

SEALING OF RECORD OF CONVICTION

(General Information)

Ohio Revised Code 2953.32 states that under certain qualifying circumstances, you are eligible to have your criminal record sealed. If you were convicted of a 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. If you were convicted of a misdemeanor, you must wait one (1) year after your final discharge from probation or jail.

The information in this outline is not necessarily a complete and comprehensive interpretation of the expungement (sealing) statutes, as each individual's circumstances are different. Therefore, if you have any questions regarding the sealing of your record, please direct them to an attorney of choice. The Clerk of Courts and probation department personnel are not permitted to answer legal questions.

In order to get your record sealed, you need to determine if you are eligible before you or your attorney files the motion with the Court:

1. You must be a "first offender" as defined by Revised Code 2953.31

You are NOT considered a first offender and are INELIGIBLE if any of the following apply:

- A. Your sentence carried a mandatory prison term.
- B. You have been convicted of any of the following offenses or similar municipal ordinance:
 - ORC 4511.19 Driving while intoxicated
 - ORC 4511.251 Street Racing
 - ORC 4549.02 Stopping after accident; exchange of identity and vehicle registration
 - ORC 4549.021 Stopping after accident involving injury to persons or property
 - ORC 4549.03 Failure to stop after accident involving property of others
 - ORC 4549.042 Motor vehicle master key violation
 - ORC 4549.62 Offense involving tampering with identifying numbers to conceal identity of vehicle or part; replacement
 - ORC 4549.42-46 Odometer Rollback and Disclosure Act
 - ORC 4510.11 Driving under suspension or in violation of license restriction
 - ORC 4510.14 Driving under OVI suspension based on a suspension imposed under:
 - 4511.19 Implied consent
 - 4511.196 Initial appearance; new suspension of license

Further, you cannot have a conviction for any of the following; however, this is not an all inclusive list):

ORC 2907.02	Rape
ORC 2907.03	Sexual battery
ORC 2907.04	Unlawful sexual conduct with a minor
ORC 2907.05	Gross sexual imposition
ORC 2907.06	Sexual imposition
ORC 2907.12	Sexual penetration
ORC 2907.321	Pandering obscenity involving a minor
ORC 2907.322	Pandering sexually oriented matter involving a minor
ORC 2907.323	Illegal use of minor in nudity-oriented material or performance

Conviction of a felony offense of violence or first-degree misdemeanor offenses of violence.

Conviction of a felony offense when the victim of the offense was under 18 years of age and first-degree misdemeanor offenses when the victim of the offense is under 18 years of age.

Conviction of a felony of the first or second degree.

- 2. There must be no criminal proceedings pending against you.**
- 3. You must be rehabilitated to the satisfaction of the Court.**
- 4. Your interests in sealing your record must outweigh any legitimate needs of the government to maintain those records.**
- 5. You must pay a filing fee of \$55.00 to Hancock County Clerk of Courts.**

Also, under Ohio Revised Code 2953.52, you may qualify to have your record sealed after a *not guilty finding, dismissal of proceeding* (as in Hancock County's Pre-Trial Diversion program or Intervention in Lieu of Conviction), *or no bill*. You may file your application at any time after the finding of not guilty or the dismissal of the complaint, indictment, or information.

The Court will:

- Determine if you are eligible according to your sentence.
- Determine whether there are criminal proceedings pending.
- If the prosecutor has filed an objection, the Court will weigh your interests in sealing your record against the legitimate needs (if any) of the government to maintain those records.

