



MEDINA COUNTY ADULT PROBATION DEPARTMENT

Frequently Asked Questions regarding Expungements

What is an expungement or sealing of records?

- Sealing of records is a way to have your criminal record cleared and your court file sealed.

Why get an expungement?

- When you apply for some jobs, apartments, and licenses they will look at your criminal record. If you have a conviction on your record, it is unlikely that you will be chosen for the job, given the apartment to rent, or allowed to get a license. When you appear as a witness in court, they will ask you about your past criminal record. If you have a conviction, they are unlikely to believe that your testimony is true.
- Once your record is expunged nothing will show up when your record is checked. After expungement is finished, when asked about your past criminal record, you can honestly say that you have none. You can act as if the arrest and conviction never took place.

However, even if your record is sealed:

- (1) law enforcement agencies, prosecutors, and other agencies can look at your sealed record
- (2) if you commit another crime – your sealed record can still be used against you in sentencing

Who can have their conviction sealed?

- 1st time offender- you cannot have been convicted of more than 1 criminal act
- If there were 2 or more convictions based on the same action you may have both convictions sealed (i.e. if you were convicted of shoplifting and resisting arrest as a result of the shoplifting you can get both records sealed)
- You cannot have current criminal charges pending against you
- If you were charged and not convicted, you can have the records of your charges sealed.

How long must I wait to apply for an expungement?

- If your crime was a **misdemeanor** you must wait at least one year after your final discharge.
- You must wait at least two years from the time that a **grand jury failed to indict you and the jury's report of "no bill" was returned.**
- At least three years from the time you are off probation, parole or straight release from prison for a **felony** and after all court costs and any fines, restitution or community service has been paid or completed.
- Any time after you **were found not guilty or your case was dismissed** and that information has been recorded in the court's journal.

What does it cost to file?

- Please contact the Medina County Clerk of Courts office with questions about filing fees.

If all of the following are true you will be eligible to apply for an expungement:

(1) The conviction you are trying to expunge is not for one of the crimes or categories of crimes listed:

- Rape (2907.02)
- sexual battery (2907.03)
- corrupting a minor (2907.04)
- gross sexual imposition (2907.05)
- sexual imposition (2907.06)
- obscenity involving a minor (2907.321)
- pornography involving a minor (2907.322)
- illegal use of a minor in pornography (2907.323)
- all driver's license violations (ORC Chapter 4507)
- motor vehicle violations (ORC Chapter 4511)
- bail forfeitures in traffic cases (Traffic Rule 2)
- misdemeanors of the first degree or felonies where the victim is under 18
- felonies of the 1st or 2nd degree
- offenses of violence that are misdemeanors of the first degree or felonies (**except:** convictions for riot (2917.03) and misdemeanor convictions for assault (2903.13), inciting to violence (2917.01), and inducing panic (2917.31))

(2) You were **not** subject to a mandatory prison term for the conviction you seek to expunge (i.e. you were eligible for probation for that conviction). Even if you were actually sentenced to prison time, as long as you were eligible for probation.

(3) This was your first and only conviction. You have never been convicted of the same crime or any other crime in this or any other state **UNLESS**

a) You were convicted of two or more crimes based upon the same action. In that case, all of these convictions will be considered your first and all can be erased from your record. For example, if you were convicted of shoplifting and resisting arrest as a result of the shoplifting, you can get both records sealed.

OR

b) Your other convictions are for minor misdemeanors. Minor misdemeanors, including most traffic offenses, do not count as criminal

convictions. These charges should not prevent you from having your record sealed.

(4) You currently do not have any criminal or traffic proceedings pending.

(5) You haven't had any other case expunged.

A person may also have their juvenile record expunged:

- if your record is sealed it is only accessible to the juvenile court
- you may apply 2 years after termination or unconditional discharge
- if you were found to be a delinquent (a child who violates a law that would be a crime if committed by an adult) or juvenile traffic offender (you violated a traffic law) the court will either order the record sealed or send the person notice of their right to have the record sealed
- if the court finds that the rehabilitation of the person has been attained to a satisfactory degree the court may order the record sealed
- if the court seals the record the proceedings in the case will be deemed never to have occurred (the person and the court can reply that no record exists upon any inquiry in the matter)
- if you were found to be an unruly child the court will order the record automatically sealed

Remember:

- Even if you are eligible to have your record expunged the court must find that your rehabilitation has been attained to a satisfactory degree
- If the court had earlier found your rehabilitation did not meet this satisfactory degree it does not bar you from applying again.