

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY

State v. Wilson

2026-Ohio-763 (2d Dist.) · No. C.A. No. 30594 · Decided March 6, 2026

SUMMARY

The Ohio Second District Court of Appeals affirmed the denial of Joshua Eugene Wilson’s motions seeking public records related to his criminal case under R.C. 149.43(B)(8). The court held that Wilson failed to identify a pending proceeding for which the requested records were material, rejected his reliance on State ex rel. Caster, and alternatively held that res judicata applied to requests concerning evidence previously addressed in his motion for a new trial.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Mary K. Huffman; Lewis, P.J.; Epley, J.
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Montgomery County
DECIDED	March 6, 2026
DOCKET	C.A. No. 30594
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wilson appealed the Montgomery County Court of Common Pleas's denial of his motions for public records under Ohio Revised Code section 149.43(B)(8).
STANDARD OF REVIEW	Abuse of discretion. The denial of an inmate's request for public records is reviewed for whether the trial court's decision was unreasonable, unconscionable, or arbitrary.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Joshua Eugene Wilson v. State of Ohio

TOPICS

- post-conviction relief
- criminal procedure
- appellate procedure
- standard of review
- statutory interpretation

PRACTICE AREAS

criminal procedure

public records

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Wilson's requests for criminal-investigation and prosecution records under Ohio Revised Code section 149.43(B)(8).
2. Whether State ex rel. Caster v. Columbus eliminated or altered an incarcerated person's obligation under section 149.43(B)(8) to identify a justiciable claim and show that the requested records are necessary to support it.
3. Whether res judicata independently barred Wilson's public-records requests concerning evidence and records previously litigated in connection with his new-trial and post-conviction motions.

HOLDINGS

1. An incarcerated defendant seeking criminal-investigation or prosecution records must identify a pending proceeding with respect to which the requested documents would be material; merely referring to possible future post-conviction proceedings is insufficient.
2. Caster did not eliminate an incarcerated person's obligation to comply with section 149.43(B)(8); Caster addressed a different issue and did not involve application of the inmate-specific restriction.
3. Res judicata barred Wilson's motions for public records because he had previously litigated the same records in proceedings involving his post-conviction and new-trial motions.

KEY QUOTATIONS

“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 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.” (¶ 7)

“a valid, final judgment rendered upon the merits bars all subsequent actions based upon any claim arising out of the transaction or occurrence that was the subject matter of the previous action.” (¶ 14)

FACTUAL BACKGROUND

Wilson, an incarcerated inmate convicted of murder and felonious assault, sought fingernail scrapings, a lighter, an AA kit, clothing, investigative information, and other case files. He claimed the records would assist potential post-conviction claims involving prosecutorial misconduct, ineffective assistance of counsel, and a Brady violation. At the time of the requests, no trial-court proceeding was pending to which the requested records would be material, and the same physical items had previously been addressed in proceedings concerning a new-trial motion.

