

Instructions for Pro Se Expungement

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

You are eligible for an expungement if:

1. You have up to two convictions. You may have one felony conviction and one misdemeanor conviction, or two misdemeanor convictions.

Unless:

a) You were convicted of two or more crimes based upon the same action. In that case, all of these convictions will be considered one conviction and can be erased from your record. *For example*, if you were convicted of shoplifting and resisting arrest as a result of the shoplifting, you can get both records sealed and one more record sealed. OR

b) This or 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.

2. You were convicted of a misdemeanor and more than one year has 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 jail time and/or probation.
3. You currently do not have any criminal or traffic proceedings against you.
4. If you are applying for one expungement now, you cannot have had more than one other case expunged. If you are applying for two expungements now, you can not have had any other conviction (other than a minor misdemeanor) expunged.

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 conviction(s) you wish to have sealed. Contact the Clerk of the Court in which you were convicted. 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 of Conviction(s). 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: (a) “Application for Sealing of Criminal Record Pursuant to ORC §2953.32”; and (b) “Judgment Entry for Sealing.” 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 fee to the Court. If you cannot pay the fee, fill out the form called “Poverty Affidavit”. When completing this form, follow the instructions provided. If you do not complete this form, be prepared to pay a fee.
- 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. Please note the filing fee varies per Court (\$50.00 - \$100.00). You may want to contact the clerk of court’s to find out the exact filing fee and to inquire as to whether or not they will accept the “poverty affidavit”. (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 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 Prosecutor’s office or Probation Department 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 Conviction(s).
- Fill out the forms and read them over to make sure they are complete.
- Make three copies of your completed papers.
- Get your "Poverty Affidavit" notarized. If you are not using the Affidavit, be prepared to pay the \$50.00 filing fee.
- 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 § 2953.32**

Look at the copy of the *Judgment Order of Conviction* 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 of Conviction* 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 conviction.
- 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 your name.
- ❷ Fill in the charges for which you seek to have records sealed (for example: petty theft under ORC § 2913.02).
- ❸ Fill in the case number(s) for the conviction(s).
- ❹ Fill in the date of conviction(s).
- ❺ Fill in the date on which your probation was terminated.

- ⑥ Fill in your name.
- ⑦ Check the box that applies to your situation.
- ⑧ Explain how you have been rehabilitated (why you are unlikely to commit future crimes) and why you wish to have your record expunged (to apply for a job, etc...).
- ⑨ Sign your name.
- ⑩ Print your name.
- ①① Fill in your address.
- ①② 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 you name.
- ④ Print you 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, the address of the office 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:

- ❶ Fill in the crime for which you were convicted (for example: petty theft under ORC §2913.02).
- ❷ This is a list of agencies that may have information on your criminal conviction in their records. For all those agencies that may have information regarding your conviction, check the box. Check as many boxes as you think apply.
- ❸ Fill in the information requested as best as you can. If you do not have or know your BCI or FBI number, simply leave it blank.

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:

1. Fill out the caption like you have done for all of the other forms.
2. 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.
3. 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. :
_____ **6** _____ : **APPLICATION TO SEAL A**
Defendant : **CRIMINAL RECORD PURSUANT**
TO ORC §2953.32

Now comes the Defendant _____ **1** _____, 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 expungement of the following convictions:

Charge(s): _____ **2**

Case No(s): _____ **3**

Date of Convictions: _____ **4**

Date of Termination of Probation: _____ **5**

The applicant, _____ **6** _____ qualifies as an eligible offender as defined in ORC §2953.31(A). No criminal or traffic charges are pending against Defendant.

- 7** 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.
- This was one of two convictions of the defendant. Defendant has either one misdemeanor and one felony conviction, or two misdemeanor convictions.

- Defendant seeks expungement of more than two convictions and all convictions [except one] 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 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,

⑨

Defendant's Signature

⑩

Defendant's Printed Name

① ①

Defendant's Address

① ②

Defendant's Phone Number

NOTICE OF HEARING

The foregoing Application to Seal a Criminal Record will be heard by a Judge or Magistrate of the _____ ① _____ Court located at _____ ② _____, on the _____ day of _____, 200 __, at _____.

③

Defendant's Signature

④

Defendant's Printed Name

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve a copy of this Application to Seal a Criminal Record on
name of prosecutor or law director and address by
certified mail, return receipt requested.

Defendant's Signature

IN THE _____ COURT OF
_____, OHIO

_____ : Case No. _____
Plaintiff : Judge _____
vs. : **JUDGMENT ENTRY**
_____ :
Defendant :

The Defendant having applied to the Court for sealing of record of conviction, and the Court being sufficiently informed, finds as follows:

1. The applicant is an eligible offender.
2. No criminal proceedings are pending against the applicant.
3. The applicant has been rehabilitated to the satisfaction of this Court.
4. It is in the best interests of the applicant to have the records pertaining to his/her conviction(s) sealed and there is no legitimate need for the government to maintain these records.

Therefore, **it is hereby ordered** that all official records pertaining to this case shall be sealed and all indexed references thereto shall be deleted, except as otherwise provided in ORC §2953.32. The proceedings of the case will be considered not to have occurred and the conviction of _____ **1** shall be sealed, subject to the exceptions set forth in Ohio Revised Code Chapter 2953.

