

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

In re A.M.

2026-Ohio-717 · No. 26CA000017 · Decided March 3, 2026

SUMMARY

The Ninth District Court of Appeals of Ohio reversed the Lorain County Court of Common Pleas order denying A.M.’s motion to quash a subpoena for privileged counseling records. The appellate court held that the trial court was required to conduct an evidentiary hearing under Criminal Rule 17(C) and the standards described in In re Subpoena Duces Tecum Served Upon Attorney Potts before ordering production for in camera review. A.M.’s second assignment of error was sustained, while the first assignment was deemed premature, and the matter was remanded.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Jennifer Hensal, Presiding Judge; Jennifer Hensal; Sutton, J.; Stevenson, J.
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	March 3, 2026
DOCKET	26CA000017
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	A.M. appealed an order denying her motion to quash a subpoena duces tecum seeking her counseling records in a criminal prosecution in which she was the alleged victim.
STANDARD OF REVIEW	The appellate court reviewed whether the trial court complied with Criminal Rule 17(C) and the requirement to conduct an evidentiary hearing on a motion to quash a subpoena duces tecum.
PRECEDENTIAL VALUE	Published opinion of the Ohio Court of Appeals, Ninth Judicial District.
PARTIES	A.M. v. State of Ohio, R.M.S.

TOPICS

- criminal procedure
- evidence
- appellate procedure
- standard of review

PRACTICE AREAS

criminal procedure

evidence

victims' rights

appellate procedure

QUESTIONS PRESENTED

1. Whether Criminal Rule 17(C) requires the trial court to conduct an evidentiary hearing on a motion to quash a subpoena duces tecum before ordering production of counseling records.
2. Whether the trial court applied the proper privilege and constitutional analysis to the subpoena for A.M.'s counseling records.

HOLDINGS

1. When a motion to quash a subpoena duces tecum is filed under Criminal Rule 17(C), the trial court must conduct an evidentiary hearing at which the subpoena's proponent bears the burden of demonstrating that compliance is not unreasonable or oppressive. The trial court erred by denying A.M.'s motion to quash the second subpoena without conducting that hearing.
2. The challenge to the trial court's privilege and constitutional analysis was premature because the trial court had not first conducted the required evidentiary hearing.

KEY QUOTATIONS

“When a motion to quash a subpoena duces tecum is filed, the trial court must hold an evidentiary hearing during which the proponent of the subpoena bears the burden of demonstrating that the subpoena is not burdensome or oppressive.” (§7)

“Accordingly, this Court agrees that the trial court erred by denying A.M.’s motion to quash without conducting an evidentiary hearing as required by Nixon and Potts.” (§10)

FACTUAL BACKGROUND

A grand jury indicted R.M.S. for rape and sexual battery, identifying A.M. as the victim. R.M.S. subpoenaed records concerning mental-health professionals A.M. had seen since January 1, 2025, and later subpoenaed records from a counselor at the Cleveland Rape Crisis Center. The trial court recognized that the counseling records were privileged and that no statutory privilege exception applied, but ordered production for an in camera inspection to determine whether they contained exculpatory information. The trial court denied A.M.'s motion to quash the second subpoena without conducting a separate evidentiary hearing.

PROCEDURAL HISTORY

A grand jury indicted R.M.S. for rape and sexual battery. R.M.S. subpoenaed counseling records from A.M. and later from a counselor at the Cleveland Rape Crisis Center. The Lorain County Court of Common Pleas denied A.M.'s motion to quash the second subpoena and ordered production of the records for in camera review. A.M. appealed under Ohio Revised Code Section 2930.19(A)(2)(b).

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter is remanded to the Lorain County Court of Common Pleas for proceedings consistent with the opinion, including the required evidentiary hearing on the motion to quash.

CASES CITED

- In re Subpoena Duces Tecum Served Upon Attorney Potts, 2003-Ohio-5234
- United States v. Nixon, 418 U.S. 683, 699-700 (1974)
- Brady v. Maryland, 373 U.S. 83 (1963)

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