

# COMMON PLEAS COURT OF LICKING COUNTY

## INFORMATION ON SEALING RECORD OF CONVICTION 2953.32

JUDGE W. DAVID BRANSTOOL

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## **COMMON PLEAS COURT OF LICKING COUNTY SEALING A RECORD OF CONVICTION**

### **WHO IS ELIGIBLE TO SEAL A RECORD?**

- Pursuant to applicable sections of the Ohio Revised Code, to qualify for a sealing of conviction, you must be a **first offender**. A first offender is a person convicted of one offense in this or any other jurisdiction (ORC 2953.31 (A)) and who has no previous or subsequent record of conviction.

### **HOW IS IT DETERMINED IF A PERSON IS A FIRST OFFENDER?**

- See ORC Section 2953.31 (A)

### **WHO IS ELIGIBLE TO SEAL A RECORD?**

- An applicant is eligible to seal a record if:
  - The applicant is a first offender.
  - The offense is not an F-1 or F-2.
  - The offense is not an offense of violence. (See ORC 2901.01)
  - The applicant has no prior felony conviction or the sentencing was not a mandatory prison term.
  - The applicant has not been previously or subsequently convicted of the same or a different offense in Ohio or in any other jurisdiction.
  - The applicant has not already sealed a prior felony conviction.
  - The victim is not under the age of 18.
  - The conviction was not for one of the following: 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.12, 2907.321, 2907.322, or 2907.323. (Sex offenses)
  - The applicant does not have a previous or subsequent conviction for one of the following: OMVI: 4511.19, OMVI suspension, DUS: 4511.192, Drag Racing: 4511.251, Hit & Skip: 4549.02, Hit & Skip w/injury to persons: 4549.021, Hit & Skip w/property damage: 4549.03, Illegal Sale/Possession Master Key: 4549.042, Motor Vehicle Concealed Identity: 4549.61, Violations of the Odometer Rollback and Disclosure Act: 4549.41 – 4549.46, Stopping After Accident: 4549.02, 4549.021, 4549.03.

### **WHEN CAN THE APPLICATION BE FILED?**

- A first offender may apply to seal the official records three years after termination from probation, community control, or a prison term (2953.32 A1).

## **IS THERE A COST INVOLVED?**

- A \$50 filing fee is required prior to filing the application and a \$2.00 fee will be assessed after it is sealed.
- This is payable by check, cash, money order, Visa, or MasterCard.
- Paying the \$52 fee does not guarantee that the case will be sealed.
- The filing fee is non-refundable.

## **WHAT NEEDS TO BE DONE TO SEAL A RECORD?**

- Use the sample form as provided or contact an attorney.
- Fill in the personal information and all applicable data required. If any lines are left blank, the case will not be sealed.
- Sign the application where indicated.
- Complete the attached form explaining why you want your record sealed. List what you have accomplished; changes that have been made in your life, employment, marriage, or anything that suggests you have been rehabilitated.
- Proceed to the Judges Office with the application and request a non-oral hearing date. Once a Court date has been assigned and recorded at the bottom of the application, file it in the Clerk's Office along with the attached questionnaire. Request three copies from the clerk. The \$52 fee is due at this time. There cannot be any outstanding court costs on this case. If there are, the case will not be sealed. Deliver copies of the application to the Probation Department (Courthouse, ground floor) and the Prosecutor's Office (Administration building, fourth floor). Keep the third copy for your records.
- **You do not need to attend the non-oral hearing. It is usually scheduled about 30 days from the filing date.**
- If the record is sealed, you will receive notice in the mail.

## **WHAT HAPPENS AFTER THE APPLICATION IS FILED?**

- The Court will order an investigation:
  - This includes any objections filed by the Prosecutor's Office.
  - A record check will be completed to determine if the applicant has any outstanding warrants, pending charges, or ineligibilities.
  - An inquiry on court cost and restitution will be made to ensure that it was paid in full.

**REMEMBER: The Court cannot seal Private Databases.**

IN THE COURT OF COMMON PLEAS OF LICKING COUNTY, OHIO

State of Ohio,  
Plaintiff,  
vs.

Case No. :

\_\_\_\_\_  
Defendant.

APPLICATION FOR SEALING RECORDS OF CONVICTION

Now comes the defendant, pursuant to Ohio Revised Code, Section 2953.32, and makes application to this Court for an Order sealing the official records in this case.

MEMORANDUM IN SUPPORT

1. The defendant is a first offender and three years have expired since final discharge.
2. There are no criminal proceedings pending against the defendant.
3. The interests of the defendant in having the records pertaining to the case sealed are not out weighed by any legitimate governmental needs to maintain such records.

Municipal Court Case #: \_\_\_\_\_

You can find this case number on the Licking County Municipal Court's website

Arrest charge: \_\_\_\_\_ Conviction charge: \_\_\_\_\_

Date of conviction: \_\_\_\_\_ Date of release: \_\_\_\_\_

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

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

City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing Application for Sealing of Records and Memorandum in Support of Application for Sealing Records was served, by hand delivering or certified mail, to Kenneth Oswald, Prosecuting Attorney, 20 South Second Street, Newark, Ohio 43055, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

NOTICE OF HEARING

The foregoing motion shall come on for a non-oral hearing before the Honorable Thomas Marcelain or W. David Branstool on the \_\_\_\_\_ day of \_\_\_\_\_ 2011, at \_\_\_\_\_.

**In addition to the application, please provide the following information:**

NAME: \_\_\_\_\_ DATE \_\_\_\_\_

1. Have you been arrested since this offense? Yes No If yes, please list the offense, the date of arrest, and the county/state where you were arrested \_\_\_\_\_

\_\_\_\_\_

2. Were you convicted of the above offense? Yes No NA

3. Are you employed? Yes No If yes, where \_\_\_\_\_

\_\_\_\_\_

4. If employed, how long have you been working? \_\_\_\_\_

5. If unemployed, for how long and how do you support yourself? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Why do you want your record sealed? \_\_\_\_\_

\_\_\_\_\_

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7. What positive changes have been made in your life since this offense occurred? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_