



CLEVELAND HEIGHTS MUNICIPAL COURT
Judge J.J. Costello
40 Severance Circle
Cleveland Heights, Ohio 44118

Instructions for Sealing or Expunging a Criminal Record

If you have a criminal case that has been dismissed or if you have been convicted of a criminal offense in this court and wish to have it sealed, you need to complete and file the attached form. There is a fifty-dollar fee for filing the application, regardless of the number of records the application requests to have sealed or expunged. **IF YOU BELIEVE YOU ARE INDIGENT OR BELIEVE THAT YOU CAN NOT AFFORD THE FIFTY-DOLLAR FEE, YOU SHOULD FILE A FINANCIAL DISCLOSURE FORM, WHICH IS ALSO ATTACHED.**

Below is an explanation of the sealing and expunging process. This packet provides general information and is not a substitute for individualized legal advice. For answers to specific questions, you should consult an attorney.

What is the Sealing of a Criminal Record?

In Ohio, an adult criminal record can be sealed so that the conviction or criminal charge is filed separately from a person's record. A record sealing can occur after a conviction, a finding of not guilty, or a dismissal of proceedings. Once an eligible offender's record is sealed, generally speaking, no record will appear on a record check. However, the record can never be completely erased. It is still available to some, for instance, judges, law enforcement, certain employers (such as schools), and most professional licensing boards can gain access to the sealed record, but most employers, landlords, and the public cannot see the record.

What is the Expunging of a Criminal Record?

In Ohio, a record can also be expunged. Unlike sealing, an expungement is a deletion of a record so that it is permanently irretrievable.

What cannot be sealed?

The following matters cannot be sealed:

- Any conviction for a driver's license violation, traffic law violation, or motor vehicle crime under Chapter 4506, 4507, 4510, 4511, or 4549 of the Ohio Revised Code or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters.
- Convictions of a felony offense of violence that is not a sexually oriented offense.

- Convictions of a sexually oriented offense when the offender is subject to the requirements of Chapter 2950 of the Revised Code or Chapter 2950 of the Revised Code as it existed prior to January 1, 2008.
- Convictions of an offense in circumstances in which the victim of the offense was less than thirteen years of age, except for convictions under section 2919.21 of the Revised Code.
- Convictions of a felony of the first or second degree or of more than two felonies of the third degree.
- Convictions for a violation of section 2919.25 (domestic violence) or 2919.27 of the Revised Code (violating a protection order) or a conviction for a violation of a municipal ordinance that is substantially similar to either section.

What is the timeframe for having something sealed?

An application to seal or expunge a record of conviction may generally be made after the following time:

- Three years after the final discharge if convicted of one or two felonies of the third degree.
- One year after the final discharge if convicted of one or more felonies of the fourth or fifth degree or one or more misdemeanors.
- Six months after the final discharge if convicted of a minor misdemeanor.

Final discharge from a conviction generally means that the individual has served and completed any sentence previously imposed by the court (i.e., paid all fines, served all jail time imposed, and completed any probation).

If you have been found not guilty of an offense by a jury or a court, or your case has been dismissed, the application may be filed at any time after the finding of not guilty or the dismissal of the complaint, indictment, or information is entered upon the minutes of the court or the journal, whichever entry occurs first.

Steps You Must Follow to Get Your Record Sealed

1. Obtain the case number for each of the cases you wish to seal. You can locate it by searching the online docket. If your conviction was before October of 1990, you will have to do a manual search of the docket books to determine your case number.
2. Fill in the blanks on the form included in this packet called "Application to Seal a Criminal Record."
3. Pay a nonrefundable filing fee of \$50.00, or file the Financial Disclosure Form if you cannot afford it.
4. File the original with the clerk's office or file it electronically.
5. Be sure to complete the Certificate of Service and serve a copy on the city prosecutor.
6. Appear for the hearing and present any verbal or written proof of rehabilitation.

What happens at the hearing?

After an application is filed, the court will set the matter for a hearing. You must attend that hearing.

At that hearing concerning a conviction, the court will do each of the following:

- Determine whether you seek to seal or expunge a conviction that cannot be sealed or expunged.
- Determine whether the application was filed after waiting for the appropriate time.
- Determine whether criminal proceedings are pending against the applicant.
- Determine whether the applicant has been rehabilitated to the satisfaction of the court.
- If the prosecutor has filed a written objection, consider the reasons against granting the application specified by the prosecutor in the objection.
- If the victim has objected, consider the reasons against granting the application specified by the victim in the objection.
- Weigh your interests in having the records sealed or expunged against the legitimate needs, if any, of the government to maintain those records.

At a hearing concerning a not guilty or dismissal, the court will do each of the following:

- Determine whether the case is one in which you were found not guilty or dismissed.
- Determine whether the dismissal was with prejudice or without prejudice.
- Determine whether criminal proceedings are pending against the applicant.
- Determine whether the applicant has been rehabilitated to the satisfaction of the court.
- If the prosecutor has filed a written objection, consider the reasons against granting the application specified by the prosecutor in the objection.
- If the victim has objected, consider the reasons against granting the application specified by the victim in the objection.
- Weigh your interests in having the records sealed against the legitimate needs, if any, of the government to maintain those records.

ADDITIONAL INFORMATION

- Even if your record is allowed to be sealed and you have waited the appropriate time, the judge can still refuse to seal your record.
- 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 make a decision at the hearing or later. If no decision is made in court, a copy of the decision will be mailed to you. Be sure the court has your current address.
- Once the sealing of the record is granted, the information will be sent to Ohio Bureau of Criminal Identification and Investigation.
- Even though the court may grant the sealing of your record/arrest, there are certain occupations that require a background check and fingerprinting. In those instances, the Ohio Bureau of Criminal Identification and Investigation will be required by R.C. 109.57 and

109.572 to reveal the sealed records. A few of these professions are teaching, nursing, law enforcement, child or elderly care.

