

Where Do You Start?

The first thing you need to do is get a copy of your arrest record and a copy of the journal entry or disposition in your case. You usually get them from the Clerk of Courts for the city where you were arrested and/or charged or convicted.

Legal Aid will prepare the proper documents that you need to file for a misdemeanor expungement and will give you full instructions about where and when to file the documents.

You will represent yourself in court, but Legal Aid will give you some advice about how to do that. You will be responsible for filing the necessary papers and for attending any hearings or interviews scheduled by the court. If the court orders your record expunged, all offices that have a copy are ordered not to use the record, except under special circumstances. We will tell you what to do to make sure that that order has been followed.

If you need help to file for expungement of a case that was heard in Cuyahoga County Common Pleas Court, call the Public Defender's Office at 216.443.7223 to find out when you can be helped.

REMEMBER:

This information cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. You should contact a lawyer if you need representation or if you have questions.

If you have a communications limitation, contact us through the Ohio Relay Service at 1.800.750.0750. Interpretation services are available so that anyone can communicate with us in his or her dominant and/or preferable language.



The
Legal Aid Society
of Cleveland
Since 1905

*This brochure was prepared by
Legal Aid which serves low-income
residents of five Ohio counties.*

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www.lasclev.org



How to Get Your Criminal Record Expunged



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What Does an “Expungement” Mean?

Expungement means that your record is sealed but **not totally deleted**. If your record is expunged, when you apply for most jobs or for housing you don’t have to disclose your conviction, arrest, or charge.

Even if a record is expunged, some offenses may prevent you from getting a job caring for children, older persons or developmentally handicapped persons, in Head Start or Social Security, or in jobs that have a substantial connection with your offense. An example would be a cashier’s job and petty theft. You must report expunged records when enlisting in the military.

The Ohio Bureau of Criminal Identification and Investigation keeps your record, even if it has been sealed. It will be available to some employers of some jobs and to law enforcement officers if you are charged with a crime later.

Who is Eligible for an Expungement?

If you are a **first-time offender** who has only one conviction for either a felony or a misdemeanor and who has no charge pending, you may be eligible for an expungement.

You **cannot** expunge a conviction for sex crimes, traffic offenses, crimes of violence, and first or second degree felonies. If two or more convictions are connected with the same act, they count as one conviction.

When Can You File?

- **FELONY:** You must wait **at least three years** from the time you are off probation, parole, or straight release from prison **and** after all court costs and any fines, restitution, or community service have been paid or completed.
- **MISDEMEANOR:** You must wait **at least one year** from the time you were convicted and were off probation, parole, or straight release from prison **and** after all court costs and any fines, restitution, or community service have been paid or completed.
- **ARRESTED BUT NOT INDICTED:** 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.
- **NOT GUILTY OR NOLLED:** You can file **any time** after you were found not guilty, your case was nolle, or your case was dismissed **and** that information has been recorded in the court’s journal. In these situations, you would apply to have your record **sealed**.

What Does it Cost?

It usually costs \$50 to file a motion to expunge a conviction record. The cost may be higher in some courts. However, if you are a low-income person, you may file with a poverty affidavit and pay the costs later. Filing an application to seal a not guilty, nolle, or dismissed record is **FREE**.

Does Everyone Get an Expungement?

No. The prosecutor may object. It is up to the court to decide whether to grant an expungement.

What about Arrest Records?

If you were arrested, but were never charged and never went to court, you can ask to have your arrest record sealed by writing a letter to the chief of police in the community where you were arrested. The chief is more likely to seal your record if several years have passed since your arrest.

With your letter, you need to enclose a copy of your arrest record. Your letter should explain the reason why you want your arrest record sealed. For instance, you might say you want your record cleared so that you can get a better job or housing. Legal Aid will help you prepare the letter.

An arrest record can hurt you as much as a record of conviction. Therefore, it is important to try to get it sealed.

Where Can You Get Help?

If you are a low-income person with a misdemeanor conviction or you were charged in a Municipal Court, The Legal Aid Society of Cleveland will help you apply to have your record expunged.

If your case was heard in Common Pleas Court, you can get help from your county’s Public Defender’s Office.