PROCEDURAL HISTORY

Wilson was convicted of murder and felonious assault in 2007, and the court previously affirmed his conviction. In 2025, he filed two motions seeking criminal-investigation and case records to investigate potential post-conviction claims and prosecutorial misconduct, ineffective assistance, and Brady violations. The trial court denied the motions because Wilson had not obtained the required finding that the records were necessary to support an apparent justiciable claim and because his requests were barred by res judicata. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Wilson, 2008-Ohio-4130 (2d Dist.)
- State v. Askew, 2017-Ohio-1512, ¶ 12 (11th Dist.)
- State ex rel. Sawyer v. Cuyahoga Cty. Dept. of Children & Family Servs., 2006-Ohio-4574
- State v. Shontee, 2022-Ohio-4319, ¶ 7 (2d Dist.)
- State v. Lather, 2009-Ohio-3215, ¶ 11 (6th Dist.)
- State ex rel. Rittner v. Barber, 2006-Ohio-592, ¶ 31 (6th Dist.)
- State v. Darmond, 2013-Ohio-966, ¶ 34
- State v. Adams, 62 Ohio St.2d 151, 157 (1980)
- State v. Gilbreath, 2022-Ohio-3759, ¶ 8 (2d Dist.)
- AAAA Ents., Inc. v. River Place Community Urban Redevelopment Corp., 50 Ohio St.3d 157, 161 (1990)
- State v. Ogletree, 2014-Ohio-3431, ¶ 11 (2d Dist.)
- State v. Xie, 62 Ohio St.3d 521, 527 (1992)
- State v. Rodriguez, 2014-Ohio-2583, ¶ 13 (12th Dist.)
- State ex rel. Russell v. Thornton, 2006-Ohio-5858, ¶ 14
- State v. Boyle, 2022-Ohio-2887, ¶ 15 (2d Dist.)
- State v. Gibson, 2007-Ohio-7161, ¶¶ 13-14 (2d Dist.)
- State v. Rodriguez, 2014-Ohio-1313, ¶ 5 (6th Dist.)
- State v. Atakpu, 2013-Ohio-4392, ¶ 9 (2d Dist.)
- State v. Wofford, 2016-Ohio-7188, ¶ 15 (12th Dist.)
- State v. Carr, 2019-Ohio-3802, ¶ 24 (2d Dist.)
- State ex rel. Caster v. Columbus, 2016-Ohio-8394, ¶¶ 47, 54
- State ex rel. Ellis v. Cleveland Police Forensic Laboratory, 2019-Ohio-4201, ¶¶ 11-12
- State v. Wilson, 2022-Ohio-4319, ¶ 11 (2d Dist.)
- State v. Wilson, 2025-Ohio-392, ¶ 27 (2d Dist.)
- Grava v. Parkman Twp., 73 Ohio St.3d 379, 382 (1995)
- Natl. Amusements, Inc. v. Springdale, 53 Ohio St.3d 60 (1990)

OPINION

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PER CURIAM.

[Cite as State v. Wilson, 2026-Ohio-763.]

IN THE COURT OF APPEALS OF OHIO

SECOND APPELLATE DISTRICT

MONTGOMERY COUNTY

STATE OF OHIO : : C.A. No. 30594

Appellee : : Trial Court Case No. 2006 CR 04325 v. : : (Criminal Appeal from Common Pleas
JOSHUA EUGENE WILSON : Court) Appellant : FINAL JUDGMENT ENTRY &
: OPINION

Pursuant to the opinion of this court rendered on March 6, 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 serve notice of this judgment upon all parties and make a note in the docket of the service. 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,

MARY K. HUFFMAN, JUDGE

LEWIS, P.J., and EPLEY, J., concur.

OPINION

MONTGOMERY C.A. No. 30594

JOSHUA EUGENE WILSON, Appellant, Pro Se ANDREW T. FRENCH, Attorney for Appellee HUFFMAN, J. {¶ 1} Joshua E. Wilson appeals from a decision and entry of the Montgomery County Court of Common Pleas denying his motion for public records. For the following reasons, the judgment of the trial court is affirmed. Facts and Procedural History {¶ 2} This court previously affirmed Wilson’s 2007 conviction for murder and felonious assault. State v. Wilson, 2008-Ohio-4130 (2d Dist.). In January and February 2025, Wilson filed in the trial court two pro se motions for public records pursuant to R.C. 149.43(B)(8). In his first motion, he sought fingernail scrapings, a Bic lighter, an “AA Kit,” and miscellaneous clothing from the prosecutor’s office and/or the Dayton Police Department, and he further requested the identity of the officers who collected the evidence, the identity of those from whom the evidence was retrieved, information regarding whether any testing was performed on the items, and if not, why not, and any and all documents related to the case. Wilson also sought an accounting of any lost, destroyed, or transferred evidence. Citing State v. Askew, 2017-Ohio-1512 (11th Dist.), Wilson asserted that “R.C. 149.43(B)(8) does not require a pending justiciable claim.” He claimed that he “has continually maintained his innocence,” and that the information he sought was “necessary to support what appears to be a ‘Justiciable Claim’ of a meritorious Motion being filed” based upon

