[Cite as *State v. Anderson*, 2026-Ohio-4539.]

IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY

STATE OF OHIO, Plaintiff-Appellee, - vs - TERRY A. ANDERSON, Defendant-Appellant.	**CASE NO. 2026-L-0030** Criminal Appeal from the Court of Common Pleas Trial Court No. 2022 CR 001083

OPINION AND JUDGMENT ENTRY

Decided: November 16, 2026
Judgment: Reversed and remanded

Charles E. Coulson, Lake County Prosecutor, and *Eric J. Foisel*, Lake County Assistant Prosecutor, Lake County Administration Building, 105 Main Street, P.O. Box 490, Painesville, OH 44077 (For Plaintiff-Appellee).

Terry A. Anderson, pro se, PID# A804-372, Belmont Correctional Institution, 68518 Bannock Road, P.O. Box 540, St. Clairsville, OH 43950 (Defendant-Appellant).

ROBERT J. PATTON, J.

{¶1} Defendant-appellant, Terry A. Anderson ("Anderson"), appeals the judgment of the Lake County Court of Common Pleas denying his motion, filed pro se, requesting leave of court to access public records pursuant to R.C. 149.43(B)(8).

{¶2} On appeal, Anderson argues that the trial court abused its discretion by denying his request. Anderson purports that the public records he wishes to obtain are vital to pending and future claims related to his now closed criminal case, and Anderson believes his claims are justiciable, therefore warranting his access to public records.

{¶3} Upon review, we find that the trial court abused its discretion in denying Anderson's request. The trial court's judgment entry summarily denied Anderson's request without making any finding as to whether his purported claims are justiciable or whether the information he seeks is necessary to support a justiciable claim. Where an inmate requests leave of court to request public records, the sentencing judge has "a reciprocal obligation to render such a finding *pursuant to the statute* . . . ." (Emphasis added.) *State ex rel. Rittner v. Barber*, 2006-Ohio-592, ¶ 38 (6th Dist.).

{¶4} A perfunctory denial that fails to address any of the R.C. 149.43(B)(8) considerations and appears to misunderstand the requested relief does not meet that obligation. Therefore, as the trial court disposed of Anderson's motion without considering whether a justiciable claim was presented and whether the public records sought are necessary to support that claim, the trial court employed an erroneous legal framework.

{¶5} Accordingly, the judgment of the Lake County Court of Common Pleas is reversed, and the case is remanded to the trial court for consideration of Anderson's motion under the correct legal standard.

Substantive and Procedural Facts

{¶6} Anderson is currently serving a six- to nine-year indefinite prison sentence resulting from his convictions for one count of complicity to aggravated burglary, one count of complicity to trespass in a habitation, one count of complicity to petty theft, and two counts of complicity to burglary. Anderson previously appealed to this court, and his convictions and sentence were affirmed. *State v. Anderson*, 2024-Ohio-2505 (11th Dist.), *motion for delayed appeal granted*, 2024-Ohio-5104, and *appeal not accepted,* 2025-Ohio-231.

{¶7} On March 5, 2026, Anderson filed a pleading with the trial court captioned "REQUEST FOR LEAVE TO REQUEST PUBLIC RECORDS PURSUANT TO R.C. 149.43(B)(8) and *** *State ex rel Caster v. City of Columbus*." The seven-page motion identifies a litany of documents and evidentiary materials relating to his convictions which Anderson states he would use in pursuing claims including prosecutorial misconduct, ineffective assistance of counsel, police misconduct, and *Brady* violations. Anderson also asserts in his motion that he is actively involved in fighting to overturn his convictions via extensive pleadings and appellate processes.

{¶8} The next morning, the trial court summarily denied the motion via judgment entry. The entry stated, verbatim and in its entirety, as follows:

> The within cause came on for consideration upon the Defendant's pro se Request for Leave to Request Public Records Pursuant to R.C. 149.43(B)(8), filed on March 5, 2026.
>
> Upon review of Defendant's filing, the Court finds no Leave of Court is necessary to make a public records request, therefore said Motion is not well taken and ought to be denied.
>
> WHEREFORE, it is the Order of this Court that the Defendant's pro se Motion for summary Maximum Sentence, filed on January 21, 2026, [sic] is hereby denied. IT IS SO ORDERED.

The Appeal

{¶9} Anderson timely appeals and raises, as his sole assignment of error, that "the trial court abused its discretion when it failed to consider the reasons set forth by [Anderson] regarding the basis for the public record request for the prosecutor's discovery[,] thus violating [Anderson's] constitutional rights to due process and fair trial and Crim.R. 16(D)(1-5), and Crim.R. 16(F)." Anderson argues that the trial court abused

its discretion when it failed to consider whether the issues he presented in his motion were justiciable claims. We agree.

