In the
Supreme Court of Ohio

STATE OF OHIO,	:	Case No. 2025-0218
	:	
Appellant,	:	On Appeal from the
	:	Cuyahoga County
v.	:	Court of Appeals,
	:	Eighth Appellate District
DAVERRICK LASH,	:	
	:	Court of Appeals
Appellee.	:	Case No. 113766

BRIEF OF *AMICUS CURIAE* OHIO ATTORNEY GENERAL DAVE YOST IN SUPPORT OF APPELLANT

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INTRODUCTION

Ohio statutes and procedural rules commonly require trial courts to state the reasons for, or the findings supporting, certain rulings. *E.g.*, R.C. 2953.21(H); Crim.R. 12(F); Crim.R. 48(B). This case, for example, focuses on a statute that requires a trial court to give "reasons" for its ultimate "acceptance or rejection" of an application for DNA testing. R.C. 2953.73(D). When deciding what requirements such reason-giving directives place on trial courts, appellate courts should obviously look to the relevant legal text. Perhaps less obvious, though, is that appellate courts—when interpreting the text—should keep in mind a foundational principle of appellate review.

As this Court and others have long recognized, appellate courts normally review the *judgments* trial courts enter, not the *reasons* trial courts give for those judgments. *E.g.*, *Headington v. Neff*, 7 Ohio 229, 230 (1835); *M'Clung v. Silliman*, 19 U.S. 598, 603 (1821). As a result, appellate courts will not ordinarily reverse a correct judgment solely because of a shortcoming in the trial court's underlying reasoning or explanation. Indeed, absent a specific directive, trial courts are not even required to explain their decisions. *State v. Francis*, 2004-Ohio-6894, ¶56 (lead op.). Of course, when statutes or procedural rules expressly require trial courts to give reasons, then trial courts must do so. But, because demanding explanation of trial courts goes against the grain of normal appellate review, such situations call for a careful reading of the text. And appellate courts "may not graft

onto" the text whatever requirements for explanation they deem wise. *In re A.M.*, 2020-Ohio-5102, ¶31.

This case, as alluded to above, involves Ohio's process for post-conviction DNA testing. While convicted offenders may apply for such testing, Ohio law does not permit testing for testing's sake. Rather, offenders seeking to develop new DNA evidence must meet several statutory criteria. Among other things, offenders must show that the desired testing (assuming an exclusionary result) would have been "outcome determinative" at trial. R.C. 2953.74(B)–(C). In other words, offenders must demonstrate that favorable test results would supply highly persuasive evidence of their legal innocence. *See* R.C. 2953.71(L). Ohio's statutory scheme also outlines the process by which trial courts decide applications for DNA testing. Central to this case, trial courts must include within their rulings "the reasons for the acceptance or rejection" of an application. R.C. 2953.73(D).

The trial court here met the reason-giving obligation within R.C. 2953.73(D). It said that it was rejecting Daverrick Lash's application because Lash had "not shown that DNA testing would be outcome determinative." Journal Entry (March 22, 2024), Tr.R.59 (capitalization omitted). The trial court thus stated its "reason[] for the … rejection." *See* R.C. 2953.73(D). And the trial court's stated reason aligns perfectly with the statutory "criteria" for DNA testing. *See id.* A trial court *cannot* grant such testing unless an offender

shows that the testing would have been outcome-determinative at trial. *See* R.C. 2953.74(B)–(C).

The Eighth District nonetheless remanded this case to the trial court for further explanation. It erred. Because the trial court satisfied R.C. 2953.73(D)'s requirements, the Eighth District should have proceeded to the merits of Lash's appeal.

STATEMENT OF AMICUS INTEREST

The Attorney General is Ohio's chief law officer and "shall appear for the state in the trial and argument of all civil and criminal causes in the supreme court in which the state is directly or indirectly interested." R.C. 109.02. Ohio has an interest in the proper interpretation of its DNA-testing statutes. It also has an interest in the question of what if any opinion-writing standards apply to Ohio's trial courts.

STATEMENT OF THE CASE AND FACTS

Convicted offenders in Ohio may obtain DNA testing in certain situations. *See* R.C. 2953.71–.81. This case focuses on the statutory process governing applications for DNA testing. This background reviews that process and then turns to the case's facts.

I. To obtain DNA testing, eligible offenders must show that the desired testing would have been outcome-determinative at their trial.

