

## INFORMATION PACKET

### Application to Seal Record of Dismissal, Not Guilty Verdict, or No Bill (R.C. 2953.52)

### Application to Seal Record Upon Successful Completion of ILC (R.C. 2951.041)

#### LEGAL BASIS:

Section 2953.52 of the Ohio Revised Code permits the sealing of records by an applicant (1) who is found not guilty of an offense by a jury or a court, (2) who is the defendant named in a dismissed complaint, indictment, or information, or (3) against whom a no bill is entered by a grand jury.

Section 2951.041(E) of the Ohio Revised Code provides that, upon successful completion of the intervention plan for an offender, the Court “shall dismiss the proceedings against the offender” and “may order the sealing of records related to the offense in question.”

#### ELIGIBLE APPLICANT:

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, or against whom a no bill is entered by a grand jury, may apply to the Court for an order to seal the person’s official records in the case.

In addition, any person under an intervention in lieu of conviction plan, and who *successfully complete* their intervention plan, may apply to the Court for their record to be sealed under section 2951.041(E) of the Ohio Revised Code.<sup>1</sup> Such an individual is called an “applicant” for the purpose of this application.

Please note, the applicant must have paid or had waived any and all court costs, fines, fees, and/or restitution before the applicant is considered eligible to have his or her record sealed.

#### COST OF APPLICATION:

An applicant who has successfully completed an intervention in lieu of conviction plan (ILC) or whose case was dismissed shall pay to the Warren County Clerk of Court the nonrefundable sum of \$50, regardless of the number of records the application requests to be sealed.

An applicant who was found not guilty, whose complaint, indictment, or information was dismissed, or against whom a no bill was entered by the grand jury, shall not be required to pay a filing fee. \*An applicant eligible to not pay a filing fee must have been found not guilty of *all* charges, must have had his/her *entire* complaint, indictment, or information dismissed or no billed. Partial not guilty verdicts, dismissal, or no bills do not qualify for the waiver of the filing fee.\*

#### TIMING OF APPLICATION:

*Dismissal or Not Guilty Verdict:* 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 to seal their record 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. HOWEVER, pursuant to section 2953.61 of the Ohio Revised Code, a person charged with two or more offenses as a result of or in connection with the same act may not apply to the Court pursuant to section 2953.32 of the Ohio Revised Code for the sealing of the person’s record in relation to any of the charges when at least one of the charges has a final disposition that is different from the final disposition of the other charges until such time as the person would be able to apply to the Court and have all of the record pertaining to all of those charges sealed.<sup>2</sup>

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<sup>1</sup> If you are not an eligible applicant by this definition, you may still petition to have your record sealed under Section 2953.31, et seq. of the Ohio Revised Code.

<sup>2</sup> Convictions for any section in Chapter 4507, 4510, 4511, 4513, or 4549 of the Revised Code, or a substantially similar municipal ordinance, do not prevent an application from immediately filing to seal his or her criminal record. However, a conviction for a violation of section 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of the Ohio

*No Bill:* Any person, against whom a no bill is entered by a grand jury, may apply to the Court for an order to seal his or her official records in the case at any time after the expiration of two years after the date on which the foreperson or deputy foreperson of the grand jury reports to the Court that the grand jury has reported a no bill. HOWEVER, pursuant to section 2953.61 of the Ohio Revised Code, a person charged with two or more offenses as a result of or in connection with the same act may not apply to the Court pursuant to section 2953.32 of the Ohio Revised Code for the sealing of the person's record in relation to any of the charges when at least one of the charges has a final disposition that is different from the final disposition of the other charges until such time as the person would be able to apply to the Court and have all of the record pertaining to all of those charges sealed.<sup>3</sup>

*Intervention in Lieu of Conviction (ILC):* Pursuant to *State v. Niesen-Pennycuff*, 132 Ohio St.3d 416, 2012-Ohio-2730, an applicant may file an application to seal his or her criminal record under section 2951.041 of the Ohio Revised Code immediately upon completion of his or her intervention in lieu of conviction plan.

### **HOW TO APPLY:**

To apply for your record(s) to be sealed under Section 2953.31, et seq. of the Revised Code, fill out to the best of your ability the application below and bring the original to the Warren County Court of Common Pleas at 500 Justice Drive, Lebanon, OH 45036. Be sure to make a copy for your records.

Take the "Application to Seal a Record" section of this packet to the Clerk of Court and pay the nonrefundable \$50 application fee, if applicable. The Clerk will time-stamp and keep your application, then direct you to the Court Services Division.

Take the "Request for Information" section of this packet to the Court Services department. The employee at the front desk will confirm you filled out the application correctly and will direct you to the appropriate Assignment Commissioner for your case.