- If the record is expunged, that means it is completely deleted and destroyed. Therefore, if you should ever need proof that it was expunged, you would not be able to get it from the court.

By completing the attached forms, you are serving as your own attorney. This packet aims to help you represent yourself in the sealing of your record. No attorney/client relationship has been created, and this material is not to be considered legal advice. If at any point you feel that the process is too confusing or intimidating, you should speak to an attorney. The Legal Aid Society of Cleveland may assist with record sealing for qualified low-income people. Otherwise, you can contact the local bar associations to find an attorney to assist you. This packet provides general information and is not a substitute for individualized legal advice. For answers to specific questions, you should consult an attorney.

IN THE CLEVELAND HEIGHTS MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

State of Ohio / City of Cleveland Heights,
Plaintiff

vs.

Defendant

Case No(s). CRB _____

**APPLICATION TO SEAL A CRIMINAL RECORD
OF CONVICTION PURSUANT TO R.C. 2953.32**

Now comes the Defendant, pro se, and respectfully moves for an order pursuant to section 2953.32 of the Revised Code sealing the record of the following conviction(s):

Charge(s): _____

Date of Conviction(s): _____

Date of Termination of Probation: _____

- I successfully completed all conditions of probation as applicable.
- I paid all of the fines and costs as applicable
- No criminal or traffic charges are pending against me.

I believe I have been rehabilitated because: _____

Respectfully submitted,

Defendant's Signature

Printed Name

Address

Phone

Email

CERTIFICATE OF SERVICE

A copy of the foregoing was served upon the prosecutor for the City of Cleveland Heights by _____ on this _____ day of _____, _____.

Defendant's Signature

IN THE CLEVELAND HEIGHTS MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

State of Ohio / City of Cleveland Heights,
Plaintiff

vs.

Defendant

Case No. CRB _____

Judge J.J. Costello

**APPLICATION TO SEAL A CRIMINAL RECORD
PURSUANT TO R.C. 2953.33 (after not guilty
finding or dismissal of proceedings)**

Now comes the Defendant, pro se, and respectfully moves for an order pursuant to section 2953.33 of the Revised Code sealing the following arrests in which the determination of the case was a DISMISSAL or NOT GUILTY entry:

Charge(s): _____

Case Number(s): _____ Date of Dismissal/Not Guilty Order: _____

No criminal or traffic charges are pending against me.

Respectfully submitted,

Defendant's Signature

Printed Name

Address

Phone

Email

CERTIFICATE OF SERVICE

A copy of the foregoing was served upon the prosecutor for the City of Cleveland Heights by _____ on this _____ day of _____, _____.

Defendant's Signature

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.

Full Name: _____

Maiden name (or other names known as): _____

Address: _____

City: _____ State: _____ Zip: _____

Gender: _____ Race: _____ Date of Birth: _____

Court Case Number(s): _____

Charge(s) at Arrest: _____

Charge(s) CONVICTED of: _____

Ohio BCI Number (if known): _____

FBI Number (if known): _____

Social Security Number: _____

THIS MUST BE FILED WITH EITHER THE APPLICATION TO SEAL A CRIMINAL RECORD PURSUANT TO R.C. 2953.32 OR THE APPLICATION TO SEAL A CRIMINAL RECORD PURSUANT TO R.C. 2953.52 RECORD OF CONVICTION

DO NOT WRITE IN THIS BOX. TO BE COMPLETED ONLY BY PROBATION.

After interviewing the applicant and upon thorough review, and I DO DO NOT recommend that the record be sealed.

Probation Officer's Signature

Probation Officer's Name

Date

FINANCIAL DISCLOSURE FORM

I. PERSONAL INFORMATION

Applicant's Name		D.O.B.	Name of Person Being Represented (if juvenile)		D.O.B.
Mailing Address			City	State	Zip Code
Case No.			Phone () -	Cell Phone () -	
SSN Last 4	Gender	Race (double-click to American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander Spanish or Latino <input type="checkbox"/> White <input type="checkbox"/> Other			

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name 1)	D.O.B.	Relationship	Name 3)	D.O.B.	Relationship
2)			4)		

III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'

Ohio Works First / TANF: ___ SSI: ___ SSD: ___ Medicaid: ___ Poverty Related Veterans' Benefits: ___ Food Stamps: ___

Refugee Settlement Benefits: ___ Incarcerated in state penitentiary: ___ Committed to a Public Mental Health Facility: ___

Other (please describe): _____

IV. INCOME AND EMPLOYER

	Applicant	Spouse <small>(Do not include spouse's income if spouse is alleged victim)</small>	Total Income
Gross Monthly Employment Income	\$	\$	\$
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$	\$	\$
TOTAL INCOME			\$

Employer's Name: _____ Phone Number: () _____

Employer's Address: _____

V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets or Cash on Hand	\$
Total Liquid Assets	\$

VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out	\$	Telephone	\$
Child Care (if working only)	\$	Transportation / Fuel	\$
Insurance (medical, dental, auto, etc.)	\$	Taxes Withheld or Owed	\$
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member	\$	Credit Card, Other Loans	\$
Rent / Mortgage	\$	Utilities (Gas, Electric, Water / Sewer, Trash)	\$
Food	\$	Other (Specify)	\$
EXPENSES	\$	EXPENSES	\$

VII. APPLICANT CERTIFICATION

I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

_____ Date

_____ Signature