

Instructions for Pro Se Expungement of No Conviction Record

Before you fill out the forms and apply for an expungement, make sure you are eligible.

You are eligible for an expungement after a not guilty finding, dismissal of proceedings or a no bill.

As defined by O.R.C. §2953.52 (A):

“(A)(1) Any person, who is found not guilty of an offense by a jury or a court or who is the defendant named in a dismissed complaint, indictment, or information, may apply to the court for an order to seal his official records in the case. Except as provided in section 2953.61 of the Ohio Revised Code, 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.”

“(A)(2) Any person, against whom a no bill is entered by a grand jury, may apply to the court for an order to seal his official records in the case. Except as provided in section 2953.61 of the Ohio Revised Code, the application may be filed at any time after the expiration of two years after the date on which the foreman or deputy foreman of the grand jury reports to the court that the grand jury has reported a no bill.”

Even if all of these statements are true for you, the Judge can still refuse to seal your record. You must convince the Judge that you have been rehabilitated and that it is fair to seal your record.

Warning:

By completing these forms, you are serving as your own attorney. The purpose of this packet is to help you represent yourself in this expungement.

Steps You Must Follow to Get Your Record Sealed

- 1) You need a copy of the final order of the case you wish to have sealed. Contact the Clerk of the Court in which you were charged. Remember, your case was “criminal”, so be sure to go to the appropriate part of the Clerk’s office. Request a copy of the Judgment Order. You will need to give the Clerk your case number. If you do not have the number, ask the Clerk to assist you in obtaining it or use the computer to look it up.
- 2) Fill in the blanks on the forms included in this packet. To help you fill out these forms correctly, follow the instructions provided for each form.
- 3) To apply to have your record sealed, you will have to pay a filing fee to the Court. Please note filing fees vary per Court. They normally range from \$50.00 to \$100.00. If you cannot pay the fee, fill out the form called “Affidavit of Indigency”. When completing this form, follow the instructions provided. If you do not complete this form, be prepared to pay the filing fee. You can contact the Clerk of Court to inquire about the fee and ask if they will accept the “Affidavit of Indigency” so you are prepared.
- 4) After the forms are filled out, make three copies of everything. Take the original and three copies of the “Applications for Sealing of a Criminal Record” and the “Poverty Affidavit” or the filing fee to the Clerk of Courts in the Court where you were convicted. (Do NOT file the “Judgment Entry”; bring this completed form with you to the hearing. If you are successful at the hearing, the Judge will sign it.) Tell the clerk that you would like to file your documents. The Clerk will take all the copies, stamp them, and give one copy back to you. **KEEP THIS COPY!** This is your record of what you have filed, and you will need to refer to it later.
- 5) The Court may set your case for a hearing. You will be notified by mail or on the day that you file the documents, of the date set for the hearing, if it is set for a hearing. Mark the date on your calendar and don’t forget about it.
- 6) Before the hearing date, prepare what you will say to the Judge. You must convince the Judge that you are no longer someone who would commit a crime (you have been rehabilitated). Explain that you are sorry for what you did and explain how you have changed since that time. For example, if you were using drugs and alcohol at the time when you committed the crime and have since gone sober, tell this to the Judge. If you have seen a psychiatrist since your conviction, tell the Judge.

Prior to the hearing, you may be contacted by someone from the Law Director or Prosecutor’s office who is investigating your case. Answer all of their questions clearly and truthfully.

- 7) On the day of your hearing, show up at the Court on time dressed neatly and cleanly. Be respectful and courteous to the Judge and Prosecutor. The Bailiff will call your name and ask you to present your case. Tell the Judge that you want to have your criminal record sealed, explain the charges you wish to erase from your record and that the proper time has passed. Explain to the Judge that you have been rehabilitated and why it is important to have your record sealed. The Prosecutor will be given the chance to object to your request.
- 8) 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 give a decision in Court or take time to think about the case and 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!**

Checklist for Your Expungement

- Obtain a copy of your Judgment Order of Your Case(s).
- Fill out the forms and read them over to make sure they are complete.
- Make three copies of your completed papers.
- Get your "Affidavit of Indigency" notarized. If you are not using the Affidavit, be prepared to pay the filing fee. (\$50.00 - \$100.00)
- Take your forms to the Clerk's office and file them. Make sure the Clerk gives one copy back to you. Keep it.
- Go to court on the day of your hearing. Get there early and dress neatly.

