

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
v.	:	No. 26AP-506 (C.P.C. No. 04CR-1576)
Jamil Ali-Bey Phoenix Allah ex rel. Jamel D. Curtis,	:	(REGULAR CALENDAR)
	:	

D E C I S I O N

Rendered on October 20, 2026

On brief: *Shayla D. Favor*, Prosecuting Attorney, *Darren M. Burgess*, and *John Zervas*, for appellee.

On brief: *Jamil Ali-Bey Phoenix Allah ex rel. Jamel D. Curtis*, pro se.

APPEAL from the Franklin County Court of Common Pleas

EDELSTEIN, J.

{¶ 1} Defendant-appellant, Jamil Ali-Bey Phoenix Allah ex rel. Jamel D. Curtis, pro se, appeals from two separate judgment entries of the Franklin County Court of Common Pleas—one dated May 4, 2026, and the other dated May 7, 2026. For the reasons that follow, we lack jurisdiction as to the appeal taken from the trial court’s May 4, 2026 judgment entry and we affirm the May 7, 2026 judgment entry.

I. FACTS AND PROCEDURAL OVERVIEW

{¶ 2} In 2005, appellant was convicted by a jury of the following offenses: one count of aggravated murder, an unclassified felony in violation of R.C. 2903.01; two counts of murder, both unclassified felonies in violation of R.C. 2903.02; two counts of aggravated robbery, both first-degree felonies in violation of R.C. 2911.01; and one count of kidnapping, a first-degree felony in violation of R.C. 2905.01. (July 1, 2005 Jgmt. Entry at 1.) All counts

were accompanied by firearm specifications. (*Id.*) As the case had been charged with specifications of aggravating circumstances pursuant to R.C. 2929.021(A), the jury also rendered a verdict finding the aggravating circumstances did not outweigh the mitigating factors beyond a reasonable doubt as to the aggravated murder count. (*Id.*)

{¶ 3} On June 26, 2005, the trial court held a sentencing hearing and imposed the following sentence: (1) life without the possibility of parole for the aggravated murder count with an additional 3 years for the accompanying firearm specification; (2) 15 years to life for each of the murder counts with an additional 3 years for each of the accompanying firearm specifications; (3) 10 years for each of the aggravated robbery counts with an additional 3 years for their accompanying firearm specifications; and (4) 10 years for the kidnapping count with an additional 3 years for its accompanying firearm specification. (*Id.* at 2.) The trial court ordered that sentences for each of the murder counts merge but the rest of the sentences would run consecutive to each other. (*Id.*)

{¶ 4} Appellant appealed from that judgment, raising two assignments of error for this court's review: (1) his confession was taken in violation of his rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and his rights under Article I, Section 10 of the Ohio Constitution; and (2) the trial court committed reversible error by making findings of fact to give a first time offender, non-minimum, maximum, consecutive sentences, when those facts were not proven beyond a reasonable doubt to the jury. In an August 15, 2006 decision, this court overruled appellant's assignments of error and affirmed his convictions. *See State v. Curtis*, 2006-Ohio-4230 (10th Dist.). Thereafter, appellant filed an application to reopen his appeal pursuant to App.R. 26(B), which was denied on January 30, 2007. (Jan. 30, 2007 Memorandum Decision.)

{¶ 5} Since that time, appellant has filed a number of postconviction motions, each of which has been denied by the trial court. These included a May 19, 2014 Motion for Release of Public Records Pursuant to R.C. 149.43 B-4 and a May 27, 2025 Motion for Free Copies of Court Records. In the first of these motions, appellant asserted he "need[ed] the arrest warrant document to challenge jurisdiction of his arrest; which may be affecting his substantial rights and due process of law." (May 19, 2014 Mot. for Release of Public Records at 2.) The trial court denied the May 19, 2014 motion on August 7, 2014, noting, "Without articulation as to why possession of his arrest warrant would help him challenge his arrest,

be it through a due process claim or otherwise, [appellant]’s request is incomplete and must be denied.” (Aug. 7, 2014 Decision and Entry at 2.) In the second motion seeking access to his case records, appellant asserted “[t]he requested records are necessary for the legal claim for his recent Post-Conviction petition which was denied by this court and defendant sought an Appeal which was dismissed because Appellant was transferred to another facility and **ALL** his legal work was lost.” (Emphasis in original.) (May 27, 2025 Mot. for Free Copies of Public Records at 1.) In his response to the state’s opposition to that motion, appellant further explained he was “seeking the entire case file to prepare for a writ of habeas corpus.” (July 8, 2025 Opps. to State’s Memo Contra at 2.) The trial court denied the May 27, 2025 motion in an entry dated December 11, 2025, noting appellant’s explanation was insufficient to satisfy his burden under R.C. 149.43(B)(8).

