KETTERING MUNICIPAL COURT

Criminal Division

Defendant/Applicant

Case No(s)_____

Application to Seal Record of Conviction and/or Non-Conviction Pursuant to R.C. 2953.32 & 2953.33

The Defendant/Applicant moves the Court to order the sealing of the record of conviction in the case number(s) listed above and all related records, pursuant to ORC 2953.32. In addition and if applicable, the Defendant/Applicant moves the Court to order the sealing of the record of arrest, charge(s) and all official records in the case number(s) listed above and all related records, pursuant to ORC 2953.33.

[CHECK ONE OF THE FOLLOWING]:

- □ Defendant/Applicant is not indigent and deposits with this application the required fee and costs.
- Defendant/Applicant is indigent and has attached a Financial Disclosure and Affidavit of Indigence to this application as a request to waive the required fee and costs.

Defendant/A	Applicant	Information:
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Attorney Information (if applicable):

Name

Signature (if pro se)

Street Address

City, State and Zip Code

Driver's License No. (if applicable)

Email address (if pro se)

Telephone (if pro se)

Name

Signature (if applicable)

Attorney Registration No. (if applicable)

Street Address (if applicable)

City, State and Zip Code (if applicable)

Email Address (if applicable)

Telephone of Attorney (if applicable)

Certificate of Service

The undersigned states that a copy of this application (along with any attached affidavit) was served by me to the Prosecuting Attorney's Office on _____ day of _____, 20____.

Signature of Defendant/Applicant (if pro se) or Attorney (if applicable)



2325 WILMINGTON PIKE KETTERING, OHIO 45420 TEL: 937-296-2466

The following information is required when requesting a sealing:

Defendant's Name:				
Address:				
Street	City	State	Zip Code	
Phone Number:		Email:		
Date of Birth:	Social S	ecurity Number: _		
Employer:		Occupation:		
Charge(s) and Case Number(s) yo	u are requesting to	be sealed:		
Charge(s):	Case #:		Case paid in full?	
Charge(s):	Case #:		Case paid in full?	
Is there a Victim? Yes 🗆 No 🗆 If Yes, Name: Age:				
Defendant's relationship to victin	n, if any:			
Is Defendant currently under investigation for any crimes? Yes \Box No \Box If yes, where?				
Does Defendant have any out of state arrests or convictions? Yes \Box No \Box If Yes, where?				
Reason for requesting sealing:				
Employment Purposes Edu Explain:	-	-		
I acknowledge that the above information is true and correct to the best of my knowledge.				
Signature of Defendant:			Date:	

FOR COURT USE ONLY Fingerprints: are not needed based on charge(s) are required but already done are still needed

Can I seal or expunge my criminal record?

A guide to adult conviction sealing and expungement in Ohio

STEP 1:

WHAT OFFENSES CANNOT BE SEALED OR EXPUNGED?

Ohio Revised Code (R.C) 2953.32 to 2953.34 do not apply to any of the following:

- 1st or 2nd degree felonies
- 3 or more 3rd degree felonies
- Traffic convictions
- · Felony offenses of violence that are not sexually oriented offenses
- Sexually oriented offenses when the applicant is subject to the requirements of Chapter 2950 of R.C. (sex offender registry)
- Offenses in which the victim of the offense was less than 13 years old (Note: This does not apply to nonsupport of dependents.)
- Domestic Violence convictions
- Violating Protection Order convictions

Sexually Oriented Offenses (per R.C. 2950.01)

2905.02(B) 2903.01	Abduction Aggravated murder*	2907.321	Pandering obscenity involving a minor or impaired person
2907.21 2905.05(B) 2919.22(B)(5) 2903.11 2907.05 2907.323	Compelling prostitution Criminal child enticement	2907.322 2907.22 2907.09 2907.02 2907.03 2907.06	Pandering sexually oriented matter involving a minor or impaired person Promoting prostitution Public indecency* Rape Sexual battery Sexual imposition
2907.07 2903.04(A) 2905.01 2903.211(A)(3) 2903.02	material or performance Importuning Involuntary manslaughter* Kidnapping* Menacing by stalking Murder*	2905.32 2905.03(B) 2907.04 2903.03(B) 2907.08	Trafficking in persons* Unlawful restraint Unlawful sexual conduct with minor* Voluntary manslaughter Voyeurism
2907.32	Pandering obscenity	*Check R.	C. 2950.01 for extended definition.