prosecutorial misconduct, ineffective assistance of counsel, and a Brady violation. He further argued that the information he sought “will also support his Motion for Leave and 2 Motion for New Trial that is pending in the Court of Appeals Case No. CA 030178.” 1 {¶ 3} In his second motion, Wilson sought access to multiple files and records in the possession of attorneys involved in his case, as well as the court, to support his claims of ineffective assistance of counsel and prosecutorial misconduct. The State opposed the motions. {¶ 4} On August 8, 2025, the trial court issued the decision at issue in this appeal. It was significant to the court that Wilson failed to obtain a finding from the sentencing judge or the judge’s successor that the requested information was necessary to support what appeared to be a justiciable claim. Citing in part *State ex rel. Sawyer v. Cuyahoga Cty. Dept. of Children & Family Servs.*, 2006-Ohio-4574, the court further noted that Wilson exhausted his direct appeals and accordingly could not avail himself of R.C. 149.43 to support a petition for post-conviction relief, and that Wilson nevertheless appeared to be using the statute to gather evidence to support such a petition. Assignments of Error and Analysis {¶ 5} Wilson asserts that he was entitled to the public records he requested and that the trial court erred in failing to so find. He directs our attention to *State ex rel. Caster v. Columbus*, 2016-Ohio-8394, which he claims “fundamentally altered Ohio’s public records law for criminal defendants.” According to Wilson, the trial court “relied exclusively on precedent that predates and was effectively overruled” by *Caster*. Wilson acknowledges that he “seeks records to investigate potential grounds for post-conviction relief under R.C. 2953.23,” and he argues that doing so “constitutes a justiciable claim.” 1 On January 9, 2024, Wilson filed a pro se motion for leave to file a motion to vacate his conviction under the postconviction relief statute or, in the alternative, a motion for leave to file a motion for new trial pursuant to Crim.R. 33. On January 12, 2024, without leave of court, Wilson filed a motion for new trial under Crim.R. 33(A)(2)(C). The trial court overruled the motions on May 29, 2024. 3 Standard of Review {¶ 6} “An inmate may seek appellate review of a trial court’s denial of his request for public records. Such orders are reviewed for an abuse of discretion.” *State v. Shontee*, 2022-Ohio-4319, ¶ 7 (2d Dist.), citing *State v. Lather*, 2009-Ohio-3215, ¶ 11 (6th Dist.), citing *State ex rel. Rittner v. Barber*, 2006-Ohio-592, ¶ 31 (6th Dist.). “A trial court abuses its discretion when it makes a decision that is unreasonable, unconscionable, or arbitrary.” *State v. Darmond*, 2013-Ohio-966, ¶ 34, citing *State v. Adams*, 62 Ohio St.2d 151, 157

(1980). Most instances of abuse of discretion occur when a trial court makes a decision that is unreasonable. *State v. Gilbreath*, 2022-Ohio-3759, ¶ 8 (2d Dist.), citing *AAAA Ents., Inc. v. River Place Community Urban Redevelopment Corp.*, 50 Ohio St.3d 157, 161 (1990). “A decision is unreasonable if there is no sound reasoning process that would support that decision.” *Id.*, quoting *AAAA Ents.* “Absent an abuse of discretion on the part of the trial court in making the ruling, its decision must be affirmed.” *State v. Ogletree*, 2014-Ohio- 3431, ¶ 11 (2d Dist.), quoting *State v. Xie*, 62 Ohio St.3d 521 527 (1992).

R.C. 149.43(B)(8)

