

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

IN RE: J.D.	:	APPEAL NO. C-230490
	:	TRIAL NO. MI2017000383
	:	
	:	<i>JUDGMENT ENTRY OF DISMISSAL.</i>

The court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, 1st Dist. Loc.R. 11.1(C)(1), 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.

For this court to properly hear a case, there generally must be an order or decision from the trial court for us to review. In this appeal, J.D. asks this court to grant his request to seal and expunge court records regarding his mental health. However, in the probate court case that he is appealing, there was no request to seal and expunge his records. Therefore, there is nothing for this court to change or correct on appeal, and we must dismiss the appeal.

J.D. has two involuntary commitment cases before the probate court. He previously moved to seal and expunge both cases from his record, and the court denied the motion. On appeal, this court affirmed the denial because “[J.D.’s] mental health proceedings and commitments are already sealed by statute, R.C. 5122.31, and there is no mechanism for expunging those records under the circumstances at hand.” *In re J.D.*, 1st Dist. Hamilton Nos. C-220382 and C-220383 (Mar. 17, 2023). J.D. then moved for reconsideration, arguing for the first time that the probate court’s order

denying his application for expungement was flawed because the court exceeded a statutory deadline for holding his first competency hearing. This court overruled his motion because J.D. did not raise any errors or issues with the court's judgment entry and because the timing of his competency hearing was a new issue not previously raised on appeal. *In re J.D.*, 1st Dist. Hamilton Nos. C-220382 and C-220383 (Aug. 7, 2023).

In August 2023, J.D. filed another motion to expunge court records pursuant to R.C. 5122.141(B) in the Hamilton County Court of Common Pleas, Probate Division case numbered MI2018000625, one of his two involuntary commitment cases in that court. It is unclear whether his motion in the 2018 case also sought expungement of his records in the other case, MI2017000383. The probate court denied the motion without a hearing in September 2023. J.D. filed a notice of appeal, designating case MI2017000383 as the case appealed from, but he filed no expungement motion in that case, and there is no judgment entry or order from which to appeal. Accordingly, this appeal is not properly before this court, and the appeal is dismissed. App.R 3(D).

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

BERGERON, P.J., CROUSE and KINSLEY, JJ.

To the clerk:

Enter upon the journal of the court on April 19, 2024
per order of the court _____.
Administrative Judge