

Akron Municipal Court Sealing Dismissal Packet

This packet contains the following:

- Sealing Process for Akron Municipal Court
- Ohio Justice and Policy Center “Can I Seal My Criminal Record?” Guide
- Application for Sealing of Dismissal
- Supplemental Sealing Information Form
- Affidavit for Sealing Dismissal (must be notarized if mailing application materials)
- Order for Sealing of Dismissal
- Ohio Attorney General Form

***It is your responsibility to review all documents in this packet and review the guidelines to determine if you can get your prior convictions or dismissals sealed.**

Sealing Process for Akron Municipal Court

1. Obtain the Akron Municipal Sealing Packet from the Clerk of Courts.
2. **Carefully read and review** the “Can I Seal My Criminal Record” guide from the Ohio Justice and Policy Center to determine if your past convictions qualify for sealing.
 - You **CANNOT** have any criminal or traffic proceedings pending against you in **ANY COURT**.
 - Convictions arising from the same incident count as one.
 - Akron Municipal Court can only seal cases that were handled in the Akron Municipal Court (**MISDEMEANORS ONLY**).
3. **Complete** the Application for Sealing of Dismissal
4. **Complete** the Supplemental Sealing Information Form
5. **Complete** the Affidavit for Sealing of Dismissal
6. **Complete** the Order for Sealing of Dismissal
7. **Complete** the Ohio Attorney General Form
8. **Sign the bottom of this form** acknowledging that you have read and understand the process outlined herein.
9. **Submit payment** along with the Application, Supplemental Form, Affidavit, Order, Attorney General Form and Sealing Process to the Akron Municipal Clerk of Courts.
10. The fees to process your sealing application are as follows:
 - Application for sealing of Dismissal \$75.00
 - Application for sealing of Conviction \$100.00
 - FEES are **NOT** refundable so please make sure you review the qualifications before you apply for sealing.
 - If seeking to seal a dismissal and a conviction, only the conviction fee is required.
11. The entire process will take 6-8 weeks. You will receive notice of your hearing date. The Clerk’s Office will notify you via mail whether your sealing was granted or denied.

Applicant Signature

Date

*If you have additional questions about whether you are eligible for sealing, please consult with an attorney or refer to the University of Akron Reentry Clinic at <https://www.uakron.edu/law/curriculum/clinical-programs/reentry.dot>

CAN I SEAL MY CRIMINAL RECORD?

A guide to adult conviction sealing in Ohio

STEP 1: *Who can apply to seal a conviction?*

To determine whether a person is eligible for record sealing, a court will look at all of the person's criminal convictions in any state or federal court, not just cases in Ohio.

There are two ways a person can be eligible to seal convictions

PATHWAY NO. 1:

The applicant has never been convicted of:

- More than five felonies;
- 1st, 2nd, or 3rd degree felonies
- Any offense of violence (listed below in Table 1)
- Any felony sex offenses (listed below in Table 2)

Felony traffic offenses are considered for eligibility.

The applicant can have any number of misdemeanors.

PATHWAY NO. 2:

The applicant has only been convicted of:

- One or two misdemeanors and no felonies —OR—
- One misdemeanor and one felony

Minor misdemeanors (e.g. tickets) and traffic offenses do not count towards the number of convictions, except for the offenses listed below in Table 3.

Two or more convictions arising from the same incident could be treated like one conviction, and two or three convictions that resulted from the same court proceeding, for related criminal acts committed within a three-month span, could be treated like one conviction.

STEP 2: *What can be sealed?*

Any offense can be sealed except:

- Convictions with a mandatory prison term
- 1st or 2nd degree felonies
- Traffic offenses
- Offense of violence in Table 1 marked as (*) if the offense is a 1st degree misdemeanor or a felony
- Offense of violence in Table 1 marked as (+) if the offense is a felony
- Sex offense in Table 2 marked as (x)
- Sex offense in Table 2 marked as (#) if the victim of the offense was under 18
- Felonies or 1st degree misdemeanors where the victim was under 16 (except convictions under R.C. 2919.21)