{¶ 7} As an inmate, R.C. 149.43(B)(8) applied to Wilson’s public records request. In pertinent part, that provision states: 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 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 4 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. R.C. 149.43(B)(8). {¶ 8} “Through the passage of R.C. 149.43(B)(8), ‘[t]he 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.’” *State v. Rodriguez*, 2014-Ohio- 2583, ¶ 13 (12th Dist.), quoting *State ex rel. Russell v. Thornton*, 2006–Ohio–5858, ¶ 14. “The statute ‘sets forth heightened requirements for inmates seeking public records, and [it] requires an incarcerated criminal defendant to demonstrate that the information he is seeking pursuant to R.C. 149.43 is necessary to support a justiciable claim or defense.’” *State v. Boyle*, 2022-Ohio-2887, ¶ 15 (2d Dist.), quoting *State v. Gibson*, 2007-Ohio-7161, ¶ 13 (2d Dist.) (applying former R.C. 149.43(B)(4), now R.C. 149.43(B)(8)). {¶ 9} “A ‘justiciable claim’ is a claim properly brought before a court of justice for relief.” *State v. Wilson*, 2011-Ohio-4195, ¶ 9 (2d Dist.). Establishing such a claim “ordinarily involves identifying a ‘pending proceeding with respect to which the requested documents would be material.’” *Rodriguez*, ¶ 14, quoting *State v. Rodriguez*, 2014-Ohio- 1313, ¶ 5 (6th Dist.); *Wilson* at ¶ 5. “[W]here an incarcerated defendant [does] not identify any pending proceeding with respect to which the requested documents would be material, the trial court [does] not err in overruling a public records request.” *State v. Atakpu*, 2013- Ohio-4392, ¶ 9 (2d Dist.), citing *Gibson* at 14. The “law is clear that [an inmate] cannot sufficiently carry his burden of showing a justiciable claim by merely alluding to possible future proceedings that could result from access to the records.” *State v. Wofford*, 2016- Ohio-7188, ¶ 15 (12th Dist.); accord *State v. Carr*, 2019-Ohio-3802, ¶ 24 (2d Dist.), quoting *Wofford* at ¶ 15. 5 {¶ 10} As the State asserts, at the time Wilson made his public records requests, “there were no motions or other proceedings pending in the trial court to which the requested documents would be relevant.” Because Wilson failed to identify any pending proceeding with respect to which the requested documents would be material, the trial court did not err in overruling his motions. While we recognize that the Eleventh District found *Atakpu* “not persuasive,” and further concluded 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,” we disagree. *Askew*, 2017-Ohio-1512, at ¶ 12 (11th Dist.). {¶ 11} Further, Wilson mischaracterizes *Caster*, 2016-Ohio-8394. Therein, an attorney engaged by the Ohio Innocence Project petitioned for a writ of mandamus to compel the City of Columbus to comply with a public records request for law enforcement records relating to an inmate who was convicted of murder in 2007, and whose direct appeals ended years earlier. As the State asserts, the application of R.C. 148.43(B)(8) was not at

issue therein. Caster held that “the specific-investigatory-work-product exception of R.C. 149.43(A)(2)(c) does not extend beyond the completion of the trial for which the information was gathered.” Id. at ¶ 47. Caster found “a clear legal right to the requested records and that respondents had a clear legal duty to provide the records in accordance with R.C. 149.43(B)(1).” Id. at ¶ 54. {¶ 12} The “Ohio Supreme Court has held that its decision in Caster does not affect an incarcerated person’s obligation to comply with R.C. 149.43(B)(8).” Shontee, 2022- Ohio-4319, at ¶ 11, (2d Dist.), citing *State ex rel. Ellis v. Cleveland Police Forensic Laboratory*, 2019-Ohio-4201, ¶ 11-12. As set forth above, Wilson was required to identify a pending proceeding with respect to which the requested information would be material. Wilson’s reliance upon Caster is misplaced. 6 Res Judicata {¶ 13} Finally, this court affirmed the decision of the trial court denying Wilson’s motion for leave to file a motion for a new trial on February 7, 2025. *State v. Wilson*, 2025- Ohio-392 (2d Dist.), appeal not accepted, 2025-Ohio-1483. The fingernail scrapings, Bic lighter, the “AA Kit,” and the miscellaneous clothing were addressed by the trial court therein, and in affirming the judgment of the trial court, this court found that “the items on which Wilson relied did not create a strong probability of a different result at trial, given the overwhelming evidence of Wilson’s guilt.” (Emphasis added.) Id. at ¶ 27. {¶ 14} The doctrine of res judicata is well established: “a valid, final judgment rendered upon the merits bars all subsequent actions based upon any claim arising out of the transaction or occurrence that was the subject matter of the previous action.” *Grava v. Parkman Twp.*, 73 Ohio St.3d 379, 382 (1995). In other words, “an existing final judgment or decree between the parties to litigation is conclusive as to all claims which were or might have been litigated in a first lawsuit.” Id., quoting *Natl. Amusements, Inc. v. Springdale*, 53 Ohio St.3d 60 (1960). Wilson raised the issue of the same records in his motion to vacate his conviction under the postconviction relief statute and alternative motion for leave to file a motion for a new trial. Res judicata applies to his motions for public records whether or not he established a justiciable claim. Conclusion {¶ 15} Based upon the foregoing, and in the absence of an abuse of discretion, Wilson’s sole assignment of error is overruled. The judgment of the trial court is affirmed. LEWIS, P.J., and EPLEY, J., concur. 7