

[Cite as *In re Application for Sealing of Records of Castel, 2011-Ohio-5771.*]
IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

	:	No. 11AP-441
	:	(M.C. No. 2011 CRX 050127)
In the Matter of the Application for the	:	
Sealing of the Records of	:	No. 11AP-442
	:	(M.C. No. 2011 CRX 050126)
Brian M. Castel,	:	
	:	No. 11AP-443
	:	(M.C. No. 2011 CRX 050125)
Petitioner-Appellant.	:	
	:	(REGULAR CALENDAR)
	:	

D E C I S I O N

Rendered on November 8, 2011

*Richard C. Pfeiffer, Jr., City Attorney, Lara N. Baker, and
Melanie R. Tobias, for appellee.*

*Bowen, Keck & Firestone, and Heather L. Keck, for
appellant.*

APPEALS from the Franklin County Municipal Court.

FRENCH, J.

{¶1} Petitioner-appellant, Brian M. Castel ("appellant"), appeals the judgments of the Franklin County Municipal Court, which denied his applications for expungement and sealing of the records regarding criminal charges that had been filed against him

and dismissed. In his three consolidated appeals, appellant raises the following assignment of error:

THE TRIAL COURT ERRED BY ENTERING A DENIAL OF APPLICATION FOR EXPUNGEMENT WITHOUT FIRST HOLDING A HEARING AS REQUIRED UNDER R.C. 2953.52(B)(1), R.C. 2953.32(B).

{¶2} R.C. 2953.52 provides that a person who is the defendant named in a dismissed complaint may apply to the court for an order to seal his official records in the case. R.C. 2953.52(B)(1) requires the court to set a date for a hearing and notify the prosecutor. Following a hearing, the court must make certain determinations pursuant to R.C. 2953.52(B)(2).

{¶3} Here, the trial court set the matter for hearing, but there is no indication in the record that the court actually held a hearing before dismissing appellant's applications. As respondent-appellee, the state of Ohio, concedes, the court's failure to hold a hearing is reversible error. See *State v. Stoica*, 10th Dist. No. 06AP-176, 2006-Ohio-4990, ¶5. Accordingly, we sustain appellant's sole assignment of error.

{¶4} Having sustained appellant's assignment of error, we reverse the judgments of the Franklin County Municipal Court and remand these consolidated matters to the trial court for further proceedings.

*Judgments reversed;
causes remanded.*

BRYANT, P.J., and CONNOR, J., concur.