TABLE 2: SEX OFFENSES

| | |
|----------|---------------------------------------------------------------------------------------------------|
| 2907.02 | Rape (x) |
| 2907.03 | Sexual battery (x) |
| 2907.04 | Unlawful sexual conduct with minor (x) |
| 2907.05 | Gross sexual imposition (x) |
| 2907.06 | Sexual imposition (x) |
| 2907.07 | Importuning (x) if convicted on or after 10/10/2007) |
| 2907.08 | Voyeurism (#) |
| 2907.09 | Public Indecency (#) |
| 2907.19 | Commercial sexual exploitation of a minor |
| 2907.21 | Compelling prostitution (#) |
| 2907.22 | Promoting prostitution (#) |
| 2907.23 | Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another (#) |
| 2907.24 | Soliciting |
| 2908.241 | Loitering to engage in solicitation |
| 2907.25 | Prostitution |
| 2907.31 | Disseminating matter harmful to juveniles (#) |
| 2907.311 | Displaying matter harmful to juveniles (#) |
| 2907.32 | Pandering obscenity (#) |
| 2907.321 | Pandering obscenity involving a minor (x) |
| 2907.322 | Pandering sexually oriented matter involving a minor (x) |
| 2907.323 | Illegal use of minor in nudity-oriented material or performance (x) |
| 2907.33 | Deception to obtain matter harmful to juveniles (#) |
| 2907.34 | Compelling acceptance of objectionable materials |

TABLE 1: OFFENSES OF VIOLENCE

| | | | |
|---------------------------------|----------------------------------|---------------|-------------------------------------------------|
| 2905.01 | Abduction (*) | 2923.161 | Improperly discharging firearm (*) |
| 2909.02 | Aggravated arson (*) | 2917.01 | Inciting to violence (+) |
| 2903.12 | Aggravated assault (*) | 2917.31 | Inducing panic (+) |
| 2911.11 | Aggravated burglary (*) | 2921.03 | Intimidation (*) |
| 2903.21 | Aggravated menacing (*) | 2921.04 | Intimidation of attorney, victim or witness (*) |
| 2903.01 | Aggravated murder (*) | 2903.04 | Involuntary Manslaughter (*) |
| 2917.02 | Aggravated riot (*) | 2905.01 | Kidnapping (*) |
| 2911.01 | Aggravated robbery (*) | 2903.22 | Menacing (*) |
| 2909.03 | Arson (*) | 2903.211 | Menacing by stalking (*) |
| 2903.13 | Assault (+) | 2903.02 | Murder (*) |
| 2911.12(A)(1), (2), or (3) | Burglary (*) | 2903.34(A)(1) | Patient Abuse or Neglect (*) |
| 2919.25 | Domestic violence (*) | 2903.15 | Permitting child abuse (*) |
| 2919.22(B)(1), (2), (3), or (4) | Endangering children (*) | 2907.02 | Rape (*) |
| 2921.34 | Escape (*) | 2917.03 | Riot (+) |
| 2905.11 | Extortion (*) | 2911.02 | Robbery (*) |
| 2903.11 | Felonious assault (*) | 2907.03 | Sexual battery (*) |
| 2907.12 (former) | Felonious sexual penetration (*) | 2909.24 | Terrorism (*) |
| 2907.05 | Gross sexual imposition (*) | 2905.32 | Trafficking in Persons (*) |
| | | 2903.03 | Voluntary Manslaughter (*) |

TABLE 3: TRAFFIC OFFENSES

| | | | |
|----------|---------------------------------------------------------------------------------------------------|----------|------------------------------------------------------------------|
| 4511.19 | Operating vehicle under the influence of alcohol or drugs- OVI | 4549.42 | Tampering with or disconnection of odometers |
| 4511.251 | Street racing | 4549.43 | Sale or use of fraudulent odometer |
| 4549.02 | Stopping after accident on public roads or highways | 4549.44 | Operating with disconnected or nonfunctional odometer |
| 4549.021 | Stopping after accident on other than public roads or highways | 4549.45 | Written notice of tampering or nonfunction |
| 4549.03 | Stopping after accident involving damage to realty or personal property attached to real property | 4549.451 | Auctioneer's statement of disconnected or nonfunctional odometer |
| 4549.042 | Sale or possession of master key designed to fit more than one motor vehicle | 4549.46 | Written odometer disclosure statement |
| 4549.62 | Offenses with purpose to conceal or destroy identity | 4510.11 | Driving under suspension or in violation of license restriction |
| 4549.41 | Odometer rollback and disclosure act | 4510.14 | Driving under OVI suspension |
| | | 4511.191 | Implied consent |
| | | 4511.196 | Initial appearance |
| | | | Felony violation of Title XLV of the ORC |

STEP 3: *When can a person apply?*

Are there pending criminal charges? The court will not seal a conviction record if the applicant has any pending criminal charges. Applicants should wait until all charges on their record are completely dealt with, including paying all fines and completing probation.

