

[Cite as *Billings v. Cuyahoga Cty. Prosecutors Office*, 2017-Ohio-391.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 104538

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**ANTON BILLINGS**

PETITIONER-APPELLANT

vs.

**CUYAHOGA COUNTY PROSECUTORS OFFICE**

RESPONDENT-APPELLEE

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**JUDGMENT:**  
**AFFIRMED**

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Civil Appeal from the  
Cuyahoga County Court of Common Pleas  
Case No. CV-16-859843

**BEFORE:** Kilbane, J., Keough, A.J., and Celebrezze, J.

**RELEASED AND JOURNALIZED:** February 2, 2017

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MARY EILEEN KILBANE, J.:

{¶1} Petitioner-appellant, Anton Billings, appeals the trial court's denial of his application for relief from disability. We affirm.

{¶2} In 2016, Billings filed an application for relief from weapons disability. The state opposed the application. The court held a hearing. At the hearing, the court reviewed Billings's criminal history, which included a 1990 conviction for receiving stolen property, a 1991 conviction for carrying a concealed weapon, and a 1992 conviction for aggravated arson, improper discharge of a firearm, and two counts of felonious assault for which Billings served ten years in prison. In 2006, Billings was convicted of telecommunications harassment. In 2007, Billings was convicted of unlawful restraint and impersonation of a police officer and sentenced to time served. In 2013, a Cleveland woman and her family filed for a temporary protection order against Billings, and a trial court granted an ex parte emergency temporary order of protection. The parties entered into a private agreement with regard to the protection order, but the case against Billings was eventually dropped for want of prosecution.

{¶3} At the hearing on his petition, Billings submitted exhibits that included letters of support, certificates of achievements, and awards. Rodney Jordan, a Case Western Reserve University police officer, told the court that he had worked with Billings on various programs including working with juveniles and working with women and children at the Ronald McDonald House. Billings had also trained officers in tactical

operations. Retired East Cleveland police officer Ralph Spotts told the court that Billings had worked with him on many programs, including a juvenile first offender program, and he had also helped train police officers. Cleveland Public Schools police officer Louis Valdez told the court that he worked with Billings in East Cleveland and had observed Billings work with troubled teens and women. Vincent Holland, a former county chief probation officer, told the court that Billings had previously worked with county social workers on intervention programs and mediation, and he assisted the county sheriff's department with juvenile delinquency. Holland further told the court that he had seen Billings in the community helping to change the lives of young people, that he demonstrated integrity and character, and was an agent of change in the community. Pastor Beverly Johnson told the court that she had worked with Billings on intervention, mediation, and juvenile delinquency programs. Finally, Johnetta Crosby Edmond told the court that Billings created a program that helped her change her brother's life while her brother was incarcerated.

{¶4} Billings admitted to the court that he had made a lot of bad decisions but maintained that he had apologized to society for his behavior and was now involved in many positive community programs. He also admitted to the court that he used to be involved in gangs and took credit for founding the Crips gang in Cleveland; however, he told the court that he now runs a program to assist gang members with strategies on how to leave gangs.

{¶5} Billings explained to the court that he wanted his disability lifted because he has a security company, and he wants to be able to take armed accounts. He explained that the demand for armed security is greater than that for unarmed security. He also told the court that he wanted his freedom and lifting the disability was part of regaining his freedom.

{¶6} The trial court took the matter under advisement and subsequently denied Billings's petition. In its entry, the trial court stated that the community interest outweighed Billings's interest but that Billings could refile his application in the future for consideration.

{¶7} In his sole assignment of error, Billings argues that the trial court erred and abused its discretion in denying his application for relief from disability.

{¶8} R.C. 2923.14 permits a trial court to relieve an offender from his or her disability and enable him or her to receive a permit for a weapon, so long as the statutory requirements are complied with. R.C. 2923.14(D) reads:

(D) Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply:

(1) The applicant has been fully discharged from imprisonment, community control, post-release control, and parole, or, if the applicant is under indictment, has been released on bail or recognizance.

(2) The applicant has led a law-abiding life since discharge or release, and appears likely to continue to do so.

(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.

{¶9} We review a trial court's decision to grant or deny an application for relief from disability under an abuse of discretion standard. *State v. Brown*, 8th Dist. Cuyahoga No. 96615, 2011-Ohio-5676, ¶ 17. A court abuses its discretion when it acts unreasonably, arbitrarily, or unconscionably. *Id.*, citing *State ex rel. Edwards v. Toledo City School Dist. Bd. of Edn.*, 72 Ohio St.3d 106, 1995-Ohio-251, 647 N.E.2d 799.

{¶10} Billings claims that the trial court abused its discretion in denying his petition because the trial court incorrectly focused its analysis on why Billings wanted to have a firearm rather than concentrating on the fact that he had been rehabilitated.

{¶11} In rendering its decision, the trial court noted that Billings had changed his life and had done good things for the community. The court also noted Billings's five prior criminal cases, including serious felonies, and that he had spent time in prison. Billings cites *State v. Dozanti*, 8th Dist. Cuyahoga No. 102158, 2015-Ohio-2276, and *In re Bush*, 10th Dist. Franklin No. 89AP-567, 1989 Ohio App. LEXIS 4838 (Dec. 26, 1989), to support his position that the trial court's decision in this case was arbitrary. In both *Dozanti* and *In re Bush*, the reviewing courts found that the trial courts had erred in denying the applications for relief because the record did not support the lower courts' determinations. In *Dozanti*, the applicant had not committed a crime in 20 years and only had a single conviction for a nonviolent offense. *Id.* at ¶ 4. In *In re Bush*, the trial court expressly found that the applicant met all of the requirements enumerated in R.C. 2923.14(D) but placed nothing on the record on which the court could determine that appellant's request for disability should be denied. *Id.* at \*6.

{¶12} This case is more similar to this court's decision in *State v. Brown*, 8th Dist. Cuyahoga No. 96615, 2011-Ohio-5676. In *Brown*, this court upheld the trial court's decision to deny the applicant's petition even though the applicant had not committed a crime in 14 years because she, the applicant, had more than one conviction and had previously committed a crime of violence. *Id.* at ¶ 22.

{¶13} In this case, although there was ample evidence of rehabilitation, Billings has multiple criminal convictions dating back to 1990. Moreover, even though Billings has not been convicted of a crime since 2007, a court did grant an emergency protection order against him in 2013. Upon review of the record, Billings has failed to demonstrate that the trial court abused its discretion in denying his application.

{¶14} Accordingly, Billings's sole assignment of error is overruled.

{¶15} Judgment affirmed.

It is ordered that appellee recover of appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

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MARY EILEEN KILBANE, JUDGE  
KATHLEEN ANN KEOUGH, A.J., and  
FRANK D. CELEBREZZE, JR., J., CONCUR