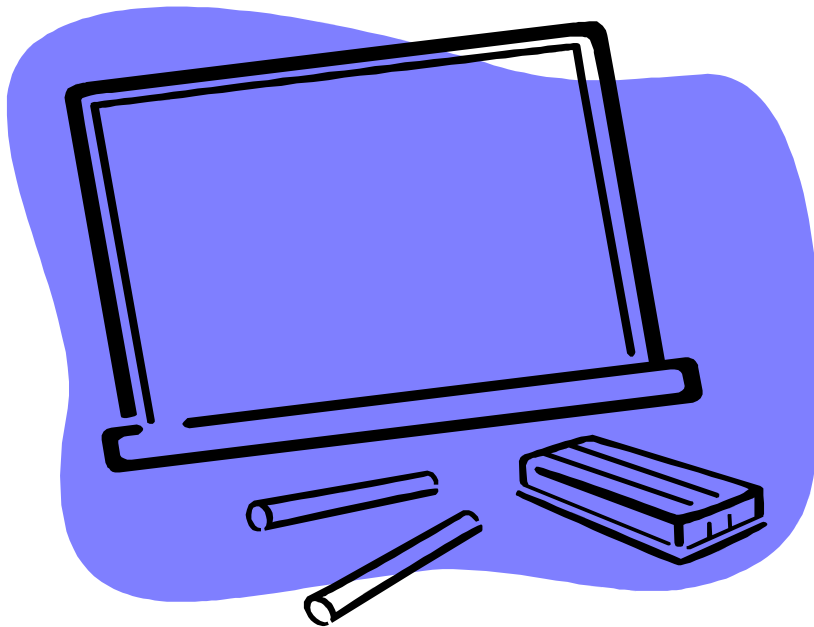


Instructions for Sealing a Criminal Record (Expungement)



A. Deane Buchanan, Judge

CLEVELAND HEIGHTS MUNICIPAL COURT
40 SEVERANCE CIRCLE
CLEVELAND HEIGHTS, OH 44118

What is Sealing (Expungement) of Record?

It is the court process that allows you to have any and all references to a prior criminal conviction cleared and your court file sealed. It is as if you were never convicted of the crime.

Once your record is sealed, nothing will show up when your record is checked. After sealing is finished, 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:

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

Can I Get My Record Sealed (Expunged)?

If all of the following six statements are true for you situation, you will be able to request an expungement:

1. The conviction you are trying to seal is **NOT** for one of the crimes of categories of crime listed below. (Convictions of the crimes listed **CANNOT** be 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 driver's license violations (ORC 4507)
- ☞ Driver's License Suspension, Cancellation, Revocation Chapter 4510
- ☞ Motor vehicle violations (ORC Chapter 4511)
- ☞ Motor Vehicle Crimes Chapter 4549
- ☞ 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, **this includes Domestic Violence as of 3/23/2000**
- ☞ **Exceptions to the above offenses that CAN BE expunged:** convictions for Riot 2917.03; and misdemeanor convictions for assault (ORC 2903.13); inciting to violence ((ORC 2917.01); and inducing panic (ORC 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.
3. This was you FIRST and only conviction. You have never been convicted of the same crime or any other crime in this or any other state.

UNLESS:

- ☞ You were convicted of two or more crimes based upon the same action. In that case, all of these convictions will be considered your first and all can be erased from your record. For example, if you were convicted of shoplifting and resisting arrest as a result of the shoplifting, you may be able to get both records sealed.
 - ☞ Your other convictions are for minor misdemeanors. Minor misdemeanors, including most traffic offenses, do not count as criminal convictions. These charges should not prevent you from having your record sealed.
4. You were convicted of a misdemeanor and more than one year had 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 all parts of the sentence as well as jail time and/or probation.

The probation department MUST sign the first page of the application BEFORE filing it with the Court.

5. You currently do not have any criminal or traffic proceedings pending against you.
6. You have not had any other case expunged.

Steps You Must Follow to Get Your Record Sealed

1. You need a copy of the "final order" on the conviction you wish to have sealed. Contact the Clerk's office in the court in which you were convicted. Remember, your case was "criminal" so be sure to go to the appropriate part of the office. Request a certified copy of the judgment order of conviction. (There is a fee for this copy.) You will need to give the clerk your case number. If you do not know the number you can locate it on the Court computer system or the internet (www.clevelandheightscourt.net).
2. Fill in the blanks on the form included in this packet called "Application to Seal a Criminal Record". **AT LEAST ONE YEAR FROM THE TERMINATION OF YOUR PROBATION MUST HAVE PASSED. The Probation Department MUST sign your application before filing it with the Court.**
3. To apply to have your record sealed, you will have to pay a filing fee of \$110.00 to the Court on a conviction; or \$60.00 for a case that was not guilty or dismissed. (See special form for cases that were dismissed; you can file this anytime after the dismissal or not guilty finding.)
4. After you have the application form filled out, attach a copy of the judgment entry of conviction.
 - ☞ Make three (3) copies of the application and all supporting documents.
 - ☞ Take the original and the copies, along with a money order or cash for the filing fee to the clerk's office in the court in which you were convicted.
 - ☞ Tell the clerk you wish to file your documents.
 - ☞ The clerk will take all copies, date stamp them and give you one copy back
5. The clerk will give you a hearing date for the sealing of record. This date will be about six (6) weeks from when you file your application. The clerk will also advise you to go to the probation office to make an appointment for an interview. You must do this immediately or your hearing could be postponed.
6. Before the court date, prepare what you will say to the Judge. The Judge will need to fill confident that you are no longer someone who would commit a crime (you have been rehabilitated).
7. On your court date, the bailiff will call your name and your case will be heard. Explain to the Judge why it is important to you to have your record sealed. The prosecutor will be given a chance to object to your request.
8. The Judge must make a decision weighing the interests in having the records sealed against the government's need to keep these records. The Judge may 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!!**