Since 2003, Ohio has afforded convicted offenders a chance to seek DNA testing. *State v. Prade*, 2010-Ohio-1842, ¶9; *see also DA's Office v. Osborne*, 557 U.S. 52, 72–73 (2009) (discussing nationwide developments). Eligible offenders may seek DNA testing by applying to the trial court that sentenced them. R.C. 2953.73(A). Trial courts may grant such

applications only if offenders meet certain statutory criteria. R.C. 2953.74. For instance, trial courts cannot grant an application if there has already been a definitive test of the relevant evidence. *Id.* at (A). And trial courts must deny an application if there is insufficient biological material to perform an effective test. *Id.* at (C)(2).

Ohio law also limits DNA testing to situations where an offender's legal innocence is at stake. A trial court may authorize DNA testing only if a convicted offender shows that the desired testing—assuming a result excluding the offender as a DNA contributor—would have been "outcome determinative" at trial. R.C. 2953.74(B), (C)(4)–(5); *see also* R.C. 2953.71(G). That standard is quite demanding. Under Ohio law, "outcome determinative" means "a strong probability that *no* reasonable factfinder would have found the offender guilty" with the DNA testing in hand. R.C. 2953.71(L) (emphasis added). Said in reverse, if even a single reasonable factfinder would have likely found the offender guilty despite the testing, then the testing is *not* outcome-determinative. When assessing the outcome-determinative nature of DNA testing, trial courts do not view the testing in isolation. They instead must account for "all available admissible evidence related to the subject offender's case." R.C. 2953.74(D). And offenders shoulder the burden of showing that the testing they desire would have been outcome-determinative. *See* R.C. 2953.74(B); *State v. Bonnell*, 2018-Ohio-4069, ¶¶19, 25.

In addition to establishing substantive standards, Ohio's statutory scheme details the process by which offenders seek, and trial courts evaluate requests for, DNA testing.

Offenders must comply with a detailed set of application procedures. *See* R.C. 2953.72–.73. Trial courts, for their part, do not have to hold an evidentiary hearing before deciding applications. R.C. 2953.73(D). But they must consider a variety of materials, including the offender's application, supporting affidavits, and the record of the criminal trial. *Id.*

A final statutory requirement proves critical here. The relevant provision says this:

> Upon making its determination, the court shall enter a judgment and order that either accepts or rejects the application and that includes within the judgment and order the reasons for the acceptance or rejection as applied to the criteria and procedures set forth in sections 2953.71 to 2953.81 of the Revised Code.

Id. In other words, a trial court must provide a "reason[]" for its ultimate decision to accept or reject an application for DNA testing—a reason that aligns with the statutory "criteria" for evaluating such applications. *Id.*

II. The trial court rejects Lash's application for DNA testing because the desired testing would not have been outcome-determinative.

A. Ten years ago, William Burton was shot and killed in a Cleveland-area bar. *State v. Lash*, 2017-Ohio-4065, ¶1 (8th Dist.). A few bystanders, who had been drinking on the night of the crime, witnessed the murder. One witness, Jasmine Rogers, later identified Lash as the shooter, albeit not confidently. *Id.* at ¶¶3–5. Another witness, Kendra Mathis, testified that before the shooting somebody spit and the spit almost hit her. *Id.* at ¶¶6–7. She then saw a man pull out a pistol. *Id.* Mathis was reluctant to testify, and she would not say at Lash's eventual trial whether the person who spat was the same person who pulled out a pistol. *Id.* But on the night of the crime, another bystander, Robert Bailey,

overheard Mathis tell the police that the spitter *was* "'the guy who did it.'" *Id.* at ¶11. In addition to the above witness accounts, police officers patrolling the area saw two suspects fleeing the bar in panic. *Id.* at ¶¶12–13.

The police recovered several pieces of evidence from the crime scene. For example, the police recovered a handgun from the area where one of the fleeing suspects had tripped. *Id.* at ¶13. They also recovered shell casings. *Id.* at ¶14. Finally, while securing the crime scene, the police quickly cordoned off the area where the shooter had reportedly spit. *Id.* at ¶8. From that area, a detective collected two samples of what appeared to be saliva; still wet at the time of collection. *Id.*

The police performed DNA testing on the evidence recovered at the crime scene, including the two saliva samples. One of the saliva samples matched the victim's DNA. The other matched Lash's DNA. *Id.* at ¶8. The police also swabbed the recovered handgun, magazine, and shell casings for DNA. Memo. Supp. DNA Appl. 3 (Aug. 3, 2021), Tr.R.54. Test results for the handgun were inconclusive. *Id.* Test results for the magazine matched an unknown male (for a major contributor) and were otherwise inconclusive (for a minor contributor). *Id.* The police never tested the swabs of the shell casings. *Id.*

B. A grand jury indicted Lash for several crimes. *Lash*, 2017-Ohio-4065 at ¶2. The matter proceeded to trial and a jury found Lash guilty of aggravated murder, murder, and felonious assault. *Id.* at ¶¶2, 16. The trial court sentenced Lash to life in prison, with a chance of parole after 25 years. *Id.* at ¶16.

