

~~What is Sealing or (Expungement) of Record?~~ *of a Criminal Record*

It is the court process that allows you to have any and all references to a prior criminal conviction cleared and your court file sealed. It is as if you were never convicted of the crime.

Caution:

Once your record is sealed, nothing will show up when your record is checked. After sealing is finished, when asked about your past criminal record, you can honestly say that you have none. You can act as if the arrest and conviction never took place.

However, even if your record is sealed:

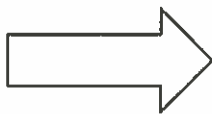
- Law Enforcement agencies, prosecutors and other agencies can look at your sealed record AND
- If you commit another crime, your sealed record can still be used against you in sentencing.

Caution: Certain convictions may not be sealed

Can I Get My Record Sealed (Expunged)?

If all of the following six statements are true for your situation, you will be able to request an expungement:

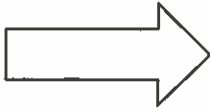
1. The conviction you are trying to seal is NOT for one of the crimes or categories of crimes listed below. Convictions of crimes listed below CANNOT be sealed or expunged.



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Rape (ORC 2907.02)
Sexual battery (ORC 2907.03)
Corrupting a minor (ORC 2907.04)
Gross Sexual Imposition (ORC 2907.05)
Sexual Imposition (ORC 2907.05)
Obscenity involving a minor (ORC 2907.321)
Pornography involving a minor (ORC 2907.322)
Illegal use of a minor in pornography (ORC 2907.323)
All drivers license violations (ORC 4507)
Drivers License Suspension, Cancellation, Revocation (ORC Chapter 4510)
Motor Vehicle Violations (ORC Chapter 4511)
Motor Vehicle Crimes (ORC Chapter 4549)
Bail forfeitures in traffic cases (Traffic Rule 2)

*according to law this is not sealed
(code) too much legal advice*



Misdemeanors of the First Degree or Felonies where the Victim is under the age of 18.
Felonies of the first or second degree
Offenses of violence that are misdemeanors of the first degree or felonies; **this includes Domestic Violence as of 3/22/2000 Exceptions to the above offenses that CAN BE expunged:**
Convictions of Riot 2917.03; and misdemeanor convictions
For assault (ORC 2903.13) inciting to violence (ORC 2917.01) and inducing panic (ORC 2917.31)

2. You were NOT subject to a mandatory prison term for the conviction you seek to expunge. (In other words, you were eligible for probation for that conviction, even if you were actually sentenced to prison time.)
3. This was your FIRST and ONLY conviction. You have never been convicted of the same crime or any other crime in this or any other state.

UNLESS:

You were convicted of two or more crimes based upon the same action. In that case, all of these convictions will be considered your first, and all can be erased from your record. For example, if you were convicted of shoplifting and resisting arrest as a result of the shoplifting, you may be able to get both records sealed.

Your other convictions are for minor misdemeanors. Minor misdemeanors, including most traffic offenses do not count as criminal convictions. These charges should not prevent you from having your record sealed.

4. You were convicted of a misdemeanor and more than one year had passed since your "final discharge," or you were convicted of a felony and more than three years have passed since your "final discharge." **FINAL DISCHARGE** means completion of all parts of the sentence as well as jail time and /or probation.
5. You currently do not have any criminal or traffic proceedings pending against you.
6. You have not had any other case expunged.

- u/v

STEPS YOU MUST FOLLOW TO GET YOUR RECORD SEALED

1. You need a copy of the "Final Order" ^{of} on the conviction you wish to have sealed. Contact the clerk's office in the county/court you were convicted. ~~Remember, your case was "criminal" so be sure to go to the appropriate part of the office.~~ Request a certified copy of the judgment ^{entry} order of conviction. (There is a fee for this copy.) You will need to give the clerk your case number. If you do not know the number, you can locate it on the court's ^{probate} website. ~~internet site at: <http://www.tuscarawas.oh.us/clerkofcourts/index.htm>~~

will be

For Tuscarawas County Common Pleas Court, see:

2. Fill out the form in this packet call "Application to Seal a Criminal Record." ^{ed}
3. To apply to have your record sealed, you must pay a filing fee to Clerk's office of \$50.00 plus any prior unpaid court posts on a conviction. There is no fee if case was not guilty or dismissed. See special form for dismissed cases. [?] File this anytime after dismissed or not guilty finding.

4. After you have the application form filled out, attach a copy of judgment entry of conviction. Make 3 copies of the application and all supporting documents.

Take the original and the copies, along with a money order or cash for the filing fee to the clerk of courts office in the court in which you were convicted. Tell the clerk you wish to file your documents. The clerk will take all copies, date stamp them, and give you a copy back.

5. The ^{court} clerk will give you a hearing date for the ^{your application} sealing of record. ~~This date will be about 6 weeks from when you file your application. The clerk will also advise you to go to the probation office to make an appointment for the interview. You must do this immediately, or your hearing could be postponed.~~

6. Before the court date, prepare what you will say to the Judge. The Judge will need to feel confident that you are no longer someone who would commit a crime (you have been rehabilitated).