Is the applicant unlikely to re-offend? Applicants must be able to show that they have been "rehabilitated to the satisfaction of the court." Applicants must also show that their interest in sealing a record is greater than any legitimate government needs to maintain those records.

Has the waiting period ended? Every case has a "waiting period" before it can be sealed, based on when the case is discharged. A case is "discharged" when a person has fully completed any jail or prison sentence, any terms of probation or parole, and all payments of fines or fees that were a penalty for the conviction. Court costs are not part of a sentence, and unpaid court costs should not block a sealing application.

How long do I wait after my case is discharged?

| | |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| If applying to seal a misdemeanor: → | Wait one year after the misdemeanor is discharged. |
| If applying to seal a felony: | |
| A person whose record contains only 1 felony conviction: → | Wait three years after the felony is discharged. |
| A person whose record contains only 2 felony convictions: → | Wait four years after each felony is discharged. (Each felony has its own waiting period.) |
| A person whose record contains 3-5 felony convictions: → | Wait five years after each felony is discharged. (Each felony has its own waiting period.) |

STEP 4: *How does a person apply?*

For each offense, **complete a record sealing application in the court where the conviction occurred.**

Every court has its own application forms and processes, so **contact the Clerk of Courts** to find out what documents to file and how to file them. The Clerk of Courts can usually disclose a person's case number, name and degree of the offense, date of conviction, and date of case discharge.

The filing fee will be \$50 or more. A person can ask the court to waive this fee by completing a poverty affidavit (sometimes called an "affidavit of indigence"). If a hearing is scheduled, the applicant should attend.

STEP 5: *Why should a person apply?*

Sealed records will not show up on most background checks. Landlords, schools, and the general public cannot see the sealed record. In limited cases, a few employers and professional licensing boards can see sealed conviction records (e.g. some healthcare, childcare, and security-related employment).

If you have more questions about record sealing, eligibility and other ways to overcome the barriers of a criminal conviction, **contact the Ohio Justice & Policy Center.**

513-421-1108

215 E. Ninth Street, Suite 601
Cincinnati, OH 45202

For full legal clinic schedules, visit ohiojpc.org.

Disclaimer: This guide is a general source of information about criminal record sealing. It is not a substitute for individualized legal advice. For answers to specific questions, it is best to consult an attorney.

Document created by:



Akron Municipal Court

217 s. High Street, Room 740
Akron, Ohio 44308
330-375-2570, option 7

Application for Sealing of Dismissal

Attorney _____ Phone _____
Applicant _____ DOB ____/____/____ SSN# ____/____/____
Address _____ CITY/STATE _____ ZIP _____
CASE# _____ ARREST DATE ____/____/____ PH# (____) _____
CASE# _____ ARREST DATE ____/____/____
CASE# _____ ARREST DATE ____/____/____
CASE# _____ ARREST DATE ____/____/____
CHARGE(S) _____ CODE(S) _____

The applicant, _____, comes before this Court and requests to seal the dismissal for case number(s) _____.

THE APPLICANT REPRESENTS THE FOLLOWING:

1. Circle if applicable.
 - a. Applicant was found not guilty.
 - b. Complaint or citation was dismissed.
 - c. Wrong defendant.
2. No criminal or traffic proceeding are now pending against the applicant.

It is understood that if this Application is granted, the order will be as follows:

1. The Official Record of the Akron Municipal Court will be sealed.
2. The Clerk will notify any other public office or agency that may have record of this case by certified mail.
3. The Sealing will be subject-to-relief as provided in R.C. 2953.51 to R.C. 2953.55.

The applicant will furnish the clerk with a written list of public offices and agencies which they know have a record of the proceedings in this case.

