

INFORMATION PACKET

Application to Seal/Expunge Record of Dismissal, Not Guilty Verdict, or No Bill (R.C. 2953.33) Application to Seal/Expunge Record Upon Successful Completion of ILC (R.C. 2951.041)

Neither the Clerk of Court's Office, Judicial Staff, nor Court Services staff can tell you if you are eligible to have your conviction(s) sealed or expunged or offer you any legal advice.

LEGAL BASIS:

Section 2953.33 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 or expungement 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 completes* their intervention plan, may apply to the Court for their record to be sealed or expunged under section 2951.041(E) of the Ohio Revised Code.¹ 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. To determine whether the applicant owes any costs, fines, fees, or restitution, Statement of Costs form must be requested from the Warren County Clerk of Court's Office. These forms can take up to 48 hours to process, so please make the request in a timely manner.

COST OF APPLICATION:

Unless the applicant files an affidavit of indigency and is determined indigent by the Court, 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.*

¹ 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.

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.

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.

Intervention in Lieu of Conviction (ILC): An applicant may file an application to seal/expunge his or her criminal record under section 2951.041 of the Ohio Revised Code immediately upon successful 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 2953.33, 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 timestamp 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 within 45 to 90 days of the filing of the application. She or he will provide you a 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.

**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**
 : **R.C. 2953.33 OR R.C. 2951.041**
Defendant. :

Comes now the defendant, _____, *pro se*, and moves the Court, pursuant to section 2953.33 or 2951.041 of the Ohio Revised Code, for an order SEALING or EXPUNGING (select one) 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/her intervention in lieu of conviction plan.

The defendant requests a hearing on this application.

The defendant seeks sealing/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/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/her record should be sealed: _____

Respectfully submitted,

SIGNATURE OF DEFENDANT:

PRINTED NAME OF DEFENDANT:

ADDRESS OF DEFENDANT:

PHONE NUMBER OF DEFENDANT:

EMAIL ADDRESS OF DEFENDANT:

Dist: Assigned Judge's 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.

*Amy Bidinger,
Director of Court Services*

LEFT BLANK INTENTIONALLY

Date of Application:

APPLICANT: *Print or Type required information in the WHITE sections only*

FULL NAME OF APPLICANT				CASE NUMBER(S)	JUDGE
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