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

ADMINISTRATIVE ORDER REGARDING SEALING AND EXPUNGEMENT OF APPELLATE CASE DOCKETS AND RECORDS	:	**M-260005**

The court enters this administrative order to set forth the process for addressing appellate records related to cases in which the trial court seals or expunges the trial court record pursuant to R.C. 2953.31 through 2953.34.

Pursuant to the attached opinion, the clerk of courts for the First District Court of Appeals is ordered to seal or expunge the appellate docket 40 days after receiving notification of the trial court's order to seal or expunge the underlying criminal case.

Further, upon notification of sealing or expungement in a case in which an opinion was issued, this court will issue a redacted version of the opinion, which redacts the defendant's name to initials. If an opinion or judgment entry is posted on its website or with the Ohio Supreme Court Reporter, the court will replace the original judgment entries or opinions on their website with redacted versions and will provide a redacted copy to the Supreme Court Reporter to replace the original, unredacted version of the opinion.

Jennifer Kinsley, Administrative and Presiding Judge

Marilyn Zayas, Judge

Candace C. Crouse, Judge

Ginger S. Bock, Judge

Terry Nestor, Judge

Richard L. Moore, Judge

To the clerk:

Enter upon the journal of the court on 9/4/2026.

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	:	
	:	*O P I N I O N*
	:	

Per Curiam.

{¶1} This opinion addresses what action a court of appeals must take with respect to its records and the appellate docket once it receives notice that a conviction or nonconviction, which was the subject of a prior appeal, has been sealed or expunged by the trial court pursuant to R.C. 2953.32 or 2953.33. We conclude the plain language of the applicable statutes requires us to similarly expunge or seal our records related to the conviction or nonconviction. Further, in those instances where an opinion has been issued, this court will issue a version of the opinion with the defendant's name redacted to initials to be posted with the Supreme Court Reporter.

I. Introduction

{¶2} 2022 S.B. 288 ("S.B. 288"), effective April 4, 2023, expanded the ability of individuals with criminal convictions to apply to the trial court to have the records of those convictions either sealed or expunged. *See* R.C. 2953.31 through 2953.34. 2023 H.B. 33 provided a process for expunging records where the defendant was found not guilty, the complaint, indictment or information was dismissed, or a no bill was issued by the grand jury.

Ohio Legislative Service Commission Final Analysis, H.B. 33 available at https://www.legislature.ohio.gov/download?key=21327 (accessed July 15, 2026) [https://perma.cc/Q3ZM-AP47].

{¶3} While sealing and expungement are oftentimes discussed together, the concepts are distinct. "Expungement results in deletion, making all case records 'permanently irretrievable,' while sealing simply provides a shield from the public's gaze." (Citations omitted.) *State v. Aguirre*, 2014-Ohio-4603, ¶ 5, fn. 2; *State v. J.B.*, 2026-Ohio-1405, ¶ 11.

{¶4} More specifically, expungement involves the destruction, deletion, or erasure of records so that they are permanently irretrievable. Upon receiving notice of an expungement order, public offices or agencies, except for the Bureau of Criminal Identification and Investigation ("BCI"), must destroy, delete, and erase the records in their possession, ensuring they are permanently irretrievable. R.C. 2953.32(D)(5). The BCI, however, is permitted to maintain a record of the expunged conviction solely for the limited purpose of determining an individual's qualification or disqualification for employment in law enforcement. *Id.*

{¶5} Sealing, on the other hand, removes the records from the public's view and limits the inspection of such sealed records to certain people and certain purposes. R.C. 2953.32(D); R.C. 2953.34(A)(1)-(13) (detailing the persons that can inspect sealed records and for what purposes).

{¶6} R.C. 2953.32 provides the procedure by which an offender may apply to have their convictions sealed or expunged. R.C. 2943.33 delineates the procedure for sealing or expunging official records after a not-guilty finding, dismissal of proceedings, grand jury no bill, or pardon (hereinafter "nonconvictions").[1]

1. For ease of discussion, this opinion will refer to not-guilty findings, dismissals of proceedings, grand jury no bills, and pardons collectively as "nonconvictions."

