

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

STATE OF OHIO,	:	APPEAL NOS.	C-250324
			C-250325
Plaintiff-Appellee,	:		C-250326
			C-250327
vs.	:	TRIAL NOS.	17/CRB/22282
			21/CRB/12965
SHARKIRA QUINN,	:		08/CRB/18129
			24/CRB/13009
Defendant-Appellant.	:		
	:		
	:		<i>JUDGMENT ENTRY</i>

**MOORE, 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.

Defendant-appellant Sharkira Quinn appeals the trial court’s denial of her applications to seal or expunge her records in the cases numbered 17/CRB/22282, 21/CRB/12965, 08/CRB/18129, and 24/CRB/13009.<sup>1</sup> Quinn was acquitted in the latter case, and the remaining charges had been dismissed.

In February 2025, Quinn filed applications to seal the dismissed domestic-violence charges and filed applications to expunge the dismissed assault and theft charges. The State did not file a written objection.

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<sup>1</sup> Quinn was charged with domestic violence, assault, domestic violence, and theft, respectively.

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Counsel for Quinn requested to waive Quinn's appearance at the initial hearing on her applications. The trial court responded that it preferred that the applicants appear. When counsel for Quinn stated that she had not received the probation department's notification that Quinn had outstanding fines in five other traffic matters, the trial court reset the matter for six weeks for Quinn's presence and to permit counsel to review the traffic matters with her. When the hearing was reconvened, the trial court stated that there was "no question each of these [charges] would be eligible, but for these two issues." Quinn was not present at the hearing. The trial court was prepared to deny the applications on the grounds of the outstanding fines but again continued the matter at counsel's request to permit counsel to address Quinn's unpaid fines and for Quinn's presence.

At the final hearing on the applications, counsel for Quinn informed the trial court that Quinn was not present but had authorized counsel to appear on her behalf. Counsel explained that Quinn was unable to pay nearly \$1,000 in unpaid fines from unrelated cases dating back ten to 20 years. Counsel asked the court not to consider the unpaid fines as Quinn's applications concerned dismissed cases and an acquittal for which R.C. 2953.33 did not require a rehabilitation determination.

The State responded that it objected to the applications only due to the unpaid fines in the traffic matters and deferred to the court as to disposition.

The trial court agreed with defense counsel that R.C. 2953.33 did not require a rehabilitation determination. The court, however, determined that a "threshold criteria" of the statute is that there can be no outstanding fines owed on unrelated cases. The court denied Quinn's applications.

This appeal followed.

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Quinn asserts that the trial court erred by denying her applications for record sealing and expungement because a sentence is not a pending criminal proceeding under R.C. 2953.33. She cites *State v. Floyd*, 2018-Ohio-5107 (1st Dist.), in support of her proposition.

We typically review a trial court’s decision on an application to seal records for an abuse of discretion. *Floyd* at ¶ 4. Where the dispute as to the sealing of records, however, involves a purely legal question, we conduct a de novo review. *Id.*

R.C. 2953.33<sup>2</sup> governs applications for sealing and expungement of records where the charges were dismissed or the applicant was acquitted of a charge. Under this court’s precedent, a criminal proceeding is no longer pending for purposes of R.C. 2953.33 after an offender has been found guilty of an offense and sentenced. *State v. Baston*, 2021-Ohio-3228, ¶ 10-11 (1st Dist.); *Floyd* at ¶ 10 (“Had the legislature intended a ‘pending’ criminal matter to include the time post-conviction when the defendant was serving her sentence, it would not have used different language in the same statute for ‘final discharge.’ Rather, it would have simply stated that a request to seal a misdemeanor conviction could be made one year after defendant’s criminal proceeding was no longer pending.”).

Although this instant matter concerns unpaid fines in unrelated traffic cases rather than community service, the rationale in *Floyd* is applicable here. Like ordering a defendant to serve a term of community service, fines are criminal sanctions that are imposed after a defendant is found guilty of an offense. *See State v. Brown*, 2024-Ohio-5703, ¶ 19 (2d Dist.) (fines are a criminal sanction). Therefore, under this court’s

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<sup>2</sup> The briefing refers to former R.C. 2953.52, which was amended and renumbered in R.C. 2953.33 by 2021 S.B. 288, effective April 4, 2023.

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precedent, unpaid fines in unrelated offenses are not pending criminal proceedings; they are criminal sanctions. *See Floyd*, 2018-Ohio-5107, at ¶ 7-11 ( 1st Dist.).

Finally, R.C. 2953.33(B)(3) provides that after a trial court has followed the steps outlined in R.C. 2953.33(B)(2)(a), if it establishes that an individual was found not guilty or the case was dismissed without prejudice and that the relevant statute of limitations has expired, then the court *shall* issue an order to expunge or seal or cause the record(s) to be sealed.

The trial court’s determination that Quinn was ineligible to have her charges sealed or expunged due to the outstanding fines in the traffic cases was erroneous because the fines did not constitute “pending criminal proceedings.” *See id.* The court should have confined its determination to whether Quinn had criminal charges for which she had not yet been sentenced. The trial court stated that there was “no question” that the charges that Quinn sought to have sealed or expunged would be eligible for the relief requested if not for the outstanding fines. The court’s statement suggests that the trial court considered the factors in R.C. 2953.33(B)(2), but it did not put its findings on the record because it erroneously believed it could not grant Quinn relief due to her outstanding traffic fines. On remand, the court is instructed to put its findings as to the factors on the record.

The trial court erred in denying Quinn’s applications on the basis that she was ineligible due to the unpaid fines in the traffic cases. Quinn’s assignment of error is sustained. The trial court’s judgments are reversed. The cause is remanded for the trial court to determine Quinn’s eligibility under R.C. 2953.33(B)(2) and to adhere to the requirements for granting applications for sealing and expungement under R.C. 2953.33(B)(3).

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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 to Appellee.

**KINSLEY, P.J.**, and **NESTOR, J.**, concur.

**To the clerk:**

**Enter upon the journal of the court on 4/10/2026 per order of the court.**

By:   
Administrative Judge