

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

State v. J.D.B.

2025-Ohio-5415 · No. 115065 · Decided December 4, 2025

SUMMARY

The Ohio Eighth District Court of Appeals affirmed the denial of J.D.B.'s application to seal his criminal record. The court held that J.D.B. failed to present evidence or testimony establishing legitimate reasons for sealing beyond general privacy interests and that counsel's arguments were insufficient to meet his burden. The court also held that the trial court's summary denial was not reversible error because J.D.B. did not testify or present evidence at the hearing.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	William A. Klatt; Lisa B. Forbes; Sean C. Gallagher
JURISDICTION	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
DECIDED	December 4, 2025
DOCKET	115065
DISPOSITION	affirmed
PROCEDURAL POSTURE	J.D.B. appealed the Cuyahoga County Court of Common Pleas' denial of his application to seal his criminal record under Ohio Revised Code section 2953.32.
STANDARD OF REVIEW	Abuse of discretion, subject to reversal for an unwarranted exercise of discretionary judgment or legal error.
PRECEDENTIAL VALUE	Published and precedential Ohio appellate opinion
PARTIES	J.D.B. v. State of Ohio

TOPICS

- post-conviction relief criminal procedure remedies appellate procedure standard of review

PRACTICE AREAS

- Criminal law Criminal procedure Record sealing and expungement Appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying J.D.B.'s application to seal his criminal record when he did not present evidence or testimony demonstrating legitimate reasons for sealing the record.
2. Whether the trial court was required to state its findings on the record when denying the application despite the applicant's failure to testify or present supporting evidence.

HOLDINGS

1. An applicant seeking to seal a criminal conviction must present evidence or testimony demonstrating legitimate reasons beyond a general privacy interest for sealing the record. Counsel's argument alone is not evidence, and an applicant who presents no evidence or testimony does not satisfy that burden.
2. Although a trial court generally must place its findings on the record when denying an application to seal, it does not err by failing to do so when the applicant neither testifies nor presents evidence in support of the application.

KEY QUOTATIONS

“Further, counsel’s arguments at the hearing do not constitute evidence.” (¶ 25)

“Absent evidence or testimony from the applicant, the applicant does not satisfy his burden, and the trial court does not abuse its discretion in denying the motion to seal a conviction.” (¶ 26)

FACTUAL BACKGROUND

J.D.B. pleaded guilty after a negotiated plea to attempted telecommunications fraud, attempted identity fraud, and practicing medicine without a license, and received one and one-half years of community-control sanctions. After supervision ended in 2023, he applied to seal his criminal record under R.C. 2953.32. At the hearing, his counsel argued that the offenses were a one-time mistake and that J.D.B. was employed and unlikely to reoffend, but J.D.B. did not testify or present evidence. The victim opposed sealing, citing the continuing risk associated with J.D.B.'s access to her identifying information and his prior use of it.

PROCEDURAL HISTORY

J.D.B. pleaded guilty pursuant to a negotiated plea agreement to amended counts of attempted telecommunications fraud, attempted identity fraud, and practicing medicine without a license. After completing community-control sanctions, he applied to seal his criminal record. Following a hearing at which counsel argued but J.D.B. did not testify or present evidence, the trial court denied the application in a one-sentence journal entry. The Eighth District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. T.C.N., 2023-Ohio-3156, ¶ 9 (8th Dist.)

- Capital One Bank United States, N.A. v. Essex, 2014-Ohio-4247, ¶ 11 (2d Dist.)
- State v. A.S., 2022-Ohio-3833, ¶¶ 5, 7 (1st Dist.)
- State v. R.S., 2022-Ohio-1108, ¶ 10 (1st Dist.)
- State v. Petrou, 13 Ohio App. 3d 456 (9th Dist. 1984)
- State v. W.A.R., 2024-Ohio-256, ¶¶ 16, 18 (8th Dist.)
- Bedford v. Bradberry, 2014-Ohio-2058, ¶ 5 (8th Dist.)
- Johnson v. Abdullah, 2021-Ohio-3304, ¶ 35
- State v. A.L.H., 2023-Ohio-4789, ¶¶ 20, 25-26 (8th Dist.)
- State v. J.D., 2013-Ohio-4706, ¶ 8 (8th Dist.)
- State v. Haney, 70 Ohio App. 3d 135 (10th Dist. 1991)
- State v. N.C., 2022-Ohio-781, ¶ 11 (9th Dist.)
- State v. A.V., 2019-Ohio-1037, ¶¶ 9, 24 (9th Dist.)
- Hersh v. Cuyahoga Cty. Bd. of Revision, 2020-Ohio-3596, ¶ 15 (8th Dist.)
- State v. Evans, 2013-Ohio-3891 (10th Dist.)
- State v. Garry, 2007-Ohio-4878 (1st Dist.)
- S.D.F., 2025-Ohio-1832, ¶ 21 (8th Dist.)