At the hearing, e

7. ~~On your court date the bailiff will call your name, and you case will be heard.~~
Explain to the Judge why it is important to you to have your record sealed.
The prosecutor will be given a chance to object to your request.

8. The Judge must make a decision weighing the interests in having the record sealed against the government's need to keep these records. The Judge may make a decision later. If no decision is made in court, a copy of the decision will be mailed to you. **Make sure the court has^{ve} your current address!**

Clerk and judge

IN THE COURT OF COMMON PLEAS
TUSCARAWAS COUNTY, OHIO
GENERAL TRIAL DIVISION

State of Ohio,
Plaintiff

v.

Defendant.

:
: Case No. _____
:
: Judge _____
:
: **Application to Seal a Criminal**
: **Record R.C. 2953.32**
: *(after a conviction)*
:

~~Now comes the Defendant,~~ _____, ~~Pro Se, and~~ moves for an order
Sealing the Record of Defendant's conviction(s) including the sealing of all criminal
records pursuant to Ohio Revised Code 2953.32. Defendant seeks sealing of the
following conviction(s).

Charges(s): _____

Case No.: _____

Date of Conviction: _____

Defendant
The applicant as stated above qualifies as an eligible offender as defined in R.C. 2953.31

(A). No criminal or traffic charges are pending against Defendant. ^{IP} Check one that
applies to your situation.

_____ This is Defendant's first and only conviction. Defendant has never been convicted of the same crime or any other crime in this or any other state.

_____ Defendant seeks sealing of record on more than one ~~Conviction~~, and all convictions ^{arose} ~~arising~~ from the same set of facts that occurred on the same date.

_____ Defendant has other convictions, but they are minor misdemeanors.

The record of the Defendant's conviction should be ^{sealed} ~~expunged~~, and all records should be sealed because Defendant has been rehabilitated as evident by the following facts:

Respectfully submitted,

Defendant's Signature

Address

City/State/Zip Code

Telephone Number

IN THE COURT OF COMMON PLEAS
TUSCARAWAS COUNTY, OHIO
GENERAL TRIAL DIVISION

State of Ohio,
Plaintiff

v.

Defendant.

:
: Case No. _____
:
: Judge _____
:
: **Application to Seal a Criminal Record**
: **Pursuant to R.C. 2953.52 –**
: **Dismissal/Not Guilty**)

(after)

~~Now comes the~~ Defendant, _____, ~~Pro Se,~~ and moves for an order sealing the record of Defendant's arrest under R.C. 2953.52. Defendant seeks sealing of the following arrests in which the determination of the case was a DISMISSAL OR NOT GUILTY entry. u/l

Charges _____

Case No. _____

Date of Dismissal/Not Guilty Order _____

Defendant

~~The applicant as stated above~~ qualifies as an eligible offender as defined in R.C. 2953.52.

No criminal or traffic charges are pending against the Defendant.

_____ The record of the Defendant's arrest should be expunged and all the records should be sealed because Defendant has been rehabilitated, as evident by the following facts:

Respectfully Submitted,

Defendant Signature

like the other one

ADDITIONAL INFORMATION RECORD

For purposes of identification of the record to be sealed, the following information will be provided to arresting agencies and any and all known custodians of arrest and conviction records.

*

This information must be filled out to the best of your knowledge. Please print all information.

1. ~~Applicant's~~^{Δ's} full name _____
2. ~~Applicant's~~ maiden name _____
3. ~~Applicant's~~ full address _____
4. ~~Applicant's~~ Gender _____ and Race _____
5. ~~Applicant's~~ date of birth _____
6. Court Case Number _____
7. Charge at Arrest _____
8. Charge Convicted of _____
9. Ohio BCI Number (if known) _____
10. FBI Number (if known) _____
11. Social Security Number _____

MUST BE FILED WITH EITHER *Type*

APPLICATION FOR SEALING RECORD A OR B

v/c
not underlined
** pt @ hp ?*

ADDITIONAL INFORMATION

Even if all information is true for your case, the Judge can still refuse to seal your record.

too much legal advice ?

Once the sealing of the record is granted, it can take up to 5 weeks for the case record to be taken out the Ohio Bureau of Criminal Identification and Information (BCI&I) system.

By completing these forms, you are serving as your own attorney. The purpose of this packet is to help you to represent yourself in the sealing of your record. ~~In no way is any legal service office representing you in this action. No attorney/client relationship has been created, and this material is not to be considered legal advice.~~

If you don't know the crime for which you were convicted, check with the ^{*Clerk of Courts*} clerk of courts office. ~~Remember, your case was "Criminal," so be sure to mention this to the clerk.~~ *Also, you can look up criminal records on the court website at*

<http://www.co.tuscarawas.oh.us/ClerkofCourts/index.htm>

If your conviction was before October of 1990, you will have to do a manual search of the docket books to determine your case number.

Even though the court may grant the sealing of your record/arrest, there are certain occupations which require a background check and fingerprinting. In those instances the Ohio Bureau of Criminal Identification and Information (BCI&I) will be required by R.C. 109.572 to reveal the expunged charge. A few of these professions are teaching, nursing, law enforcement, child or elderly care.

too much?

