

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. King v. Lyons*, Slip Opinion No. 2026-Ohio-3174.]

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SLIP OPINION NO. 2026-OHIO-3174

THE STATE EX REL. KING v. LYONS, JUDGE, ET AL.

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Mandamus—Rules of Superintendence for the Courts of Ohio—Relator seeks an order compelling the unsealing of case files sealed by court order pursuant to Ohio statutes—Nothing in the record demonstrates that trial court failed to comply with the law when it issued sealing orders—Writ denied.

(No. 2024-0906—Submitted April 1, 2025—Decided August 19, 2026.)

IN MANDAMUS.

DEWINE, J., authored the opinion of the court, which DETERS, HAWKINS, and SHANAHAN, JJ., joined and KENNEDY, C.J., joined except as to Part II(B). BRUNNER, J., concurred in part and dissented in part, with an opinion. FISCHER, J., dissented.

DEWINE, J.

{¶ 1} This is a mandamus action that asks us to grant access to case documents in three criminal cases that were sealed by court order pursuant to Ohio statutes. Notwithstanding the final orders sealing the cases, the relator argues that she is entitled to the case documents because the trial court failed to comply with statutory and constitutional requirements when it sealed the cases. Because nothing in the record demonstrates that the trial court failed to comply with the law when it issued the sealing orders, we deny the writ of mandamus.

I. BACKGROUND

{¶ 2} Kristen J. King filed this mandamus action to obtain access to case documents in three criminal cases involving Austin Combs. Kristen King is the administrator of the estate of Anthony King and is pursuing a wrongful-death lawsuit on the estate’s behalf against Combs. King seeks the case documents for use in her wrongful-death lawsuit.

{¶ 3} The case records at issue concern (1) a 2014 misdemeanor domestic-violence charge that was dismissed, (2) 2015 convictions for misdemeanor theft and assault, and (3) a 2017 conviction for misdemeanor assault. The records were sealed by orders of the Butler County Area I Court. In sealing the 2014 misdemeanor conviction, the trial court relied on former R.C. 2953.52, 2012 Sub.S.B. No. 268 (effective Aug. 6, 2012), which concerns the sealing of criminal records when a case is dismissed, and for the 2015 and 2017 cases on two former versions of R.C. 2953.32—2020 Am.Sub.H.B. No. 1 (effective Apr. 12, 2021) and 2018 Sub.H.B. No. 425 (effective Apr. 8, 2019), respectively—which concern the sealing of records when there is a criminal conviction.

{¶ 4} King’s mandamus action names as respondents Judge Robert H. Lyons, who issued the sealing orders, as well as the clerk and two deputy clerks of the Butler County Area I Court. Her complaint alleges that the trial court failed to comply with the Rules of Superintendence for the Courts of Ohio and the Revised

Code in restricting access to and sealing the case records. And while King did not include any allegation of a constitutional violation in her complaint, she does raise a constitutional argument in her briefing.

{¶ 5} We previously denied a motion to dismiss filed by Judge Lyons and the other respondents and issued an alternative writ, setting the schedule for the presentation of evidence and filing of briefs. 2024-Ohio-5572. We also ordered the case records from Combs’s three criminal cases to be filed under seal for in camera inspection. *Id.*

II. ANALYSIS

{¶ 6} The sealing orders King challenges are final judgments. Ordinarily, a final judgment only may be collaterally attacked based on a claim that the judgment is void for lack of subject-matter jurisdiction, *see State v. Henderson*, 2020-Ohio-4784, ¶ 16-17, or on the grounds set forth in Civ. R. 60(B). However, in the unique context of sealing orders, this court has allowed strangers to the criminal proceedings—who presumably lacked notice of the sealing application—to collaterally attack such orders by filing a writ of mandamus to compel a judge who issued an unlawful sealing order to unseal case documents. *See State ex rel. Cincinnati Enquirer v. Lyons*, 2014-Ohio-2354, ¶ 1, 11, 15, 30. Thus, we have granted writs of mandamus ordering a trial court to unseal case files when the record demonstrated that the trial court had failed to follow statutory requirements for sealing records, *id.* at ¶ 34, when the underlying sealing statute was unconstitutional, *State ex rel. Cincinnati Enquirer v. Bloom*, 2024-Ohio-5029, ¶ 60, and when the trial court limited public access to court documents without complying with the Rules of Superintendence, *State ex rel. Cincinnati Enquirer v. Forsthoefel*, 2022-Ohio-3580, ¶ 13-21, 25.

{¶ 7} A relator who seeks an order compelling the unsealing of case files must meet two evidentiary burdens. The first is our ordinary standard for obtaining extraordinary relief in mandamus. To be entitled to a writ of mandamus, King must

establish “a clear legal right to the sealed records, a clear legal duty on the part of the court to unseal them, and the lack of an adequate remedy in the ordinary course of law.” *Lyons* at ¶ 11. It is King’s “burden to establish that [she] is entitled to a writ of mandamus by clear and convincing evidence.” *State ex rel. Porteous v. Franklin Cty. Bd. of Elections*, 2025-Ohio-939, ¶ 14.