{¶7} The definition section makes clear that the court that has been empowered to seal and/or expunge records of convictions is the trial court. R.C. 2953.31(A)(14) ("Court" means the court in which a case is pending at the time of a finding of not guilty.).

{¶8} Once a trial court grants an application to seal or expunge a record of conviction or a record of non-conviction, R.C. 2953.34 outlines the effect of such an order of sealing or expungement under R.C. 2953.32 or 2953.33. Once a sealing or expungement order of either a conviction or nonconviction is issued, the court that granted the application is to send notice to the BCI and "any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order." R.C. 2953.34(G) and (H).[2] The order to seal or expunge the nonconviction records applies regardless of whether the office receives notice of that order. R.C. 2953.34(H)(3).

{¶9} There are a number of actions the agency or office must take regarding records of the sealed or expunged case. For instance, as to sealed convictions and nonconvictions, the agency or public office must remove the records from public access but may maintain a manual or computerized index for the sealed records. R.C. 2953.34(C) and 2953.34(H)(5). "The index shall contain only the name of, and alphanumeric identifiers that relate to, the persons who are the subject of the sealed records, the word 'sealed,' and the name of the person, agency, office, or department that has custody of the sealed records, and shall not contain the name of the crime committed." R.C. 2953.34(C). For the sealing of nonconvictions, the statute allows for the index to be available to limited groups of people for limited purposes. R.C. 2953.34(H)(5). R.C. 2953.34 also requires law enforcement with investigatory work product related to a sealed or expunged case to close such records to all

2. There are a few offices that are exempted from the requirements to seal the records, but such exemption is typically for a limited purpose. *See, e.g.,* R.C. 2953.34(E) (permitting state auditor or prosecutor to maintain records for the purpose of disqualification from holding public office); R.C. 2953.34(D) (permitting boards of education to maintain sealed records for the purpose of excluding pupils from public schools).

persons not directly employed by the law enforcement agency and to treat it as though those records do not exist and never existed.

{¶10} Once a record is sealed or expunged, public offices are prohibited from releasing or disseminating information about sealed or expunged records. Further, with some exceptions, unauthorized disclosure constitutes a misdemeanor of the fourth degree. R.C. 2953.34(J)(1) and (4). Sealed records are also not considered public records under Ohio's Public Records Act and are therefore exempt from disclosure. *See, e.g., State ex rel. Frank v. Clermont Cty. Prosecutor*, 2021-Ohio-623, ¶ 20-21. Accordingly, the impact of a trial court granting an application to seal or expunge a conviction or nonconviction is far-reaching.

{¶11} In the fiscal note and local impact statement for S.B. 288, the Legislative Service Commission noted that "[t]he bill makes a number of changes to [the] current law's sealing and expungement provisions that are likely to result in a significant increase in the workloads and operating costs of courts, clerk of courts, prosecutors, and probation authorities involved in the court's determination regarding an application, *as well as public offices or agencies in possession of records subject to a sealing/expungement order*." (Emphasis added.) Ohio Legislative Service Commission Final Fiscal Note & Local Impact Statement, S.B. 288, available at https://www.lsc.ohio.gov/assets/organizations/legislative-service-commission/files/2023-local-impact-statement-report-senate-bill-288.pdf (accessed July 15, 2026) [https://perma.cc/X7KZ-2VY4]. Policymakers were therefore aware that these statutes impose significant work upon public offices and agencies as a result of a record being sealed or expunged under R.C. 2953.32 or 2953.33.

{¶12} While the impact of the trial court's order sealing or expunging a case under R.C. 2953.32 or 2953.33 is vast, it is important to note that such a decision does not go unchecked. Rather, these trial court orders are final, appealable orders, which are subject to review to ensure the trial court did not abuse its discretion in deciding an application when

such review is requested by either the defendant or the State. *See State v. Bissantz*, 30 Ohio St.3d 120, 121 (1987) (parties have a civil right of appeal from a trial court judgment on an application for sealing or expungement).

{¶13} Once such orders are deemed final and no longer appealable, i.e., when the time for appeal has expired, the trial court's determination binds all public offices and agencies.

