

OHIO COURT OF APPEALS, SIXTH APPELLATE DISTRICT, LUCAS COUNTY

State v. Rogers

2025-Ohio-5778 · No. L-24-1272 · Decided December 26, 2025

SUMMARY

The Sixth District Court of Appeals of Ohio held that the trial court failed to make all determinations required by Ohio Revised Code 2953.33(B)(2) when denying Christopher Rogers’s motion to seal the record of a dismissed aggravated-theft charge. The court reversed and remanded for the required analysis, while holding that Everi had a constitutional right under Marsy’s Law to appear and be heard on the motion despite the absence of a conviction. Judge Osowik concurred in the remand but dissented from the majority’s resolution of the victim-rights issue.

CASE DETAILS

COURT	Ohio Court of Appeals, Sixth Appellate District, Lucas County
WRITING FOR THE COURT	Gene A. Zmuda; Charles E. Sulek; Thomas J. Osowik
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Lucas County
DECIDED	December 26, 2025
DOCKET	L-24-1272
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Rogers appealed the Toledo Municipal Court's denial of his motion to seal the record of a dismissed aggravated-theft charge.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Christopher C. Rogers v. State of Ohio, City of Toledo

TOPICS

- criminal procedure
- statutory interpretation
- appellate procedure
- constitutional law
- procedural due process

PRACTICE AREAS

- criminal procedure
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether the trial court erred by denying Rogers's motion to seal without making all determinations required by R.C. 2953.33(B)(2).
2. Whether Everi had a constitutional right under Ohio Constitution Article I, Section 10a, to appear and be heard on Rogers's motion to seal despite the dismissal of the charge and the absence of a conviction.
3. Whether the trial court's failure to expressly rule on Rogers's motion challenging Everi's standing precluded appellate review.

HOLDINGS

1. A trial court must make each determination required by R.C. 2953.33(B)(2) on the record or in its judgment entry. The trial court erred because it did not determine whether criminal proceedings were pending against Rogers and did not otherwise make all required statutory findings.
2. A victim's constitutional right under Ohio Constitution Article I, Section 10a, to appear and be heard in a public proceeding in which a victim's right is implicated is not contingent on the defendant's conviction. Everi therefore had the right to be heard on Rogers's motion to seal.
3. The appellate court could review the standing issue because a motion not expressly decided when the case concludes is ordinarily presumed overruled, particularly where the trial court relied on Everi's objections in denying the sealing motion.

KEY QUOTATIONS

“A trial court errs when it fails to make each of the required determinations under R.C. 2953.33(B)(2) on the record.” (¶ 9)

“To find that Marsy’s Law does not permit a victim to exercise the rights granted therein prior to the defendant’s conviction is illogical.” (¶ 20)

“In sum, Rogers’s arguments that Everi was not a victim with a right to be heard on his motion to seal the record is unsupported.” (¶ 24)

FACTUAL BACKGROUND

Rogers was charged with aggravated theft based on allegations that he exploited a processing error in the EVERI Cash Club Wallet App and deprived Everi of \$157,897.38. The charge was dismissed before trial at the recommendation of the prosecutor and investigating officer. Rogers sought to seal the record, while Everi opposed the motion and asserted rights under Marsy's Law, including an interest in preserving records while the statute of limitations remained open and in protecting potential civil remedies.

PROCEDURAL HISTORY

Rogers was charged with aggravated theft, and the case was dismissed on the prosecutor's and investigating officer's recommendation. He moved to seal the record under R.C. 2953.33(B)(2). Everi Holdings, Inc., identifying itself as the victim under Marsy's Law, opposed the motion. The Toledo Municipal Court denied sealing, and Rogers appealed. The Sixth District affirmed in part, reversed in part, and remanded for the required statutory analysis.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Toledo Municipal Court must resolve Rogers's motion to seal in accordance with every determination required by R.C. 2953.33(B)(2), place its findings on the record or in the judgment entry, and permit Everi to exercise its constitutional right to be heard under Marsy's Law.

CASES CITED

- State v. Fasnaugh, 2023-Ohio-3539, ¶¶ 18-19, 25-26 (6th Dist.)
- State ex rel. Dobson v. Handwork, 2020-Ohio-1069, ¶ 18
- State v. Hughes, 2019-Ohio-1000 (8th Dist.)
- State v. Whitfield, 2010-Ohio-2, ¶ 12
- State ex rel. GateHouse Media Ohio Holdings II, Inc. v. Columbus Police Dept., 2025-Ohio-5243
- State ex rel. The v. Cos. v. Marshall, 81 Ohio St.3d 467, 469 (1998)
- State ex rel. Cassels v. Dayton City School Dist. Bd. of Edn., 69 Ohio St.3d 217, 223 (1994)
- Newman v. Al Castrucci Ford Sales, 54 Ohio App.3d 166 (1st Dist. 1988)
- State v. Ryerson, 2004-Ohio-3353, ¶¶ 52, 54 (12th Dist.)