

**IN THE COURT OF APPEALS OF OHIO**

SEVENTH APPELLATE DISTRICT  
CARROLL COUNTY

STATE OF OHIO,

Plaintiff-Appellee,

v.

JAMES M. PARKS,

Defendant-Appellant.

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**OPINION AND JUDGMENT ENTRY**  
Case No. 23 CA 0965

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Motion for Reconsideration

**BEFORE:**

Cheryl L. Waite, Carol Ann Robb, Katelyn Dickey, Judges.

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**JUDGMENT:**

Dismissed.

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*Atty. Steven D. Barnett*, Carroll County Prosecutor and *Atty. Michael J. Roth*, Assistant  
Prosecutor, for Plaintiff-Appellee

*James M. Parks*, *Pro se*, Defendant-Appellant.

Dated: September 12, 2024

**PER CURIAM.**

{¶1} On January 8, 2024, Appellant James M. Parks filed a pro se motion for reconsideration pursuant to App.R. 26(A). Our opinion in this matter was filed on December 20, 2023, and a copy was sent to Appellant and noted on the docket of the clerk of courts that same day. App.R. 26(A)(1)(a) requires a motion for reconsideration to be filed "no later than ten days after the clerk has both mailed to the parties the judgment or order in question and made a note on the docket of the mailing \* \* \*." Appellant's motion is untimely and is hereby dismissed.

{¶2} Even if we had accepted the motion, it must be overruled. "The test generally applied upon the filing of a motion for reconsideration in the court of appeals is whether the motion calls to the attention of the court an obvious error in its decision, or raises an issue for consideration that was either not considered at all or was not fully considered by the court when it should have been." *Columbus v. Hodge*, 37 Ohio App.3d 68 (1987), paragraph one of the syllabus. However, "[a]n application for reconsideration is not designed for use in instances where a party simply disagrees with the conclusions reached and the logic used by an appellate court." *State v. Owens*, 112 Ohio App.3d 334, 336 (1997).

{¶3} This appeal arose from the trial court's denial of Appellant's recent public records request in his criminal case. Appellant was convicted of rape in 2004. We affirmed this conviction on direct appeal in 2005. In 2023, he filed a public records request with the trial court seeking to obtain records in his criminal case. This was denied, and Appellant appealed the denial. We held that Appellant, as an incarcerated person, was required to follow the public records requirements set forth in R.C. 149.43(B)(8).

According to statute, the public records request could only be granted if the trial court found that Appellant was pursuing a justiciable claim, and if the court found that the records sought were necessary to support that claim. We determined that the trial court did not abuse its discretion in dismissing the public records request because Appellant had not shown that the records were necessary to support a justiciable claim.

{¶4} Appellant disagrees with every aspect of our opinion. He disagrees with the requirements of R.C. 149.43(B)(8), with our analysis of the meaning of "justiciable claim," with our conclusion that he did not have a pending justiciable claim when he made the public records request, with our analysis of the significance of his guilty plea, Appellant then raises new arguments regarding whether his guilty plea was made voluntarily. As stated above, the purpose of a motion for reconsideration is to raise obvious errors in our opinion or to bring to our attention matters that were not fully discussed, but should have been. It is clear that Appellant merely disagrees with the law and our reasoning. We cannot grant a motion for reconsideration on that basis.

{¶5} Appellant's motion for reconsideration is dismissed as being untimely filed. We also conclude that Appellant has failed to point out any obvious error in our opinion, or bring to our attention any issue that we failed to consider or did not fully consider.

**JUDGE CHERYL L. WAITE**

**JUDGE CAROL ANN ROBB**

**JUDGE KATELYNN DICKEY**