{¶ 8} Further, “a presumption of regularity attaches to all judicial proceedings.” *State v. Raber*, 2012-Ohio-5636, ¶ 19. The presumption acts as an evidentiary burden requiring those claiming that a public officer has not appropriately carried out his duties to provide affirmative evidence in support of that claim. *See State ex rel. Hicks v. Clermont Cty. Bd. of Commrs.*, 2022-Ohio-4237, ¶ 22. Evidence showing that an officer did not properly discharge his duty can rebut the presumption. Otherwise, “all reasonable presumptions consistent with the record will be indulged in favor of the validity of the judgment or decision under review, and of the regularity and legality of the proceedings below.” *State v. Edwards*, 157 Ohio St. 175, 182 (1952), quoting 2 Ohio Jur., Appellate Review, § 565, at 1015 (1949). Because King argues that the trial court did not follow statutory requirements in sealing Combs’s records, King can only succeed if she rebuts the presumption of regularity by presenting affirmative evidence establishing that the trial court did not comply with the law when it sealed the case documents.

A. There is no evidence in the record that the trial court failed to comply with the law when it sealed the case documents

{¶ 9} King’s primary argument is that “any sealing order is invalid under the Superintendence Rules.” Specifically, she claims that there is no evidence that the trial court complied with Sup.R. 11.09 through 11.16¹ by conducting a

¹ Effective July 1, 2026, Sup.R. 44 through 47 have been renumbered as Sup.R. 11.09 through 11.16. *See* Supreme Court of Ohio, *Rules of Superintendence Restructuring*, <https://www.supremecourt.ohio.gov/courts/courts-rules/rules-of-superintendence-restructuring/> (accessed Aug. 17, 2026) [<https://perma.cc/92KD-4QVU>]. This opinion uses the current numbering of the rules rather than the numbering used by the parties in their briefing.

document-by-document review of the sealed items or that it used the least restrictive means possible to limit public access, *see* Sup.R. 11.14(A), rather than imposing a “blanket sealing order.”

{¶ 10} We can quickly dispose of King’s argument that the sealing orders are invalid for failure to follow the procedures set forth in the Superintendence Rules. The trial court did not seal the case files based on the Superintendence Rules; it did so based on the express terms of two Ohio statutes—former R.C. 2953.32 and former R.C. 2953.52. The Superintendence Rules “do not supersede statutes with which they are in conflict and do not create either substantive rights or procedural law.” *State ex rel. Parker Bey v. Byrd*, 2020-Ohio-2766, ¶ 41 (Kennedy, J., concurring in part and dissenting in part) (citing caselaw from all 12 Ohio Appellate Districts); *see also State v. Singer*, 50 Ohio St.2d 103, 110 (1977) (“The Rules of Superintendence are not designed to alter basic substantive rights . . .”).

{¶ 11} Indeed, the Superintendence Rules themselves make clear that statutory provisions are controlling. Sup.R. 11.09(C)(2)(a) provides that “[t]he term ‘case document’ does not include . . . [a] document or information in a document exempt from disclosure under state, federal, or the common law. . . .” Because the trial court determined Combs’s records should be sealed under the relevant statutes, the records are not “case documents” subject to the procedures for limiting public access in Sup.R. 11.14(A). Therefore, the proper question is not whether the trial court complied with the Rules of Superintendence, but whether the court complied with statutory requirements when sealing the records.

{¶ 12} King makes only a brief reference to statutory requirements in her merit brief, stating:

Additionally, there is nothing to support that a hearing was set prior to any record being sealed. *See* O.R.C. 2953.33(B)(1). Nor is there

any indication that any prosecutor was aware of any hearing or had the opportunity to object to the sealing of any record.

In other words, King claims that there is no evidence that the trial court set a hearing or notified the prosecutor and asks this court to presume from this purported lack of evidence that a hearing was not set and the prosecutor was not notified.

{¶ 13} The evidence filed under seal in this court does not support King’s statutory arguments. Contrary to King’s claim that “there is nothing to support that a hearing was set prior to any record being sealed,” the records filed under seal in this court establish that a hearing was set in each case. Further, the sealing orders in the 2015 and 2017 cases both state that they were premised on the trial court’s “having reviewed the Petitioner’s motion for Sealing of Record of Conviction, the report of the Probation Department for Butler County prepared in compliance with previous order of this Court, and the Petitioner having been examined in open court.”

{¶ 14} Nor do the records support King’s claim that the prosecutor lacked notice of the sealing proceedings. Each sealing order is signed by an assistant prosecutor and includes a notation indicating that the assistant prosecutor approved of the entry.