Lash appealed his conviction, raising several challenges. *Id.* at ¶17. The Eighth District rejected all of Lash's challenges. *Id.* at ¶60. Of particular note, the court concluded that there was sufficient evidence to support Lash's conviction for aggravated murder. *Id.* at ¶40. The Eighth District also rejected Lash's challenge to the testimony of one of the State's witnesses (Bailey). *Id.* at ¶¶18–25. Consistent with the above discussion, Bailey testified at trial that—on the night of the crime—he overheard Mathis say that the spitter was the shooter. *Id.* at ¶11. That testimony, the Eighth District held, was a "textbook example of an excited utterance" exempt from normal hearsay rules. *Id.* at ¶24.

Lash appealed the Eighth District's decision on direct appeal. This Court declined review. *State v. Lash*, 2018-Ohio-365.

C. A few years ago, Lash filed an application for DNA testing. Lash requested new testing of the shell casings found at the crime scene. Memo. Supp. DNA Appl. 17 (Aug. 3, 2021), Tr.R.54. (He also requested that the Court compel the State to recheck old test results—for the magazine and handgun—against today's updated DNA database. *Id.* at 1, 17.) Lash acknowledged that the trial court could grant his application only if the testing he desired qualified as "outcome determinative" under Ohio law. *Id.* at 8 (quotation omitted).

The State opposed further DNA testing, and the trial court denied Lash's application. Journal Entry (March 22, 2024), Tr.R.59. The trial court's entry stated that Lash had failed to show "that DNA testing would be outcome determinative." *Id.* (capitalization

omitted). The results, the trial court further noted, "would not be probative." *Id.* (capitalization omitted).

III. The Eighth District remands the case for additional explanation.

Lash appealed, raising a single assignment of error. *State v. Lash*, 2024-Ohio-6025, ¶10 (8th Dist.) (App.Op.). He argued that, contrary to the trial court's determination, further DNA testing would have been outcome-determinative. *Id.*

The Eighth District did not reach that argument. It instead held that the trial court failed to adequately explain itself. *Id.* at ¶13. The Eighth District reasoned that whether DNA testing would have been "outcome determinative" is a "conclusion," "not a reason in and of itself." *Id.* at ¶15 (quotation omitted). From that logic, the Eighth District faulted the trial court for failing to give the reason for its decision under R.C. 2953.73(D). *Id.* The Eighth District thus remanded for the trial court to "explain[] how" it "reached the outcome determinative conclusion." *Id.* at ¶¶15, 18 (quotation omitted).

The State appealed, submitting a single proposition of law. This Court accepted the matter for review. *4/29/2025 Case Announcements*, 2025-Ohio-1483.

ARGUMENT

Appellant State of Ohio's Proposition of Law:

The plain and unambiguous language of R.C. 2953.73(D) requires only that a trial court provide a statutory reason for accepting or rejecting a post-conviction DNA application and does not require the court to place specific findings or analysis in the order.

Appellate review is not a test by which higher courts grade the opinion writing of lowers courts. The decision below wrongly held otherwise because it misread the reason-giving obligation within R.C. 2953.73(D). This Court should reverse.

I. The trial court provided a sufficient reason for its decision.

This case asks whether the trial court provided a sufficient reason under R.C. 2953.73(D) for its decision to deny Lash's application for DNA testing. It did.

The relevant statute requires trial courts to include their "reasons for" accepting or rejecting an application. R.C. 2953.73(D). The stated reason should reflect in some fashion that the trial court "applied" the statutory "criteria" for evaluating such applications. *Id.* Here, the trial court stated the reason it rejected Lash's application. It said that Lash had failed to show the outcome-determinative nature of the testing he desired. Journal Entry (March 22, 2024), Tr.R.59. Applying the statutory criteria, that was an appropriate reason to reject an application for DNA testing. Indeed, that conclusion *necessitated* the rejection of Lash's DNA application. *See* R.C. 2953.74(B), (C)(4)–(5). As a result, the trial court met the reason-giving obligation embedded within R.C. 2953.73(D).