It is further ordered that no officer or employee of the State, or any political subdivision thereof, except as authorized by Division (D) and (E) of §2953.32 of the Ohio Revised Code, shall

release, disseminate, or make available for any purpose involving employment, bonding, or licensing in connection with any business, trade or profession to any person, or to any department, agency, or other instrumentality of the State's Government of any political subdivision thereof, any information or other data concerning any arrest, indictment, trial hearing, conviction, or correctional supervision.

It is further ordered that copies of this Entry shall be served by Clerk of Court on the following by certified mail, return receipt requested (check all that apply):

- The Ohio State Highway Patrol
- The Prosecuting Attorney of _____ County, Ohio
- The Adult Probation Department of this Court
- The Bureau of Criminal Investigation in the Office of the Attorney General of the State of Ohio
- Records Department of the _____ Police Department
- Records Department of the _____ County Sheriff's Department
- FBI, Washington, D.C.
- Common Pleas Court of _____ County, Ohio
- Municipal Court of _____, Ohio
- _____ County Court

It is further ordered that none of the foregoing persons shall inspect or use said records nor permit the inspection or use of said records except as provided in ORC Chapter 2953.

For purposes of identification of the records to be expunged, the following information is provided for arresting agencies and any and all custodians of arrest and conviction records.

③ Applicant's full name: _____

③ Applicant's maiden name: _____

③ Applicant's address: _____

Applicant's sex: _____ Applicant's race: _____

Applicant's date of birth: _____

Court Case No: _____

Charge: _____

Convicted of: _____

Ohio BCI number: _____

FBI number: _____

Applicant's Social Security Number: _____

By Court Order, Defendant requests that all fingerprint cards and other identifying indexes be destroyed.

JUDGE

IN THE _____ COURT OF
_____, OHIO

_____ : Case No. _____
Plaintiff : Judge _____
vs. : **APPLICATION TO SEAL A**
_____ : **CRIMINAL RECORD PURSUANT**
Defendant : **TO ORC §2953.32**

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 expungement of the following convictions:

Charge(s): _____

Case No(s): _____

Date of Convictions: _____

Date of Termination of Probation: _____

The applicant, _____ qualifies as an eligible offender as defined in ORC §2953.31(A). No criminal or traffic charges are pending against Defendant.

- 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.
- This was one of two convictions of the defendant. Defendant has either one misdemeanor and one felony conviction, or two misdemeanor convictions.

- Defendant seeks expungement of more than two convictions and all convictions [except one] arise from the same set of facts, that occurred on the same date.
- Defendant seeks expungement of 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 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

Defendant's Address

Defendant's Phone Number

NOTICE OF HEARING

The foregoing Application to Seal a Criminal Record will be heard by a Judge or Magistrate of the _____ Court located at _____, on the _____ day of _____, 200____, at _____.

Defendant's Signature

Defendant's Printed Name

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve a copy of this Application to Seal a Criminal Record on _____ by certified mail, return receipt requested.

Defendant's Signature

IN THE _____ COURT OF
_____, OHIO

_____ : Case No. _____
Plaintiff : Judge: _____
vs. : **JUDGMENT ENTRY**
_____ :
Defendant :

The Defendant having applied to the Court for sealing of record of conviction, and the Court being sufficiently informed, finds as follows:

5. The applicant is an eligible offender.
6. No criminal proceedings are pending against the applicant.
7. The applicant has been rehabilitated to the satisfaction of this Court.
8. It is in the best interests of the applicant to have the records pertaining to his/her conviction(s) sealed and there is no legitimate need for the government to maintain these records.

Therefore, **it is hereby ordered** that all official records pertaining to this case shall be sealed and all indexed references thereto shall be deleted, except as otherwise provided in ORC §2953.32. The proceedings of the case will be considered not to have occurred and the conviction of _____ shall be sealed, subject to the exceptions set forth in Ohio Revised Code Chapter 2953.

It is further ordered that no officer or employee of the State, or any political subdivision thereof, except as authorized by Division (D) and (E) of §2953.32 of the Ohio Revised Code, shall

release, disseminate, or make available for any purpose involving employment, bonding, or licensing in connection with any business, trade or profession to any person, or to any department, agency, or other instrumentality of the State's Government of any political subdivision thereof, any information or other data concerning any arrest, indictment, trial hearing, conviction, or correctional supervision.

It is further ordered that copies of this Entry shall be served by Clerk of Court on the following by certified mail, return receipt requested (check all that apply):

- The Ohio State Highway Patrol
- The Prosecuting Attorney of _____ County, Ohio
- The Adult Probation Department of this Court
- The Bureau of Criminal Investigation in the Office of the Attorney General of the State of Ohio
- Records Department of the _____ Police Department
- Records Department of the _____ County Sheriff's Department
- FBI, Washington, D.C.
- Common Pleas Court of _____ County, Ohio
- Municipal Court of _____, Ohio
- _____ County Court

It is further ordered that none of the foregoing persons shall inspect or use said records nor permit the inspection or use of said records except as provided in ORC Chapter 2953.

For purposes of identification of the records to be expunged, the following information is provided for arresting agencies and any and all custodians of arrest and conviction records.

Applicant's full name: _____

Applicant's maiden name: _____

Applicant's address: _____

Applicant's sex: _____ Applicant's race: _____

Applicant's date of birth: _____

Court Case No. _____

Charge: _____

Convicted of: _____

Ohio BCI number: _____

FBI number: _____

Applicant's Social Security Number: _____

By Court Order, Defendant requests that all fingerprint cards and other identifying indexes be destroyed.

JUDGE

IN THE _____ COURT OF
_____, OHIO

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