

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY

STATE OF OHIO

Appellee

v.

EMANUEL STEVEN DENNIS

Appellant

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C.A. No. 30653

Trial Court Case No. 2020 CR 02185

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on August 28, 2026, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



CHRISTOPHER B. EPLEY, JUDGE

HANSEMAN, J., concurs.

HUFFMAN, J., concurs in judgment only.

OPINION
MONTGOMERY C.A. No. 30653

EMANUEL STEVEN DENNIS, Appellant, Pro Se
ANDREW T. FRENCH, Attorney for Appellee

EPLEY, J.

{¶ 1} Emanuel Steven Dennis appeals from the Montgomery County Common Pleas Court’s order overruling his request for public records. Dennis asserts that the trial court’s ruling was erroneous, because the records are necessary to support a justiciable claim. For the following reasons, the judgment of the trial court is affirmed.

I. Facts and Procedural History

{¶ 2} On July 30, 2020, Dennis was indicted on two counts of murder, two counts of felonious assault, one count of having weapons while under disability, and three counts of tampering with evidence. On April 16, 2021, following a jury trial, Dennis was found guilty of one count of murder and one count of tampering with evidence. He was sentenced to a term of 16 years to life in prison. Dennis appealed, and on August 19, 2022, we affirmed his conviction.

{¶ 3} On September 10, 2025, Dennis filed a motion to compel the State to provide public records, which included any records his defense attorney, Lucas Wilder, kept during his representation of Dennis, discovery that the State provided to Wilder, and the interview and notes taken by Detective William Geiger pertaining to Latana J. Clark. The State opposed Dennis’s motion, and the trial court issued its order on September 23, 2025, overruling Dennis’s motion in its entirety. In denying his request for public records, the trial court held that Dennis had “not presented a justiciable claim to warrant the court’s consideration of his request for these alleged public records” and that he “failed to

demonstrate that there is any pending proceeding with respect to which the requested documents would be material.”

{¶ 4} Dennis now appeals the trial court’s denial of his public records request. He raises five assignments of error, which we address together.

II. Dennis’s Request for Public Records Did Not Comply With R.C. 149.43

{¶ 5} In his assignments of error, Dennis contends that the trial court erroneously denied his request for public records, because he identified a justiciable claim, as required by R.C. 149.43.

{¶ 6} We review trial court orders pertaining to the disclosure of public records for an abuse of discretion. *State v. Brown*, 2026-Ohio-949, ¶ 7 (2d Dist.). The term “abuse of discretion” means that the court’s attitude is unreasonable, arbitrary, or unconscionable. *State v. McAlpin*, 2026-Ohio-148, ¶ 14.

{¶ 7} According to R.C. 149.43(B)(8), “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 . . . finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.” Unless an inmate can meet these requirements, he is not entitled to records related to his case. *Brown* at ¶ 9.

{¶ 8} A “justiciable claim” is one that is properly brought before a court for relief. *Id.* at ¶ 10. The justiciable claim requirement usually involves the identification of a pending proceeding to which the requested documents would be material. *State v. Wilson*, 2026-

Ohio-763, ¶ 9 (2d Dist.). Where the movant fails to identify any such proceeding, the trial court does not err by overruling a public records request. *Id.* Notably, an inmate cannot satisfy the justiciable claim requirement by merely alluding to potential future proceedings that could result from granting access to the records. *Id.*

{¶ 9} In the present case, there were no motions or proceedings pending in the trial court to which the requested records would have been relevant, nor did Dennis identify any such proceeding in his request. Rather, Dennis vaguely asserted that the requested records were necessary to prove his innocence. This is insufficient to satisfy the justiciable cause requirement under R.C. 149.43.

{¶ 10} Dennis notes that the Eleventh District has held that R.C. 149.43 does not require a proceeding to be pending to establish a justiciable claim, only that an inmate has a justiciable claim to pursue. See *State v. Askew*, 2017-Ohio-1512, ¶ 12 (11th Dist.). However, we have disagreed with that interpretation of the law, and regardless, Dennis fails to identify any justiciable claim—pending or not. Specifically, although he references his entitlement to a new trial or post-conviction relief, both requests are untimely. Crim.R. 33(B) requires that a motion for a new trial be filed within 120 days of the verdict and R.C. 2953.23(A)(1)(a) dictates that a motion for post-conviction relief be made within 365 days after the date on which the trial transcript is filed in the court of appeals in the direct appeal of the judgment. The verdict in this case was filed on April 26, 2021, and the trial transcript was filed with this court as part of the record of the direct appeal on July 15, 2021.

{¶ 11} Although there are exceptions to these deadlines in situations where there is newly discovered evidence or evidence the movant was previously prevented from discovering, none of those exceptions apply here. The records Dennis sought would have been in his attorney's possession, and accessible to Dennis, before and during the trial.

Accordingly, the trial court did not abuse its discretion when it denied Dennis's public records request.

{¶ 12} Dennis's assignments of error are overruled.

III. Conclusion

{¶ 13} The judgment of the trial court is affirmed.

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HANSEMAN, J., concurs.

HUFFMAN, J., concurs in judgment only.