II. Types of records

A. Appellate Docket

{¶14} The Ohio Rules of Superintendence govern record-keeping requirements for Ohio courts. Pursuant to Sup.R. 11.28(C), each court, including the court of appeals, through its clerk, must maintain an index, docket, journal, and case files. *See* Sup.R. 11.28(B)(4); R.C. 2303.03. R.C. 2303.14 further provides that it is the clerk of court who is responsible for maintaining the materials referenced in the Rules of Superintendence. A case file is the compendium of case documents filed in a judicial action or proceeding. Sup.R. 11.28(B)(3). The journal is a record of every order or judgment of the court. Sup.R. 11.28(B)(11). The docket is where the clerk of court enters all information required by the Revised Code or Supreme Court rule. Sup.R. 11.28(B)(6). Collectively, and more commonly, these documents are considered the appellate docket.

{¶15} In an appellate case, the docket begins with the notice of appeal. Pursuant to App.R. 3(E), once a notice of appeal is filed, the trial court clerk is to forward a copy of the notice of appeal and the docket entries to the clerk of the court of appeals. Further, App.R. 9(A)(1) defines what part of the record from the trial court is required to be transmitted to the court of appeals. This includes "the original papers and exhibits thereto filed in the trial court, the transcript of proceedings, if any, including exhibits, and a certified copy of the docket and journal entries prepared by the clerk of the trial court." The duties of a clerk in preparing a record for an appeal also include "number[ing] the documents comprising the record and [ ]

transmit[ting] with the record a list of the documents correspondingly numbered and identified with reasonable definiteness."

{¶16} In Hamilton County, this numbered list is also referred to as the transcript of docket and journal entries or the "number sheet." An example of the transcript of docket and journal entries is included the appendix of this opinion. Among other information, this document sets forth the defendant's name, the offenses with which they are charged, and the case number. This transcript of the docket and journal entries is also filed with the clerk of the appellate court. Additionally, transcripts from the trial court proceedings are also filed with the clerk of the appellate court. Pursuant to App.R. 16, briefs by the parties are also filed in the appellate case. Finally, as required by App.R. 12, the court of appeals must decide the appeal and "give reasons in writing for its decision." The decision is filed with the clerk and becomes part of the journal.

B. Opinions

{¶17} For this court, decisions are issued in the form of either a judgment entry, in accelerated calendar cases, or an opinion in all other instances. *See* App.R. 11.1(E) and 12(A)(2). Court of Appeals opinions issued after May 1, 2002, are posted on the Supreme Court's website and given a unique number called a "WebCite." This court also posts its decisions on the court's website.

{¶18} Against this statutory backdrop and description of the types of records at issue, we turn to the central question: what must appellate courts do upon receiving notice of a sealing or expungement order from the trial court?

III. Analysis

A. Statutory Construction

{¶19} R.C. 2353.32 and 2353.33 empower trial courts with the authority to determine which records should be sealed and expunged. R.C. 2953.31(A)(14). However, once that determination is made, the trial court is required to notify the BCI and "any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order." R.C. 2953.34(G) and (H). Currently, this court receives such notice and a copy of any sealing and expungement order issued by the Hamilton County Common Pleas Court or the Hamilton County Municipal Court.

{¶20} While the statutes do not refer to appellate courts by name, the statutes make clear that public offices, entities and public agencies with records of the case subject to the sealing or expunging order must comply with the order. As to nonconvictions, an order to seal or expunge official records issued pursuant to R.C. 2953.33 "applies to every public office or agency that has a record of the case that is the subject of the order." R.C. 2953.34(H)(3). Further, upon receiving a copy of the order to seal or expunge official records, "a public office or agency shall comply with the order." R.C. 2953.34(H)(4). Further, R.C. 2953.34(K) directs that all official records pertaining to a case that was sealed or expunged are "deemed not to have occurred." Similarly, as to records of convictions, when any entity other than BCI receives notice from a court that the record has been expunged, "the entity shall destroy, delete, and erase the record as appropriate . . . so that the record is permanently irretrievable." R.C. 2953.32(D)(5). Where the record of conviction has been sealed, R.C. 2953.34(C) directs that "the person or governmental agency, office, or department" that maintains records pertaining to the conviction may only maintain an index to the sealed records. Further, sealed

records may only be inspected by certain people and for certain purposes. *See* R.C. 2953.32(A)(1)–(10).

