

ELIGIBILITY AND INSTRUCTIONS FOR SEALING OF CRIMINAL RECORDS

Based upon Ohio Revised Code §2953.31-§2953.61

The Clerk of Courts, Common Pleas Court and Adult Probation Department personnel are not permitted to answer legal questions. Please contact an attorney if you need clarification.

WHEN CAN YOU FILE?

1. If convicted of One Felony, you will not be able to file the motion to get your record sealed until three (3) years after your final discharge from probation, prison or post-release control.
2. If convicted of Two Felonies, you will not be able to file the motion to get your record sealed until four (4) years after your final discharge from probation, prison or post-release control.
3. If convicted of Three, Four, or Five Felonies, you will not be able to get your record sealed until five (5) years after your final discharge from probation, prison, or post-release control.
4. If convicted of a Misdemeanor, you must wait one (1) year after your final discharge from probation and/or jail.
5. If you were given diversion or an intervention in lieu of conviction, you may qualify to have your record sealed after completing the Richland County Diversion Program, an Intervention in Lieu or a *not guilty finding or dismissal of proceedings* has been filed. You may file for ensealment at any time after the finding of not guilty or the dismissal of the indictment.
6. If the prosecutor took your case to the grand jury and they decided there is not enough evidence to indict you, then your case was what is called a "no bill." You must wait two (2) years after the "no bill" is recorded.
7. Two or more convictions result from or are connected with the same act or result from offenses committed at the same time; or were committed within a three-month period of time but do not result from the same act or offenses, shall be counted as one conviction.

ARE YOU AN ELIGIBLE OFFENDER?

You are eligible if any of the following apply:

1. You have been convicted of one or more offenses, but not more than five felonies, if all of the offenses are felonies of the fourth or fifth degree or

misdemeanors that are not offenses of violence or felony sex offenses and must not be an offense against a minor.

2. A person can have an unlimited number of misdemeanors and still be able to apply for ensealment. First degree misdemeanor convictions of Domestic Violence cannot be sealed.
3. You have one felony conviction and one or two misdemeanor convictions.
4. Sealing of Criminal Record, minor misdemeanors, traffic offenses, and OVI offenses are not considered convictions eligible for ensealment in Ohio.
5. If you do not have criminal proceedings pending against you.

Under the law, multiple convictions may be considered as one conviction if they result from, or are connected with, the same act or result from offenses committed at the same time. Convictions which result from related criminal acts that were committed within a three month period may also be considered as a single conviction. Whether multiple convictions shall be considered as one conviction is a decision made by the Court.

DOES YOUR CRIME QUALIFY FOR SEALING?

Certain offenses may not be sealed, including but not limited to the below list:

1. Convictions when the offender is subject to mandatory prison time;
2. Convictions for offenses that are of a sexual nature;
3. Convictions of felony or first degree misdemeanor offenses of violence;
4. Convictions of a felony of the first, second or third degree;
5. Conviction of a felony (other than nonsupport) in which the victim was less than 18 years old.
6. Multiple convictions of the same offense.

WHAT DOES THE COURT CONSIDER?

1. Whether the applicant is an eligible offender, whether a person was not convicted, and/or whether a no bill was reported.
2. Whether there are any criminal proceedings pending against the applicant.

3. Whether the eligible offender has been rehabilitated to the satisfaction of the Court.
4. If the prosecutor filed an objection to granting the application whether those reasons are sufficient to deny the application, and
5. Whether the interest of the applicant in having the records sealed outweighs the State's interest in keeping them open.

IF YOU THINK YOU ARE ELIGIBLE:

If you think you are eligible to have your record sealed, you need to do the following:

1. Complete the Application to Seal Record which can be found on our website at <http://richlandcourtsoh.us> under the Ensealments tab or can be picked up at the Richland County Court of Common Pleas, located on the third floor of the County Administration Building at 50 Park Avenue East, Mansfield, Ohio.
2. File the Application with the Clerk of Courts of the Richland County Common Pleas Court located on the second floor of the County Administration Building at 50 Park Avenue East, Mansfield, Ohio.

