

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

CITY OF CLEVELAND, :
 :
 Plaintiff-Appellee, :
 : No. 110445
 v. :
 :
 JEFFREY WATKINS, :
 :
 Defendant-Appellant. :

JOURNAL ENTRY AND OPINION

JUDGMENT: REVERSED AND REMANDED
RELEASED AND JOURNALIZED: July 1, 2021

Criminal Appeal from the Cleveland Municipal Court
Case Nos. 1998-CRB-044223, 1998-CRB-045346 and 1998-CRB-046857

Appearances:

Barbara A. Langhenry, Cleveland Director of Law, and
Aqueelah A. Jordan, Chief Prosecuting Attorney,
Christopher Enoch, Assistant Prosecuting Attorney, *for*
appellee.

Graziani Law, L.L.C., and Mark F. Graziani, *for appellant*.

EILEEN A. GALLAGHER, J.:

{¶ 1} Defendant-Appellant, Jeffrey Watkins (“Watkins”) has appealed following the trial court’s denial of his “Petitions for Records Sealing (R.C. 2953.31 et seq.).”

{¶ 2} Specifically, Watkins raises the following assignments of error:

- I. The trial court erred by summarily ignoring all the due Process clearly outlined in the statute, R.C. 2953.32.
- II. The trial court erred by assuming, rather than determining, whether the applicant was/was not an eligible offender, R.C. 2953.31.
- III. The trial court erred by failing to notify or serve the parties and counsel of any of the proceedings, R.C. 1901.31(3).

{¶ 3} On October 7, 1998 a complaint was filed against Watkins for the crime of Domestic Violence, R.C. 2919.25 in case number 1998-CRB-045346. On April 14, 1999 Watkins entered a plea of no contest to the amended charge of Domestic Violence under R.C. 2919.25(C). Watkins was placed under active probation supervision for a period of two years with conditions.

{¶ 4} On November 1, 1998 a complaint was filed against Watkins for violation of a protection order, R.C. 2919.27 in case number 1998-CRB-044223 in the Cleveland Municipal Court. That case was nolle, at the prosecutor's request, on April 14, 1999.

{¶ 5} On November 14, 1998 another complaint was filed against Watkins for violation of a protection order, R.C.2919.27 in case number 1998-CRB-046857. That charge was also nolle, at the prosecutor's request, on April 14, 1999.

{¶ 6} On March 5, 2021 Watkins contemporaneously filed written motions to seal the records in all three cases, which the court summarily denied on March 19, 2021 with the notation "not eligible."

{¶ 7} The city of Cleveland has conceded the assignments of error.

{¶ 8} Accordingly, Watkin's assignments of error are sustained.

{¶ 9} Judgment reversed and remanded.

It is ordered that appellant recover from appellee 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 Cleveland Municipal Court to carry this judgment into execution. Case remanded to the trial court for a full hearing on this matter.

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

EILEEN A. GALLAGHER, JUDGE

ANITA LASTER MAYS, P.J., and
KATHLEEN ANN KEOUGH, J., CONCUR