{¶10} A trial court's ruling on a criminal defendant's R.C. 149.43(B)(8) request is reviewed for abuse of discretion. *See State v. Parks*, 2023-Ohio-4740, ¶ 7 (7th Dist.). A trial court abuses its discretion when it fails to exercise sound, reasonable, and legal decision-making. *State v. Beechler*, 2010-Ohio-1900, ¶ 64 (2d Dist.), citing *Black's Law Dictionary* (8th Ed.2004). "An abuse of discretion may be found when the trial court 'applies the wrong legal standard, misapplies the correct legal standard, or relies on clearly erroneous findings of fact.'" *Cobb v. Shipman*, 2015-Ohio-2604, ¶ 19 (11th Dist.), quoting *Thomas v. Cleveland,* 2008-Ohio-1720, ¶ 15 (8th Dist.).

{¶11} R.C. 149.43(B)(8) provides:

> 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 made the adjudication with respect to the person, 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.*

(Emphasis added.)

{¶12} Pursuant to the statute, upon receipt of a defendant's R.C. 149.43(B)(8) request, courts engage in a three-part analysis: whether the defendant has an active claim he is trying to support, whether that claim is legally justiciable, and whether the records request is necessary to support the claim. *Parks* at ¶ 3. This court has previously

clarified that R.C. 149.43(B)(8) "does not require that a justiciable claim is pending, only that the inmate has a justiciable claim to be advanced." *State v. Askew*, 2017-Ohio-1512, ¶ 12 (11th Dist.).

{¶13} Where an inmate fails to seek or obtain the judicial finding as required by R.C. 149.43(B)(8), a public records custodian has "no clear legal duty to produce the records identified in the . . . [public records] request." *State ex rel. Ellis v. Cleveland Police Forensic Laboratory,* 2019-Ohio-4201, ¶ 12. The effect of the statute is a "heightened requirement[] for *inmates* seeking public records." (Emphasis in original.) *State ex rel. Russell v. Thornton*, 2006-Ohio-5858, ¶ 14. "The General Assembly clearly evidenced a public-policy decision to restrict a convicted inmate's unlimited access to public records in order to conserve law enforcement resources." *Id*.

{¶14} Here, Anderson attempted to comply with R.C. 149.43(B)(8) by filing his motion for leave to file public records requests. In his motion, Anderson set forth several claims he believed to be justiciable and a list of documents and evidentiary materials to be used in support of pursuing such claims. The trial court did not provide any analysis regarding whether the claims were justiciable or whether the requested materials were necessary. The trial court simply denied the motion finding "no Leave of Court is necessary . . . ."

{¶15} Although "[t]he precise reasoning of the trial court is unclear by its terse entry," it appears the trial court likely misunderstood Anderson's request. *State v. Totten*, 2005-Ohio-6210, ¶ 14 (10th Dist.). The trial court is correct, in the abstract, that Anderson need not obtain leave of court to physically *make* a public records request. However, as Anderson is an incarceree, absent the sentencing judge's R.C. 149.43(B)(8) finding, a

records custodian who receives Anderson's request has "no clear legal duty to produce the records . . . ." *Ellis* at ¶ 12. Anderson's motion sought to *create* that duty. The trial court's entry is thus nonresponsive to the issue that Anderson's motion presented.

{¶16} Therefore, "since it is an inmate's burden to obtain a finding from his sentencing judge allowing him access to public records, the sentencing judge must, by inference, have a reciprocal obligation to render such a finding *pursuant to the statute* upon the inmate's motion." (Emphasis added.) *Barber*, 2006-Ohio-592, at ¶ 38 (6th Dist.). The trial court failed to comply with this duty by affording no consideration to the *statute*. As the trial court did not adjudicate Anderson's motion under the correct legal standard, we are required to reverse.

{¶17} Anderson's sole assignment of error is sustained.

Conclusion

{¶18} For the reasons set forth above, the judgment of the Lake County Court of Common Pleas is reversed, and the case is remanded for the trial court's consideration of Anderson's March 5, 2026 motion. On remand, the trial court should consider whether Anderson has a legally justiciable claim he is trying to support and whether the public records he seeks are necessary to support such a claim.

EUGENE A. LUCCI, J.,

SCOTT LYNCH, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this court, it is the judgment and order of this court that the judgment of the Lake County Court of Common Pleas is reversed, and this matter is remanded to the trial court for further proceedings consistent with the opinion.

Costs to be taxed against appellee.

JUDGE ROBERT J. PATTON

JUDGE EUGENE A. LUCCI,
concurs

JUDGE SCOTT LYNCH,
concurs

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.