

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	No. 114412
	:	
v.	:	
	:	
D.G.,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: VACATED AND REMANDED
RELEASED AND JOURNALIZED: May 22, 2025

Civil Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-01-404378-ZA

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Daniel T. Van, Assistant Prosecuting Attorney, *for appellee*.

Cullen Sweeney, Cuyahoga County Public Defender, and Erika B. Cunliffe, Assistant Public Defender, *for appellant*.

EILEEN A. GALLAGHER, A.J.:

{¶ 1} Upon review of the parties' briefs and the record, we find that there was a conflict of interest in the trial court hearing the expungement request in this matter

since the trial judge was the assistant prosecuting attorney who handled the case at the time of appellant's guilty plea in 2001. The State has conceded this error.

{¶ 2} As such, we vacate the trial court's judgment denying the expungement application and remand the matter to the administrative judge of the Cuyahoga County Common Pleas Court to be reassigned to a judge without a conflict.

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 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.

A handwritten signature in black ink, appearing to read "Eileen A. Gallagher", written over a horizontal line.

EILEEN A. GALLAGHER, ADMINISTRATIVE JUDGE

MICHELLE J. SHEEHAN, J., and
DEENA R. CALABRESE, J., CONCUR