

# Instructions for Sealing a Criminal Record



Medina County Court of Common Pleas  
99 Public Square Medina, OH

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## What is Sealing of Record?

In Ohio, adult convictions cannot be “expunged” or completely erased from your record. Instead of expungement, Ohio uses a court process called “sealing a criminal record.” If your record is sealed, you do not have to disclose your conviction, arrest, or any charge against you when you apply most jobs or for housing.

## Why Get Your Record Sealed?



The law states that once your record is sealed it is as if the offense never occurred. Therefore, you have the right to state that you have no convictions. However, you should be aware that information concerning past criminal convictions may be available.

When you appear as a witness in court, they will ask about your past criminal record. If you have a conviction, they are unlikely to believe that your testimony is true.



Once your record is sealed, nothing will show up when your record is checked. After you having your record sealed, when asked about your past criminal record, you can honestly say that you have none. You can act as if the arrest and conviction never took place.

However, even if your record is sealed

1. Law enforcement agencies, prosecutors, and other agencies can look at your sealed record; and
2. If you commit another crime, your sealed record can still be used against you in sentencing.

## Who Can Use This Packet?

Only if you have been convicted will you need to get your record sealed. If you were arrested, but never convicted, this packet is not for you.

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### **WARNING:**

By completing these forms, you are serving as your own attorney. The purpose of this packet is to help you represent yourself in this expungement. In no way is any representative in the Probation Department representing you in this action. No attorney/client relationship has been created.

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## Can I Get My Record Sealed?

If all of the following five statements are true for your situation, you will be able to get your record sealed.

- 1) The Conviction you are trying to have sealed is **NOT** for one of the categories of the crimes listed. (Conviction of crimes listed CANNOT be sealed.)

If you don't know the crime for which you were convicted, contact the Clerk of Courts. Remember your case was "criminal," so be sure to go to the appropriate part of the Clerk's office. Request a certified copy of the judgment order of Conviction(s). You will need to give the Clerk your case number. If you do not have the number, ask the Clerk to use the computer to look it up. If you do not have the number, ask the Clerk to use the computer to look it up. For a small fee, the Clerk will give you a copy. If the Judgment Order of Conviction mentions one of the crimes listed below, you CANNOT get your record sealed.

\*Rape (ORC §2907.02)

\*Sexual Battery (ORC § 2907.03)

\*Corrupting a minor (ORC §2907.04)

\*Gross sexual imposition (ORC §2907.05)

\*Sexual Imposition (ORC§2907.06)

\*Obscenity involving a minor (ORC §2907.321)

\*Pornography involving a minor (ORC §2907.322)

\*Illegal use of a minor in pornography (ORC §2907.323)

\*All drivers' license violations (ORC Chapter 4507)

\*Motor vehicle violation (ORC Chapter 4511)

\*Bail forfeitures in traffic cases (Traffic Rule 2)

\*Misdemeanors of the first degree or felonies where the victim is under the age of 18

\*Felonies of the first or second degree

\*Offenses of violence that are misdemeanors of the first degree or felonies (**except** the following offenses of violence can be sealed: convictions for riot (§2917.03) and misdemeanor conviction for assault (§2903.13), inciting to violence (§2917.01), inducing panic (§2917.31))

- 2) You were **NOT** subject to a mandatory prison term for the conviction you seek to expunge (in other words, you were eligible for probation for that conviction). Even if you were actually sentenced to prison time, as long as you were eligible for probation. You were convicted of a misdemeanor or felonies of the fourth or fifth degree **and** more than one year has passed since your “final discharge date,” or you were convicted of a felony of the third degree **and** more than three years have passed since your “final discharge.” Final discharge means completion of jail time and/or probation. OVI convictions are not included in the determining the total number of felonies to be sealed. The balancing test required of a judge is still the process by which the determination is made whether to seal a record or not (R.C. 2953.31-2953.36)
- 3) You currently do not have any criminal or traffic proceedings pending against you.
- 4) You have had one (1) or more offense.

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Even if all these five statements are true for you, the Judge can still refuse to seal your record you must convince the Judge that you have been rehabilitated and that it is fair to seal your record

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### **Steps You Must Follow to Get Your Record Sealed**

1. You need a copy of the final order of the conviction you wish to have sealed Contact the Clerk of the Court in which you were convicted Remember your case was "criminal," so be sure to go to the appropriate part of the Clerk's office. Request a certified copy of the Judgment. Order of Conviction(s). You will need to give the Clerk your case number. If you do not have the number, ask the Clerk to use the computer to look it up. For a small fee, the Clerk will give you a certified copy. Make sure it is certified (stamped with court seal).
2. Fill in the blanks on the two forms included in this packet: (a) "Application for Sealing of a Criminal Record Pursuant to ORC §2953.32"; and (b) "Judgment Entry for Sealing." To help you fill out the forms correctly, follow the instructions provided for each form.
3. To apply to have your record sealed, you will have to pay \$50 to the Medina County Clerk of Courts. If you cannot pay the fee, fill out a Poverty Affidavit. For any other fees please see the Clerk of Courts.