To correctly resolve this case, this Court need not go beyond the last paragraph's analysis. But to best appreciate the Eighth District's error, it helps to place this case within a

broader legal framework. More precisely, a few basic principles of appellate review help explain why appellate courts should be quite reluctant to critique the amount of reasoning trial courts include within their written decisions.

A. Trial courts are not normally required to explain the reasons for their judgments; any statutory requirement to do so must flow from the text.

1. *Judgments, not reasons.* Begin with a fundamental tenet of appellate review: appellate courts review "judgments, not reasons." *State v. Weber*, 2020-Ohio-6832, ¶49; *accord Harman v. Kelley*, 14 Ohio 502, 507 (1846). The central question before an appellate court is the correctness of "the *judgment*," not the correctness of "the *ground* on which the judgment professes to proceed." *M'Clung*, 19 U.S. at 603. It follows that a trial court's judgment may be "right for any reason" that is "supported by the record," even a reason that the trial court "ignored or expressly rejected." Jeffrey M. Anderson, *Right for Any Reason*, 44 Cardozo L. Rev. 1015, 1020 (2023).

Considering both history and first principles, there are at least three justifications for approaching appellate review in this manner. *First*, judicial power in Ohio and other parts of this country is generally limited to deciding "specific cases between conflicting parties." *State ex rel. Martens v. Findlay Mun. Ct.*, 2024-Ohio-5667, ¶10; *see also* U.S. Const., art. III, §2 (limiting federal judicial power to "Cases" and "Controversies"). And it is "the judgment, not the opinion," that "settles authoritatively … what is to be done about the particular case." Edward A. Hartnett, *A Matter of Judgment, Not a Matter of Opinion*, 74 N.Y.U. L. Rev. 123, 127 (1999); *accord* William Baude, *The Judgment Power*, 96 Geo. L. J.

1807, 1815 (2008). Given the primacy of judgments, it makes sense for appellate courts—in exercising their judicial power—to focus review on the judgment of a trial court rather than its written opinion. *See* Hartnett, *A Matter of Judgment, Not a Matter of Opinion*, 74 N.Y.U. L. Rev. at 131–33.

Second, focusing on judgments coincides with the blended history of appellate review in this country. Speaking generally, the United States' appellate system blends two distinct English traditions: writs of error (for actions at law) and chancery appeals (for suits in equity). Anderson, *Right for Any Reason*, 44 Cardozo L. Rev. at 1022–25; Aaron-Andrew P. Bruhl, *Law and Equity on Appeal*, 124 Col. L. Rev. 2307, 2310, 2315–17 (2024). Those two traditions presented very different scopes of review. The writ-of-error model limited reviewing courts to isolated claims of error. Anderson, *Right for Any Reason*, 44 Cardozo L. Rev. at 1022–23. Equitable appeals by contrast allowed for "a retrial of the whole case." *Id.* at 1023. Overall, the writ-of-error model has been "the predominant model" for appeals in the United States. *Id.* at 1024. But features of chancery appeals still inform this country's appellate process. *Id.* at 1024–25, 1027; *cf. State ex rel. Diewald v. Bureau of Sentence Computation*, 2024-Ohio-5567, ¶17 n.2 (DeWine, J., concurring in the judgment only) (noting that "historical differences" between finality requirements in cases of law and equity "have long been collapsed"). Relevant here, the notion that trial courts may be "right for any reason" seemingly borrows from the breadth of equitable appellate review to mitigate against "the strict technicality of the writ-of-error model." Anderson, *Right*

for Any Reason, 44 Cardozo L. Rev. at 1037; *see also* Bruhl, *Law and Equity on Appeal*, 124 Col. L. Rev. at 2321 (noting that the writ-of-error model could be "notoriously technical").

