# CAPTION: STATE V. MCVEAN

**08-10-22**

APPEAL NOS.: C-210459

C-210460

TRIAL NOS.: C20-TRC-5572A

C20-TRC-5572B

KEY WORDS: SEALING OF RECORDS – R.C. 2953.61

SUMMARY:

 Where defendant was acquitted of OVI but convicted of speeding and defendant filed an application to seal both records, the state presented no governmental interest in maintaining records that outweighed defendant’s interest in sealing, and the state presented no objection to sealing despite being given multiple chances to do so, the trial court abused its discretion in denying defendant’s application to seal his records. [*But see* DISSENT: The record fails to demonstrate that the judge who presided over defendant’s bench trial six months earlier that resulted in the OVI acquittal and the speeding conviction acted arbitrarily, unreasonably, or unconscionably when he determined the state’s need to access the records for case consideration if defendant was again charged with OVI outweighed the defendant’s general privacy interest in sealing the records.]

JUDGMENT: REVERSED AND CAUSE REMANDED

JUDGES: OPINION by BERGERON, J.; ZAYAS, P.J., CONCURS and WINKLER J., DISSENTS.