Go to the Assignment Commissioner for your case and get a hearing date. She or he will provide you a yellow notice containing your hearing date.

Appear in Court at the time of your hearing for a determination on your application. Dress appropriately and arrive on time. If your application is granted, a member of the judge's staff will assist you in completing the final steps of sealing your record.

**FOR MORE INFORMATION ON WHAT THE COURT WILL CONSIDER WHEN REVIEWING YOUR REQUEST, AND WHO WILL BE ABLE TO SEE YOUR RECORD AFTER IT HAS BEEN SEALED, PLEASE SEE THE "ADDITIONAL INFORMATION" SECTION IN THE BACK OF THIS PACKET.**

Current April 2020

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Revised Code, for a violation of section 4510.11 or 4510.14 of the Revised Code that is based upon the offender's operation of a vehicle during a suspension imposed under section 4511.191 or 4511.196 of the Ohio Revised Code, for a violation of a substantially equivalent municipal ordinance, for a felony violation of Title XLV of the Ohio Revised Code, or for a violation of a substantially equivalent former law of this state or former municipal ordinance shall be considered a conviction. **\*Neither the Clerk of Court nor Court Services can tell you if you are eligible to have your convictions under these sections sealed. If you are unsure, please contact an attorney.**

<sup>3</sup> See footnote 2.

**IN THE COURT OF COMMON PLEAS  
STATE OF OHIO, COUNTY OF WARREN  
CRIMINAL DIVISION**

**STATE OF OHIO,** : **CASE NO.** \_\_\_\_\_  
**Plaintiff,** : **JUDGE** \_\_\_\_\_  
**v.** :  
\_\_\_\_\_ : **APPLICATION TO SEAL**  
 : **A RECORD PURSUANT TO**  
**Defendant.** : **R.C. 2953.52 OR R.C. 2951.041**  
\_\_\_\_\_

Comes now the defendant, \_\_\_\_\_, *pro se*, and moves the Court, pursuant to section 2953.52 or 2951.041 of the Ohio Revised Code, for an order sealing the record of the defendant's case, wherein the defendant was found not guilty, the complaint, indictment, or information was dismissed, a no bill was entered by the grand jury, or the defendant successfully completed his or her intervention in lieu of conviction plan.

The defendant requests a hearing on this application.

The defendant seeks expungement of the following records:

Case Number(s): \_\_\_\_\_.

Charge(s): \_\_\_\_\_.

My case was: dismissed / not guilty verdict / no billed / successfully completed through ILC  
(circle one)

Date of Dismissal/Not Guilty Verdict/No Bill/Successful Completion of ILC: \_\_\_\_\_.

The defendant states that no criminal or traffic charges are currently pending against him or her.

The defendant states that he/she has paid or had waived all court costs, fines, fees, and/or restitution and does not currently owe any monetary amount in the above-captioned case.

The defendant provides the following additional information to the Court as to why his or her record should be sealed: \_\_\_\_\_

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Respectfully submitted,

**SIGNATURE OF DEFENDANT:**

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**PRINTED NAME OF DEFENDANT:**

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**ADDRESS OF DEFENDANT:**

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**PHONE NUMBER OF DEFENDANT:**

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Dist:  
Assignment Commissioner  
Warren County Prosecutor  
Warren County Court Services Division  
Applicant

**WARREN COUNTY COMMON PLEAS COURT  
 COURT SERVICES DIVISION  
 500 JUSTICE DRIVE  
 LEBANON, OH 45036  
 513-695-1244  
 513-695-1757 (fax)**



**REQUEST FOR INFORMATION**

*Dear Sir or Madam, the person identified below is under investigation by this office. The information requested is needed to complete this investigation. Your cooperation will greatly be appreciated. Please return this form within three (3) days. Thank you.*

*Jan Egner,  
 Director of Court Services*

*LEFT BLANK INTENTIONALLY*

Date of Application:

<b>APPLICANT:</b> <i>Print or Type required information in the WHITE sections only</i>				CASE NUMBER(S)		JUDGE	
FULL NAME OF APPLICANT		LAST	FIRST	MIDDLE	ALIASES/MAIDEN NAME		
DATE OF BIRTH	DRIVER LICENSE/STATE ID NUMBER		SOCIAL SECURITY NUMBER		TELEPHONE NUMBER (w/ area code)		
STREET NUMBER		STREET NAME			APARTMENT OR UNIT NUMBER		
CITY		COUNTY		STATE	ZIP CODE		
CITIZENSHIP		FBI NUMBER			BCI NUMBER		
SEX	RACE	HAIR COLOR		EYE COLOR	HEIGHT	WEIGHT	
HOW WAS YOUR CASE DISPOSED?				DATE OF DISMISSAL / NOT GUILTY VERDICT / NO BILL / COMPLETION OF ILC:			

