



## **INSTRUCTIONS FOR SEALING A CRIMINAL CONVICTION**



This packet is an informational guide in filing for a sealing or expungement of your criminal conviction.

The Staff of the Canton Municipal Court, by law, is prohibited from providing ANY legal advice.

Please contact an attorney with any questions regarding the sealing of your conviction that is not answered by this packet.

# Can I Get My Conviction Sealed?

If all of the following six statements are true for your situation, you *may* be able to have your conviction sealed:

- 1) The conviction you are trying to seal is NOT on the following list of criminal charges:
  - Rape (ORC 2907.02)
  - Sexual Battery (ORC 2907.03)
  - Unlawful Sexual Conduct with a Minor (ORC 2907.04)
  - Gross Sexual Imposition (ORC 2907.05)
  - Sexual Imposition (ORC 2907.06)
  - Pandering Obscenity Involving a Minor (ORC 2907.321)
  - Pandering Sexually Oriented Matter Involving a Minor (ORC 2907.322)
  - Illegal Use of Minor in Nudity-Oriented Material (ORC 2907.323)
  - All Driver's License Violations (ORC Chapter 4507)
  - Drivers License Suspension, Cancellation, Revocation (ORC Chapter 4510)
  - Motor Vehicle Violations (ORC Chapter 4511)
  - Motor Vehicle Crimes (ORC Chapter 4549)
  - Bail Forfeitures in Traffic Cases (Traffic Rule 2)
  - Misdemeanors of First Degree or Felonies where victim is under 18 years old
  - Felonies of the First or Second Degree
  - OVI (ORC 4511.19)
  - Endangering Children (ORC 2919.22)
  - Aggravated Menacing (ORC 2309.21)
  
  - Offenses of Violence that are Misdemeanors of First Degree or Felonies EXCEPT the following offenses of violence can be sealed:
    - Riot (ORC 2917.03)
    - Misdemeanor assault (ORC 2903.13),
    - Inciting to violence (ORC 2917.01), and
    - Inducing panic (ORC 2917.31)
- Conviction on or after 10-10-2007 for Importuning (ORC 2907.07), or for a violation of a municipal ordinance that is substantially similar to that section
- Conviction on or after 10-10-2007 under the following sections, when the victim of the offense was under the age of eighteen years of age:
  - Voyeurism (ORC 2907.08)
  - Public indecency (ORC 2907.09)
  - Compelling prostitution (ORC Chapter 2907.21)
  - Promoting prostitution (ORC Chapter 2907.22)
  - Procuring (ORC Chapter. 2907.23)
  - Disseminating matter harmful to juveniles (ORC Chapter 2907.31)
  - Displaying matter harmful to juveniles (ORC Chapter 2907.311)
  - Pandering obscenity (ORC Chapter. 2907.32)
  - Deception to obtain matter harmful to juveniles (ORC Chapter 2907.33).

- 2) You were not subject to a **mandatory** prison term for the conviction you seek to seal.
- 3) As of October 29, 2018 new law allows for expungement review for a person with up to five Felony of the 4th degree/Felony of the 5th degree and/or unlimited misdemeanors. The new law allows for the possibility of all of the above to be sealed.
- 4) If you have convictions for minor misdemeanors, including minor traffic offenses, they do not count as criminal convictions.
- 5) You were convicted of a misdemeanor and more than one year has passed since the completion of all court orders.
- 6) You currently do not have any criminal or traffic proceedings pending against you.

**\*\*Even if all of these six statements are true,  
the Judge has the discretion to refuse to expunge/seal your conviction. \*\***

**IMPORTANT:**

**It is still possible for your record to appear after your expungement is granted.  
Private background companies often store individual's information.**

**Upon your case being sealed or expunged, per the Ohio Revised Code, the Court shall forward copies to all government agencies that have official records of the offense to seal their records.**

## STEPS TO GET YOUR RECORD SEALED

- 1) You must completely and accurately fill out and file an “Application for Sealing”. (Application included in this packet)
- 2) To apply to have your conviction sealed, you must pay a filing fee of \$100 to the Court. If you are indigent, you may file an “Application of Indigency” and “Affidavit of Indigency”. Both forms must be filled out completely, accurately, and notarized. Upon filing, the Court will either grant or deny your Application of Indigency. If the Court denies your request, you must pay the filing fee for your Sealing to proceed.
- 3) The Court will set your case for a hearing and you will be notified upon filing. If you are filing by mail, a copy of the hearing date will be mailed to you. Make sure the Court has your current address and phone number.
- 4) The assigned probation officer will call you at the phone listed on your application to conduct a background interview. A phone number must be provided to reach you.
- 5) On the day of your hearing, report to the Canton Municipal Court Probation Department and the Probation Officer will accompany you to the courtroom.
- 6) The Prosecutor will be given a chance to object to this sealing being granted. The Judge may give a decision in Court that day or take the matter under advisement. If no decision is made in Court, a copy of the Court's decision will be mailed to you.

## CHECKLIST FOR SEALING OF RECORD

- Fill out the forms and read them over to make sure they are accurate and complete.
- Pay the \$100.00 filing fee at the Canton Municipal Court Clerk. If you are filing the “Application of Indigency” and “Affidavit of Indigency,” they must be notarized. (Personal checks are NOT accepted-money orders, cashier checks or cash only.)
- Take your forms to the Clerk’s office and file them.
- (If you are from **out of County/State** and are filing by mail please return to the Canton Municipal Court, 218 Cleveland Ave SW, Canton, OH 44702. A notice will be sent to you regarding your appointment and/or hearing date)
- Go to the Probation Department on the day of your hearing. Please arrive early.

IN THE CANTON MUNICIPAL COURT  
STARK COUNTY, OHIO

STATE OF OHIO,  
Plaintiff

CASE NO. \_\_\_\_\_

-vs-

JUDGE \_\_\_\_\_

\_\_\_\_\_,

Defendant

APPLICATION FOR SEALING

Now comes the Defendant and applies to this Honorable Court for a Sealing of the  
above-reference CONVICTION / DISMISSAL.

Defendant's charge(s) of \_\_\_\_\_  
were DISMISSED / BOUND OVER / SENTENCED on \_\_\_\_\_.

Defendant is an eligible offender, does not have any pending criminal or traffic cases, and  
has been rehabilitated. Further, the sealing of Defendant's conviction is consistent with public  
interest.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Defendant (Signature)

\_\_\_\_\_  
Defendant (Print Name)

Maiden Name \_\_\_\_\_

HEARING DATE: \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
Phone Number \_\_\_\_\_

Social Security \_\_\_\_\_

\_\_\_\_\_  
Date of Birth \_\_\_\_\_

As an adult (18 years & older) have you ever lived outside of Stark County or Ohio? If YES,

\_\_\_\_\_  
City and State from \_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_  
City and State from \_\_\_\_\_ to \_\_\_\_\_