

COMMON PLEAS COURT OF LICKING COUNTY

INFORMATION ON EXPUNGING/SEALING RECORD OF NOT GUILTY FINDING, DISMISSAL OF PROCEEDINGS, OR NO BILL 2953.52

JUDGE JON R. SPAHR

JUDGE THOMAS MARCELAIN



ADULT COURT SERVICES DEPARTMENT
LICKING COUNTY COURTHOUSE
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CONTACT PERSON: LISA BATES

COMMON PLEAS COURT OF LICKING COUNTY EXPUNGING/SEALING RECORD OF DISMISSAL

WHO IS ELIGIBLE TO EXPUNGE/SEAL A RECORD?

- Pursuant to applicable sections of the Ohio Revised Code, to qualify for an expunging/sealing of non-conviction, you must have had a felony charge dismissed by the prosecutor's office, a jury, the Court, or the Grand Jury.

WHEN CAN THE APPLICATION BE FILED?

- The application can be filed any time after the dismissal.

IS THERE A COST INVOLVED?

- There is no up front fee involved in filing for a expunging/sealing of non-conviction, however, there is a \$2 fee for filing the paperwork.
- This fee is payable by check, cash, or money order.

WHAT NEEDS TO BE DONE TO SEAL A RECORD?

- 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 the forms from the website and handwrite the information.
- Sign application where indicated.
- Return all paperwork to the probation department for review. Leave the Order form with the probation officer (page two).
- 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.
- 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 expunged/sealed, you will receive a copy in the mail.

Remember: Private databases cannot be sealed by the Court

IN THE COURT OF COMMON PLEAS OF LICKING COUNTY, OHIO

State of Ohio,
Plaintiff,
vs.

Defendant.

SAMPLE

Case No.

APPLICATION FOR EXPUNGING/SEALING RECORDS OF NON-CONVICTION

Now comes the defendant, pursuant to Ohio Revised Code, Section 2953.52, and makes application to this Court for an Order expunging/sealing the official records in this case.

MEMORANDUM IN SUPPORT

1. The indictment was dismissed.
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 #: _____ Date of arrest: _____
 Arrest charge: _____ Dismissed charge: _____
 Date indicted: _____ Indictment dismissed: _____
 DOB: _____ SSN: _____
 Address: _____
 City/State/Zip: _____ Phone: _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing Application for Expunging/Sealing of Records and Memorandum in Support of Application for Expunging/Sealing Records was served, by hand delivering or certified mail, to Kenneth Oswalt, Prosecuting Attorney, 22 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 EXPUNGING/SEALING OFFICIAL RECORDS

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

1. The indictment was dismissed.
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.

Therefore, the Court hereby grants the Application of the defendant and hereby orders that all official records be expunged/sealed pursuant to Ohio Revised Code Sections 2953.52-2953.61.

Municipal Court Case #: _____ Date of arrest: _____
 Arrest charge: _____ Dismissed charge: _____
 Date indicted: _____ Indictment dismissed: _____
 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. The Bureau of Criminal Identification, London, Ohio

By hand delivery or regular mail:

1. Prosecuting Attorney of Licking County, Ohio
2. Adult Court Services Department
3. Defendant

(Assistant) Prosecuting Attorney

Judge