HEARING ON THIS APPLICATION HAS BEEN SET FOR ____/____/____ AT _____
BEFORE JUDGE _____ IN ROOM _____

Signature

Date

*A COPY OF THE APPLICATION WILL BE SENT TO CITY OF AKRON PROCESUTOR'S
OFFICE AND THE CORRESPONDING JUDGE'S OFFICE.*

Akron Municipal Court

217 s. High Street, Room 740
Akron, Ohio 44308
330-375-2570, option 7

Supplemental Sealing Information Form

Name: _____ Age: _____

Maiden Name/Other Aliases: _____

Place of Birth: _____

Race: _____ HT: _____ WT: _____ HAIR: _____ EYES: _____

Family History

Husband(s) or Wife(s): _____

Children: _____

Employment History

Employer

Dates Worked

Education

Last School Attended

Dates Attended

Military History

Branch of Service

Dates Served

Have you ever lived in another city, county, or state other than Summit County, Ohio? If so, please list below:

Akron Municipal Court

217 s. High Street, Room 740
Akron, Ohio 44308
330-375-2570, option 7

Affidavit for Sealing of Dismissal

Case No.(s) _____

I, _____, swear and/or affirm that the statements made on my Application for Sealing Dismissal, and to the Probation Department, during the investigation of this request, are true and complete.

Further, I swear and/or affirm that I do not have a criminal or traffic case pending at this time in any Court in this state or elsewhere, nor have I been convicted of any criminal or traffic case since the final discharge of this case, except _____.

I understand that an incomplete or false statement may cause the dismissal of my sealing record proceeding, or, if sealed, the setting aside of that order.

Signature of Applicant

Sworn to before me this _____ day of _____, 20____

Judge/Notary/Deputy Clerk

Akron Municipal Court

217 s. High Street, Room 740
Akron, Ohio 44308
330-375-2570, option 7

Order for Sealing of Dismissal

Applicant _____ DOB ____/____/____ SSN# ____/____/____
Address _____ CITY/STATE _____ ZIP _____
CASE# _____ ARREST DATE ____/____/____ PH# (____) _____
CASE# _____ ARREST DATE ____/____/____
CASE# _____ ARREST DATE ____/____/____
CASE# _____ ARREST DATE ____/____/____
CHARGE(S) _____ CODE(S) _____

On the _____ day of _____, 20____, a hearing was held on the Application for Sealing of not guilty or dismissal in the above captioned case(s) as provided from R.C. 2953.31 to 2953.61.

This court finds as follows:

1. Circle if applicable.
 - a. Applicant was found not guilty.
 - b. Complaint or citation was dismissed.
 - c. Wrong defendant.
2. No criminal or traffic proceeding are now pending against the applicant.
3. The applicant has been rehabilitated.
4. The Prosecutor has not filed an objection to this application.
5. The Government's need to maintain this record does not outweigh the applicant's interests.

IT IS ORDERED SEALED all official records pertaining to this case and except as provided in R.C. 2953.32F, all index references to this case deleted. This Order seals the official record of this case, except in a subsequent proceeding where otherwise admissible and other relief provided from R.C. 2953.51 to R.C. 2953.55.

IT IS FURTHER ORDERED that the Clerk of the Court shall seal all official records of the Akron Municipal Court and notify by certified copy all other public offices and agencies, including law enforcements departments who have record of this dismissal.

Judge/Akron Municipal Court

Date

APPROVED:

Akron City Prosecutor

Attorney for Applicant

Applicant



DAVE YOST

OHIO ATTORNEY GENERAL



Ohio Bureau of Criminal
Investigation
Office 740-845-2100
Fax 855-527-1575

1560 St. Rt. 56 SW, P.O. Box 365
London, OH 43140
www.OhioAttorneyGeneral.gov

TO ALL POLICE DEPARTMENTS, SHERIFF'S OFFICES & CLERKS OF COURTS

RE: SEALING AND/OR EXPUNGEMENTS

When submitting court orders for Sealing or Expungement of an arrest, BCI requests this form be completed and attached to the court order to assure accuracy of our records.

Defendant's Names: _____

Date of Birth: _____ Social Security Number: _____

Arresting Agency: _____ Arrest No.: _____

Arrest Charge: _____ Date of Arrest: _____

Felony: _____ Misdemeanor: _____ ITN: _____

DNA Collected: Yes ☐ OR No ☐

Ohio BCI No.: _____ FBI No.: _____

Common Pleas/Juvenile Court Case No.: _____

Municipal Court Case No.: _____

Conviction ☐ Dismissal ☐ Juvenile ☐

Conviction Charge: _____

Final Disposition of Conviction/Adjudication: _____

Send by Fax to the Attention of: **Identification Section**

Or by email to: **Expungement.Submissions@ohioattorneygeneral.gov**