If the Applicant is requesting sealing for more than one case, the request may be done in a single application. The application must be under the Applicant's most recent case number and must contain all of the case numbers that the Applicant wishes to have sealed.

3. Pay a filing fee of \$50.00 to the Clerk of Courts and a deposit of \$30.00 to cover postage. The filing fee may be waived if the applicant files an application of indigency and the Court grants that waiver.
4. If you are applying to seal a non-conviction, you will not be charged a filing fee.

WHAT HAPPENS AFTER FILING THE APPLICATION?

1. The Court will set your case for a hearing about six (6) weeks later. The Prosecutor will be notified and provided time to object. Your attendance is not required at the hearing. A decision will be issued after the hearing and a copy will be mailed to you.
2. The Court will also refer your application to the Richland County Adult Probation Department for an investigation.

3. The Richland County Adult Probation Department will contact you and ask you to provide information. This information must be returned promptly.

IF THE APPLICATION IS APPROVED:

If all of these conditions have been satisfied, the Court shall order all official records and index references pertaining to the case sealed.

SEALED RECORDS CAN BE OPENED:

Upon the conviction of a subsequent offense, the sealed record of a prior conviction or bail forfeiture may be considered by the Court in determining sentence or other appropriate disposition.

Inspection of sealed records may be made by the following persons or for the following purposes:

1. By a law enforcement officer or prosecutor, or the assistants of either;
2. By the parole or probation officer for the exclusive use of the officer in supervising the person;
3. Upon application by the person who is the subject of the records;
4. By the Bureau of Criminal Identification and Investigation or an authorized employee;
5. By the Attorney General or an authorized employee;
6. By a court or the registrar of motor vehicles.

THE EFFECT OF SEALING RECORDS:

An order to seal the record of a person's conviction restores the person to all rights and privileges not otherwise restored by the termination of sentence or by final release from probation, parole or other supervision in that case.

State of Ohio

Case No. _____

vs.

Case No. _____

SSN: _____

(last 4 digits only)

Case No. _____

Case No. _____

DOB: _____

Address: _____

Case No. _____

Phone Number: _____

APPLICATION TO SEAL RECORD

Defendant,

The defendant named above applies to the Court to seal all official records in this case because currently there are no criminal proceedings pending against the defendant and defendant was discharged from supervision or prison at least five years ago if requesting for three, four or five felony convictions; at least for four years ago if two felony convictions; at least three years ago for a single felony conviction; or one year after defendant's discharge from probation or jail for a misdemeanor and defendant has deposited the \$50.00 application fee and \$30 deposit required. If you are applying to seal a non-conviction, you will not be charged a filing fee.

() Defendant qualifies as an eligible offender as defined in Revised Code §2953.31(A)(1)(a).

Defendant was convicted in case number _____ of the crime(s) of _____.

Defendant was convicted in case number _____ of the crime(s) of _____.

Defendant was convicted in case number _____ of the crime(s) of _____.

Defendant was convicted in case number _____ of the crime(s) of _____.

Defendant was convicted in case number _____ of the crime(s) of

_____.

() Defendant qualifies as an eligible offender due to non-conviction. Defendant was not convicted because defendant's case was (select one):

- _____ no billed at least two years ago,
- _____ was dismissed after diversion or drug treatment in lieu of conviction,
- _____ defendant was found not guilty
- _____ or his case was otherwise dismissed, and defendant meets the requirements to have the records sealed under Revised Code §2953.52.

Please indicate any other information you would like the Court to know in reviewing your application.

Attorney or Applicant

Certificate of Service

I hereby certify a true and correct copy of the foregoing Application for Ensealment of Record was mailed by regular U. S. Mail or hand delivered this _____ day of _____, _____, to Richland County Prosecuting Attorney, 38 South Park Street, Mansfield, Ohio 44902.

Attorney or Applicant