

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

STATE OF OHIO,	:	APPEAL NOS. C-250508
		C-250509
Plaintiff-Appellee,	:	TRIAL NOS. 17/CRB/15122
		17/CRB/29000
vs.	:	
T.M.,	:	
Defendant-Appellant.	:	<i>JUDGMENT ENTRY</i>

NESTOR, Judge.

This court sua sponte removes this cause from the regular calendar and places it on the court's accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

T.M. appeals from trial court entries sealing records of conviction and non-conviction in two misdemeanor cases rather than granting her request for expungement. In the case numbered 17/CRB/15122, a charge of telecommunications harassment was ultimately dismissed. In the case numbered 17/CRB/2000, T.M. pled guilty to an amended charge of disorderly conduct. Years later, in August 2025, she filed applications to expunge the records in both cases to facilitate a career path in healthcare. The State did not file any objections. Following a hearing, the trial court issued entries sealing the records only.

In a single assignment of error, T.M. challenges the trial court's refusal to expunge the records as an abuse of discretion. The State concedes the error.

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A trial court’s decision on an application for sealing or expungement must align with the considerations set forth by the legislature in the relevant statutes. *See State v. A.S.*, 2022-Ohio-3833, ¶ 6 (1st Dist.). In rendering its decision, the trial court opined that T.M.’s disorderly-conduct conviction was “nothing” compared to a 2014 conviction for robbery that would remain on her criminal history because it was ineligible for sealing or expungement. The court indicated it would only seal the eligible records because “expungement [wasn’t] the way to go.” This rationale was arbitrary and did not reflect a proper application of the required statutory determinations. *See State v. Campbell*, 2025-Ohio-5119, ¶ 20.

It is undisputed that T.M.’s misdemeanor offenses were eligible for expungement, the applicable waiting periods had passed, there were no criminal proceedings pending against T.M., and neither the State nor any victims had levied any objections. *See* R.C. 2953.32(A)-(D); R.C. 2953.33(A)-(C). In addition, the record supports that T.M. had turned her life around and become rehabilitated, and that expungement of the eligible records might help advance her goal of becoming an EMT. *See* R.C. 2953.32(D)(1)(c) and (f); R.C. 2953.33(B)(2)(e).

The trial court’s agreement with each of these determinations was evidenced by the fact that it granted T.M.’s applications for record sealing. As this court recently observed, the factors for sealing and expungement mirror one another. *See State v. N.S.*, 2025-Ohio-5166, ¶ 26 (1st Dist.). Accordingly, where the factors weigh in favor of record sealing, expungement should be granted as well barring a viable reason to the contrary. *See id.* Here, the record does not contain anything to justify sealing the eligible records while denying expungement.

We hold that the trial court abused its discretion when it sealed the criminal records at issue rather than expunging them. The assignment of error is sustained. The

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trial court's judgments are reversed, and the cause is remanded with instructions to expunge the records at issue.

The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

ZAYAS, P.J., and **MOORE, J.**, concur.

To the clerk:

Enter upon the journal of the court on 2/6/2026 per order of the court.

By: 
Administrative Judge