

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
LICKING COUNTY, OHIO

STATE OF OHIO

Plaintiff - Appellee

-vs-

P.G.

Defendant - Appellant

Case No. 2026 CA 00004

Opinion and Judgment Entry

Appeal from the Licking County Municipal
Court, Case No. 10CRB01862

Judgment: Vacated and Remanded

Date of Judgment Entry: August 25, 2026

BEFORE: William B. Hoffman; Robert G. Montgomery; Kevin W. Popham, Judges

APPEARANCES: Tricia Moore, City of Newark Law Director, Michael S. Cox, Jr., Assistant Law Director, for Plaintiff-Appellee; Andrew S. Pollis, Maya Simek, Milton and Charlotte Kramer Law Clinic Case Western Reserve University School of Law, for Defendant-Appellant.

Hoffman, P.J.

{¶1} Defendant-appellant P.G. appeals the December 16, 2025 Journal Entry entered by the Licking County Municipal Court, which denied her motion to expunge. Plaintiff-appellee is the State of Ohio.

STATEMENT OF THE CASE ¹

{¶2} On December 1, 2025, Appellant filed a motion to expunge conviction pursuant to R.C. 2953.32. Therein, Appellant sought expungement of her 2010 convictions for possession of drugs, a misdemeanor of the third degree, and possession of drug instruments, a misdemeanor of the second degree. The State did not file a response to the motion.

{¶3} The trial court conducted a hearing on December 16, 2025. The State indicated it had no objections to Appellant's motion. Counsel for Appellant detailed the facts which established "[a]ll the elements of the expungement statutes [had] been fully met." Transcript of Expungement Hearing at p. 3. The trial court found Appellant's "interest in sealing the record of the files outweighs the governments [sic] interest in maintaining the record and for that reason the court is going to grant the motion and I will order that the records be sealed." *Id.*

{¶4} Counsel for Appellant immediately advised the trial court Appellant was requesting an expungement. The trial court stated it would deny the motion to expunge, but would grant the motion to seal. As grounds for the denial, the trial court found "the government's interest in keeping a sealed record does outweigh [Appellant's] interest in expunging it." *Id.* at p. 5. The trial court memorialized its decision via Order filed January 15, 2026.

{¶5} It is from that order Appellant appeals, raising the following assignments of error:

¹ A Statement of the Facts is not necessary for our disposition of this appeal.

I. THE TRIAL COURT'S REFUSAL TO GRANT EXPUNGEMENT, ONCE IT FOUND THAT P.G.'S INTEREST IN SEALING THE RECORDS OUTWEIGHED THE GOVERNMENT'S, REQUIRES REVERSAL.

II. IN THE ALTERNATIVE, THE ABSENCE OF REVIEWABLE FINDINGS REQUIRES REMAND.

I

{¶6} In its Brief to this Court, the State concedes the trial court erred in denying Appellant's motion to expunge.

{¶7} Based upon the State's concession, Appellant's first assignment of error is sustained.

II

{¶8} In light of our disposition of Appellant's first assignment of error, we find Appellant's second assignment of error to be moot.

{¶9} The judgment of the Licking County Municipal Court is vacated and the matter remanded for the trial court to issue an order expunging Appellant's record.

{¶10} Costs waived.

By: Hoffman, P.J.

Montgomery, J. and

Popham J. concur.