Instructions for Completion of Forms

Please read these instructions before completing any forms. Print neatly with a black pen or use a typewriter. You are the applicant and the defendant in this action.

Instructions for Application to Seal a Criminal Record **Pursuant to ORC § 2953.52**

Look at the copy of the *Judgment Order* that you got from the Clerk of Courts. On the *Order* will be some of the information you will need to fill in the blanks on the *Application*.

Two copies of this form are provided. One copy has a number in each blank line on the form. If you are confused about what to write in a blank space, check below for the number corresponding to the blank. These instructions explain what information to put in each blank.

Top of Form/Caption:

- ❶ Fill in the name of the Court where you are filing this application. (Look on the *Judgment Order* for this information - you will need to file expungement in the same Court where you were convicted.)
- ❷ Fill in the County where this Court is located.
- ❸ On the Plaintiff line, put State of Ohio.
- ❹ Fill in the case number for your prior case.
- ❺ Leave the space for the Judge's name blank.
- ❻ Fill in your name on the Defendant line.

In the Document:

- ❶ Fill in the charge
- ❷ Fill in the outcome of your charge
- ❸ Fill in your current address
- ❹ Fill in your telephone number
- ❺ Fill in your date of birth

- ⑥ Sign your name.
- ⑦ Print your name.
- ⑧ Fill in your address.
- ⑨ Fill in your telephone number.

Notice of Hearing:

- ① Fill in the name of the Court
- ② Fill in the address of the Court
- ③ Sign your name.
- ④ Print your name.

Leave the date and time blank, as this information will be filled in by the Court.

Instructions for Service:

Fill in the name of the City or County Prosecutor or City Law Director and sign your name.

This lets the other party (City Law Director or City or County Prosecutor) know that you are asking the Court to seal your record. If the other party has any objections to your record being expunged, they will have to file an objection and appear in court at the hearing to explain to the Judge.

Instructions for Judgment Entry

This form is what the Judge will sign if he/she decides to seal your record. Filing this form is like saying to the Judge, "Here's what you should say, now all you have to do is sign it".

These instructions explain what information to put in each blank.

Caption:

Fill in the caption just as you did for the *Application to Seal a Criminal Record*.

In the Document:

You do not need to complete anything else, the Judge will complete it for you.

Instructions for Poverty Affidavit-Last page of packet

Warning

Use this form ONLY if you are UNABLE to pay the (\$50.00-\$100.00) filing fee. This page is an “Affidavit” which means you are swearing before a Notary Public that you cannot afford to pay the Court’s filing fee. If you are able to pay the fee, you must do so. Please note that the Court can refuse the affidavit and you would be responsible to pay the filing fee accordingly.

To fill out this form:

Fill out the caption like you have done for all of the other forms.

In the paragraph section, fill in your household’s monthly income and then the source of the income. In the last blank, fill in the number of people that this amount goes to support.

DO NOT SIGN THIS FORM until you are in the presence of a Notary Public. Take the completed form to a Notary Public and sign it in front of them on the line that says Affiant. The Notary Public will then notarize it for you. Most libraries and banks have Notaries. If you cannot find one, contact our office and someone can notarize it for you.

IN THE _____^① COURT OF
_____^②, OHIO

_____^③ : CASE NO. _____^④
Plaintiff : JUDGE _____^⑤
vs. : **APPLICATION FOR SEALING**
_____^⑥ : **RECORD OF DISMISSAL,**
Defendant : **NO BILL AND NOT GUILTY**

Comes the Defendant, _____, pro se, and applies to the Court for expungement of all official records in the within styled case, as provided in Section 2953.52 of the Ohio revised Code. Applicant provides the following information:

Charge(s): _____^①
Disposition: _____^②
Current Address of Defendant: _____^③
Telephone Number: _____^④
Date of Birth: _____^⑤

Defendant further represents that there are no criminal proceedings pending.

