[Cite as *State v. Lynch*, 2026-Ohio-4558.]

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
MAHONING COUNTY

STATE OF OHIO,

Plaintiff-Appellee,

v.

RANDY J. LYNCH,

Defendant-Appellant.

OPINION AND JUDGMENT ENTRY
Case No. 26 MA 0055

Criminal Appeal from the
Court of Common Pleas of Mahoning County, Ohio
Case No. 2012 CR 01098

BEFORE:
Katelyn Dickey, Cheryl L. Waite, Carol Ann Robb, Judges.

JUDGMENT:
Reversed and Remanded.

Atty. Lynn Maro, Mahoning County Prosecutor*, Atty. Brian P. Kish* and *Atty. John B. Juhasz*, Assistant Prosecuting Attorneys, for Plaintiff-Appellee and

Atty. Thomas E. Lyden, James E. Lanzo LLC, for Defendant-Appellant.

Dated: November 16, 2026

DICKEY, J.

{¶1} Appellant, Randy J. Lynch, appeals from the May 4, 2026 judgment of the Mahoning County Court of Common Pleas denying his application to seal the record of his 2013 conviction for possession of cocaine without scheduling or holding a hearing. On appeal, Appellant argues the trial court erred in denying his application without conducting a hearing as required under R.C. 2953.32(C). Appellee, the State of Ohio, concedes error. *See* (9/25/2026 Appellee's Brief, p. 3) ("The record in this matter does not indicate that a hearing was held on Appellant's Application [and] [t]he statute plainly requires one"). Thus, the trial court's judgment is reversed and the matter is remanded for the court to set and conduct a hearing in accordance with R.C. 2953.32(C) and (D)(1) and to make the statutory determinations on the record before ruling on the application.

FACTS AND PROCEDURAL HISTORY

{¶2} On October 11, 2012, the Mahoning County Grand Jury indicted Appellant on one count of possession of cocaine, a felony of the fourth degree in violation of R.C. 2925.11(A)(C)(4)(b), with a forfeiture specification under R.C. 2981. Appellant was appointed counsel, pled not guilty at his arraignment, and waived his right to a speedy trial. On January 30, 2013, Appellant withdrew his former not guilty plea and pled guilty to the charge as contained in the indictment.

{¶3} On February 13, 2013, the trial court sentenced Appellant to three years of community control, to run consecutively with the community control imposed in Case No. 2011 CR 736, for a total of five years; 500 hours of community service; and a one-year driver's license suspension. Appellant was discharged from supervision on May 25, 2017.

{¶4} On March 5, 2026, Appellant filed an application to seal the record of his 2013 conviction. The State filed a response in opposition on March 17, 2026.

{¶5} On May 4, 2026, without scheduling or holding a hearing, the trial court denied Appellant's application in a three-sentence judgment entry: "Defendant Filed a Motion for Sealing of Records. The State of Ohio objects to said Motion. Upon review of this matter, the Motion is hereby overruled." (Emphasis in original). (5/4/2026 Judgment Entry).

{¶6} Appellant filed a timely notice of appeal and raises a single assignment of error.

ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN SUMMARILY DENYING THE APPELLANT'S APPLICATION FOR SEALING RECORD OF CONVICTION WITHOUT SCHEDULING OR HOLDING A HEARING AS REQUIRED BY R.C. 2953.32(C).

{¶7} In his sole assignment of error, Appellant argues the trial court erred in denying his application to seal the record of his 2013 conviction without scheduling or holding a hearing as required under R.C. 2953.32(C).

{¶8} "Generally, an appellate court reviews a trial court's disposition of a motion to seal a record under an abuse of discretion standard." *State v. Singh*, 2020-Ohio-5604, ¶ 11 (7th Dist.), citing *State v. Burnside*, 2009-Ohio-2653, ¶ 12 (7th Dist.). "But when questions of law are in dispute, the appellate court reviews the trial court's determination de novo." *Id.* Because the present question is whether the statute required the trial court to hold a hearing, it presents a legal question subject to de novo review. *State v. W.A.R.*, 2024-Ohio-256, ¶ 16 (8th Dist.).

{¶9} R.C. 2953.32(C) is unambiguous. It provides that "[u]pon the filing of an application under this section, the court shall set a date for a hearing[,]" and that "[t]he court shall hold the hearing not less than forty-five days and not more than ninety days from the date of the filing of the application." R.C. 2953.32(C). The statute then directs that "[a]t the hearing held under division (C) of this section, the court shall" make a series of determinations:

> (a) Determine whether the applicant is pursuing sealing or expunging a conviction of an offense that is prohibited under division (A) of this section or whether the forfeiture of bail was agreed to by the applicant and the prosecutor in the case, and determine whether the application was made at the time specified in division (B)(1)(a) or (b) or division (B)(2)(a) or (b) of this

> section that is applicable with respect to the application and the subject offense;
>
> (b) Determine whether criminal proceedings are pending against the applicant;
>
> (c) Determine whether the applicant has been rehabilitated to the satisfaction of the court;
>
> (d) If the prosecutor has filed an objection in accordance with division (C) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;
>
> (e) If the victim objected, pursuant to the Ohio Constitution, consider the reasons against granting the application specified by the victim in the objection;
>
> (f) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed or expunged against the legitimate needs, if any, of the government to maintain those records;
>
> (g) Consider the oral or written statement of any victim, victim's representative, and victim's attorney, if applicable;
>
> (h) If the applicant was an eligible offender of the type described in division (A)(3) of section 2953.36 of the Revised Code as it existed prior to April 4, 2023, determine whether the offender has been rehabilitated to a satisfactory degree. . . .

