

[Cite as *State v. Hatfield*, 2012-Ohio-3473.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
	:	
Plaintiff-Appellee,	:	
	:	No. 11AP-1045
v.	:	(C.P.C. No. 03CR-02-000905)
	:	
Todd L. Hatfield,	:	(REGULAR CALENDAR)
	:	
Defendant-Appellant.	:	

D E C I S I O N

Rendered on August 2, 2012

Ron O'Brien, Prosecuting Attorney, and *Susan M. Suriano*,
for appellee.

Todd L. Hatfield, pro se.

APPEAL from the Franklin County Court of Common Pleas

KLATT, J.

{¶ 1} Defendant-appellant, Todd L. Hatfield, appeals from a judgment of the Franklin County Court of Common Pleas denying his motions for the production of transcripts. For the following reasons, we affirm that judgment.

I. Factual and Procedural Background

{¶ 2} In 2003, a Franklin County Grand Jury indicted appellant with counts of aggravated murder, tampering with evidence, and gross abuse of a corpse. A jury found appellant guilty of all charges and the trial court sentenced him accordingly. On appeal, this court affirmed appellant's convictions but remanded the matter for resentencing. *State v. Hatfield*, 10th Dist. No. 04AP-402, 2004-Ohio-6450, ¶ 32. After appellant's resentencing, this court remanded the matter again for resentencing in accordance with *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856. In 2006, the trial court again resented appellant. This court affirmed that sentence. *State v. Hatfield*, 10th Dist.

No. 06AP-1205, 2007-Ohio-3735, ¶ 11. In 2007, appellant filed a petition for postconviction relief in the trial court. The trial court denied his petition because it was untimely, and this court affirmed. *State v. Hatfield*, 10th Dist. No. 07AP-784, 2008-Ohio-1377.

{¶ 3} In 2010, appellant brought to the attention of the trial court that he previously asked for the transcripts of the opening and closing arguments at his trial. The trial court denied appellant's request, noting that appellant had already received transcripts for purposes of his previous appeals. After that ruling, appellant filed another motion for the production of transcripts, again requesting copies of the opening and closing arguments at his trial. He claimed that those portions of the transcript were necessary to support a pending federal court case regarding his convictions. The trial court again denied appellant's request.

{¶ 4} Appellant appeals and assigns the following errors:

1. The trial court erred when it denied appellant a complete copy of his trial transcript.
2. The trial court erred when it denied the indigent defendant complete trial transcripts in violation of the Fifth and Fourteenth Amendments' guarantee of Due Process of Law.

II. Appellant's Assignments of Error—Right to a Transcript

{¶ 5} In these assignments of error, appellant argues that the trial court erred by denying his request for a transcript of his trial. The State initially argues that the trial court's denial of appellant's request is not a final appealable order. We disagree. *State v. Clark*, 2d Dist. No. 97 CA 27 (June 19, 1998), citing *State v. Tripodo*, 50 Ohio St.2d 124, 127 (1977).

{¶ 6} Turning to the merits of appellant's appeal, an indigent prisoner has a right to relevant portions of transcripts. *State ex rel. Call v. Zimmers*, 85 Ohio St.3d 367, 368 (1999). That right, however, is subject to certain limitations. An indigent defendant is not entitled to a copy of the trial transcript when there is no direct or collateral proceedings challenging defendant's convictions pending before a court. *State ex rel. Murr v. Thierry*, 34 Ohio St.3d 45 (1987); *State v. Walker*, 4th Dist. No. 04CA16, 2005-Ohio-1584, ¶ 6.

{¶ 7} Here, appellant has exhausted his state remedies, as his direct appeals and collateral attacks have been rejected by this court and the Supreme Court of Ohio.

Additionally, the federal courts have rejected his federal petition for a writ of habeas corpus. *Hatfield v. Jeffreys*, 132 S.Ct. 1761 (2012). We also note that appellant's sole claim for habeas corpus relief was that the trial court improperly imposed consecutive sentences. *Hatfield v. Warden*, S.D.Ohio No. 2:08-CV-1152 (May 28, 2010). Appellant has not demonstrated how the portions of the transcript he requested, counsel's opening and closing arguments, would be relevant to such a claim. *State v. Chandler*, 10th Dist. No. 05AP-306, 2006-Ohio-1163, ¶ 14.

III. Conclusion

{¶ 8} The trial court did not err by denying appellant's requests because appellant has no pending actions regarding his conviction before a court and has also not demonstrated the relevancy of the requested portions of the transcript. Accordingly, we overrule appellant's assignments of error and affirm the judgment of the Franklin County Court of Common Pleas.

Judgment affirmed.

BRYANT and TYACK, JJ., concur.