Third, review of judgments (rather than reasoning) acts as a corollary to historic rules governing cross appeals. Anderson, *Right for Any Reason*, 44 Cardozo L. Rev. at 1027–28. Dating back to at least the 1790s, courts in this country held that a party defending a judgment on appeal could not seek to expand the judgment absent a cross-appeal. *Id.* at 1027; *see M'Donough v. Dannery*, 3 U.S. 188, 198 (1796). But a corresponding rule taught that a cross appeal was unnecessary for a party that seeks "simply to defend the lower court's judgment." Anderson, *Right for Any Reason*, 44 Cardozo L. Rev. at 1028. In other words, the long "settled" rule was that the party defending a judgment may "urge in support of a" judgment "any matter appearing in the record." *United States v. American R. Express Co.*, 265 U.S. 425, 435 (1924). That remained so even if the party attacked "the reasoning of the lower court" or insisted "upon matter overlooked or ignored by" the lower court. *Id.*

But whatever the best origin story for judgment-focused appellate review, the notion has a lengthy track record in the United States. During the nation's early years, caselaw from both state and federal appellate courts commonly explained that appellate review should center on the judgments of trial courts, not their reasoning. *See* Anderson, *Right for Any Reason*, 44 Cardozo L. Rev. at 1027–41 (collecting early cases supporting both the "right for any reason" principle and the "judgment, not reasons" principle). As just one

example, by the mid-1800s, it was already well-established law in Virginia that a party could not "appeal from the reasons of" a lower court, no matter "how erroneous" those reasons may be. *Schultz v. Schultz*, 51 Va. 358, 384 (1853); *accord Loudenback v. Collins*, 4 Ohio St. 251, 259 (1854); *Dawson v. Turner*, 5 Stew. & P. 195, 197 (Ala. 1834).

Even apart from early caselaw, other historical indicators confirm the primacy of judgments for purposes of appellate review. Hartnett, *A Matter of Judgment, Not a Matter of Opinion*, 74 N.Y.U. L. Rev. at 128. For instance, while the Judiciary Act of 1789 required federal courts to maintain records of their judgments, "it said not a word about judicial opinions." *Id.*

2. ***Affirming correct judgments.*** Turn, then, from first principles to practical effect. The notion that appellate courts review judgments (not reasons) frequently influences the outcomes of appeals. Most often, appellate courts employ the notion when affirming judgments on alternative grounds. As this Court has repeatedly said, appellate courts "will not reverse a correct judgment merely because erroneous reasons were given for it." *State ex rel. Sands v. Culotta*, 2021-Ohio-1137, ¶10 (per curiam); *accord State v. Lozier*, 2004-Ohio-732, ¶46; *Agricultural Ins. Co. v. Constantine*, 144 Ohio St. 275, 284 (1944). The point being that a trial court's "bad" reasoning will not defeat "a sound judgment" on appeal. *Loudenback*, 4 Ohio St. at 259.

The judgments-not-reasons principle also applies when trial courts supply "*no* reasons … as a basis of a decision." *Gunton Corp. v. Architectural Concepts*, 2008-Ohio-693,

¶10 (8th Dist.). The "general rule," as this Court has described, is that trial courts may decide for themselves "whether to explain reasons for a ruling" within "a written opinion." *Francis*, 2004-Ohio-6894 at ¶56 (lead op.); *cf. Feeman v. State*, 131 Ohio St. 85, 89 (1936) ("While in many cases opinions may be desirable for the benefit of bench and bar, there is neither constitutional nor statutory provision requiring the appellate court to write an opinion."); Hartnett, *A Matter of Judgment, Not a Matter of Opinion*, 74 N.Y.U. L. Rev. at 127–28 & n.23 (observing that "every day" trial and appellate courts decide cases without issuing opinions). Because trial courts are not normally required to write opinions explaining their judgments, appellate courts should not normally reverse correct judgments simply because trial courts have failed to explain them. This Court, for its part, has affirmed correct judgments even with "no written opinion by either of the lower courts." *Campbell v. Automatic Die & Prods. Co.*, 162 Ohio St. 321, 324, 329 (1954).

The Court's 1835 decision in *Headington* offers another illustration. There, the party that lost before the trial court argued, unsurprisingly, that the trial court had erred. *Headington*, 7 Ohio at 230. This Court by its own admission did "not know the reason that" the trial court "gave for its decision." *Id.* But this Court decided that trying to pin down the trial court's reasoning would "be time misspent." *Id.* Because the "judgment itself" was correct, reversal would have been wrong. *Id.*

