# CAPTION: IN RE: SANDERS

**02-28-24**

APPEAL NO.: C-230428

TRIAL NO.: CQ-2200020

KEY WORDS: R.C. 2953.25 – CERTIFICATE FOR QUALIFICATION FOR EMPLOYMENT – ABUSE OF DISCRETION

SUMMARY:

The trial court abused its discretion by denying the applicant’s petition for a certificate for qualification for employment where the R.C. 2953.25(C)(6) presumption for eligibility applied and there was no evidence supporting a finding that the applicant was not rehabilitated, and therefore, the cause must be remanded with instructions to the trial court to grant the petition. [*See* SEPARATE CONCURRENCE: The cause should be remanded with instructions to the trial court to correctly apply the rebuttable presumption contained in R.C. 2953.25(C)(6).]

JUDGMENT: REVERSED AND CAUSE REMANDED

JUDGES: OPINION by BERGERON, P.J.; KINSLEY, J., CONCURS and WINKLER, J., CONCURS SEPARATELY.