

Record Sealing & Expungement Application Packet

If you cannot afford to hire your own attorney, the Cuyahoga County Public Defender may be able to assist you with sealing or expunging a criminal record in the Cuyahoga County Common Pleas Court.

Sealing or Expunging Criminal Convictions:

A person's eligibility to seal or expunge a **criminal conviction** is determined by statute and depends on several factors including: 1) the type and offense level of the conviction(s) in the case (not all convictions can be sealed or expunged); 2) the completion of the sentence (including payment all fines and restitution); 3) whether there are any other pending criminal cases; and 4) the time that has elapsed since completion of your sentence.

The following chart sets out the amount of time that you must wait *after fully completing your sentence* to seal or expunge an otherwise eligible criminal conviction:

	Waiting Period for Sealing	Waiting Period for Expunging
Minor Misdemeanor	6 months	6 months
Misdemeanor	1 year	1 year
F4s or F5s	1 year	11 years
F3s	3 years	13 years
Felony Theft in Office	7 years	17 years

Sealing Dismissed, No Billed, or Not Guilty Cases

A person's eligibility to seal an **arrest record in a case that was dismissed, no billed, or the subject of a not guilty verdict** is more expansive. Although there are some limitations on timing or present eligibility (if, for instance, you have a pending criminal case), cases involving dismissed (no billed or not guilty verdicts) can generally be sealed regardless of the type of offense. However, unlike convictions, criminal cases that were dismissed, no billed, or resulted in not guilty verdicts **cannot** be expunged.

Other relevant information

A person's eligibility to have his or her record sealed or expunged is only the first hurdle in getting a record sealed. Even if you are eligible to have your record sealed, the State has the right to oppose the sealing of the record and the judge has discretion on whether or not to seal the record.

Because there are so many considerations involved in a decision to file an application to seal or expunge a criminal record, the Public Defender cannot immediately tell you whether you are eligible. After submitting your application, you should expect to hear from us within 4 weeks about your eligibility. There are, however, several other steps in the expungement process and, from start to finish, that process can take several months depending, in part, on actions taken by the prosecutor and the Court as well as any other issues that may arise (e.g. a pending warrant) that impact the ability to seal or expunge the record.

Application Instructions

Step One: Fill out the attached forms.

Step Two: Return these forms to the Public Defender's Office in person, by mail or email
PDExpApp@cuyahogacounty.us

Cuyahoga County Public Defender's Office
Attn: Expungement Application
310 W. Lakeside, Suite 200
Cleveland, OH 44113
(216) 443-7580

Step Three: The Public Defender's office will do a preliminary assessment of your eligibility.

We do a preliminary check of your criminal record using the information that you provide. We are not a law enforcement agency and cannot run a full background check. Therefore, it is very important that the information you provide is accurate. List the names of all the court systems you have appeared. Please fill out the attached forms *completely*.

Step Four: Our office will notify you if we are able to assist you. If you appear to be eligible, we will tell you what the next steps are. If you are not, we will explain why and provide some alternative options. **If you have any questions, please call (216) 443-7580.**

Important Information on the Financial Disclosure Form and Filing Fees

The Cuyahoga County Public Defender's Office does not charge any fees for representing individuals in record sealing or expungement proceedings. Our representation is provided for free. And there is no filing fee to seal cases that were dismissed, no billed, or resulting in not guilty verdicts.

There is, however, a **\$50 filing fee** if you are seeking to seal cases involving **criminal convictions** (a case in which you either pleaded guilty/no contest or were found guilty via a trial). This filing fee can be **waived by the completion of the financial disclosure form attached to this application**. A motion to seal or expunge a criminal conviction cannot be filed without either a completed financial disclosure form that permits waiver of the filing fee or payment of the filing fee.

Please complete the attached **financial disclosure form** and return it with your application. If you are eligible to seal or expunge a criminal conviction and appear eligible for waiver of the filing fee, we will file the motion along with the financial disclosure form. If we do not believe you would be able to get the filing fee waived, we will contact you to make arrangements for payment of the filing fee.

DO NOT SEND ANY MONEY with the application.

Application for Representation

Date of Application: _____

CONTACT INFORMATION

First and Last Name: _____ Middle Name: _____

Any other names you have used (aliases, maiden names, etc.):

Address: _____

City/State: _____ Zip Code: _____

Cell Phone: _____ Other phone: _____

EMAIL _____

Social Security Number : _____ Date of Birth: _____

What is the name and phone number of another person who we can leave a message with if we cannot get in touch with you?

Name: _____ Phone number: _____

INFORMATION ABOUT YOUR CRIMINAL HISTORY

Please list any and all places you have had criminal cases (including DUI/OVIs) other than the Justice Center in downtown Cleveland, Ohio: We need this information even if that record has been expunged OR if that case was dismissed/charges were dropped.

In order to determine your eligibility for expungement, we must contact the Cuyahoga County Probation Department to confirm that all fines, fees, and restitution (if ordered) were paid in your case. Do we have your permission to do so? YES NO

Do we have your permission to use a commercial background check service to run a background check?

YES NO

Representation Acknowledgement Form

I, _____, (print name) want the Public Defender's Office to assist me with an application to seal or expunge my criminal record.

- I understand that I must provide the Public Defender's Office with an accurate description of my criminal record.
- I understand that the Public Defender's Office only makes a preliminary assessment of my eligibility at the time it files a motion to seal or expunge my record.
- I understand that that Public Defender's Office can only provide me with a final assessment of my eligibility after my attorney receives a copy of the background check conducted by the Probation Department.
- I understand that my attorney may need to withdraw my motion if the background check provides information that makes me ineligible to have my record sealed.
- I understand that just because I am eligible to seal or expunge my record that does NOT mean that the Judge is *required* to grant my application. I understand that it is ultimately up to the Judge to determine whether my record will be sealed.
- I understand that if the Public Defender's Office cannot reach me or if I do not attend my hearing, my attorney may be forced to withdraw my expungement or record sealing application.
- I understand that there is a \$50 filing fee for expungement of a conviction that must be paid to the Clerk of Courts if I do not qualify to have that fee waived. I understand that this \$50 filing fee is NONREFUNDABLE. I understand that this filing fee WILL NOT BE RETURNED TO ME UNDER ANY CIRCUMSTANCES, EVEN IF MY APPLICATION IS DENIED OR WITHDRAWN.
- I understand that a Certified Legal Intern may represent me at my expungement hearing. I understand that a Certified Legal Intern is a law student who has completed two years of school and who has received an Intern's License from the Ohio Supreme Court and can represent clients in court with supervision from a licensed attorney.
- I understand that even if my expungement is granted, certain employers and government agencies will still be able to see my criminal record on a background check.
- **I understand that it is MY responsibility to notify the Public Defender's Office if my phone number or address changes.**

I have read and understood everything on this page.

Signature