3. *Textual reason-giving directives.* An important caveat exists to all this. In some instances—often involving fact finding—Ohio law modifies these general rules. That is,

procedural rules and statutes sometimes impose "specific requirements" that trial courts "explain reasons for a ruling." *Francis*, 2004-Ohio-6894 at ¶56 (lead op.). Ohio's criminal rules, for example, require trial courts to state their "essential [fact] findings on the record" when deciding pretrial motions. Crim.R. 12(F); *see* Crim.R. 48(B) (requiring "findings of fact and reasons" when a trial court dismisses an indictment); Evid.R. 807(C) (requiring "on the record" findings for certain hearsay rulings); *cf.* App.R. 12(A)(1)(c) (requiring an appellate court to "give reasons in writing for its decision"). Along similar lines, parties in civil cases may request specific findings when a trial court acts as the factfinder. Civ.R. 52. During criminal sentencing, trial courts are statutorily required to state "findings explaining the imposed sentence" in some scenarios. R.C. 2929.14(B)(2)(e). And Ohio's post-conviction statutes require trial courts to make findings of fact and conclusions of law when deciding petitions for relief. R.C. 2953.21(D), (H).

If a statute or procedural rule requires an explanation, then a trial court's failure to supply one may amount to reversible error. *See State ex rel. Penland v. Dinkelacker*, 2020-Ohio-3774, ¶20; *State v. Lester*, 41 Ohio St. 2d 51, 56 (1975). But appellate courts must stick to the text when assessing whether trial courts have written enough. In other words, appellate courts "may not graft onto" the legal text requirements for explanation that are not there. *In re A.M.*, 2020-Ohio-5102 at ¶31; *see also State v. Arnett*, 88 Ohio St. 3d 208, 215 (2000); *State v. Douglas*, 20 Ohio St. 3d 34, 36 (1985).

A closer review of *In re A.M.* sharpens that last limit. The case involved a child-custody statute, which required juvenile courts to "consider" certain factors when determining a child's best interests. R.C. 2151.414(D)(1). The statutory requirement for consideration, this Court held, did "not require a juvenile court to expressly discuss" each factor. *In re A.M*, 2020-Ohio-5102 at ¶31. That followed from the plain meaning of the statutory text. The Court explained that the "everyday meaning of 'consider'" requires thought, not discussion. *Id.* at ¶25. Thus, juvenile courts making child-custody decisions do not need to include within their decisions "a written discussion of or express findings regarding each of the best-interest factors." *Id.* at ¶31.

4. *Summary.* Adding things up, the following framework emerges. Ohio law does not generally impose opinion-writing standards on trial courts. Rather, because appellate courts review judgments rather than opinions, a trial court does not commit reversible error merely because it fails to explain the reasons for a judgment. Statutes and procedural rules sometimes shift that default. But they do so only to the extent that their text justifies. Appellate courts may not add requirements for explanation as they see fit.

B. The trial court's reasoning satisfied the relevant statutory requirement; no further explanation was necessary.

1. Applying the above framework, the analysis in this case is relatively simple. The trial court had no generalized obligation to explain its ruling. So the trial court committed reversible error only if it failed to satisfy the specific requirements within Ohio's DNA-testing statutes. Return, then, to the relevant statutory text. The key passage says this:

> Upon making its determination, the court shall enter a judgment and order that either accepts or rejects the application and that includes within the judgment and order the reasons for the acceptance or rejection as applied to the criteria and procedures set forth in sections 2953.71 to 2953.81 of the Revised Code.

R.C. 2953.73(D). Unpacking this language, a trial court's reason-giving obligation has two main components.

First, and foremost, a trial court must state "the reasons for the acceptance or rejection" of an offender's application. *Id.* Under the ordinary meaning of "reason," that means a trial court must state the "basis or motive" for its decision—the "cause" for the ultimate ruling. The American Heritage College Dictionary 1138 (3rd Ed. 1997); *accord* Webster's II New College Dictionary 923 (1995).

Second, the trial court's stated reason must correspond to the statutory "criteria." R.C. 2953.73(D). On this second front, it is important to distinguish between what the trial court's stated reason must say (directly) and what it must reflect (at least indirectly). The stated reason must directly say the trial court's basis for "acceptance or rejection" of the application. *Id.* Accounting for the remaining text, however, it is fair to conclude that the stated reason must also reflect in some way—even if indirectly—that the trial court "applied" the "criteria and procedures" that Ohio's DNA-testing statutes "set forth." *See id*.

