

SEALING DISMISSAL or NOT GUILTY RECORDS

If your criminal record shows that the charges against you were **DISMISSED** or you were found **NOT GUILTY** by a judge or jury, answer the following questions to determine if you are eligible to have your dismissal or acquittal (found not guilty) records sealed.

QUESTION #1 - Were all the criminal charges against you dismissed?



NO - GO TO QUESTION #2



YES - SKIP QUESTIONS #2 and #3, and GO ON TO QUESTION #4

QUESTION #2 - Were you found not guilty of all charges that weren't dismissed?



NO - GO TO QUESTION #3



YES - SKIP QUESTION #3, and GO ON TO QUESTION #4

QUESTION #3 - How many years has it been since you completed your sentence for the criminal charges you were convicted of?

If you were charged with more than one crime related to the same incident, and the charges had different outcomes (for example, you were convicted of one charge but the other charge was dismissed) you may **NOT** apply to seal the dismissal or acquittal records until enough time has passed that you would be allowed to apply to seal the other related convictions.

You must wait a certain amount of time after the "final discharge" of your conviction charges before you may apply to seal the related charges that were dismissed and/or you were acquitted of. Final discharge means you finished serving your punishment for the conviction (jail or prison sentence, probation, parole, or any combination).

- **MISDEMEANOR** - you must wait 1 year after the final discharge of your conviction to apply to seal the related charges that you were acquitted of or were dismissed.
- **FELONY** - you must wait 3 years after the final discharge of your conviction to apply to seal the related charges that you were acquitted of or were dismissed.

QUESTION #4 - Are there any criminal charges pending against you right now?



YES - you CANNOT have your records of criminal charges (or arrests) sealed.

NO - You may apply to have records of criminal charges (or arrests) sealed.

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

STATE OF OHIO,
PLAINTIFF

CASE NO. _____

CHARGES: _____

VS.

FINAL DISCHARGE DATE: _____

DEFENDANT

APPLICATION FOR SEALING OF
RECORD AFTER NOT GUILTY
FINDING, DISMISSAL OF
PROCEEDINGS, OR NO BILL
O.R.C. 2953.52

The defendant in the above captioned case respectfully moves the Court for an order sealing the record under section 2953.52 of the Ohio Revised Code, after being found not guilty of an offense by a jury or a Court, or who is a defendant named in a dismissed complaint, indictment, or information, or against whom a no bill is entered. Except as provided in ORC Sec 2953.61, the application may be filed at any time after finding the not guilty, or the dismissal of the complaint, indictment, or information is entered upon the minutes of the Court or the journal, whichever occurs first, or any time after two (2) years after the date on which the Grand Jury has reported a no bill.

Respectfully submitted,

Name

SSN

DOB

Address

City, State, Zip

Area code and phone number

(Submit Original and 3 copies)

§ 2953.52. Sealing of official records after not guilty finding, dismissal of proceedings or no bill.

(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 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.

(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 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.

(B) (1) Upon the filing of an application pursuant to division (A) of this section, the court shall set a date for a hearing and shall notify the prosecutor in the case of the hearing on the application. 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. The prosecutor shall specify in the objection the reasons he believes justify a denial of the application.

(2) The court shall do each of the following:

(a) Determine whether the person was found not guilty in the case, or the complaint, indictment, or information in the case was dismissed, or a no bill was returned in the case and a period of two years or a longer period as required by section 2953.61 of the Revised Code has expired from the date of the report to the court of that no bill by the foreman or deputy foreman of the grand jury;

(b) Determine whether criminal proceedings are pending against the person;

(c) If the prosecutor has filed an objection in accordance with division (B)(1) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;

(d) Weigh the interests of the person in having the official records pertaining to the case sealed against the legitimate needs, if any, of the government to maintain those records.

(3) If the court determines, after complying with division (B)(2) of this section, that the person was found not guilty in the case, that the complaint, indictment, or information in the case was dismissed, or that a no bill was returned in the case and that the appropriate period of time has expired from the date of the report to the court of the no bill by the foreman or deputy foreman of the grand jury; that no criminal proceedings are pending against the person; and the interests of the person in having the records pertaining to the case sealed are not outweighed by any legitimate governmental needs to maintain such records, or if division (E)(2)(b) of section 4301.69 of the Revised Code applies, the court shall issue an order directing that all official records pertaining to the case be sealed and that, except as provided in section 2953.53 of the Revised Code, the proceedings in the case be deemed not to have occurred.

HISTORY: 140 v H 227 (Eff 9-26-84); 142 v H 175 (Eff 6-29-88); 149 v H 17. Eff 10-11-2002.