When you have determined that you are eligible to file for Sealing of Record of Conviction, you will need to do the following:

- Complete the four-page Application for Sealing of Record of Conviction below. If you do not have access to a printer, you can go the Hancock County Adult Probation Department, **211 West Main Cross Street**, Findlay, Ohio, to get the form.
- Go to the Hancock County Clerk of Courts on the third floor of the Hancock County Courthouse, 300 South Main Street, Findlay, Ohio, and pay a \$55.00 filing fee and file the motion (the first two pages below these instructions). Your attorney will do this for you or you can do it yourself (called a Pro Se motion), if you do not have an attorney. Please be sure you are eligible per statute before you file this motion.
- Return the completed two-page form below titled **HANCOCK COUNTY ADULT PROBATION DEPARTMENT, Application for Sealing of Record**, to the Hancock County Adult Probation Department. Have four (4) persons, (relatives permitted), submit a letter of reference for you directly to the probation department, either by mail or by dropping it off in person, within ten (10) days of the filing of your motion. Make sure each person includes his or her address and phone number on the letter of reference. (If you are applying under O.R.C. 2953.52, you are not required to submit letters of reference.)

After the Hancock County Adult Probation Department has received the four (4) letters of reference and has completed a short background investigation, it will be forwarded to the Court and a court date will be set. Your attorney will be notified of the courtdate and if you are representing yourself, you will receive a notice in the mail informing you of your courtdate.

IN THE COMMON PLEAS COURT OF HANCOCK COUNTY, OHIO

STATE OF OHIO

Case Number _____

Plaintiff

v.

Judge _____

Defendant

**APPLICATION FOR SEALING
OF RECORD OF CONVICTION
(O.R.C. 2953.32)**

_____ /

Applicant, _____, respectfully applies to this Court for the sealing of his/her record in this case. Applicant states that there are no criminal proceedings pending against me.

Applicant/Defendant

**MEMORANDUM
O.R.C. 2953.32**

On _____, applicant was convicted of _____, a violation of O.R.C. _____, a felony of the _____ degree. Applicant's community control supervision was terminated on _____. Final discharge occurred over three years ago for my felony conviction or one year for my misdemeanor conviction. Applicant is a first time offender as defined in O.R.C. 2953.31(A). Applicant meets all the criteria for expungement.

Applicant needs the record sealed for _____

_____.

Applicant's interests in sealing the records outweighs any interest in maintaining the records.

Current information on the applicant is as follows:

Full Name: _____

Current Address: _____

Phone Number(s): _____

Date of Birth: _____

Social Security Number: _____

Applicant/Defendant

PROOF OF SERVICE

I certify that an accurate copy of the foregoing document was served upon the State via U.S. Mail to Hancock County Prosecuting Attorney, Mark C. Miller, 222 Broadway, Findlay, Ohio 45840.

Applicant/Defendant

HANCOCK COUNTY ADULT PROBATION DEPARTMENT

Application for Sealing of Record

Ohio Revised Code section 2953.31 to 2952.36 INC.

Name: _____ Phone(s) _____

Present address: _____

SSN: _____ DOB: _____

List all addresses at which you have lived since your conviction: _____

Marital Status: _____ Do you have any children? _____

State the names and ages of your children: _____

Wife's/Husband's name and age: _____

Is your wife/husband employed? _____ If yes, where? _____

Are you presently employed? _____ If yes, where? _____

Length of employment: _____

What is your job? _____

List any other employment you have had since your conviction and the reasons for termination of employment.

<u>Employer</u>	<u>Dates Employed</u>	<u>Job</u>	<u>Reasons for Leaving</u>
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If you are not presently employed, what is your source of income and the amount of income?

CHARGE AND DATE OF CONVICTION REQUESTING TO BE SEALED: (List approximate date and charge, if exact date and charge is unknown)

Date: _____ Charge: _____

Were you sentenced in the Hancock County Common Pleas Court? _____

Have you had any arrests or convictions either before or after the one you are requesting be sealed? _____
If yes, please explain.

Please provide your reason for seeking this Sealing of a Record and additional comments:

References

Please have at least **four (4)** responsible persons submit letters of reference directly to the Hancock County Adult Probation Department at 300 South Main Street, Findlay, Ohio 45840.

I do hereby certify that the answers, as set forth herein, are true and accurate to the best of my knowledge.

Signature