

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-180112
	:	TRIAL NO. B-8502988
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
JEFFERY A. WOODS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Jeffery A. Woods appeals the Hamilton County Common Pleas Court’s judgment overruling his “Motion for Court Order to Unseal Defendant Mental Health Records, and All Court Proceeding Record Pursuant to R.C. 2953.53(D)(1).” We affirm the judgment as modified.

Woods was convicted in 1986 of aggravated robbery, robbery, attempted rape, and multiple counts of rape. He unsuccessfully challenged his convictions on direct appeal, *State v. Woods*, 1st Dist. Hamilton Nos. C-860576 and C-870179, 1987 WL 12463 (June 10, 1987), *appeal not accepted*, 89 Ohio St.3d 1466, 732 N.E.2d 999 (2000), and in postconviction motions filed in 1999, 2001, and 2014. *State v. Woods*, 1st Dist. Hamilton No. C-140606 (Aug. 12, 2015), *appeal not accepted*, 144 Ohio St.3d 1410, 2015-Ohio-4947, 41 N.E.3d 448; *State v. Woods*, 1st Dist. Hamilton No. C-010422 (Apr. 24, 2002), *appeal not accepted*, 96 Ohio St.3d 1468, 2002-Ohio-3910, 772 N.E.2d 1203; *State v.*

Woods, 1st Dist. Hamilton No. C-000108 (Mar. 21, 2001), *appeal not accepted*, 92 Ohio St.3d 1442, 751 N.E.2d 481 (2001).

In 2017, Woods filed with the common pleas court a motion captioned “Motion for Court Order to Unseal Defendant Mental Health Records, and All Court Proceeding Record Pursuant to R.C. 2953.53(D)(1).” In this appeal, he presents a single assignment of error challenging the overruling of that motion. We overrule the assignment of error, because the common pleas court had no jurisdiction to entertain the motion.

In his motion, Woods sought an order “unseal[ing]” his “mental health records, evaluation reports, records, hospital reports, records, mental health hearing transcripts, motions, [and] court orders” associated with his insanity plea and the trial court’s initial finding of incompetency. He stated that he “need[ed]” those records for purposes of “fil[ing] a motion for leave of court to reopen his appeal process pursuant to App.R. 26(A) (B) and[/]or motion for leave of court to file a new trial motion [under] Crim.R. 33, R.C. 2945.79 [and] R.C. 2945.80.” And he asserted that he was entitled to access to those materials pursuant to R.C. 2953.53(D)(1).

R.C. 2953.52(A) permits a court to order the official records in a criminal case sealed upon application by a person found not guilty of an offense, a defendant named in a dismissed complaint, information, or indictment, or a person against whom the grand jury entered a no-bill. R.C. 2953.53(D)(1) permits the public office or agency receiving an R.C. 2953.52(A) order to make the sealed official records “available to * * * the person who is the subject of the records, * * * for any purpose,” upon that person’s “written application.”

Nothing in the record on appeal suggests that the official records in Woods’s case were sealed under R.C. 2953.52(A). Therefore, R.C. 2953.53(D)(1) could not be said to

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have conferred upon the common pleas court jurisdiction to order that those records be made available to him.

Because the common pleas court had no jurisdiction to entertain Woods's "Motion for Court Order to Unseal Defendant Mental Health Records, and All Court Proceeding Record Pursuant to R.C. 2953.53(D)(1)," the motion was subject to dismissal. Accordingly, upon the authority of App.R. 12(A)(1)(a), we modify the judgment appealed from to reflect the dismissal of the motion. And we affirm the judgment as modified.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

ZAYAS, P.J., MYERS and CROUSE, JJ.

To the clerk:

Enter upon the journal of the court on June 12, 2019,
per order of the court _____.
Presiding Judge