{¶21} Our principal concern in interpreting any statute is to determine the legislative intent. *See State v. Gonzales*, 2017-Ohio-777, ¶ 4, citing *Provident Bank v. Wood*, 36 Ohio St.2d 101, 105 (1973). To determine intent, we must first examine the language of the statute. *Id.* When a statute is clear and unambiguous, the statute is applied as written. *Id.* And, if a definition is given, we are required to construe the words of the statute accordingly. *Id.*, citing R.C. 1.42.

{¶22} If a statutory term is not defined, however, "'it should be accorded its plain and ordinary meaning.'" *State ex rel. Data Trace Information Servs., L.L.C. v. Cuyahoga Cty. Fiscal Officer*, 2012-Ohio-753, ¶ 49, quoting *Rhodes v. New Philadelphia*, 2011-Ohio-3279, ¶ 17. In determining the plain and ordinary meaning of a term, courts may utilize a number of sources to guide the court's interpretation of the undefined term. For instance, courts may use dictionary definitions and definitions developed in case law. *State v. Bertram*, 2023-Ohio-1456, ¶ 13; *see State v. Hammock*, 2022-Ohio-3570, ¶ 18 (1st Dist.). Where a term is not defined in the statutory section at issue, but is elsewhere defined by the legislature, courts may also use those external definitions to guide their interpretation as well. *Sunoco Pipeline L.P. v. Teter*, 2016-Ohio-7073, ¶ 30 (7th Dist.). R.C. 1.42 further directs that words in the Ohio Revised Code "shall be read in context and construed according to the rules of grammar and common usage."

{¶23} The definition of "court" in R.C. 2953.31 makes clear that it is the trial court which reviews the statutory factors and makes the decision whether a person is eligible for sealing or expungement and which cases are appropriate for the relief requested. Once that determination is made, all official records must be protected from disclosure as set forth in R.C. 2953.34.

{¶24} "Official records," for purposes of R.C. 2953.31, means "*all* records that are possessed by *any* public office or agency that relate to a criminal case." (Emphasis added.) R.C. 2953.51(D). The scope of this statute is broad. It uses terms such as "all," "any," and "relate." It is because of these words utilized by the legislature that the Ohio Supreme Court has held that "the definition of 'official records' in R.C. 2943.51(D) 'must be read to include each and every record possessed by every public office or agency that is connected to or has a nexus with the criminal case.'" *Frank*, 2021-Ohio-623, at ¶ 20-21, quoting *State v. S.R.*, 63 Ohio St.3d 590, 595 (1992).

{¶25} The statute is therefore clear that the trial court's order applies to "all records that relate to a criminal case." The use of the word "any" as a modifier is significant. As previously noted by the Supreme Court when construing a former version of the statute,

> [w]hen used as an adjective, as it is in the statute, "all" is commonly defined as "the whole amount or quantity" or "every member or individual component of." Webster's Third New International Dictionary (1986) 54. The term "related" means more than "directly connected to" or "part of." *State v. Gaddy* (C.P.1962), 89 Ohio Law Abs. 513, 519, 184 N.E.2d 689, 693. Rather, the use of "related" or "pertain," or a variation thereof, describes 'things which in common experience are closely associated with other specific things or situations.' *Gaddy, supra*, at 522, 184 N.E.2d at 694-695. Thus, that portion of R.C. 2953.51 defining "official records" must be read to include each and every record possessed by every public office or agency that is connected to or has a nexus with the criminal case.

S.R., 63 Ohio St.3d at 595.

{¶26} In *State v. T.D.*, the Sixth District utilized the Supreme Court's definition of "official records" to conclude that records from a separate case which arose from the same

incident, utilized the same traffic citation, and charged the same infraction that formed the basis of the refiled charges were, by extension, the "same case." *State v. T.D.*, 2021-Ohio-513, ¶ 22 (6th Dist.). Accordingly, when the refiled case was sealed, the initial case should have also been sealed. *Id.* Similarly, an appellate record is an extension of the trial court's record. It contains the same complaint, the same evidence, the same transcripts, and the same conviction and judgment entry that was issued below. Simply because these records were filed in another case, does not mean they are not entitled to the same protection afforded in R.C. 2953.34.

