

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/Applicant Information:

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)

Attorney Information (if applicable):

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)



KETTERING MUNICIPAL COURT

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 Security Number: _____

Employer: _____ Occupation: _____

Is Defendant currently under investigation for any crimes? Yes ☐ No ☐

If yes, where? _____

Does Defendant have any out of state arrests or convictions? Yes ☐ No ☐

If Yes, where? _____

Reason for requesting sealing:

☐ Employment Purposes ☐ Educational Purposes ☐ Housing Purposes ☐ Other

Please Explain: _____

Charge(s) and Case Number(s) you 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 ☐ Case #: _____

If Yes, Name: _____ Age: _____

Defendant's relationship to victim, if any: _____

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

Record Sealing and Expungement in Ohio

A guide for adult convictions - **UPDATED: October 2023**



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
- A 3rd degree felony if applicant has (2) or more felonies of any degree
- A 3rd degree felony if applicant has exactly (2) 3rd degree felonies + (2) misdemeanors + any other convictions
- 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 (**Note: 4th degree misdemeanor sealing is allowed.**)
- Violating Protection Order convictions

Sexually Oriented Offenses (per R.C. 2950.01)

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

*Check R.C. 2950.01 for extended definition.

Offenses of Violence (per R.C. 2901.01)

2905.02	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
2911.12 (A)(1), (2), or (3)	Burglary
2919.25	Domestic violence
2919.22(B)(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	Intimidation
2921.04	Intimidation of attorney, victim, or witness
2903.04	Involuntary Manslaughter
2905.01	Kidnapping
2903.22	Menacing
2903.211	Menacing by stalking
2903.02	Murder
2903.34(A)(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
2917.321	Swatting
2909.24	Terrorism
2905.32	Trafficking in Persons
2903.03	Voluntary Manslaughter

STEP 2: HAVE YOU SATISFIED THE WAITING PERIOD?

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.

EXPUNGEMENT WAITING PERIODS:

- If applying to expunge a **minor misdemeanor** → Wait six months after discharge.
- If applying to expunge a **misdemeanor** → Wait one year after the misdemeanor is discharged.
- If applying to expunge a **fourth or fifth degree felony** → Wait eleven years after fourth or fifth degree felony is discharged.
- If applying to expunge one or two **third degree felonies** → Wait thirteen years after the third degree felony is discharged.

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 not seal or expunge any record if the applicant is facing pending 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. **The filing fee may be between \$50-100 per court, not per case number.**

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.

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: WHY SHOULD A PERSON APPLY?

“Sealing” and “expungement” are words that certain jurisdictions sometimes use interchangeably, but they are not the same thing. A granted expungement deletes, destroys, and erases a record—sealing does not do this. Some employers and professional licensing boards may still be able to see sealed conviction records (e.g. nursing, childcare, and security-related employment). Further investigation may be needed to evaluate individual circumstances.

NOTE: CHANGES TO NON-CONVICTION SEALING/EXPUNGEMENT

As of October 2023, Ohio law was expanded to allow for non-convictions (not guilty, dismissals, no bills) to be sealed AND expunged. Previously, only sealing was available. There are no exceptions to what non-conviction can be sealed, but there are exceptions to what non-conviction can be expunged. Please consult R.C. 2953.33 or an attorney.

Document updated: October 2023

If you have questions about record sealing/expungement, eligibility and other ways to overcome the barriers of a criminal conviction, register to participate in OJPC's Second Chance 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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**OHIO JUSTICE &
POLICY CENTER**