

# COMMON PLEAS COURT OF LICKING COUNTY

## INFORMATION ON SEALING RECORD OF CONVICTION 2953.32

JUDGE JON R. SPAHR

JUDGE THOMAS MARCELAIN



ADULT COURT SERVICES DEPARTMENT  
LICKING COUNTY COURTHOUSE  
GROUND FLOOR, NEWARK, OHIO 43055  
740-670-5733 or FAX: 740-670-5885  
CONTACT PERSON: LISA BATES

## **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 your case will be sealed.
- The filing fee is non-refundable.

## **IF A PERSON IS ELIGIBLE, WHAT DO THEY NEED TO DO TO SEAL THEIR RECORDS?**

- Use sample forms as provided or contact an attorney.
- If using the samples, retype word for word the application (page one) and the Order, (page two), and fill in personal information or print and handwrite the information.
- Sign application where indicated.
- Return all paperwork to the probation department for review. Leave the Order (page two) with the probation officer.
- 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. Request three copies. A \$50 fee is due at this time, plus the \$2 sealing fee. You also must pay any remaining balance on your court cost. Check with the clerk for your balance.
- Bring one copy to the Probation Department, hand deliver one copy to the Prosecutor's Office, (Administration building – fourth floor) and 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 a copy 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.
  - A check on court cost and restitution will be made to ensure that it is paid in full.

❖ **REMEMBER:** Private databases cannot be sealed, only governmental agencies.

IN THE COURT OF COMMON PLEAS OF LICKING COUNTY, OHIO

State of Ohio,  
Plaintiff,  
vs.

**SAMPLE**

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 #: \_\_\_\_\_  
 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 \_\_\_\_\_, 2009.

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

NOTICE OF HEARING

The foregoing motion shall come on for a non-oral hearing before the Honorable Thomas Marcelain/Jon R. Spahr on the \_\_\_ day of \_\_\_\_\_ 2009, at \_\_\_\_\_.

IN THE COURT OF COMMON PLEAS OF LICKING COUNTY, OHIO

State of Ohio,  
Plaintiff,  
vs.

**SAMPLE**

Case No.

Defendant.

ORDER SEALING OFFICIAL RECORDS

This matter came on for further hearing upon the defendant's application to seal the official records in this case. The Court has determined the following:

1. The defendant is a first offender, as defined in ORC 2953.31, and three years have expired since final discharge.
2. There are no criminal proceedings against the defendant.
3. Any objections filed by the prosecutor have been considered.
4. The interest 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.
5. The defendant has been rehabilitated to the satisfaction of the Court.

Therefore, the Court hereby grants the Application of the defendant and hereby orders that all official records be sealed pursuant to Ohio Revised Code Sections 2953.32 through 2953.36.

Municipal Court Case #: \_\_\_\_\_ Date of arrest: \_\_\_\_\_  
 Arrest charge: \_\_\_\_\_ Conviction charge: \_\_\_\_\_  
 Date of conviction: \_\_\_\_\_ Date of release: \_\_\_\_\_  
 DOB: \_\_\_\_\_ SSN: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

The Court further orders that copies of this Entry be forwarded, by Certified Mail, by the Clerk of this Court to the following:

1. Arresting agency: \_\_\_\_\_
2. Licking County Sheriff's Department
3. Licking County Municipal Court
4. Bureau of Criminal Identification, London, Ohio
5. Department of Rehabilitation and Corrections (if imprisoned) Legal Services, 1050 Freeway Dr. North, Columbus, Ohio 43229
6. Bureau of Motor Vehicles, In-State Violations, P.O. Box 16784 Columbus, OH 43266-0084

By hand delivery or regular mail:

7. Prosecuting Attorney of Licking County, Ohio
8. Adult Court Services Department
9. Defendant

\_\_\_\_\_  
Assistant Prosecuting Attorney

\_\_\_\_\_  
Judge