WHEREFORE, Defendant moves this Court pursuant to O.R.C. § 2953.52 for an order sealing the record in this case.

Respectfully Submitted,

Signature

_____, Pro Se
Printed Name

Street Address

City, State, Zip

Telephone Number

NOTICE OF HEARING

The foregoing Application for Sealing of Record will be heard by a Judge of the

_____ **1** _____ Court located at _____ **2** _____
_____, on the _____ day of _____, 200____,
at _____.

THERE WILL BE NO FURTHER NOTICE.

_____ **3** _____
Signature

_____ **4** _____, Pro Se
Printed Name

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve a copy of the Application for Sealing of Record of Conviction and attached Memorandum on _____ *Name of prosecutor or law director* _____
_____ *prosecutor/law director's address* _____ by certified mail, return receipt requested.

Signature

_____, Pro Se

IN THE _____ COURT OF
_____, OHIO

STATE OF OHIO _____ : CASE NO. _____

Plaintiff : JUDGE

vs. : **APPLICATION FOR SEALING
RECORD OF DISMISSAL,
NO BILL AND NOT GUILTY**

Defendant :

Comes the Defendant, _____, pro se, and applies to the Court for expungement of all official records in the within styled case, as provided in Section 2953.52 of the Ohio revised Code. Applicant provides the following information:

Charge(s): _____

Disposition: _____

Current Address of Defendant: _____

Telephone Number: _____

Date of Birth: _____

Social Security Number: _____

Defendant further represents that there are no criminal proceedings pending.

WHEREFORE, Defendant moves this Court pursuant to O.R.C. § 2953.52 for an order sealing the record in this case.

Respectfully Submitted,

Signature

_____, Pro Se
Printed Name

Street Address

City, State, Zip

Telephone Number

NOTICE OF HEARING

The foregoing Application for Sealing of Record will be heard by a Judge of the

_____ Court located at _____
_____, on the _____ day of _____, 200____,
at _____.

THERE WILL BE NO FURTHER NOTICE.

Signature

_____, Pro Se
Printed Name

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve a copy of the Application for Sealing of Record of Conviction and attached
Memorandum on _____
_____ by certified mail,
return receipt requested.

Signature

_____, Pro Se

records pursuant to Ohio Revised Code Section 2953.53 and 2953.54;

_____ The Ohio State Highway Patrol

_____ The Prosecuting Attorney of _____ County, Ohio

_____ City of _____ Prosecuting Attorney

_____ Clerk of _____ County Common Pleas Court

_____ _____ County Sheriff's Department

_____ Clerk of _____ Municipal Court, Ohio

_____ Ohio Adult Parole Authority

_____ _____ County Common Pleas Court Reporters

_____ Federal Bureau of Investigation

_____ Community Corrections Association, Inc.

_____ _____ Police Department, Records Division

Hon. Judge

IN THE _____ COURT OF
_____, OHIO

_____ : Case No. _____
Plaintiff : Judge _____
: **POVERTY AFFIDAVIT**
vs. :
_____ :
Defendant :

Affiant, having been duly sworn according to law, states and avers as follows:

Affiant is unable to prepay or give security for the court costs of this proceeding upon the grounds that Affiant's only income is \$_____ per month from _____, and such income barely suffices to meet the costs of Affiant's daily essentials for a family of _____.

FURTHER AFFIANT SAYETH NAUGHT.

AFFIANT

STATE OF OHIO :
: SS
COUNTY OF _____ :

Sworn to before me as true and subscribed in my presence by

_____ on this _____ day of _____, 20
_____.

NOTARY PUBLIC
My commission expires _____