This second component of R.C. 2953.73(D), however, is not onerous. After all, under the presumption or regularity, "a trial court's proceedings are presumed regular unless the record demonstrates otherwise." *State v. Phillips*, 74 Ohio St. 3d 72, 92 (1995). Thus, appellate courts "cannot assume" that a trial court deviated from standard legal

procedures "unless the record affirmatively indicates that to be true." *Id.* And the statutory text within R.C. 2953.73(D) provides no indication (much less a clear one) that the General Assembly intended to erase the normal presumption of regularity in the present context. *See Paul Cheatham I.R.A. v. Huntington Nat'l Bank*, 2009-Ohio-1222, ¶29 (recognizing that this Court will not presume a change to "a settled rule of the common law unless the language used in a statute clearly supports such intention" (quotation omitted)). What is more, Ohio's DNA-testing statutes include many substantive criteria and procedural hurdles that effectively limit when new DNA testing will be proper. *See* R.C. 2953.72–.74; *above* 3–5. It follows that there are many acceptable "reasons" for why a trial court applying the statutory "criteria and procedures" might reject an application for DNA testing. *See* R.C. 2953.73(D).

Combining these points, the statutory text imposes no requirement for magic words, rote recitations, or step-by-step minutia. The trial court must simply (1) give a reason for its decision that (2) aligns with the statutory criteria for evaluating DNA-testing applications.

2. In this case, the trial court's journal entry satisfied R.C. 2953.73(D). The entry stated that Lash had "not shown that DNA testing would be outcome determinative." Journal Entry (March 22, 2024), Tr.R.59 (capitalization omitted). That statement provided the trial court's "basis"—its "motive" or "cause"—for rejecting Lash's application. *See* The American Heritage College Dictionary at 1138. And the trial court's reason shows that it

engaged with the statutory "criteria" for deciding DNA-testing applications. *See* R.C. 2953.73(D). Under those criteria, a trial court *cannot* grant DNA testing unless an offender makes the requisite outcome-determinative showing. *See* R.C. 2953.74(B)–(C); *Bonnell*, 2018-Ohio-4069 at ¶¶19, 25. Thus, the trial court's reason for rejecting Lash's application naturally squares with Ohio's DNA-testing statutes.

While the trial court's entry was concise, there is nothing wrong with that. It is worth remembering that trial courts are courts of general jurisdiction. *State ex rel. Schwarzmer v. Mazzone*, 2025-Ohio-1246, ¶14 (per curiam). They hear all sorts of cases. And they issue all sorts of rulings along the way. Trial courts, moreover, are often extremely busy; to effectively manage crowded dockets, they must constantly make judgment calls about how best to spend limited judicial resources. For these reasons, trial courts generally have discretion to decide how much explanation to offer for each decision. *See Francis*, 2004-Ohio-6894 at ¶56 (lead op.). Notably, even this Court—which has far greater control over its docket—has recognized that it is "not required to consume limited judicial resources writing opinions" in all cases. *State v. Spisak*, 36 Ohio St. 3d 80, 82 (1988) (per curiam); *see also id.* at 82–83 (rejecting sixty-four propositions of law in three paragraphs).

At bottom, because the trial court met its statutory obligation to give its reason, the trial court's brevity was no basis for reversal. The Eighth District should have thus proceeded to the merits of the trial court's outcome-determinative finding, which (tellingly) was the only error Lash assigned on appeal. App.Op. ¶10.

II. The Eighth District wrongly imposed a requirement beyond the statutory text.

A. The Eighth District's contrary analysis is unpersuasive. It held that, to satisfy the statutory obligation within R.C. 2953.73(D), the trial court needed to "provide reasons explaining how the court reached the 'outcome determinative' conclusion." App.Op. ¶15 (quotation omitted). That misreads the statutory requirement.

The main problem is that the ruling below operates at a different level of abstraction than the statutory text. The text stays at a high level of abstraction. It requires that a trial court's entry include the reason for the "acceptance or rejection" of the application. R.C. 2953.73(D). The text thus demands a trial court's *overall* reason for the *ultimate* decision. By contrast, the Eighth District created a reason-giving obligation at a lower level of abstraction. It wanted the trial court to give *the reasons for* the reasons for the rejection. The Eighth District, in other words, demanded "an explanation" of the underlying outcome-determinative analysis. *See* App.Op. ¶13. Or, said yet another way, the Eighth District wanted the trial court to not only include the reason "for the … rejection," R.C. 2953.73(D), but also show its work for how it "reached" that reason, App.Op. ¶15.