{¶ 15} Thus, nothing in the sealed records is sufficient to overcome the presumption of regularity that the trial court followed all applicable statutory requirements. Indeed, the evidence in the sealed records affirmatively refutes King’s claims of statutory violations.

B. King has not established a constitutional violation

{¶ 16} King also argues that that the sealing orders improperly restrict public access to court records under the First Amendment to the United States Constitution and under the open-courts provision of the Ohio Constitution. She notes that “court proceedings are presumptively open [to the public] and any

attempt to close the courts by sealing records . . . must be balanced against the public’s interest.” She contends that the sealing orders were invalid because the trial court did not have sufficient evidence to find that Combs’s privacy interest in sealing the records outweighed the presumption of public access to court proceedings.

{¶ 17} In *State ex rel. Cincinnati Enquirer v. Winkler*, 2004-Ohio-1581, we upheld the constitutionality of former R.C. 2953.52 (now R.C. 2953.33), on the grounds that it appropriately balanced the defendant’s privacy interests with the public’s right to access court proceedings under both the First Amendment and the open-courts provision of the Ohio Constitution, *id.* at ¶ 8-11. While the court in *Winkler* did not attempt to distinguish between federal and state constitutional considerations, this court took a closer look at the open-courts provision in *State ex rel. Cincinnati Enquirer v. Bloom*, 2024-Ohio-5029. In *Bloom*, the underlying statute required the blanket sealing of certain juvenile records without an individualized review weighing the harm to the juvenile against the potential benefits of public access. *Id.* at ¶ 2, 4-5. In finding the statute unconstitutional, we wrote “the open courts provision of the Ohio Constitution requires, at a minimum, that a juvenile delinquency proceeding cannot be closed to the public without an individualized determination balancing the interests at stake.” *Id.* at ¶ 60.

{¶ 18} Here, there is no indication in the record that the trial court failed to perform the individualized balancing that we held to be required in *Winkler* and *Bloom*. To the contrary, the applicable sealing statutes explicitly required the court to balance the interests of the offender in having the records sealed against the legitimate needs of the government. *See* Former R.C. 2953.32(C)(1)(e). And each of the sealing orders contained an express finding that sealing the case documents was “consistent with the public interest.” Furthermore, under the presumption of regularity, we must presume that the court performed the balancing that we mandated in *Winkler* absent evidence to the contrary.

{¶ 19} Nor do we believe it appropriate for us to reweigh the trial court’s balancing of interests in this extraordinary-writ action. While we have held that the state and federal constitutions require individualized balancing before a court may restrict access to court proceedings, the exercise of that balancing is generally subject to the trial court’s discretion. *See State v. T.W.C.*, 2025-Ohio-2890, ¶ 18; *Barberton v. Frye*, 2026-Ohio-647, ¶ 6 (9th Dist.). Nothing in the record demonstrates that the trial court committed a constitutional violation in its balancing of interests.

III. CONCLUSION

{¶ 20} Because Kristen King has failed to demonstrate her entitlement to extraordinary relief in mandamus, we deny the writ.

Writ denied.

BRUNNER, J., concurring in part and dissenting in part.

{¶ 21} I agree with the majority opinion that the evidence concerning the sealing of the 2014, 2015, and 2017 case records affirmatively refutes relator Kristen J. King’s claims that the trial court failed to comply with statutory requirements in sealing those case records. Because the evidence affirmatively refutes King’s claims, there is no need for this court to apply the presumption of regularity in this case. The majority opinion’s references to the presumption of regularity are therefore properly understood as dicta.

{¶ 22} I also disagree with the majority opinion’s decision to address King’s constitutional arguments. While King presents constitutional arguments in her merit brief, as the majority opinion recognizes, she “did not include any allegation of a constitutional violation in her complaint.” Majority opinion, ¶ 4. As a result, King’s constitutional arguments are not properly before this court and we should not address them. *See State ex rel. Ullmann v. Klein*, 2020-Ohio-2974, ¶ 9 (refusing to consider claims not raised in the relator’s mandamus complaint); *State ex rel.*

Tarrier v. Pub. Emps. Retirement Bd., 2021-Ohio-649, ¶ 25 (same); *see also Epcon Communities Franchising, L.L.C. v. Wilcox Dev. Group, L.L.C.*, 2024-Ohio-4989, ¶ 17 (“courts should not decide constitutional questions unless it is absolutely necessary to do so”).

{¶ 23} I therefore respectfully concur in part and dissent in part.

Robbins, Kelly, Patterson & Tucker, L.P.A., Cory D. Britt, and Andrew J. Trice, for relator.

Michael T. Gmoser, Butler County Prosecuting Attorney, and Stephen M. Wagner and Patrick R. Oelrich, Assistant Prosecuting Attorneys, for respondents.
