

OHIO COURT OF APPEALS, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY

State v. M.F.

2026-Ohio-349 (Ohio Ct. App. 8th Dist. 2026) · No. 115110 · Decided February 5, 2026

SUMMARY

The Ohio Eighth District Court of Appeals affirmed the trial court’s decision to grant M.F.’s application to seal his criminal record, concluding that the record supported a finding that restitution had been paid and final discharge achieved. The court remanded for a nunc pro tunc entry clarifying that the record was sealed rather than expunged. A dissent argued that the record did not establish full payment of restitution or final discharge.

CASE DETAILS

COURT	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Kathleen Ann Keough; William A. Klatt; Sean C. Gallagher
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	February 5, 2026
DOCKET	115110
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed the Cuyahoga County Court of Common Pleas order granting M.F.’s application to seal his criminal conviction records, although the trial court’s entry repeatedly used the term expungement.
STANDARD OF REVIEW	A trial court’s disposition of an application to seal or expunge a conviction record is reviewed for abuse of discretion. Whether an applicant is an eligible offender under R.C. 2953.32 is reviewed de novo.
PRECEDENTIAL VALUE	published
PARTIES	State of Ohio v. M.F.

TOPICS

- criminal procedure
- restitution criminal
- statutory interpretation
- appellate procedure
- remedies

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by finding that M.F. had achieved final discharge through payment of restitution and therefore was eligible to have his conviction records sealed.
2. Whether the trial court's order should be corrected because it used the term expungement even though M.F. applied for, and the parties litigated, record sealing.

HOLDINGS

1. The trial court did not err in finding that M.F. had satisfied the restitution obligation and therefore had achieved final discharge, a prerequisite to eligibility for sealing under R.C. 2953.32.
2. The trial court's order granting M.F.'s application must be clarified nunc pro tunc to state that the conviction records are sealed, not expunged.

KEY QUOTATIONS

"Since there is a difference and different remedies are involved, we remand this matter for the trial court to modify the journal entry, nunc pro tunc, to clearly specify that M.F.'s application for sealing is granted, rather than expungement."

"When restitution is imposed pursuant to R.C. 2929.18, "final discharge" is achieved "by paying it.""

FACTUAL BACKGROUND

M.F. pleaded guilty to aggravated theft and forgery in June 2016 and was sentenced to community-control sanctions with an order to pay \$1,915 in restitution. His community-control supervision ended in June 2018, but the record contained conflicting information about whether restitution had been fully paid, including evidence of payments made directly to the victim and through the probation department. After a 2025 hearing, the trial court found that restitution had been paid and granted M.F.'s application to seal his conviction records.

PROCEDURAL HISTORY

M.F. pleaded guilty to aggravated theft and forgery in 2016, received community-control sanctions, and was ordered to pay restitution. After filing an application to seal his record, M.F. received a favorable ruling from the trial court following a 2025 hearing. The State appealed, arguing that M.F. had not achieved final discharge because restitution had not been paid. The appellate court affirmed the sealing decision but remanded for a nunc pro tunc entry clarifying that the records were sealed rather than expunged.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The trial court must issue a nunc pro tunc journal entry specifying that M.F.'s application for sealing is granted and that the records are sealed rather than expunged.

CASES CITED

- State v. M.E., 2018-Ohio-4715, ¶ 6 (8th Dist.)
- State v. M.R., 2010-Ohio-6025, ¶ 15 (8th Dist.)
- State v. Futrall, 2009-Ohio-5590, ¶ 6
- State v. P.J.F., 2022-Ohio-4152, ¶ 18
- State v. LaSalle, 2002-Ohio-4009, paragraph two of the syllabus
- State v. Aguirre, 2014-Ohio-4603, ¶ 20
- State v. H.M., 2025-Ohio-46, ¶ 9 (8th Dist.)
- State v. Weiss, 2025-Ohio-277, ¶ 14 (8th Dist.)

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