{¶27} The question becomes whether appellate courts fall within the definition of an entity, public office or agency. These terms are not defined in R.C. 2953.31 or elsewhere within the sealing or expungement statutory scheme. However, other references to "public office or agency" within the Revised Code are instructive.

{¶28} Specifically, R.C. 149.011(B) expressly includes "courts" as a public office. The statute provides in pertinent part:

> (A) "Public office" includes *any state agency*, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. "Public office" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.
>
> (B) "State agency" includes every department, bureau, board, commission, office, or other organized body established by the constitution and laws of this state for the exercise of any function of state government, including any state-supported institution of higher education, the general assembly, any legislative agency, *any court* or judicial agency, or any political subdivision or agency of a

> political subdivision. "State agency" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.

(Emphasis added.) *S.R.*, 63 Ohio St.3d at 595.

{¶29} The use of the modifier "any" in reference to "court" in subsection (B) of the statute is significant. The wording suggests that appellate courts are also considered a "state agency." As the definition of "public office" includes all state agencies, R.C. 149.011 suggests that appellate courts are indeed a public office.

{¶30} The dictionary definition of "public office" also supports the conclusion that courts of appeals are indeed a public office for purposes of R.C. 2953 et seq. A "public office" is defined as "an office created by a constitution or legislative act, having a definite tenure, and involving the power to carry out some governmental function." *Merriam-Webster Online*, https://www.merriam-webster.com/legal/public%20office (accessed July 20, 2026) [https://perma.cc/7ZKR-GBLV]. Courts of appeals are established by Article IV, Section 3 of the Ohio Constitution. The definition of "entity" requires the same conclusion. An "entity" is defined as "an organization (such as a business or government unit) that has an identity separate from those of its members." *Merriam-Webster Online*, https://www.merriam-webster.com/legal/public%20office (accessed August 17, 2026) [https://perma.cc/7ZKR-GBLV].

{¶31} Just as the modifier "all" was significant as it related to "records," the modifier "any" is significant as it relates to "public office or agency." Again, "all" is "commonly defined as 'the whole amount or quantity' or 'every member or individual component of.'" *S.R.*, 63 Ohio St.3d at 595. Accordingly, the use of "any" within the definition of "state agency" suggests the legislature meant to include every court—trial, appellate, and Supreme. Had the legislature intended to limit R.C. 2953.34's and 2953.32's reach to trial courts and certain offices alone, it could easily have said so. Its choice of the expansive phrase "any public office

or agency," which expressly includes courts, forecloses a reading that exempts appellate courts. The use of the similarly broad terms, "entity" and "governmental agency, office or department" used related to the sealing and expungement of convictions reinforces that the statutes were meant to apply to appellate courts.

{¶32} We therefore hold that, to give effect to the statutory language, appellate courts must seal or expunge their records once a trial court issues a sealing or expungement order under R.C. 2953.32 or 2953.33, and the time for appealing the sealing or expungement order has passed. Any other interpretation would run afoul of the plain language of the statute as well as the purpose of the statute.[3]

{¶33} Our conclusion that appellate courts must seal or expunge their records related to a criminal conviction or nonconviction when a trial court orders such action is reinforced by the principle that, when the legislature enacts a comprehensive statutory scheme, courts must adhere strictly to its terms. *State v. G.K.*, 2022-Ohio-2858, ¶ 27. As the Supreme Court has expressed, it is the role of the legislature to address the requirements for sealing and expunging records and "[a] court may not deviate from the requirements of a statute simply because it would prefer that the statute had been written differently." *Id.* Here, the legislature has determined which convictions and nonconvictions qualify for sealing and expungement, entrusted that determination to the trial court, and mandated that "all official records" be sealed or expunged once the trial court makes that determination. Appellate courts are not