R.C. 2953.32(D)(1)(a)-(h).

{¶10} The hearing is thus the statutory mechanism through which the trial court develops the record and makes the findings that any ruling on the application must rest upon. The Supreme Court of Ohio has described the hearing's function in precisely these

terms. A sealing hearing "provides the court with the opportunity to review matters of record and to make largely subjective determinations" regarding rehabilitation and the balance of interests, gathering information "from the applicant, the prosecutor, and through independent court investigation conducted with the aid of probation officials." *State v. Hamilton*, 75 Ohio St.3d 636, 640 (1996). Its "essential purpose" is "to provide a reviewing court with all relevant information bearing on an applicant's eligibility[.]" *Id.* Most recently, the Supreme Court of Ohio reaffirmed that under R.C. 2953.32(C), "[t]he trial court is to hold a hearing before deciding whether to grant the application." *State v. J.B.*, 2026-Ohio-1405, ¶ 11.

{¶11} Consistent with this statutory command, Ohio appellate courts have held that the failure to set and hold a hearing before ruling on an application to seal is reversible error. In *State v. Myrick*, the Fifth District held that R.C. 2953.32(C) "expressly requires the trial court to set a hearing[,]" "conduct a hearing on the application, and make the determinations enumerated in R.C. 2953.32(D)(1)[,]" and that "[o]nly after the trial court acts in accordance with the statute by setting and conducting a hearing on an application, and making the requisite statutory determinations and considerations, may the court render a decision[.]" *State v. Myrick*, 2025-Ohio-694, ¶ 10 (5th Dist.). The court reversed and remanded because the trial court had "improperly denied Appellant's application 'without first setting a hearing and conducting a hearing in concert with the statutory requirements.'" (Citation omitted). *Id.* at ¶ 11, 13. The Eighth District reached the same conclusion in *W.A.R.*, holding that R.C. 2953.32 "definitively requires the trial court to set a hearing[,]" "hold a hearing[,]" and "make the determinations enumerated in R.C. 2953.32(D)(1)[,]" such that only after doing so could the court "render a decision on the motion to seal." *W.A.R.*, 2024-Ohio-256, at ¶ 20 (8th Dist.). The requirement that a hearing be held is "mandatory[.]" *State v. Potts*, 2020-Ohio-989, ¶ 14 (11th Dist.).

{¶12} Measured against this framework, the trial court's summary denial cannot stand. Appellant filed his application to seal the record of his 2013 conviction on March 5, 2026. The trial court denied his application on May 4, 2026 in a three-sentence entry reflecting only that Appellant moved to seal, the State objected, and the motion was overruled "[u]pon review of this matter." (5/4/2026 Judgment Entry). The record contains no indication that the trial court set a hearing, held a hearing within the statutory 45-to-

90-day window, directed a probation inquiry, or made any of the determinations R.C. 2953.32(D)(1) requires. A court speaks through its journal entries and nothing on the docket or in the entry reflects that a hearing occurred. *See State v. Dirocco*, 2022-Ohio-3221, ¶ 9 (7th Dist.). The trial court therefore disposed of Appellant's application without satisfying the statute's threshold procedural requirement.

{¶13} The narrow exception to the hearing requirement does not apply on this record. Ohio courts have recognized that a hearing "is *not* required when it 'simply would serve no purpose'" — that is, where no factual issues bear on eligibility, as when the offense is statutorily ineligible to be sealed, the applicant concedes a disqualifying prior conviction, or a successive application is barred by res judicata. (Emphasis in original). *Potts* at ¶ 15. None of those circumstances is present here. Appellant's offense — a fourth-degree felony drug-possession conviction — is of the type for which the statute authorizes a sealing application one year after final discharge, and he applied nearly nine years after his May 2017 discharge. *See* R.C. 2953.32. The record before the trial court disclosed no conceded ineligibility. We note that the State mischaracterizes the matter as a successive filing. However, the record before the trial court disclosed no prior application that could trigger res judicata.

{¶14} It bears emphasis that this is not a contested appeal on the controlling point. The State does not defend the summary denial and, in fact, concedes error. *See* (9/25/2026 Appellee's Brief, p. 3) ("The record in this matter does not indicate that a hearing was held on Appellant's Application [and] [t]he statute plainly requires one"). Both parties thus agree that R.C. 2953.32(C) obligated the trial court to hold a hearing and that no hearing was held.

CONCLUSION

{¶15} For the foregoing reasons, Appellant's sole assignment of error is well-taken. The May 4, 2026 judgment of the Mahoning County Court of Common Pleas denying Appellant's application to seal the record of his 2013 conviction for possession of cocaine without scheduling or holding a hearing is reversed and the matter is remanded for the trial court to set and conduct a hearing in accordance with R.C. 2953.32(C) and

(D)(1) and to make the statutory determinations on the record before ruling on the application.

Waite, P.J., concurs.

Robb, J., concurs.

For the reasons stated in the Opinion rendered herein, the assignment of error is sustained and it is the final judgment and order of this Court that the judgment of the Court of Common Pleas of Mahoning County, Ohio, is reversed. We hereby remand this matter to the trial court to set and conduct a hearing in accordance with R.C. 2953.32(C) and (D)(1) and to make the statutory determinations on the record before ruling on the application. Costs to be taxed against the Appellee.

A certified copy of this opinion and judgment entry shall constitute the mandate in this case pursuant to Rule 27 of the Rules of Appellate Procedure. It is ordered that a certified copy be sent by the clerk to the trial court to carry this judgment into execution.

NOTICE TO COUNSEL

This document constitutes a final judgment entry.