

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

State v. McFarland

2026-Ohio-835 · No. 116073 · Decided March 12, 2026

SUMMARY

The Eighth District Court of Appeals of Ohio reviewed an alleged victim’s interlocutory appeal from the denial of a motion to quash subpoenas seeking telephone records and electronic devices. The court held that the defendant’s right to compulsory process under Article I, Section 10 of the Ohio Constitution qualified the victim’s right to refuse discovery under Marsy’s Law, but determined that the subpoena’s scope required modification. The judgment was affirmed as modified and remanded for an in-camera-controlled extraction and production of limited metadata, files, and call or video logs.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Sean C. Gallagher; Emmanuella D. Groves; Michelle J. Sheehan
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	March 12, 2026
DOCKET	116073
DISPOSITION	remanded
PROCEDURAL POSTURE	An alleged victim brought an expedited interlocutory appeal from the denial of her motion to quash subpoenas seeking records and electronic devices related to her telephone number in a criminal prosecution.
STANDARD OF REVIEW	The denial or modification of a subpoena under Crim.R. 17(C) is reviewed for abuse of discretion, including legal error.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	A.B., alleged victim v. Christopher McFarland

TOPICS

- criminal procedure
- suppression of evidence
- fourteenth amendment
- appellate procedure
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the victim's constitutional right under Ohio Constitution Article I, Section 10a(A)(6), to refuse discovery requests made by the accused barred enforcement of the defendant's subpoena duces tecum.
2. Whether the subpoena seeking the victim's electronic devices or full system images was unreasonable or oppressive under Crim.R. 17(C).
3. Whether the trial court properly denied the motion to quash while limiting the production to relevant original files, metadata, and specified call and video logs through State-controlled extraction and in-camera review.

HOLDINGS

1. A victim's right under Ohio Constitution Article I, Section 10a(A)(6), to refuse discovery is expressly subject to the accused's right under Article I, Section 10 to compulsory process, which includes the ability to use a subpoena duces tecum to obtain evidence material to the defense.
2. A defendant's right to compulsory process encompasses a subpoena duces tecum requiring a witness to produce books, papers, documents, or other evidence.
3. The subpoena could not properly require direct delivery of the victim's devices or unrestricted full-system images to the defendant because that scope was inherently unreasonable or oppressive when only a defined subset of information was relevant.
4. A proponent seeking enforcement of a Crim.R. 17(C) subpoena must show that the requested documents are relevant, not otherwise reasonably obtainable through due diligence, necessary for proper trial preparation, and sought in good faith.
5. The victim must provide the devices to the State for a full file extraction, after which the State must produce only the specified original files and associated metadata, together with call and video logs created on the date of the alleged attack; in-camera review is required.

KEY QUOTATIONS

“The two rights are not in competition. The issue here is not about a defendant’s right to discovery. It is about the defendant’s right to compulsory process to seek production of evidence for trial.” (¶ 5)

“Notwithstanding, compelling the victim, or any witness, to produce electronic devices or full system images directly to the defendant to conduct a search of those devices invites a fishing expedition when only a subset of information from the devices has been identified as relevant.” (¶ 15)

FACTUAL BACKGROUND

The underlying prosecution arose from an alleged assault at the victim's home involving charges of sexual offenses, abduction, assault on a law-enforcement officer, and resisting arrest. During the incident, the victim called a friend, and portions of the incident were recorded by home-surveillance cameras. The defendant

subpoenaed phone records and the victim's electronic devices to obtain original versions and metadata for evidence the victim had provided to the State, as well as call and video logs related to the alleged assault.

PROCEDURAL HISTORY

In the Cuyahoga County Court of Common Pleas, the alleged victim moved to quash subpoenas directed to her and her phone-service provider. The trial court denied the motion. On expedited interlocutory appeal, the Eighth District affirmed the denial but modified the scope of the compelled production and remanded for an in-camera review procedure.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The trial court must modify the subpoena order to require the victim to produce the devices related to her telephone number to the State, not directly to the defendant, for a full file extraction. The State must produce the original files and associated metadata for videos, screenshots, photographs, or other files previously provided by the victim, along with call logs and video logs stored on the devices that were created specifically on the date of the alleged attack. In-camera review is required before production.

CASES CITED

- State v. Kriwinsky, 2024-Ohio-2690 (8th Dist.)
- Godwin v. Facebook, 2020-Ohio-4834, ¶ 11 (8th Dist.)
- State v. Barker, 2011-Ohio-4130, ¶ 15
- State v. Wolfe, 2025-Ohio-866, ¶ 100 (2d Dist.)
- State v. Santibanez, 2023-Ohio-3404, ¶ 13 (6th Dist.)
- State ex rel. Thomas v. McGinty, 2020-Ohio-5452, ¶ 45
- United States v. Hubbell, 530 U.S. 27, 55 (2000)
- United States v. Burr, 25 F. Cas. 30, 34-35 (No. 14,692d) (C.C.D. Va. 1807)
- United States v. Nixon, 418 U.S. 683, 711 (1974)
- State v. Buhrman, 1997 Ohio App. LEXIS 4093, *20 (2d Dist. Sept. 12, 1997)
- State v. Hsie, 303 N.E.2d 89 (3d Dist. 1973), paragraph one of syllabus
- State ex rel. National Broadcasting Co. v. Court of Common Pleas, 52 Ohio St.3d 104, 111 (1990)
- State v. Counts, 2022-Ohio-3666 (8th Dist.)
- State v. Kopniske, 2023-Ohio-2489, ¶ 5 (8th Dist.)
- Parma v. Schoonover, 2014-Ohio-400, ¶ 8 (8th Dist.)
- Palmieri v. Palmieri, 2024-Ohio-2720, ¶ 13 (10th Dist.)
- Johnson v. Abdullah, 2021-Ohio-3304, ¶¶ 20, 35
- Parks v. Webb, 2018-Ohio-1578, ¶ 13 (Ct. of Cl.)

- State v. McGinty, 2020-Ohio-5452, ¶ 28
- State v. Widmer, 2013-Ohio-62, ¶ 31 (12th Dist.)
- Weatherford v. Bursey, 429 U.S. 545, 559 (1977)
- State v. Mole, 2016-Ohio-5124, ¶ 14
- Arnold v. Cleveland, 67 Ohio St.3d 35, 42 (1993)
- State v. Hughes, 2019-Ohio-1000, ¶ 39 (8th Dist.)

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