

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY

STATE OF OHIO

Appellee

v.

DORRIAN A. HARDEN

Appellant

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C.A. No. 30790

Trial Court Case No. 2000 CR 01183

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on September 4, 2026, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



MICHAEL L. TUCKER, JUDGE

LEWIS, P.J., and EPLEY, J., concur.

OPINION
MONTGOMERY C.A. No. 30790

DORRIAN A. HARDEN, Appellant, Pro Se
MICHAEL P. ALLEN, Attorney for Appellee

TUCKER, J.

{¶ 1} Dorrian A. Harden appeals pro se from the trial court’s denial of his application for expungement of record of felony conviction.

{¶ 2} Harden contends the trial court erred in applying the wrong legal standard, relying on inaccurate or incomplete information, and failing to give him a meaningful opportunity to be heard.

{¶ 3} For the reasons set forth below, we see no error and affirm the trial court’s denial of his application.

I. Background

{¶ 4} In 2000, Harden pleaded guilty to attempted possession of cocaine, a third-degree felony, and carrying a concealed weapon, a fourth-degree felony. He received an aggregate one-year prison sentence. In March 2023, he filed a pro se application for sealing of the convictions. Following a March 16, 2023 hearing, the trial court denied the application, finding him statutorily ineligible based on his criminal history.

{¶ 5} On December 5, 2025, Harden filed a pro se document styled as an application for expungement of record of felony conviction. Although the caption sought expungement, the body referred to sealing. The State did not respond. The trial court held a hearing on the application on February 12, 2026. The only witness was Harden. At the outset of the hearing, he confirmed that the matter involved expungement. The trial court then explained its belief that his offenses were ineligible for expungement. It concluded by stating, “And so with that,

I have to deny your request because I'm statutorily not able to do that." However, the trial court also allowed Harden to respond. He told the trial court, "I've got court dates for—I got [a] court date the 24th for Miamisburg and next month for Kentucky." He added, "I took care of my Kentucky. You asked me to take care of that. I took care of that." The following exchange then occurred:

THE COURT: But because you have a conviction for a felony of the first degree from 2002, that cannot be expunged. You have the felony conviction for the felony of the third degree, which also cannot be expunged. And you did—you know you have the Kentucky cases. But because of that, you are not eligible because of—

MR. HARDEN: But I did everything. Kentucky is fine, Your Honor.

THE COURT: You may have, but you still have felonies of the first degree here. So a violation that is a felony of the third degree, which is what this is here. This possession is a felony of the third degree, and if you have more than one other conviction of any felony, which you do, or two convictions of a felony of the third degree, and then you're not eligible to have it expunged. And that's just by statute. Okay? All right. And I know that this was 26 years ago.

February 12, 2026 Hearing Tr. 3.

{¶ 6} Following the hearing, the trial court filed an order denying Harden's application for expungement. In finding his offenses statutorily ineligible, the trial court quoted R.C. 2953.32(A)(1)(h). Harden timely appealed.

II. Analysis

{¶ 7} Harden's sole assignment of error states:

The trial court erred in denying the Appellant's application for record sealing by applying an incorrect legal standard, relying on inaccurate or incomplete information, and failing to provide the Appellant a meaningful opportunity to be heard.

{¶ 8} Harden first contends the trial court erroneously treated his application as one seeking expungement when it sought sealing of his convictions. He argues that sealing and expungement are distinct remedies with different eligibility criteria.

{¶ 9} Upon review, we find this argument to be unpersuasive. Harden's appellate brief is accompanied by a combined transcript of the hearings on his first and second applications. The cover page states that it is a transcription of the first hearing held on March 16, 2023, and the second hearing held on February 12, 2026. The next page contains an obvious transcriptionist's error, stating that the first hearing occurred on March 16, 2026, when in fact it occurred on March 16, 2023. In claiming that the trial court misconstrued his second application as one seeking expungement after initially recognizing that it sought sealing, Harden cites the transcript of the March 16, 2023 hearing addressing his *first* application, which did request sealing.

{¶ 10} Harden's current appeal, however, is from the trial court's denial of his *second* application, which he filed on December 5, 2025. As noted above, he styled that filing as an application for expungement of record of felony conviction. The body of the application then inconsistently referenced sealing. But during the February 12, 2026 hearing, Harden acknowledged that he was before the trial court on a request for expungement. He also did not object during the hearing when the trial court repeatedly discussed eligibility for

expungement. Under these circumstances, we see no error in the trial court's treatment of Harden's application as one seeking expungement.

{¶ 11} In any event, the trial court denied his application by finding his offenses ineligible under R.C. 2953.32(A)(1)(h), which applies equally to sealing and expungement. The provision excludes from sealing and expungement “[c]onvictions of a felony of the third degree if the offender has more than one other conviction of any felony or, if the person has exactly two convictions of a felony of the third degree, has more convictions in total than those two third degree felony convictions and two misdemeanor convictions.” Because R.C. 2953.32(A)(1)(h) applies to applications for sealing and expungement, Harden could not have been prejudiced by the trial court's treating his application as seeking expungement even if he intended to obtain sealing.

{¶ 12} Harden next claims the trial court relied on “inaccurate or incomplete” information about his criminal history, particularly his record in Kentucky. He contends the trial court did not allow him to clarify that certain Kentucky convictions had been resolved. He also asserts that the trial court failed to consider or verify the Kentucky information before ruling. In his reply, Harden claims he possessed documentation establishing the expungement of certain convictions in Kentucky. He asserts that he was prepared to present the information but that the trial court did not “request, review, or consider” it.

{¶ 13} We note that Harden has attached to his appellate brief what appears to be an order from a Kentucky court granting him expungement of certain convictions contingent upon his subsequent payment of a fee. We cannot consider this document because he failed to make it part of the record below. *State v. Wilson*, 2022-Ohio-4185, ¶ 7 (2d Dist.) (“As a matter of course, we do not consider documents attached to an appellate brief that are not in the record transferred to us from the trial court.”). Harden admits that he did not even

present the Kentucky court document to the trial court. But it was his responsibility to do so. Contrary to Harden's argument, the trial court did not preclude him from introducing the document as an exhibit or proffering its contents.

{¶ 14} Finally, Harden contends the trial court denied him a meaningful opportunity to be heard. Specifically, he claims the trial court did not allow him to present evidence regarding his rehabilitation, the passage of time, or the hardship caused by his criminal record. He asserts that the trial court was required to weigh these issues against the government's need to maintain a record of his convictions.

{¶ 15} We note, however, that the trial court denied Harden's application based on a finding that his offenses were ineligible for expungement under R.C. 2953.32(A)(1)(h), an issue he does not directly address on appeal. Without a threshold finding of eligibility, the issues Harden mentions were immaterial. Regardless, the trial court did not prevent him from presenting any information or evidence. After expressing its belief that his convictions were not eligible for expungement, the trial court allowed him to respond and say anything he wanted to persuade it otherwise. We see no denial of his right to be heard. Harden's assignment of error is overruled.

III. Conclusion

{¶ 16} Having overruled Harden's assignment of error, the judgment of the Montgomery County Common Pleas Court is affirmed.

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LEWIS, P.J., and EPLEY, J., concur.