

INSTRUCTIONS FOR SEALING A CRIMINAL RECORD

THE STAFF OF THE CHARDON MUNICIPAL COURT CLERK'S OFFICE,
BY LAW, IS PROHIBITED FROM OFFERING ANY LEGAL ADVICE.
PLEASE CONTACT AN ATTORNEY WITH ANY QUESTIONS REGARDING
THE SEALING/EXPUNGEMENT APPLICATION PROCESS.

RECORD SEALING PROCESS

- 1) Fill out an application form included in this packet.
- 2) File the application with the Clerk of Chardon Municipal Court.
- 3) Pay the application fee. (ONE FEE FOR ALL CASES TO BE SEALED – at time of filing)
 - \$50.00 for Convictions
 - \$50.00 for Dismissed cases (per Plea Agreement)
 - No Charge for Findings of Not Guilty and/or Dismissed by State
- 4) If you are unable to pay the fee, you will need to obtain a Poverty Affidavit and file with application at the time of filing.
- 5) Ask for a time stamped copy of your application.
- 6) You will be notified of the hearing date if a hearing date is required by the Court.
- 7) Appear in court for your hearing.
- 8) If the application is approved, the Court will order your case sealed.

The Clerk's office cannot give you an estimate of the time it will take to seal your record. Once the Court approves your application and orders your record sealed - all agencies involved will be notified.

PLEASE NOTE: The amount of time that these agencies need to process requests is beyond the control of the Clerk's office of the Chardon Municipal Court.

*** PLEASE READ THIS PACK CAREFULLY ***

ONCE YOU FILE YOUR APPLICATION AND PAY THE APPLICATION FEE, THERE IS NO REFUND.

SEALING OF A RECORD

In Ohio, records of conviction, bail forfeiture, finding of not guilty or dismissal may be sealed.

If you wish to seal a case/record where you were convicted of one or all of the charges PLEASE REFER TO OHIO REVISED CODE SECTIONS 2953.31 - 2953.37 for information on sealing a record of conviction.

Sealing of a record, is the act or practice of officially preventing access to court records. In most instances after sealing, the record of conviction is treated as if it never occurred. (See 2953.32 ORC in the appendix for exceptions.)

If you wish to seal a case/record where **ALL of the charges** have been dismissed or you were found not guilty to **ALL of the charges**, please refer to OHIO REVISED CODE SECTIONS 2953.51 - 2953.56 for information on sealing a record of not guilty or dismissal.

There is no guarantee that your application will be approved and your case sealed. Further, there is no guarantee that the case, once sealed, cannot be re-opened for inspection (refer to the appendix and the other sections of the Ohio Revised Code).

WARNING: By completing this form, you are serving as your own attorney. The purpose of this packet is to help you represent yourself in this process. In no way is any legal service office representing you in this action. No attorney/client relationship has been created and Legal Aid is not representing you before this court. The outcome is not guaranteed to result in the approval of your application.

SEALING A FOUND NOT GUILTY OR DISMISSED RECORD

If you were found not guilty to **ALL CHARGES** in your case, or your case was dismissed - you still need to completely fill out the application form. You will be notified of a hearing date if necessary.

SEALING A RECORD OF CONVICTION OR BOND FORFEITURE

If all of the following statements are true (1-4), your record may be considered for sealing.

- 1) The conviction you are trying to seal is **NOT** one of the crimes or categories listed in Ohio Revised Code Section 2953.36, below.

2953.36. Exceptions to preceding sections

Sections 2953.31 to 2953.35 of the Revised Code do not apply to any of the following:

- a. Convictions when the offender is subject to a mandatory prison term;
- b. Convictions under section 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 2907.12, or Chapter 4507, 4510, 4511, or 4549 of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters;
- c. Convictions of an offense of violence when the offense is a misdemeanor of the first degree or a felony and when the offense is not a violation of section 2917.03 of the Revised Code and is not a violation of section 2903.13, 2917.01, or 2917.31 of the Revised Code that is a misdemeanor of the first degree;
- d. Convictions on or after October 10, 2007, under section 2907.07 of the Revised Code or a conviction on or after October 10, 2007, for a violation of a municipal ordinance that is substantially similar to that section;
- e. Convictions on or after October 10, 2007, under section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 2907.32, or 2907.33 of the Revised Code when the victim of the offense was under eighteen years of age;
- f. Convictions of an offense in circumstances in which the victim of the offense was under eighteen years of age when the offense is a misdemeanor of the first degree or a felony, except for convictions under section 2919.21 of the Revised Code;
- g. Convictions of a felony of the first or second degree;
- h. Bail forfeitures in a traffic case as defined in Traffic Rule 2.