{¶ 6} Appellant then filed the two motions that are the subject of this appeal—an April 22, 2026 Motion to Rebut the Presumption/Motion to Vacate VOD Registration and a May 1, 2026 Motion for Public Records. He claimed he needs access to “investigatory reports, witness statement(s), . . . crime stoppers reports, police notes, police memos, audio(s) recordings, [and] video(s) recordings, to prepare to prove by the preponderance of the evidence that he is not the principal offender in the commission of the offense of aggravated murder and kidnapping pursuant to the created presumption of Sierah’s Law O.R.C. 2903.42(A)(1)(b).” (May 1, 2026 Mot. at 2.) On May 4, 2026, the trial court denied the Motion to Vacate VOD Registration, finding the motion moot because appellant is serving a sentence of life without the possibility of parole, will never be released from incarceration, and therefore VOD registration requirements will never be imposed. (May 4, 2026 Entry.) And on May 7, 2026, the trial court denied appellant’s motion seeking access to public records, finding he failed to present a justiciable claim. (May 7, 2026 Entry at 2.)

{¶ 7} On June 8, 2026, appellant filed his notice of appeal, indicating he is appealing “from the judgment entry denying defendant’s motion to Rebut the Presumption/vacate the VOD registration, Motion to Stay the Proceedings, Motion for Appointment of Counsel and Motion for Public Records entered in th[e trial court] on May 4th and May 7th 2026.”

II. ASSIGNMENTS OF ERROR

{¶ 8} Appellant raises the following two assignments of error for our review:

[I.] THE TRIAL COURT REVERSIBLY ERRED IN NOT COMPLYING WITH SIERAH'S LAW[.]

[II.] TRIAL COURT ERRED IN DENYING APPELLANT'S MOTION FOR PUBLIC RECORDS.

III. ANALYSIS

A. Timeliness of the Appeal

{¶ 9} We must first address whether appellant's appeal is timely. Appellant filed a single notice of appeal on June 8, 2026, seeking to appeal two judgment entries dated May 4 and May 7, 2026.

{¶ 10} App.R. 4 establishes when an appeal as of right may be filed. Except as provided in App.R. 4(A)(3), a party seeking to appeal a trial court's judgment must file a notice of appeal within 30 days of the entry or order appealed. App.R. 4(A)(1). For appellant's appeal from the trial court's May 4, 2026 entry to be timely, he would have had to file on or before Wednesday, June 3, 2026. Because his notice of appeal was not filed until after that date, his appeal from the entry is untimely.

{¶ 11} In his reply brief, appellant attempts to make two arguments regarding the timeliness of his appeal from the trial court's May 4, 2026 entry. First, he asserts his filing was untimely because the court failed to timely send him a copy of the trial court's judgment entry. (Appellant's Reply Brief at 2-3.) Such an argument must be raised in a motion seeking leave to file a delayed appeal pursuant to App.R. 5(A). *See State v. Morris*, 2005-Ohio-6479, ¶ 3 (10th Dist.) ("App.R. 5(A) allows a criminal defendant to file a motion for leave to appeal after the expiration of the 30-day period provided by App.R. 4(A). In such a motion, the defendant must set forth the reasons for his or her failure to perfect an appeal as of right."). Therefore, we are unable to consider this explanation for appellant's untimely filing.

{¶ 12} Appellant also asserts in his reply brief that the clerk of courts failed to comply with Civ.R. 58(B) and therefore App.R. 4(A)(3) applies to toll the 30-day deadline. (Appellant's Reply Brief at 2-3.) Appellant is mistaken about the application of App.R.

4(A)(3), which is limited to addressing delay of the clerk's service in a **civil case**. A judgment is final in a **criminal case** when it is formally journalized. *In re A.W.*, 2020-Ohio-1457, ¶ 8; Crim.R. 32(C). The online docket for Franklin County C.P. case No. 04CR-1576 reflects the May 4, 2026 judgment entry was journalized and entered on the docket that same day. Because the timeline for filing a notice of appeal in a criminal case begins to run when the relevant final order is entered, appellant's argument is unpersuasive and his notice of appeal as to the May 4, 2026 judgment entry was untimely. We therefore lack jurisdiction to consider appellant's first assignment of error.

{¶ 13} Notwithstanding the untimeliness of the notice of appeal as to the May 4, 2026 entry, we find the notice of appeal as to the May 7, 2026 entry was timely. Because the 30th day following the trial court's May 7, 2026 decision fell on Saturday, June 6, 2026, appellant had until Monday, June 8, 2026 to file his appeal.

{¶ 14} Because appellant's notice of appeal was untimely as to the May 4, 2026 entry but timely as to the May 7, 2026 entry, and only appellant's second assignment of error addresses the May 7, 2026 entry, this court may not consider the first assignment of error and limits its review to the second assignment of error.

B. Appellant did not satisfy his burden under R.C. 149.43(B)(8)

{¶ 15} R.C. 149.43(B)(8) sets forth the requirements an incarcerated person must meet when seeking access to public records related to his criminal conviction:

A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction . . . to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution . . . unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence . . . or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

A justiciable claim is one that is "properly brought before a court of justice for relief." *State v. Wilson*, 2011 Ohio App. LEXIS 3503, *3 (2d Dist. Aug. 19, 2011). To satisfy the requirements set forth in R.C. 149.43, an inmate must "allege operative facts" to support a claim and explain how the requested materials are "necessary to advance a justiciable claim." *State v. Askew*, 2017-Ohio-1512, ¶ 13 (11th Dist.).

