

# ELIGIBILITY AND INSTRUCTIONS FOR SEALING OF CRIMINAL RECORDS

Based upon Ohio Revised Code §2953

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.

## **PROHIBITED OFFENSES**

The following conviction records are **ineligible** for sealing or expungement:

- Any first or second degree felony, or more than two third degree felonies.
- Convictions under the Driver's License Law, license suspension/cancellation/revocation, the Traffic Law-Operation of a Motor Vehicle (include OVI), the Motor Vehicle Crimes Law, the Commercial Driver's License Law, and any substantially similar municipal ordinances.
- Any felony offense of violence that is not a sexually oriented offense.
- Convictions of a sexually oriented offense when the offense is subject to SORN requirements.
- Convictions of an offense in which the victim was less than 13 years old, except for nonsupport (or contributing to the nonsupport) of dependents; and
- Convictions of domestic violence or of violating a protection order, or of a municipal ordinance that is substantially similar.

## **WHEN CAN YOU FILE?**

- Any person, who is found not guilty of an offense by a jury or a court or who is the defendant named in a dismissed complaint, indictment, may apply to the court for an order to seal the person's official records in the case. Except as provided in section 2953 of the Revised Code.

- The application may be filed at any time after the finding of not guilty or the dismissal of the complaint, indictment, or information is entered upon the minutes of the court or the journal, whichever entry occurs first.

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| <ul style="list-style-type: none"> <li>• Any person, against whom a no bill is entered by a grand jury, may apply to the court for an order to seal his or her official records in the case. Except as provided in section 2953 of the Revised Code.</li> </ul> | <ul style="list-style-type: none"> <li>• The application may be filed at any time after the expiration of two years after the date that the grand jury has reported a no bill.</li> </ul> |
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| <ul style="list-style-type: none"> <li>• An offender may apply to have a record sealed after waiting a certain length of time as follows:</li> </ul> | <ul style="list-style-type: none"> <li>• Three years after the final discharge if convicted of one or two third degree felonies, provided none of the offenses are theft in office,</li> <li>• One year after the final discharge if convicted of one or more fourth or fifth degree felonies or one or more misdemeanor offenses, provided none of the offenses is theft in office or a felony offense of violence (which is not eligible for sealing),</li> <li>• Seven years after the final discharge if the record includes one or more convictions of soliciting improper compensation to commit theft in office,</li> <li>• Six months after the final discharge if convicted of a minor misdemeanor,</li> <li>• Upon successful completion of an intervention in lieu of conviction or completion of substance abuse treatment court.</li> <li>• If the offender was subject to SORN requirements, at the expiration of five years after the requirements have ended or are terminated by the court</li> </ul> |
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| <ul style="list-style-type: none"> <li>• An application for expungement may be made at whichever of the following times is applicable regarding the offense:</li> </ul> | <ul style="list-style-type: none"> <li>• If the offense is a misdemeanor, at the expiration of one year after the final discharge.</li> <li>• If the offense is a minor misdemeanor, at the expiration of six months after the final discharge.</li> <li>• If the offense is a felony, at the expiration of ten years after the time specified for a person to file an application for sealing.</li> </ul> |
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**WHAT DOES THE COURT CONSIDER?**

- Whether the applicant is an eligible offender, whether a person was not convicted, and/or whether a no bill was reported.
- Whether there are any criminal proceedings pending against the applicant.
- Whether the eligible offender has been rehabilitated to the satisfaction of the Court.
- If the prosecutor filed an objection to granting the application whether those reasons are sufficient to deny the application,
- If there was a victim and if they object, and
- 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 or expunged, you need to do the following:

- Complete the Application to Seal or Expunge Record which can be found on our website at <http://richlandcourtssoh.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.
- 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 the case numbers that the Applicant wishes to have sealed.
- Pay a filing fee of \$100.00 for conviction cases, \$50.00 for treatment in lieu, diversion or treatment court records to the Clerk of Courts. The filing fee may be waived if the applicant files an application of indigency and the Court grants that waiver.

**WHAT HAPPENS AFTER FILING THE APPLICATION?**

- If you apply to seal a non-conviction, you will not be charged a filing fee.

- The Court will set your case for a hearing in about six (6) weeks and a notice will be mailed to you. Your presence at the hearing is required.
- The Prosecutor will be notified and provided with time to notify victims, if any, and to file objections.
- The Court will also refer your application to the Richland County Adult Probation Department for an investigation.
- The Richland County Adult Probation Department will contact you and ask you to provide information. This information must be returned promptly.
- A decision will be issued after the hearing and a copy will be mailed to you.

**IF THE APPLICATION IS APPROVED:**

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

**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, including but not limited to, the following persons or for the following purposes:

- By a law enforcement officer or prosecutor, or the assistants of either.
- By the parole or probation officer for the exclusive use of the officer in supervising the person.
- Upon application by the person who is the subject of the records.
- By the Bureau of Criminal Identification and Investigation or an authorized employee.
- By a prosecuting attorney
- By the Attorney General or an authorized employee.

	<ul style="list-style-type: none"><li>• By a court or the registrar of motor vehicles.</li></ul>
<b><u>THE EFFECT OF SEALING RECORDS:</u></b>	<ul style="list-style-type: none"><li>• An order to seal the record of a person's conviction(s) means that any electronic or paper records relating to the sealed conviction or arrest are kept separate and secure from general public access.</li></ul>
<b><u>THE EFFECT OF EXPUNGING RECORDS:</u></b>	<ul style="list-style-type: none"><li>• An order to expunge the record of a person's conviction(s) will destroy, delete, and erase a record as appropriate for the record's physical or electronic form so that the record is permanently irretrievable.</li></ul>

IN THE COURT OF COMMON PLEAS, RICHLAND COUNTY OHIO

State of Ohio

Case No. \_\_\_\_\_

vs.

Case No. \_\_\_\_\_

\_\_\_\_\_  
Applicant/Defendant,

Case No. \_\_\_\_\_

Case No. \_\_\_\_\_

Case No. \_\_\_\_\_

**IN RE: APPLICATION TO  SEAL OR  EXPUNGE RECORD  
(CHECK ONLY ONE)**

The applicant/defendant named above applies to the Court to seal or expunge all official records in this case because:

( ) Defendant qualifies as defined in Revised Code §2953.32.

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 eligible due to a non-conviction. defined in Revised Code §2953.33.

Case number \_\_\_\_\_ was  Not Guilty  Dismissed  No Billed by Grand Jury  Pardoned.

Case number \_\_\_\_\_ was  Not Guilty  Dismissed  No Billed by Grand Jury  Pardoned.

Case number \_\_\_\_\_ was  Not Guilty  Dismissed  No Billed by Grand Jury  Pardoned.

Case number \_\_\_\_\_ was  Not Guilty  Dismissed  No Billed by Grand Jury  Pardoned.

Case number \_\_\_\_\_ was  Not Guilty  Dismissed  No Billed by Grand Jury  Pardoned.

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

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\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Attorney (if applicable)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Attorney

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SSN: XXX-XX-\_\_\_\_\_  
(last 4 digits only)

Phone Number: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DOB: \_\_\_\_\_

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

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.

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Attorney or Applicant