2) You are an "eligible offender" (ORC 2953.31)

"Eligible offender" means anyone who has been convicted of an offense in this state or any other jurisdiction and who has not more than one felony conviction, not more than two misdemeanor convictions if the convictions are not of the same offense, or not more than one felony conviction and one misdemeanor conviction in this state or any other jurisdiction. When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction. When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, they shall be counted as one conviction, provided that a court may decide as provided in division (C)(1)(a) of section 2953.32 of the Revised Code that it is not in the public interest for the two or three convictions to be counted as one conviction.

3) You were convicted of a misdemeanor **and** more than one year has 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 jail and or probation.

4) There are no fines or costs owed on the case.

**CHARDON MUNICIPAL COURT
APPLICATION TO SEAL THE RECORD**

*Please Print

_____ Case No(s): _____
City/State of Ohio _____
vs.
_____ Judge: _____
Defendant/Applicant

**APPLICATION FOR ORDER SEALING RECORD OF CONVICTION(S),
FINDING(S) OF NOT GUILTY AND/OR DISMISSAL(S)**

Defendant hereby makes application to the Court pursuant to Ohio Revised Code §2953.32 and/or §2953.52 for the sealing of the conviction, finding of not guilty, and/or dismissal record in the above-stated case(s). Defendant hereby provides the following information:

Case(s) to be sealed: _____
Date(s) of conviction/dismissal/not guilty: _____
If Probation, date terminated: _____
Current Address of Applicant: _____

Applicant's Phone No.: _____
Applicant's Driver's License No.: _____

Defendant states that he/she is an eligible offender, that any rehabilitation has been attained to the satisfaction of the court; and, that the interests of defendant in having the records pertaining to this conviction, dismissal and/or finding of not guilty are not outweighed by any legitimate governmental needs to maintain those records.

Defendant/Applicant Signature

NOTICE

If the Court grants your request to seal this record, the Court will order the public records be sealed including, but not necessarily limited to prosecutor's offices, police departments, the Ohio Bureau of Criminal Identification and Investigations, and the Ohio Department of Rehabilitation and Correction. The Court records are public documents and as such available to the general public in person and on-line. Certain organizations may have obtained these public records concerning your particular case prior to any Order sealing them. The Court has no way of knowing whether that occurred and has no control over the use of those records.

**CHARDON MUNICIPAL COURT
SEALING OF RECORD WORKSHEET**

LAST NAME	FIRST NAME	MIDDLE NAME
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MAIDEN NAME OR ALIAS	FIRST NAME	MIDDLE NAME
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SSN	D.O.B.	SEX
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CASE NUMBER

CURRENT ADDRESS

BIRTHPLACE	PLACE RAISED
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LIST CITIES/STATES (OTHER THAN ABOVE) WHERE YOU HAVE RESIDED (WITH DATES):

CRIMINAL HISTORY

LIST BELOW ANY PENDING CHARGE(S) IN THIS OR ANY OTHER COURT.

BELOW, LIST ALL ARRESTS, WHETHER CONVICTED OR NOT, IN THIS COURT OR ANY OTHER COURT. INCLUDE JUVENILE AND MILITARY COURT.

ARREST DATES	DATE OF CONVICTION	COURT	OFFENSE	DISPOSITION

MILITARY SERVICE RECORD

RANK BRANCH DATE OF ENTRY DATE OF DISCHARGE

MARITAL STATUS

___ MARRIED ___ DIVORCED ___ SINGLE ___ SEPARATED ___ WIDOWED

NUMBER OF CHILDREN

NUMBER OF DEPENDENTS

EMPLOYMENT HISTORY

NAME OF EMPLOYER	JOB TITLE	PERIOD OF EMPLOYMENT

FINANCIAL CONDITION: (CHECK ONE)

___ GOOD ___ FAIR ___ STABLE ___ POOR

I, THE UNDERSIGNED, ACKNOWLEDGE THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE

DATE

PRINTED NAME

CASE NUMBER(S)

CHARGE(S)

WHY I WANT MY RECORD SEALED:

SIGNATURE _____

DATE _____