

ELIGIBILITY AND INSTRUCTIONS FOR SEALING OF ADULT CRIMINAL RECORDS

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? (R.C. § 2953.32)

Felony: If you were convicted of a fourth or fifth degree felony, you must wait one (1) year after your final discharge from probation and/or jail. If you were convicted of a third degree felony, you must wait three (3) years after your final discharge from probation and/or jail.

Misdemeanor: If you were convicted of a misdemeanor, you must wait one (1) year after your final discharge from probation and/or jail.

Not Guilty Verdict, Dismissal, Diversion, or Intervention in Lieu of Conviction: You may qualify to have your record sealed after a *not guilty finding* or *dismissal of proceeding* (as in Hancock County's Pre-Trial Diversion program or Intervention in Lieu of Conviction). You may file your application at any time after the finding of not guilty or the dismissal of the complaint or indictment.

No Bill: If the prosecutor took your case to the grand jury, and the grand jury decides that 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.

DOES YOUR CRIME QUALIFY? (R.C. § 2953.36)

The law is very clear that the following convictions can **never** be sealed, even if it is your only conviction.

- Any **first or second** degree felony;
- Any offense with a **mandatory prison term**;
- Any **offense of violence** which means:

2903.01 Aggravated murder

2903.02 Murder

2903.03 Voluntary manslaughter

2903.04 Involuntary manslaughter

2903.11 Felonious assault

2903.12 Aggravated assault

2903.13 Assault (*exception: this *can* be expunged if it is a first degree misdemeanor)

2903.15 Permitting child abuse

2903.21 Aggravated menacing

2903.211 Menacing by stalking

2903.22 Menacing

2905.01 Kidnapping

2905.02 Abduction

2905.11 Extortion

2907.02 Rape

2907.03 Sexual battery

2907.05 Gross sexual imposition

2907.12 (former) Felonious sexual penetration

2909.02 Aggravated arson

2909.24 Terrorism

2911.01 Aggravated robbery

2911.02 Robbery

2911.11 Aggravated burglary

2917.01 Inciting to violence (*exception: this *can* be expunged if it is a first degree misdemeanor)

2917.02 Aggravated riot

2917.03 Riot (*exception: this *can* be expunged if it is a first degree misdemeanor)

2917.31 Inducing panic (*see exceptions: this *can* be expunged if it is a first degree misdemeanor)

2919.25 Domestic violence

2921.03 Intimidation

2921.04 Intimidation of attorney, victim or witness in criminal case

2921.34 Escape

2923.161 Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function

2911.12 Burglary (*Division (A)(1), (2), or (3) of section)

2919.22 Endangering children (*Division (B)(1), (2), (3), or (4))

- Also any sexual offense not already listed, including:
 - Unlawful sexual contact with a minor (unless defendant had a sex offender reclassification hearing)
 - Illegal use of a minor in nudity-oriented material or performance
 - Sexual imposition
 - Importuning
 - Pandering obscenity involving a minor
 - Pandering sexually oriented matter involving a minor
- Also any felony or misdemeanor of the first degree of which the victim was less than eighteen years of age, (except when the conviction is under 2919.21 – Nonsupport or Contributing to Nonsupport of Dependents)

ARE YOU AN ELIGIBLE INDIVIDUAL?

If you are sealing a conviction:

If there are criminal proceedings currently pending against you, you are **INELIGIBLE** to seal your conviction at this time.

The law also clarifies who is individually eligible. You are **ELIGIBLE** if any of the following apply:

- If all of your offenses are fourth or fifth degree felonies, or misdemeanors:
- If you have a third degree felony on your record,
 - a. You have no (0) felony convictions and four (4) or less misdemeanors; OR
 - b. You have one (1) felony conviction and four (4) or less misdemeanors; OR
 - c. You have two (2) felony convictions and not more than two (2) misdemeanor convictions.

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. Whether multiple convictions shall be considered as one conviction is a decision made by the court.

If you are sealing a not guilty verdict, dismissal, or no bill:

You are eligible to file as soon as the applicable time limit has passed as outlined above.

IF YOU THINK YOU ARE ELIGIBLE:

If you believe you are eligible to file for Sealing of Criminal Records, you will need to do the following:

1. You must complete the applicable four-page Application for Sealing of Criminal Records which can be found at the bottom of this document and in the following areas:
 - a. The Hancock County Law Library located on the Fourth Floor of the Hancock County Courthouse at 300 South Main Street, Findlay, Ohio.

b. The Hancock County Adult Probation Department located at 514 South Main Street, Suite A, Findlay, Ohio 45840.

- i. Conviction: If you were convicted of your crime; please select the **Application for Sealing of Conviction**. (See below).
 - ii. Diversion/Intervention in Lieu of Conviction/Dismissal/No Bill: If you were a non-convicted case, please select the **Application for Sealing of Criminal Records**. (See below).
2. This Motion must be filed with the Hancock County Clerk of Courts Office located in the Hancock County Courthouse at 300 South Main Street, Findlay, Ohio 45840.
 3. 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 under the law before you file this motion.
 4. The filing fee is fifty-five dollars (\$55.00).
 5. The Court will set your case for hearing and refer it to the Hancock County Adult Probation Department for an investigation.
 6. The Adult Probation Department will contact you and ask you to provide information. This information must be returned promptly.
 7. If your crime was related to child support, the Adult Probation Department will investigate to inquire about your compliance with any child support order.
 8. A complete report will be submitted to the Court before your hearing date and time.

THE COURT MUST DETERMINE THE FOLLOWING:

1. If you are eligible based on the above information;
2. You have been rehabilitated to the satisfaction of the Court; and
3. Your interests in sealing your record must outweigh any legitimate needs of the government to maintain those records.

SEALING OF CONVICTION

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 R.C. _____, a felony OR misdemeanor (circle one) of the _____ degree. Applicant's community control supervision was terminated on _____
_____. Final discharge occurred over one (1) year ago for a conviction of a misdemeanor, fourth degree felony, or fifth degree felony. Final discharge occurred over three (3) years ago for a felony of the third degree. Applicant is an eligible offender as defined in R.C. 2953.31(A). Applicant meets all the criteria for expungement.

Applicant needs the record sealed for the following purpose(s): _____
_____.

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: _____

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, 514 South Main St., Suite B, Findlay, Ohio 45840.

Applicant/Defendant

SEALING OF CRIMINAL RECORDS
DISMISSAL, NO BILLS, DIVERSION, OR INTERVENTION IN LIEU OF CONVICTION

IN THE COMMON PLEAS COURT OF HANCOCK COUNTY, OHIO

STATE OF OHIO

Case Number _____

Plaintiff

v.

Judge _____

Defendant

**APPLICATION FOR SEALING
OF CRIMINAL RECORDS**
(O.R.C. 2953.52)

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. 2953.52

On _____, applicant was charged with _____, a violation of R.C. _____, a felony OR misdemeanor (Circle One) of the _____ degree. If applicable, the applicant's community control supervision was terminated on _____

Applicant is eligible to have record sealed as outlined in R.C. 2953.52. 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: _____

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, 514 South Main St., Suite B, Findlay, Ohio 45840.

Applicant/Defendant

HANCOCK COUNTY ADULT PROBATION DEPARTMENT

Application for Sealing of Record

Ohio Revised Code Section 2953.31 to 2953.36

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: _____

Significant Other's name and age: _____

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?

CRIMINAL CHARGE AND DATE OF CONVICTION AND/OR DISMISSAL 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:

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

Applicant/Defendant