**I authorize release to the Warren County Court of Common Pleas, Court Services Division all confidential records and information concerning me. I give my consent for release of information relating to my physical, psychological, psychiatric, vocational, educational, military, or any other requested information to the Warren County Court of Common Pleas, Court Services Division. A copy of this authorization made by a duplicating process shall be considered the same as the original signed by me.**

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

\_\_\_\_\_  
**DATE**

**INFORMATION DESIRED** from your office (please elaborate and give additional comments)

- Prior Arrest Record – dates, charges, dispositions, offenses involving weapons or violence, and arrest reports
- Education Data – grade completed, mental or intelligence examination results, attendance, reason left
- Employment Data – confirmation of employments, dates, position(s) held, wages, reason for termination
- Substance Abuse / Medical History – chemical or alcohol addiction, ailments, disabilities, current drug prescriptions, etc.
- Military Service – dates of service, branch, discharge type, rank attained, court martial (type, nature of offense, date, sentence)
- Other (please specify)

**Please stamp NO RECORD FOUND here or attach information to the back of this form.**

\_\_\_\_\_  
**SIGNATURE OF OFFICIAL**

\_\_\_\_\_  
**TITLE**

\_\_\_\_\_  
**DATE**

**PREVIOUS ADDRESSES** (Provide the County and State for each location you have listed in since you were 18, starting with the most recent address)

COUNTY	STATE	DATES (FROM - TO)	COUNTY	STATE	DATES (FROM - TO)
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**CRIMINAL HISTORY** (list all arrests and/or convictions including juvenile prior record)

DATE	OFFENSE	FELONY/MISDEMEANOR?	CITY/COUNTY/STATE	SENTENCE
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I authorize the Warren County Court of Common Pleas, Court Services Division, to conduct a record check to determine my eligibility for the sealing of my criminal record in Case Number(s)

\_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

## **ADDITIONAL INFORMATION**

### **COURT DETERMINATIONS BEFORE RECORD MAY BE SEALED:**

In compliance with sections 2953.52 of the Ohio Revised Code, upon application of the offender, the Court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing.<sup>4</sup>

The Court shall then do each of the following:

- (1) Determine whether the applicant (1) was found not guilty in the case, (2) the complaint, indictment, or information in the case was dismissed, (3) a no bill was returned in the case and a period of two years or a longer period has expired from the date of the report to the Court of that no bill by the foreperson or deputy foreperson of the grand jury, or (4) successfully completed his or her intervention in lieu of conviction plan;
- (2) If the complaint, indictment, or information in the case was dismissed, determine whether it was dismissed with prejudice or without prejudice and, if it was dismissed without prejudice, determine whether the relevant statute of limitations has expired;
- (3) Determine whether criminal proceedings are pending against the person;
- (4) Consider the reasons (if any) presented by the prosecution against granting the application to seal the record as specified by the prosecutor in their objection;
- (5) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction sealed against the legitimate needs, if any, of the government to maintain those records;
- (6) Make all other relevant determinations as provided in sections 2953.31, 2953.32, 2953.52, and 2951.041 of the Ohio Revised Code.

### **WHO CAN STILL SEE A SEALED RECORD?**

Pursuant to section 2953.32(D), inspection of a sealed record may be made only by the following persons or for the following purposes:

- (1) By a law enforcement officer or prosecutor, or the assistants of either, to determine whether the nature and character of the offense with which a person is to be charged would be affected by virtue of the person's previously having been convicted of a crime;
- (2) By the parole or probation officer of the person who is the subject of the records, for the exclusive use of the officer in supervising the person while on parole or under a community control sanction or a post-release control sanction, and in making inquiries and written reports as requested by the court or adult parole authority;
- (3) Upon application by the person who is the subject of the records, by the persons named in the application;
- (4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;

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<sup>4</sup> The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing.

- (5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;
- (6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction as part of a background investigation of a person who applies for employment with the agency as a law enforcement officer or with the department as a corrections officer;
- (7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;
- (8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;
- (9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded;
- (10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B)(1) of that section;
- (11) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff, or an authorized employee of a sheriff in connection with a criminal records check described in section 311.41 of the Revised Code;
- (12) By the attorney general or an authorized employee of the attorney general or a court for purposes of determining a person's classification pursuant to Chapter 2950. of the Revised Code;
- (13) By a court, the registrar of motor vehicles, a prosecuting attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points against a person under section 4510.036 of the Revised Code or for taking action with regard to points assessed.

For more information, please see section 2953.32(D) through (I) of the Ohio Revised Code. *The above list is not all inclusive.* Other entities or individuals may be entitled to inspection of a seal record.