in our view, no final, appealable order existed. The Ohio Supreme Court, however, concluded that the court order requiring the State to disclose the name of its confidential informant was a final, appealable order. State v. Port Clinton Fisheries, Inc. (1984), 12 Ohio St. 3d 114. The Ohio Supreme Court remanded the case to this court for further proceedings.

In this motion, appellant now seeks to supplement the record with a transcript of the in camera proceedings, which were held by the trial court, to determine if disclosure of the name of the informant was required. Additionally, appellant requests this court to order that only certain portions of the transcript be transcribed, and that

the transcription be transmitted only to the presiding judge of this court.

Upon due consideration, we find appellant's motion well-taken, and therefore, order the following:

1. The trial court is to review the in camera proceedings relating only to State v. Port Clinton Fisheries.
2. The trial court is to have prepared only that portion of the transcript relating to the testimony and disclosure of the identified informant.
3. The trial court is to take all reasonable precautions so as to protect the disclosure of the identity of the informant.
4. Upon preparation of the transcript, the trial court shall take reasonable steps to safely transport the transcript to Judge John J. Connors, Jr., Presiding Judge, Ohio Sixth District Court of Appeals.

John J. Connors, Jr., P.J.,

Andy Douglas, and

Alice Robie Resnick, JJ.,  
CONCUR.

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PRESIDING JUDGE

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JUDGE

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JUDGE