Offenses of Violence (per R.C. 2901.01)

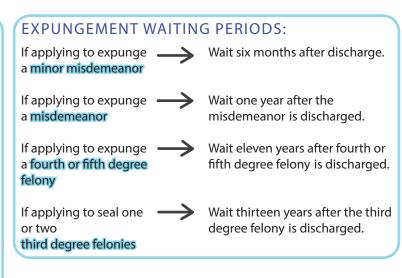
	-
2905.01	Abduction
2909.02	Aggravated arson
2903.12	Aggravated assault
2911.11	Aggravated burglary
2903.21	Aggravated menacing
2903.01	Aggravated murder
2917.02	Aggravated riot
2911.01	Aggravated robbery
2909.03	Arson
2903.13	Assault
	.)(1), (2), or (3) Burglary
2919.25	Domestic violence
	(1), (2), (3), or (4) Endangering children
2921.34	Escape
2905.11	Extortion
2903.11	Felonious assault
2907.12	(former) Felonious sexual penetration
2907.05	Gross sexual imposition
2923.161	Improperly discharging firearm
2917.01	Inciting to violence
2917.31	Inducing panic
2921.03 2921.04	Intimidation
	Intimidation of attorney, victim, or witness
2903.04 2905.01	Involuntary Manslaughter
2905.01	Kidnapping
2903.22	Menacing Menacing by stalking
2903.02	Murder
	(1) Patient Abuse or Neglect
2903.15	Permitting child abuse
2907.02	Rape
2917.03	Riot
2911.02	Robbery
2907.03	Sexual battery
2903.18	Strangulation or suffocation
2909.24	Terrorism
2905.32	Trafficking in Persons
2903.03	Voluntary Manslaughter

STEP 2: <u>HAVE YOU SATISFIED THE WAITING PERIOD?</u>

SEALING WAITING PERIODS:

If applying to seal a minor misdemeanor	Wait six months after discharge.	
If applying to seal a misdemeanor	 Wait one year after the misdemeanor* is discharged. 	
If applying to seal a fourth or fifth degree felony	 Wait one year after the fourth or fifth degree felony* is discharged. 	
If applying to seal one or two third degree felonies	 Wait three years after the third degree felony* is discharged. 	
If applicant subject to Chapter 2950 (sex offender registry)	• Wait five years after requirements have ended.	
*So long as none of the offenses is a violation of R.C. 2921. 43. If the record includes a		

violation of R.C. 2921.43, applicant must wait seven years.



A case is "discharged" when a person has fully completed any jail or prison sentence, any terms of probation or parole, and all payments of fines or fees that were a penalty for the conviction. Court costs are not part of a sentence, and unpaid court costs should not block an application.



STEP 3: WHEN CAN A PERSON APPLY?

Are there pending criminal charges? The court will <u>not</u> seal or expunge any record if the applicant is facing <u>pending</u> charges. Applicants should wait until any pending cases have resolved. Depending on where in Ohio their records are, that could include completing requirements like probation.

Is the applicant unlikely to re-offend? Applicants must be able to show that they have been "rehabilitated to the satisfaction of the court." Applicants must also show that their interest in sealing a record is greater than any legitimate government needs to maintain those records.

STEP 4:

HOW DOES A PERSON APPLY?

For each offense, complete an application in each court where there is a case to be sealed or expunged.

Every court has its own application forms and processes, so contact the Clerk of Courts to find out what documents to file and how to file them. The Clerk of Courts can usually disclose a person's case number, name and degree of the offense, date of conviction, and date of case discharge.

The filing fee will be \$50. A person can ask the court to waive this fee by completing a poverty affidavit (sometimes called an "affidavit of indigence"). If a hearing is scheduled, the applicant must attend.

STEP 5: <u>WHY SHOULD A PERSON APPLY?</u>

Sealed records will not show up on most background checks. Landlords, schools, and the general public cannot see the sealed record. Note, however, that certain "collateral consequences" allow some employers and professional licensing boards to see sealed conviction records (e.g. nursing, childcare, and security-related employment).

NOTE:

DIFFERENCE BETWEEN SEALING & EXPUNGEMENT

"Sealing" and "expungement" are words that certain jurisdictions sometimes use interchangeably, but they are not the same thing. A granted expungement deletes and destroys a record and treats it as if it never occurred—sealing does not do this. Ohio Senate Bill 288 created a new expungement process, but no definition was included for how cases will be treated once expunged. It is unclear what effect an expungement will have if granted under R.C. 2953.32.

Document updated: April 2023

If you have questions about record sealing, eligibility and other ways to overcome the barriers of a criminal conviction, register to participate in the Ohio Justice & Policy Center's Second Chance Virtual Legal Clinic at www.ohiojpc.org.

Disclaimer: This guide is a general source of information about criminal record sealing. It is not a substitute for individualized legal advice. For answers to specific questions, it is best to consult an attorney.

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