4. After the forms are filled out, attach the "Judgment Order of Conviction" to the "Application for Sealing of a Criminal Record. Make three copies of everything. Take the original and the three copies of the "Application for Sealing of a Criminal Record" along with your \$50 payment to the Medina County Clerk of Courts. Tell the Clerk that you would like to file your documents. The Clerk will take all copies, stamp them, and give one copy back to you. **KEEP THIS COPY!** You will need it later.
5. The Court will set your case for a hearing. You will be notified by mail of the date set for the hearing. Mark the date on your calendar and don't forget about it.
6. Before the hearing date, prepare what you will say to the Judge. You must convince the Judge that you are no longer someone who would commit a crime (you have been rehabilitated). Explain that you are sorry for what you did and explain how you have changed since that time. For example, if you were using drugs and alcohol at the time when you committed the crime and have since gone sober, tell this to the Judge. If you have seen a psychiatrist since your conviction, tell the Judge.
7. On the day of your hearing, show up at the Court on time and dressed neatly and cleanly. Be respectful and courteous to the Judge and Prosecutor. The Bailiff will call your name and ask you to present your case. Tell the Judge that you want to have your criminal record sealed, explain the charges you wish to erase from your record and that the proper time has passed. Explain to the Judge that you have been rehabilitated and why it is important to have your record sealed. The Prosecutor will be given the chance to object to your request.
8. The Judge must make a decision weighing your interests in having the records sealed against the government's need to keep these records. The Judge may give a decision in Court or take time to think about the case and make a decision later. If no decision is made in Court, a copy of the decision will be mailed to you. **Make sure the Court has your current address!**



## **Checklist for Sealing of Record**

- " Obtain a copy of your Judgment Order of Your Conviction(s).
  
- " Fill out the forms and read them over to make sure they are complete.
  
- " Make two copies of your completed papers.
  
- " Get your "Poverty Affidavit" notarized. If you are not using the Affidavit, be prepared to pay the \$50 filing fee.
  
- " Take your forms to the Clerk's office and file them. Make sure the Clerk gives one copy back to you. Keep it.
  
- " Go to court on the day of your hearing. Get there early and dress neatly.

## **Instructions for Completion of Forms**

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Please read these instructions before completing any forms.  
Print neatly with a black pen or use a typewriter. You are the  
applicant and the defendant in this action.

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### **Instruction for Application to Seal a Criminal Record Pursuant to ORC §2953.32**

Look at the copy of the *Judgement Order of Conviction* that you got from the Clerk of Courts. On the *Order* will be some of the information you will need to fill-in the blanks on the *Application*.

Two copies of this form are provided. One copy has a number in each blank line on the form. If you are confused about what to write in a blank space, check below for the number corresponding to the blank. These instructions explain what information to put in each blank.

#### **Top of Form/Caption:**

- Fill in the name of the Court where you are filing this application. (look on the *Judgement Order of Conviction* for this information – you need to file sealing of records in the same Court where you were convicted.)
- Fill in the County where this Court is located (Look in the *Order*.)
- On the Plaintiff line, fill-in the name of the Prosecutor who prosecuted you for the crime. (look in *Order*.)
- Fill in the case number for your prior conviction (look in the *Order*.)
- Leave the space for the Judge's name blank.
- Fill in your name on the Defendant line.

#### **In the Document**

- Fill in your name.
- Fill in the charges for which you seek to have records sealed. (for example: petty theft under ORC § 2913.02)
- Fill in the case number(s) for the convictions(s). (look in the *Order*.)



- Fill in the date of convictions(s). (look in the *Order*.)
- Fill in the date which your probation was terminated.
- Fill in your name.
- Check the box that applies to your situation.
- Explain how you have been rehabilitated (why you are less likely to commit future crimes) and why you wish to have your record sealed. (to apply for a job, etc.)
- Sign your name.
- Print your name.
- Fill in your address.

**Notice of Hearing (allows Judge to set hearing date.):**

- Leave this section blank, the Judge will complete it.

**Instructions for Services:**

- This lets the other party (City Law Director or City or County Prosecutor) know that you are asking the Court to seal your record. If the other party has any objections to your record being sealed, they will have to file an objection and appear in court at the hearing to explain to the Judge.
- Fill in the name of the City or County Prosecutor or City Law Director (look in the Order to see who other party was) and sign your name at bottom.