If the General Assembly wanted trial courts to give those low-level details, it would have said so. Indeed, there are several points at which Ohio's DNA-testing statutes speak directly about the outcome-determinative inquiry. They discuss what "outcome determinative" means, R.C. 2953.71(L), and what trial courts must "consider" as part of the inquiry, R.C. 2953.74(D). But those statutes do not require, in addition to consideration,

that a trial court also supply "a written discussion of or express findings" directed at that prong of the analysis. *See In re A.M.*, 2020-Ohio-5102 at ¶31. The Eighth District was therefore wrong to "graft" such a requirement onto the statutory text. *See id.* Put it this way. The statute does not assign trial courts algebra homework: courts of appeals may not dock trial courts for failing to write down each analytical step leading to the ultimate answer.

Consulting a nearby post-conviction statute sharpens the point. When deciding petitions for post-conviction relief, trial courts must provide findings of fact and conclusions of law justifying their rulings. R.C. 2953.21(D), (H). But sometimes trial courts must satisfy a heightened explanation requirement. When denying a petition of someone sentenced to death, a trial court "shall state specifically the reasons for the denial of relief on the petition and of each claim it contains." R.C. 2953.21(H). In the context of DNA-testing applications, the General Assembly could have required similar specificity for the outcome-determinative inquiry. It did not do so.

On top of those problems, the analysis below poses a false dichotomy. The Eighth District said that "outcome determinative is a conclusion" rather than "a reason in and of itself." App.Op. ¶15 (quoting *State v. Conner*, 2020-Ohio-4310, ¶15 (8th Dist.)). But the terms "conclusion" and "reason" are not mutually exclusive in this context. Recall yet again that "outcome determinative" is a required showing for DNA testing.

R.C. 2953.74(B)–(C). Thus, a *conclusion* that DNA testing would not be outcome-determinative necessarily doubles as a *reason* for rejecting an offender's application.

B. A final detour is worth quickly traveling. This Court has at times suggested that a trial court must state its findings to enable effective appellate review. *See, e.g.*, *Jones v. State*, 8 Ohio St. 2d 21, 22 (1966); *State ex rel. Carrion v. Harris*, 40 Ohio St. 3d 19, 19 (1988) (per curiam). Those suggestions are true in some sense. Improving the quality of appellate review is certainly a policy explanation for why statutes and procedural rules often impose reason-giving requirements on trial courts. Relatedly, if appellate courts are confused about what happened below, they may be unable to confidently say that a trial court reached a correct judgment. *See Francis*, 2004-Ohio-6894 at ¶¶54–56 (lead op.) (concluding, due to a "combination" of gaps in the record, that appellate review "would be unduly speculative" without more information); *cf. Andrews v. Board of Liquor Control*, 164 Ohio St. 275, 282 (1955) (recognizing that, while this Court reviews judgments, the opinions of appellate courts sometimes reveal errors in judgments). For these reasons, it is likely "best practice" for trial courts to give at least some explanation for any significant ruling so as to better enable appellate review. *Cf. In re A.M.*, 2020-Ohio-5102 at ¶32.

But calling trial-level reasoning *necessary* to appellate review overstates things. Again, appellate courts normally review the judgments of trial courts, not their reasons. *Weber*, 2020-Ohio-6832 at ¶49. And appellate courts may generally rely on the parties—who are familiar with what happened below—to present the disputed issues and highlight the

key record evidence. *See Snyder v. Old World Classics, LLC*, 2025-Ohio-1875, ¶4. Thus, appellate review will ordinarily be possible without detailed analysis from a trial court. *See Harris*, 40 Ohio St. 3d at 19–20 (concluding that a three-sentence order denying post-conviction relief allowed for appellate review); *cf. Bauer v. Cleveland R. Co.*, 141 Ohio St. 197, 203 (1943) (noting that the "legal reasons stated by the trial court for its judgment," being only "advisory" on appeal, are "unimportant"). It follows that remanding to the trial court for more explanation will often "be time misspent." *Headington*, 7 Ohio at 230; *see Anderson*, Right for Any Reason, 44 Cardozo L. Rev. at 1041–43 (discussing how the "right for any reason" principle serves judicial economy and efficiency).

In any event, there is no serious concern about effective appellate review in this case. By saying that Lash did not make an outcome-determinative showing, the trial court made clear why Lash's application failed. As a result, Lash was more than capable of challenging the trial court's ruling on appeal. *See* App.Op. ¶10. No more information was needed to enable effective appellate review.

CONCLUSION

For the above reasons, the Court should reverse the Eighth District's decision.

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