{¶ 16} Some courts have concluded a justiciable claim requires a “pending proceeding . . . to which the requested [public record] would be material.” *State ex rel. Hairston v. Noble*, 2025-Ohio-5598, ¶ 22 (10th Dist.), citing *State v. Mack*, 2025-Ohio-1990 (5th Dist.), *State v. Christian*, 2024-Ohio-4493 (8th Dist.), *State v. Rodriguez*, 2011-Ohio-1397 (6th Dist.), *State v. Seal*, 2014-Ohio-4168 (4th Dist.), and *State v. Atakpu*, 2013-Ohio-4392 (2d Dist.). The state asserts this is a basis on which to affirm the trial court’s decision. (See Appellee’s Brief at 8-9.) We are not persuaded. As the Eleventh District Court of Appeals noted in *Askew*, R.C. 149.43 “does not require that a justiciable claim [be] pending, only that the inmate has a justiciable claim to be advanced.” *Id.* at ¶ 12. “[T]here are times when an inmate is required to attach copies of court documents to initial pleadings in order to state a viable claim for relief such as a petition for a writ of habeas corpus.” *Id.*, citing R.C. 2725.04(D). Therefore, we decline to adopt the reasoning of some of our sister districts requiring a pending action at the time an inmate files a request for public records related to his conviction.

{¶ 17} That does not, however, end our inquiry. As alluded to above, appellant is still unable to satisfy his burden of establishing a justiciable claim warranting release of the requested materials. In an attempt to satisfy his burden, appellant argued in his motion that he needs access to “investigatory reports, witness statement(s), . . . crime stoppers reports, police notes, police memos, audio(s) recordings, [and] video(s) recordings [from his 2004 criminal case], to prepare to prove by the preponderance of the evidence that he is not the principal offender in the commission of the offense of aggravated murder and kidnapping pursuant to the created presumption of Sierah’s Law O.R.C. 2903.42(A)(1)(b).” (May 1, 2026 Mot. at 2.) He did not allege operative facts or explain how those documents are necessary to support such a claim.

{¶ 18} On March 20, 2019, the Ohio General Assembly enacted Sierah’s Law—R.C. 2903.41 through 2903.44—which “sets forth the presumption that all offenders who plead guilty to or are convicted of aggravated murder, murder, voluntary manslaughter, kidnapping, and abduction are violent offenders.” *State v. Tanksley*, 2021-Ohio-2900, ¶ 5 (10th Dist.), citing R.C. 2903.41(A)(1)(a). Once a person classified as a violent offender is released from incarceration, they are required to “enroll in the violent offender database personally with the sheriff of the county in which the violent offender resides,” R.C.

2903.43(A), and then must re-enroll in the database each year for a period of ten years, R.C. 2903.43(D)(1). An “offender may rebut the presumption by proving that he or she was not the principal offender” in the qualifying offense(s). *State v. Hubbard*, 2021-Ohio-3710, ¶ 22, citing R.C. 2904.32(A)(4).

{¶ 19} It is unlikely appellant will ever be subject to the violent offender database registration requirements because he is serving a sentence of life without the possibility of parole, consecutive to additional prison sentences. *See* R.C. 2903.43(A)(2) (Violent offender database enrollment requirements trigger “within ten days after the violent offender is released from a . . . state correctional institution[.] . . . The violent offender is not required to enroll in the violent offender database . . . prior to release.”). But even if he were subject to release at some time in the future, appellant has failed to satisfy the second requirement imposed by R.C. 149.43(B), explaining why the requested “public record[s are] **necessary** to support what appears to be a justiciable claim.” (Emphasis added.) R.C. 149.43(B)(8). *See also Askew*, 2017-Ohio-1512, at ¶ 11, 13 (11th Dist.). Instead, his motion stated only that the documents would allow him “to prepare to prove by the preponderance of that evidence that he is not the principal offender in the commission of the offense of aggravated murder and kidnapping.” (May 1, 2026 Mot. at 2.) Without more, we are unable to conclude he satisfied his burden to comply with R.C. 149.43(B)(8).

{¶ 20} Because appellant has not demonstrated the public records he requested are “necessary to support what appears to be a justiciable claim,” we find the trial court did not err in denying his motion and overrule his second assignment of error.

IV. CONCLUSION

{¶ 21} Having concluded we lack jurisdiction as to the appeal taken from the trial court’s May 4, 2026 judgment entry and overruled appellant’s second assignment of error pertaining to the May 7, 2026 judgment entry, we dismiss the appeal and affirm the May 7, 2026 judgment of the Franklin County Court of Common Pleas.

*May 4, 2026 judgment dismissed;
May 7, 2026 judgment affirmed.*

BOGGS, P.J. and BEATTY BLUNT, J., concur.