3. R.C. 1.11 directs that "[r]emedial laws and proceedings under them shall be liberally construed in order to promote their object and assist the parties in obtaining justice." R.C. 2953.32 and 2953.33 are both remedial statutes. *State v. A.S.*, 2022-Ohio-3833, ¶ 7 (1st Dist.); *Barker v. State*, 62 Ohio St.2d 35, 42 (1980) ("The General Assembly has declared with the enactment of R.C. 2953.31 *et seq*. that this state is to provide remedial relief to qualified offenders in order to facilitate the prompt transition of these individuals into meaningful and productive roles." (Italics in original.)).

permitted to second-guess that legislative choice by maintaining public access to otherwise sealed and expunged records.[4]

{¶34} R.C. 2953.34(K) directs that once records are sealed or expunged, "all official records pertaining to a case . . . are deemed not to have occurred." *See* R.C. 2953.32 (when a record of conviction is expunged the record is to be destroyed, deleted and erased so that the record is permanently irretrievable). This conclusive statutory fiction cannot be reconciled with maintaining publicly accessible appellate dockets and opinions. If the case is "deemed not to have occurred," then the appeal, which is based on the existence of the underlying case, must likewise be deemed not to have occurred. The legislature's choice of the phrasing "all official records" and "deemed not to have occurred" leave no room for exempting appellate records. An interpretation that would permit appellate courts to maintain publicly- accessible dockets and opinions would create an exception that the legislature did not intend.

B. Application to Appellate Records

1. Appellate Docket

{¶35} Based on the foregoing, this court must seal or expunge its records that relate to the underlying criminal case when the case has been sealed or expunged by the trial court. Accordingly, the Clerk of Courts for the First District Court of Appeals is ordered to seal or expunge the appellate docket 40 days after receiving notification of the trial court's order to seal or expunge the underlying criminal case.

{¶36} Importantly, such action cannot and will not occur until the sealing or expungement order becomes final and no longer subject to a challenge by way of a direct

[4] Not only is this court duty-bound to seal and expunge its records which relate to a sealed or expunged conviction or nonconviction, other methods to restrict public access to documents are insufficient to provide the required relief to the applicant. For instance, while a party can seek to restrict public access to a document under Sup.R. 11.14(A)), such relief only removes the document or information from public access. It does not have the same effect as the sealing or expungement of a case document. *See* Form 96 G1 to the Rules of Superintendence, eff. July 1, 2026.

appeal. The sealing and expungement statutes create final, appealable orders subject to review for an abuse of discretion. *See, e.g., State v. N.S.* 2025-Ohio-5166 (1st Dist.). This ensures that this court only seals and expunges its records where the trial court's determination has been sustained by this court on appeal or the time for appeal has expired. This sequencing protects both the integrity of this court as the court reviewing the trial court's orders and the finality of the trial court's orders themselves.

2. Opinions

{¶37} In cases in which this court has issued an opinion, the adopted process must also allow for preservation of the court's precedent. *See In re Millhouse*, 2024-Ohio-1187, ¶ 11 (4th Dist.) (explaining that case law is law that is developed incrementally through judicial opinions). Upon notification of sealing or expungement in a case in which an opinion was issued, this court will issue a redacted version of the opinion which redacts the defendant's name to initials. If an opinion or judgment entry is posted on this court's website or with the Ohio Supreme Court Reporter, the court will replace the original judgment entries or opinions on its website with a redacted version and will provide a redacted copy to the Supreme Court Reporter to replace the original, unredacted version of the opinion. This process will further the aim of the statute, while protecting both the identity of the defendant and the precedent of the court

IV. Conclusion

{¶38} The legislature empowered the trial courts to determine whether it was appropriate to seal or expunge a record. As a court that maintains several records related to such records, and in some cases the same records from the trial court, this court must act to ensure its compliance with the requirements for a public office in possession or control of such records. If this court were to do nothing, a simple search of a defendant's name would reveal the entire spectrum of the initial case and conviction from the trial court.

{¶39} This court is therefore duty-bound to ensure that the related records of these sealed and/or expunged convictions or nonconvictions are not accessible as dictated by the legislature. Additionally, the court is able to protect the case law developed by this court by reissuing the opinion with the name of the individual redacted. Such action permits the interests of the individual to be protected and duly preserves this court's precedent.