IN THE CLEVELAND HEIGHTS MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

State of Ohio, or) Case No. CRB _____
City of Cleveland Heights,)
Plaintiff,) Judge A. Deane Buchanan
vs.)
) **APPLICATION TO SEAL A**
) **CRIMINAL RECORD PURSUANT**
) **TO O.R.C. §2953.32**

Defendant.)

Now comes the Defendant _____, pro se, and moves for an order sealing the record of Defendant's conviction(s) including the sealing of all criminal records pursuant to Ohio Revised Code §2953.32. Defendant seeks sealing of the following conviction(s).

Charge(s): _____

Case No(s): _____

Date of Conviction(s): _____

Date of Termination of Probation: _____

Signature of Probation Officer: _____

The applicant as stated above qualifies as a first time offender as defined in ORC § 2953.31(A). No criminal or traffic charges are pending against Defendant. (Check the one that applies to your situation):

- This was defendant's first and only conviction. Defendant has never been convicted of the same crime or any other crime in this or any other state.

Defendant seeks sealing of record on more than one conviction, and all convictions arise from the same set of facts, that occurred on the same date.

Defendant has other convictions, but they are minor misdemeanors.

The record of the defendant's conviction should be expunged and all records should be sealed because Defendant has been rehabilitated, as evident by the following facts:

Respectfully submitted,

Defendant's Signature

Defendant's Printed Name

Address

City/State/Zip

(____) _____
Phone

IN THE CLEVELAND HEIGHTS MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

State of Ohio, or
City of Cleveland Heights,
Plaintiff,

vs.

Defendant.

) Case No. CRB _____
)
) Judge A. Deane Buchanan
)
) **APPLICATION TO SEAL A**
) **CRIMINAL RECORD PURSUANT**
) **TO O.R.C. §2953.52**
) **(DISMISSAL/NOT GUILTY)**

Now comes the Defendant _____, pro se, and moves for an order sealing the record of Defendant's arrest under ORC § 2953.52. Defendant seeks sealing of the following arrests in which the determination of the case was a DISMISSAL OR NOT GUILTY Court entry.

Charge(s): _____

Case No(s): _____

Date of Dismissal/Not Guilty Order: _____

The applicant as stated above qualifies as a first time offender as defined in ORC § 2953.52. No criminal or traffic charges are pending against Defendant. (Check the one that applies to your situation):

The record of the defendant's arrest should be expunged and all records should be sealed because Defendant has been rehabilitated, as evident by the following facts:

Respectfully submitted,

Defendant's Signature

Defendant's Printed Name

Address

City/State/Zip

(____) _____
Phone

ADDITIONAL INFORMATION RECORD

For purposes of identification of the record to be sealed, the following information will be provided to arresting agencies and any and all known custodians of arrest and conviction records:

This information must be filled out to the best of your knowledge. Please print all information.

1. Applicant's full name_____
2. Applicant's maiden name_____
3. Applicant's full address_____

4. Applicant's Gender_____ Applicant's Race_____
5. Applicant's date of birth_____
6. Court Case Number:_____
7. Charge at Arrest:_____
8. Charge CONVICTED of:_____
9. Ohio BCI Number (if known)_____
10. FBI Number (if known)_____
11. Social Security Number_____

MUST BE FILED WITH EITHER APPLICATION FOR SEALING RECORD A OR B



ADDITIONAL INFORMATION

- ☞ Even if all information is true for you, the Judge can still refuse to seal your record.
- ☞ Once the sealing of the record is granted it can take up to five (5) weeks for the case record to be taken out of the BCI&I system
- ☞ By completing these forms you are serving as your own attorney. The purpose of this packet is to help you represent yourself in the sealing of your record. In no way is any legal service office representing you in this action. No attorney/client relationship has been created and this material is not to be considered legal advice.
- ☞ If you don't know the crime for which you were convicted, check the Clerk of Courts. Remember your case was "Criminal," so be sure to mention this to the clerk. Also you can look up criminal histories on the court Internet site at www.clevelandheightscourt.com. If your conviction was before October, 1990 you will have to do a manual search of the docket books to determine your case number.
- ☞ Even though the court may grant the sealing of your record/arrest, there are certain occupations which require a background check and fingerprinting. In those instances the Ohio Bureau of Criminal Identification & Information (BCI&I) will be required by ORC 109.572 to reveal the expunged charge. A few of these professions are teaching, nursing, law enforcement, child or elderly care, etc.

